

BILL SUMMARY
**“An Act Relating to Professions and Occupations Regulated by
the Office of Professional Regulation”**

Purpose: This bill proposes to:

- modify provisions related to the Professional Regulatory Fee Fund;
- expand what constitutes professional misconduct to include impeding an inspection;
- modify the scope of practice for estheticians and clarification for their licensing;
- modify the placement of subchapter titles concerning nursing statutes and create consistency in terminology relating to nursing;
- create an exemption to osteopath licensing for students and clinical rotations;
- create an exemption to radiology technologist licensing for limited temporary medical licensees;
- modify aspects of tattooing, body piercing, and permanent cosmetics licensing, including the number of advisors, shop licensing, and unprofessional conduct; and
- clarify the scope of practice for electrologists.

PART ONE: General Provisions of the Office of Professional Regulation (Secs. 1-2)

Sec. 1 amends [3 V.S.A. § 127 \(Unauthorized practice\)](#) so that funds derived from civil penalties for violations involving the unauthorized practice of regulated professions, which are deposited in the Professional Regulatory Fund, no longer need to be expended only on “providing education and training for board members and advisor appointees.”

Sec. 2 amends [3 V.S.A. § 129a \(Unprofessional conduct\)](#) to include ‘impeding an inspection’ in what constitutes “unprofessional conduct.”

PART TWO: Barbers and Cosmetologists (Secs. 3-8) In general, Secs. 3-8 amend statutes regulating barbering and cosmetology so that “esthetics and manicuring” are included as well.

Sec. 3 amends [26 V.S.A. § 271 \(Definitions\)](#) the definition of “esthetics” and specifically excludes: “any practice, activity, or treatment that constitutes the practice of medicine . . . including injections of any substance and the use of lasers; or the application of permanent cosmetics.” (Note: Current law permits anyone to sell or apply cosmetics to customers in retail stores or customers’ homes without a license.)

The definition of “shop” is also modified to be “a facility or facilities regularly used to offer or provide barbering, cosmetology, esthetics, or manicuring.”

Sec. 4 amends [26 V.S.A. § 272 \(Prohibitions; offenses\)](#) so that a person may not practice esthetics and manicuring without a license, like barbering or cosmetology. Similarly, a person cannot let this occur in their shop.

Sec. 5 amends [26 V.S.A. § 276 \(General Powers and Duties of the Director\)](#) so that the Director of OPR shall adopt rules for the sanitary and safety standards for shops and practice of esthetics and manicuring without a license, like barbering or cosmetology.

Sec. 6 amends [26 V.S.A. § 282 \(Shop; license\)](#) so that the practice of esthetics and manicuring may only be permitted in licensed shops, like barbering or cosmetology.

Sec. 7 amends [26 V.S.A. § 283 \(Examination\)](#) so that licensing examinations be in whatever form approved by the OPR Director rather than necessarily be “both practical demonstrations and written or oral tests.”

Sec. 8 amends [26 V.S.A. § 284 \(Issuance of License\)](#) so that shops offering esthetics and manicuring that have paid their fees and are in compliance with OPR rules shall be issued a license, like barbering or cosmetology shops.

PART THREE: Nursing (Sec. 9)

Sec. 9 modifies the placement of subchapter titles concerning nursing statutes, so the chapter ([26 V.S.A. chapter 28 \(Nursing\)](#)) is amended as a whole. §§ 1622-1628 are moved from Subchapter 4 (Nursing Assistants) to Subchapter 3 (Registered Nurses and Practical Nurses). It will be clearer that statutes regarding licensure examination, endorsement, and renewal apply to both registered nurses and practical nurses.

Sec. 9 also creates consistency in terminology by changing “active practice requirements” to “continued competency requirements.”

PART FOUR: Osteopathy (Sec. 10)

Sec. 10 amends [26 V.S.A. § 1753 \(Exemptions\)](#) so that enrolled osteopathy students may practice in supervised clinical training programs.

PART FIVE: Radiology (Secs. 11-12)

Sec. 11 amends [26 V.S.A. § 2801 \(Definitions\)](#) so that “holders of limited temporary licenses to practice medicine” are included as regulated licensed radiology practitioners.

Sec. 12 amends [26 V.S.A. § 2803 \(Exemptions\)](#) so that holders of limited temporary licenses to practice medicine” are not prohibited from practicing radiology.

PART SIX: Tattooists and Body Piercers (Secs. 13-17) In general, Secs. 13-17 amend statutes regulating tattooing and body piercing so that “permanent cosmetics” are included as well.

Sec. 13 amends [26 V.S.A. § 4101 \(Definitions\)](#) removes definitions for “disciplinary action” and “special panel,” and modifies the definition of “shop” to include the practice of permanent cosmetics. Note: an administrative law officer could still take disciplinary action against a licensed electrologist or applicant, pursuant to [26 V.S.A. § 4411](#) and [3 V.S.A. § 129](#).

Sec. 14 amends [26 V.S.A. § 4103 \(Director; function; Commissioner of Health; rules\)](#) so that the Director of OPR may adopt rules pertaining to tattooist, body piercer, and permanent cosmetologists apprenticeships and shops.

Sec. 15 amends [26 V.S.A. § 4104 \(Advisor appointees\)](#) so that the Secretary of State will appoint three advisors, which shall include one licensed operator practicing tattooing, one licensed operator practicing body piercing, and one licensed operator practicing permanent cosmetics.

Sec. 16 amends [26 V.S.A. § 4105 \(License requirements\)](#) so that the OPR Director may adopt rules to require additional information to prove completion of an apprenticeship for tattooists, body piercers, and permanent cosmetologists. Subsection (d) is modified so that all shops shall designate a supervisor who is at least one of the professions being practiced in the shop, be it tattooing, body piercing, or permanent cosmetics, rather than a designee from each category. Subdivision (d)(4) permits stand-alone licensed permanent cosmetic shops and cosmetology shops to practice permanent cosmetics. Subdivision (d)(6) requires shops to notify OPR of any location changes, which may trigger a new inspection.

Sec. 17 amends [26 V.S.A. § 4108 \(Unprofessional conduct\)](#) removes from what constitutes unprofessional conduct “Addiction to narcotics, habitual drunkenness, or rendering professional services to a client if the operator is intoxicated or under the influence of drugs.” It also removes subsection (c) regarding disciplinary action. But, again, an administrative law officer could still take disciplinary action against a licensee pursuant to [26 V.S.A. § 4411](#) and [3 V.S.A. § 129](#).

PART SEVEN: Electrologists (Sec. 18)

Sec. 18 amends [26 V.S.A. § 4402 \(Definitions\)](#), changing the definition of “electrology” and clarifying that the use of lasers is to be “solely for the purpose of hair removal” and excluding any practice, activity, or treatment that constitutes the practice of medicine (including injections and permanent cosmetics).

PART EIGHT: Effective Date (Sec. 19)

Sec. 19 states that this act shall take effect on passage.