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2 3	An act relating to professions and occupations regulated by the Office of Professional Regulation
4	It is hereby enacted by the General Assembly of the State of Vermont:
5	* * * Office of Professional Regulation * * *
6	Sec. 1. 3 V.S.A. § 127 is amended to read:
7	§ 127. UNAUTHORIZED PRACTICE
8	* * *
9	(b)(1) A person practicing a regulated profession without authority or an
10	employer permitting such practice may, upon the complaint of the Attorney
11	General or a State's Attorney or an attorney assigned by the Office of
12	Professional Regulation, be enjoined therefrom by the Superior Court where
13	the violation occurred or the Washington County Superior Court and may be
14	assessed a civil penalty of not more than \$5,000.00.
15	* * *
16	(3)(A) A civil penalty imposed by a board or administrative law officer
17	under this subsection (b) shall be deposited in the Professional Regulatory Fee
18	Fund established in section 124 of this chapter for the purpose of providing
19	education and training for board members and advisor appointees.
20	* * *

1	Sec. 1a. 3 V.S.A. § 123 be amended to read:
2	§ 123. DUTIES OF OFFICE
3	* * *
4	(j)(1) The Office may inquire into the criminal background histories of
5	applicants for initial licensure and for license renewal of any Office-issued
6	credential, including a license, certification, registration, or specialty
7	designation for the following professions:
8	* * *
9	(I) speech-language pathologists licensed under 26 V.S.A. chapter
10	87; <del>and</del>
11	(J) individuals registered on the roster of psychotherapists who are
12	nonlicensed and noncertified; and
13	(K) psychologists licensed under 26 V.S.A. chapter 55.
14	* * *
15	Sec. 2. 3 V.S.A. § 129a is amended to read:
16	§ 129a. UNPROFESSIONAL CONDUCT
17	(a) In addition to any other provision of law, the following conduct by a
18	licensee constitutes unprofessional conduct. When that conduct is by an
19	applicant or person who later becomes an applicant, it may constitute grounds
20	for denial of a license or other disciplinary action. Any one of the following

1	items or any combination of items, whether the conduct at issue was
2	committed within or outside the State, shall constitute unprofessional conduct:
3	* * *
4	(16)(A) Impeding an investigation or inspection under this chapter or
5	unreasonably failing to reply, cooperate, or produce lawfully requested records
6	in relation to such investigation or inspection.
7	* * *
8	* * * Naturopathic Physicians Filing of Birth and Death Certificates * * *
9	Sec. 2a. 18 V.S.A. § 4999 is amended to read:
10	§ 4999. DEFINITIONS
11	As used in this part, unless the context requires otherwise:
12	* * *
13	(2) "Licensed health care professional"," as used in 18 V.S.A. Ch. 107,
14	means a physician, a physician assistant, <u>a naturopathic physician,</u> or an
15	advanced practice registered nurse.
16	* * *
17	Sec 2b. 18 V.S.A. § 5071 is amended to read:
18	§ 5071. BIRTH CERTIFICATES; WHO TO MAKE; RETURN
19	(a) On or before the fifth business day of each live birth that occurs in this
20	State, the attending physician or designee, naturopathic physician or designee,
21	or midwife or, if no attending physician or designee, naturopathic physician or

1	designee, or midwife is present, a parent of the child or a legal guardian of a
2	mother under 18 years of age shall file with the State Registrar a report of birth
3	in the form and manner prescribed by the State Registrar. The State Registrar
4	shall register the report in the Statewide Registration System if it has been
5	completed properly and filed in accordance with this chapter. The portion of
6	the registered birth report that is not confidential under section 5014 of this
7	title is the birth certificate.
8	* * *
9	* * * Naturopathic Physicians Technical Advisory Group * * *
10	Sec 2c. NATUROPATHIC PHYSICIANS TECHNICAL ADVISORY
11	GROUP
12	(a) On or before September 1, 2024, the Commissioner of the Vermont
13	Department of Health or designee shall convene the first meeting of the
14	Naturopathic Physicians Technical Advisory Group. The Technical Advisory
15	Group shall discuss the potential integration of naturopathic physicians into
16	statewide policies regarding Vermont's Patient Choice at End of Life laws (18
17	V.S.A. chapter 113), do not resuscitate (DNR) orders and advanced directives,
18	and the creation of clinician orders for life-sustaining treatment (COLST). The
19	Technical Advisory Group shall also consider the requirements of integrating
20	

1	(b) The Commissioner of the Vermont Department of Health or designee
2	shall chair any meeting or meetings described in this section.
3	(c) The following individuals and entities shall be invited to participate in
4	the meeting or meetings described in this section:
5	(1) the Association of Accredited Naturopathic Medical Colleges;
6	(2) the Office of Professional Regulation;
7	(3) Patient Choices Vermont;
8	(4) the Vermont Association of Naturopathic Physicians;
9	(5) the Vermont Ethics Network;
10	(6) the Vermont Medical Society; and
11	(7) other entities as needed related to naturopathic medical education.
12	(d) The Commissioner of the Department of Health shall provide
13	recommendations based on the work of the Technical Advisory Group on or
14	before December 1, 2024, to the House Committees on Health Care and on
15	Government Operations and Military Affairs, and the Senate Committees on
16	Health and Welfare and on Government Operations.
17	(e) The Technical Advisory Group shall cease to exist on December 31,
18	<u>2024.</u>

1	* * * Barbers and Cosmetologists * * *
2	Sec. 3. 26 V.S.A. § 271 is amended to read:
3	§ 271. DEFINITIONS
4	As used in this chapter:
5	* * *
6	(4)(A) "Esthetics" means massaging, cleansing, stimulating, manipulating,
7	beautifying, or otherwise working on the scalp, face, or neck by using cosmetic
8	preparations, antiseptics, tonics, lotions, or creams services related to skin-care
9	treatments to enhance or improve the appearance of the skin, including:
10	(i) cleansing, toning, stimulating, manipulating, beautifying,
11	exfoliating, or performing any similar procedure on the human body using only
12	cosmetic preparations, hands, mechanical or electrical apparatus or appliances,
13	tonics, lotions, creams, or makeup;
14	(ii) beautifying lashes and brows; and
15	(iii) removing unwanted hair using manual and mechanical means.
16	(B) "Esthetics" does not include <u>any of the following:</u>
17	(i) the sale or application of cosmetics to customers in retail stores or
18	customers' homes:
19	(ii) any practice, activity, or treatment that constitutes the practice of
20	medicine, as defined in section 1311 of this title, including injections of any
21	substance and the use of lasers; or

1	(iii) the application of permanent cosmetics.
2	* * *
3	(7) "Shop" means a facility or facilities regularly used to offer or provide
4	barbering or, cosmetology, esthetics, or manicuring.
5	Sec. 4. 26 V.S.A. § 272 is amended to read:
6	§ 272. PROHIBITIONS; OFFENSES
7	(a) A person shall not practice or attempt to practice barbering or,
8	cosmetology, esthetics, or manicuring or use in connection with the person's
9	name any letters, words, title, or insignia indicating or implying that the person
10	is a barber or, cosmetologist, esthetician, or manicurist unless the person is
11	licensed in accordance with this chapter.
12	(b) A person who owns or controls a shop or school of barbering $\overline{or}_{\underline{a}}$
13	cosmetology, esthetics, or manicuring shall not permit the practice of barbering
14	or, cosmetology, esthetics, or manicuring unless the shop or school is
15	registered in accordance with this chapter.
16	* * *
17	Sec. 5. 26 V.S.A. § 276 is amended to read:
18	§ 276. GENERAL POWERS AND DUTIES OF THE DIRECTOR
19	(a) The Director shall:
20	(1) adopt rules that:

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1	(A) prescribe sanitary and safety standards for shops, schools, and
2	other facilities used for the practice of barbering and, cosmetology, esthetics,
3	or manicuring;
4	(B) prescribe safe and sanitary practices for the performance of
5	activities related to the practice of barbering and, cosmetology, esthetics, or
6	manicuring;
7	* * *
8	(b)(1) The Director may inspect shops and schools and other places used
9	for the practice of barbering and, cosmetology, esthetics, or manicuring.
10	* * *
11	Sec. 6. 26 V.S.A. § 282 is amended to read:
12	§ 282. SHOP; LICENSE
13	* * *
14	(b) The practices of barbering and, cosmetology, esthetics, or manicuring
15	shall be permitted only in shops licensed by the Director, except as provided in
16	sections 273 and 281 of this chapter and the rules of the Director.
17	Sec. 7. 26 V.S.A. § 283 is amended to read:
18	§ 283. EXAMINATION
19	* * *
20	(b)(1) The examination for a license shall include both practical
21	demonstrations and written or oral tests examinations approved by the Director

1	by rule in the area of practices for which a license is applied and other related
2	studies or subjects as the Director may determine necessary.
3	* * *
4	Sec. 8. 26 V.S.A. § 284 is amended to read:
5	§ 284. ISSUANCE OF LICENSE
6	* * *
7	(b) The Director shall issue a license to the person who owns or controls a
8	shop or school of barbering or, cosmetology, esthetics, or manicuring who has
9	paid the required fee and is in compliance with the rules of the Director and the
10	provisions of this chapter.
11	* * *
12	* * * Nursing * * *
13	Sec. 9. 26 V.S.A. chapter 28 is amended to read:
14	CHAPTER 28. NURSING
15	Subchapter 1. General Provisions
16	* * *
17	§ 1574. POWERS AND DUTIES
18	(a) In addition to the powers granted by 3 V.S.A. § 129, the Board shall:
19	* * *
20	(7) Adopt rules setting active practice continued competency and
21	ongoing practice requirements for licensure and renewal.

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1	* * *	
2	Subchapter 2. Advanced Practice Registered Nurses	
3	* * *	
4	Subchapter 3. Registered Nurses and Practical Nurses	
5	§ 1621. REGISTERED NURSE LICENSURE BY EXAMINATIO	ON
6	* * *	
7	Subchapter 4. Nursing Assistants	
8	§ 1622. REGISTERED NURSE LICENSURE BY ENDORSEME	NT
9	* * *	
10	§ 1624. REGISTERED NURSE LICENSE RENEWAL	
11	To renew a license, a registered nurse shall meet active practice	<u>continued</u>
12	competency requirements set by the Board by rule.	
13	* * *	
14	§ 1628. PRACTICAL NURSE LICENSE RENEWAL	
15	To renew a license, a practical nurse shall meet active practice <u>c</u>	ontinued
16	competency requirements set by the Board by rule.	
17	* * *	
18	Subchapter 4. Nursing Assistants	
19	§ 1641. DEFINITIONS	
20	* * *	

1	§ 1645. RENEWAL
2	(a) To renew a license, a nursing assistant shall meet active practice
3	ongoing practice requirements set by the Board by rule.
4	(b) The Board shall credit as active practice ongoing practice those
5	activities, regardless of title or obligation to hold a license, that reasonably tend
6	to reinforce the training and skills of a licensee.
7	* * *
8	Subchapter 5. Nurse Licensure Compact
9	* * *
10	* * * Osteopathy * * *
11	Sec. 10. 26 V.S.A. § 1753 is amended to read:
12	§ 1753. EXEMPTIONS
13	(a) The provisions of subdivision $1752(a)(1)$ of this title, relating to
14	practice, shall not apply to the following persons acting within the scope of
15	their respective practices:
16	* * *
17	(4) A student who:
18	(A) is enrolled in an accredited educational program that leads to the
19	issuance of a degree that would satisfy the educational requirement for a
20	profession licensed under this chapter;
21	(B) is engaged in an organized clinical training program;

1	(C) engages in acts constituting the practice of medicine while under
2	the supervision of a Vermont-licensed or Vermont-certified health care
3	professional who is qualified to supervise any acts by the student that
4	constitute the practice of medicine; and
5	(D) is not a postgraduate trainee who is otherwise required to obtain a
6	training license.
7	* * *
8	* * * Radiology * * *
9	Sec. 11. 26 V.S.A. § 2801 is amended to read:
10	§ 2801. DEFINITIONS
11	As used in this chapter:
12	* * *
13	(6) "Licensed practitioner" means a person licensed under this title to
14	practice medicine, osteopathy, advanced practice registered nursing, dentistry,
15	podiatry, naturopathic medicine, or chiropractic, and includes holders of
16	limited temporary licenses to practice medicine.
17	* * *
18	Sec. 12. 26 V.S.A. § 2803 is amended to read:
19	§ 2803. EXEMPTIONS

1	The prohibitions in section 2802 of this chapter shall not apply to dentists
2	licensed under chapter 12 of this title and actions within their scope of practice
3	nor to:
4	(1) Licensed practitioners acting within the scope of practice for their
5	licensed field, including holders of limited temporary licenses to practice
6	medicine as authorized by the Board of Medical Practice, provided that their
7	practice acts and rules adopted thereunder have been expressly found by the
8	Director, in consultation with advisors appointed under this chapter, to match
9	or surpass the training in radiation safety and proper radiation practices
10	required by this chapter and rules adopted under this chapter.
11	* * *
11 12	* * * * * * Tattooists and Body Piercers * * *
12	* * * Tattooists and Body Piercers * * *
12 13	<ul><li>* * * Tattooists and Body Piercers * * *</li><li>Sec. 13. 26 V.S.A. § 4101 is amended to read:</li></ul>
12 13 14	<ul><li>* * * Tattooists and Body Piercers * * *</li><li>Sec. 13. 26 V.S.A. § 4101 is amended to read:</li><li>§ 4101. DEFINITIONS</li></ul>
12 13 14 15	<ul> <li>* * Tattooists and Body Piercers * * *</li> <li>Sec. 13. 26 V.S.A. § 4101 is amended to read:</li> <li>§ 4101. DEFINITIONS</li> <li>As used in this chapter:</li> </ul>
12 13 14 15 16	<ul> <li>* * Tattooists and Body Piercers * * *</li> <li>Sec. 13. 26 V.S.A. § 4101 is amended to read:</li> <li>§ 4101. DEFINITIONS</li> <li>As used in this chapter:</li> <li>* * *</li> </ul>
12 13 14 15 16 17	<ul> <li>* * Tattooists and Body Piercers * * *</li> <li>Sec. 13. 26 V.S.A. § 4101 is amended to read:</li> <li>§ 4101. DEFINITIONS</li> <li>As used in this chapter:</li> <li>* * *</li> <li>(3) "Disciplinary action" includes any action taken by an administrative</li> </ul>

1	revocation of a license, limiting or conditioning of a license, issuing
2	reprimands or warnings, and adopting consent orders. [Repealed.]
3	* * *
4	(8) "Special panel" means a panel established pursuant to 3 V.S.A.
5	<del>§ 129(j).</del> [Repealed.]
6	(9) "Shop" means a facility regularly used to offer or perform the
7	practice of tattooing or, body piercing, or permanent cosmetics.
8	Sec. 14. 26 V.S.A. § 4103 is amended to read:
9	§ 4103. DIRECTOR; FUNCTION; COMMISSIONER OF HEALTH;
10	RULES
11	* * *
12	(c) The Director may adopt rules necessary to perform his or her the
13	Director's duties pursuant to this chapter. These rules may include:
14	(1) provisions governing tattooist, body piercer, and permanent
15	cosmetologist apprenticeships; and
16	(2) requirements for the supervision and temporary licensure of tattoo
17	artists, body piercers, and permanent cosmetologists, and shops as may be
18	necessary to allow this State to be a venue for appropriately regulated special
19	events such as conventions, festivals, or professional conferences.
20	* * *

1	Sec. 15. 26 V.S.A. § 4104 is amended to read:
2	§ 4104. ADVISOR APPOINTEES
3	(a)(1) The Secretary of State shall appoint: <u>one licensed operator practicing</u>
4	tattooing, one licensed operator practicing body piercing, and one licensed
5	operator practicing permanent cosmetics to serve as advisors in matters
6	relating to tattooing, body piercing, and permanent cosmetics.
7	(A) a professional in the field of public health and medicine from a
8	list of persons provided by the Commissioner of Health; and
9	(B) two licensed operators who
10	(2) Advisors shall have been practicing tattooing and, body piercing, or
11	permanent cosmetics for at least the three years immediately preceding
12	appointment and who shall actively be engaged in the practice of tattooing and,
13	body piercing, and permanent cosmetics in Vermont during incumbency.
14	(2) The appointees shall be appointed to serve as advisors in matters
15	relating to tattooing, permanent cosmetics, and body piercing.
16	(3) The appointees shall be appointed as set forth in 3 V.S.A. § 129b.
17	* * *
18	Sec. 16. 26 V.S.A. § 4105 is amended to read:
19	§ 4105. LICENSE REQUIREMENTS
20	* * *
21	(b) Tattooists and body piercers.

1	(1)(A) As a prerequisite to licensure, a tattooist or body piercer
2	applicant shall provide proof of an apprenticeship of at least 1,000 hours of
3	experience obtained within two calendar years working under the direct
4	supervision of a body piercer or tattooist licensed and in good standing with
5	this State or the state in which he or she the body piercer or tattooist is
6	regulated, and who has been in practice a minimum of three years.
7	(B) Proof may be in the form of a sworn affidavit from the
8	supervising tattooist or body piercer, including information as the Director may
9	reasonably require on forms provided by the Director. The Director may adopt
10	rules to require additional information from applicants to prove completion of
11	an apprenticeship.
12	* * *
13	(3) Apprentices shall contact register with the Office for the appropriate
14	forms prior to beginning the apprenticeship in accordance with rules adopted
15	by the Director.
16	* * *
17	(c) Permanent cosmetologists.
18	(1)(A) As a prerequisite to licensure for the practice of permanent
19	cosmetics, an applicant shall provide proof of a course of approved study
20	lasting at least 60 hours.

1	(B)(i) In addition, the applicant shall obtain at least 40 hours of
2	practical experience, within two calendar years preceding the application,
3	working under the direct supervision of a tattooist or permanent cosmetologist
4	licensed and in good standing with this State or the state in which he or she the
5	tattooist or permanent cosmetologist is regulated, and who has been in practice
6	a minimum of three years.
7	(ii) Proof may be in the form of a sworn affidavit from the
8	supervising permanent cosmetologist or tattooist, including information as the
9	Director may reasonably require on forms provided by the Director. The
10	Director may adopt rules to require additional information from applicants to
11	prove completion of an apprenticeship.
12	* * *
13	(3) Prior to training and obtaining practical experience, applicants shall
14	contact register with the Office and submit the appropriate forms in accordance
15	with rules adopted by the Director.
16	* * *
17	(d) Shops. A shop shall not operate in this State without first registering
18	with the Office of Professional Regulation and paying a fee of \$100.00.
19	Registration shall be in the form required by the Director.
20	* * *

1	(2) All shops shall designate a person who is licensed under this chapter
2	in the practice of tattooing or body piercing at least one of the professions
3	being practiced in the shop, be it tattooing, body piercing, or permanent
4	cosmetics, who shall be responsible for overall cleanliness and sanitation of the
5	shop.
6	(3) The practice of tattooing or body piercing shall be permitted only in
7	registered tattooing and body piercing shops.
8	(4) The practice of permanent cosmetics may be performed shall be
9	permitted only in:
10	(A) a licensed permanent cosmetic shop;
11	(B) a cosmetology shop licensed under chapter 6 of this title;
12	(C) anywhere the practice of tattooing is permitted;
13	(D) on the premises of a health care professional licensed pursuant to
14	this title <del>, or<u>;</u> and</del>
15	(E) on premises meeting the sanitation requirements of this chapter as
16	determined by the Director or as set forth by rule.
17	(5) Notwithstanding the provisions of this subsection, <u>a tattoo shop</u>
18	licensed under this chapter or a cosmetology shop licensed under chapter 6 of
19	this title may provide permanent cosmetics services by a person licensed under
20	this chapter without obtaining a second an additional shop license for the same
21	premises, provided that the Director may require by rule permanent

1	cosmetologists to report all locations of their practice to the Director as a
2	condition of licensure or license renewal.
3	(6) All registered shops shall report to the Director within 48 hours after
4	a change of location. The Director may require shops to undergo a new
5	inspection prior to beginning the practice of tattooing, body piercing, or
6	permanent cosmetics at the new location. The Director may permit a relocated
7	shop to continue operation under its existing registration.
8	* * *
9	Sec. 17. 26 V.S.A. § 4108 is amended to read:
10	§ 4108. UNPROFESSIONAL CONDUCT
11	* * *
12	(b) Unprofessional conduct means the following conduct and conduct set
13	forth in 3 V.S.A. § 129a:
14	(1) Using dishonest or misleading advertising.
15	(2) Addiction to narcotics, habitual drunkenness, or rendering
16	professional services to a client if the operator is intoxicated or under the
17	influence of drugs.
18	(3)(2) Sexual harassment of a client.
19	(4)(3) Tattooing or body piercing a minor in violation of the provisions
20	of section 4102 of this title.

1	(c) After hearing and upon a finding of unprofessional conduct, an
2	administrative law officer may take disciplinary action against a licensed or
3	registered operator or applicant.
4	* * * Electrologists * * *
5	Sec. 18. 26 V.S.A. § 4402 is amended to read:
6	§ 4402. DEFINITIONS
7	As used in this chapter:
8	* * *
9	(3) "Electrology" means the removal of hair by electrical current using
10	needle/probe electrode-type epilation, which would include electrolysis (direct
11	current/DC), thermolysis (alternating current/AC), or a combination of both
12	(superimposed or sequential blend). "Electrology" includes, solely for the
13	purpose of hair removal, the use of lasers approved by the U.S. Food and Drug
14	Administration for electrology by electrologists possessing a special license
15	endorsement set forth in subsection 4404(d) of this chapter. "Electrology"
16	does not include any practice, activity, or treatment that constitutes the practice
17	of medicine, as defined in section 1311 of this title, including injections of any
18	substance or the practices of permanent cosmetics as defined in section 4101 of
19	this title.
20	* * *

1	* * * Office of Professional Regulation Funding Structure Study * * *
2	Sec. 18a. OFFICE OF PROFESSIONAL REGULATION; FUNDING
3	STRUCTURE STUDY
4	The Office of Professional Regulation, in consultation with the Joint Fiscal
5	Office, shall conduct a study reviewing the funding structure of the Office of
6	Professional Regulation. The Office of Professional Regulation shall report to
7	the House Committee on Government Operations and Military Affairs and the
8	Senate Committee on Government Operations by January 1, 2025 with an
9	assessment of the benefits and challenges of the current funding model for the
10	Office of Professional Regulation, as established in 3 V.S.A. § 124, and with
11	any recommendations for alternative models for funding the Office of
12	Professional Regulation.
13	* * * Effective Date * * *
14	Sec. 19. EFFECTIVE DATE
15	This act shall take effect on passage.