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H.472

Introduced by Committee on Government Operations and Military Affairs

Date:

Subject: Professional and occupations; miscellaneous amendments

Statement of purpose of bill as introduced: This bill proposes to amend various provisions of the statutes governing professions and occupations to adjust the scope and amounts of fees associated with professional licensure, authorize the Office to apply a disciplinary action surcharge following a finding of unprofessional conduct, require cosmetologists to be trained in the care of textured hair, require licensed nursing assistants to take a competency exam after their license has lapsed for a period of not more than five years, remove motor vehicle racing from the regulatory authority of the Office of Professional Regulation, repeal provisions relating to escrow agents for prepaid funeral expenses, and add the position of Executive Officer for the Regulation of Mental Health Professions.

An act relating to professions and occupations regulated by the Office of Professional Regulation

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 * * * OPR Fees and Fund Management * * *

3 Sec. 1. 3 V.S.A. § 118 is amended to read:

4 § 118. COLLECTION AND DISPOSITION OF REVENUE

5 (a) There is hereby created a Secretary of State Services Fund. The Fund
6 shall be used to provide appropriations for the operations of the Office of the
7 Secretary of State, with the exception of those operations provided for in
8 chapter 5, subchapter 3 of this title. The Fund shall be administered as a
9 special fund pursuant to 32 V.S.A. chapter 7, subchapter 5. At the end of each
10 fiscal year, the unobligated balance in this Fund shall be transferred to the
11 General Fund.

12 (b) All revenues collected by the Secretary of State shall be deposited into
13 the Secretary of State Services Fund except for the following revenues:

14 (1) any revenues collected by the Office of Professional Regulation set
15 forth in chapter 5, subchapter 3 of this title; and

16 (2) any revenues collected pursuant to subsection 117(k) of this title.

17 (c) The Secretary of State shall have the authority to collect and deposit
18 into the Secretary of State Services Fund revenues generated from optional
19 services offered in the normal course of business, including for one-time or
20 periodic sales of data by subscription or other contractual basis.

1 Sec. 2. 3 V.S.A. § 125 is amended to read:

2 § 125. FEES

3 (a) In addition to the fees otherwise authorized by law, a board or advisor
4 profession may charge the following fees:

5 (1) Verification of license, ~~\$20.00~~ \$30.00.

6 * * *

7 (b) Unless otherwise provided by law, the following fees shall apply to all
8 professions regulated by the Director in consultation with advisor appointees
9 under Title 26:

10 * * *

11 (4) Biennial renewal, \$275.00, except biennial renewal for:

12 * * *

13 (W) Electrology shop, \$200.00.

14 * * *

15 (9) Apprenticeship application, \$50.00.

16 (10) Specialty or endorsement to existing license application, \$100.00.

17 (11) Disciplinary action surcharge, \$250.00.

18 (c) ~~Notwithstanding any provisions of law to the contrary, a board shall not~~
19 ~~require payment of renewal fees for years during which a license was lapsed.~~

20 [Repealed.]

21 * * *

1 * * * 2027 Fee Increase; Peer Support Providers * * *

2 Sec. 3. 3 V.S.A. § 125 is amended to read:

3 § 125. FEES

4 * * *

5 (b) Unless otherwise provided by law, the following fees shall apply to all
6 professions regulated by the Director in consultation with advisor appointees
7 under Title 26:

8 * * *

9 (4) Biennial renewal, \$275.00, except biennial renewal for:

10 * * *

11 (V) Peer support providers or peer recovery support specialists,
12 ~~\$50.00~~ \$75.00.

13 * * *

14 * * * OPR Duties and Disciplinary Authority * * *

15 Sec. 4. 3 V.S.A. § 123 is amended to read:

16 § 123. DUTIES OF OFFICE

17 * * *

18 (k) For any profession attached to it, the Office shall provide a pre-
19 application determination of an individual’s criminal background. This
20 determination shall not be binding on the Office in a future application if the

1 individual violates probation or parole or is convicted of another crime
2 following the determination.

3 * * *

4 (2) The individual shall submit this request online, accompanied by the
5 fee for preapplication determinations set forth in section 125 of this
6 subchapter. ~~If the individual thereafter applies for licensure, this~~
7 ~~preapplication fee shall be deducted from that license application fee.~~

8 * * *

9 (m) The provisions of subsection 116a(b) of this title shall not apply to the
10 Office. The Office shall utilize the procedures within 26 V.S.A. chapter 57 to
11 review whether regulation of a profession is still necessary.

12 Sec. 5. 3 V.S.A. § 127 is amended to read:

13 § 127. UNAUTHORIZED PRACTICE

14 * * *

15 (b)(1) A person practicing a regulated profession without authority or an
16 employer permitting such practice may, upon the complaint of the Attorney
17 General or a State's Attorney or an attorney assigned by the Office of
18 Professional Regulation, be enjoined therefrom by the Superior Court where
19 the violation occurred or the Washington County Superior Court and may be
20 assessed a civil penalty of not more than \$5,000.00.

1 (2)(A) The Attorney General or an attorney assigned by the Office of
2 Professional Regulation may elect to bring an action seeking only a civil
3 penalty of not more than ~~\$2,500.00~~ \$5,000.00 for practicing or permitting the
4 practice of a regulated profession without authority before the board having
5 regulatory authority over the profession or before an administrative law officer.

6 * * *

7 Sec. 6. 3 V.S.A. § 129 is amended to read:

8 § 129. POWERS OF BOARDS OR OF DIRECTOR IN ADVISOR
9 PROFESSIONS; DISCIPLINE PROCESS

10 (a) In addition to any other provisions of law, a board or the Director, in the
11 case of professions that have advisor appointees, may exercise the following
12 powers:

13 * * *

14 (3) Issue warnings or reprimands, suspend, revoke, limit, condition,
15 deny, or prevent renewal of licenses, after disciplinary hearings or, in cases
16 requiring emergency action, immediately suspend, as provided by section 814
17 of this title. In a case involving noncompliance with a statute or rule relating
18 to administrative duties not related to patient, client, or customer care, a board
19 or hearing officer may determine that ordering a monetary civil penalty does
20 not constitute a finding of unprofessional conduct. After a finding of
21 unprofessional conduct, a respondent shall pay a disciplinary action surcharge

1 pursuant to subdivision 125(b)(12) of this title. The proceeds from the
2 disciplinary action surcharge shall be deposited into the Professional
3 Regulatory Fee Fund.

4 * * *

5 * * * Cosmetology Certificate of Approval * * *

6 Sec. 7. 26 V.S.A. § 281 is amended to read:

7 § 281. POSTSECONDARY SCHOOL OF BARBERING AND
8 COSMETOLOGY; CERTIFICATE OF APPROVAL

9 (a) A school of barbering or cosmetology shall not be granted a certificate
10 of approval unless the school:

11 * * *

12 (4) Requires a school term of training consistent with formal training
13 requirements established by rule, which shall include practical demonstrations
14 and theoretical studies in sanitation, sterilization, the use of antiseptics, and the
15 use of appliances, devices, treatments, ~~and~~ preparations relevant to the field of
16 licensure, and training on the care, styling, and treatment of textured hair. For
17 purposes of this subdivision, “textured hair” means hair that is coiled, curly, or
18 wavy. The training on the care, styling, and treatment of textured hair shall
19 include:

20 (A) techniques for cutting, styling, and chemical treatments for
21 textured hair;

1 (B) knowledge of products and tools specifically designed for
2 textured hair;

3 (C) best practices for hair health and scalp care for clients with
4 textured hair; and

5 (D) cultural competency and historical education on the significance
6 of textured hair in diverse communities.

7 * * *

8 * * * Nursing Assistants; License Renewal * * *

9 Sec. 8. 26 V.S.A. 1645 is amended to read:

10 § 1645. RENEWAL

11 (a) To renew a license, a nursing assistant shall meet ongoing practice
12 requirements set by the Board by rule.

13 (b) The Board shall credit as ongoing practice those activities, regardless of
14 title or obligation to hold a license, that reasonably tend to reinforce the
15 training and skills of a licensee.

16 (c)(1) A licensee seeking to renew an expired or lapsed license after fewer
17 than five years of absence from practice shall repeat and pass the competency
18 examinations approved by the Department of Disabilities, Aging, and
19 Independent Living before licensure renewal.

20 (2) A licensee who does not pass the competency examinations shall
21 repeat a nursing assistant education program and competency examination.

1 * * * Repeals; Funeral Service Escrow Agents; Motor Vehicle Racing * * *

2 Sec. 9. 3 V.S.A. § 122 is amended to read:

3 § 122. OFFICE OF PROFESSIONAL REGULATION

4 The Office of Professional Regulation is created within the Office of the
5 Secretary of State. The Office shall have a director who shall be qualified by
6 education and professional experience to perform the duties of the position.
7 The Director of the Office of Professional Regulation shall be a classified
8 position with the Office of the Secretary of State. The following boards or
9 professions are attached to the Office of Professional Regulation:

10 * * *

11 (21) ~~Motor Vehicle Racing~~ [Repealed.]

12 * * *

13 Sec. 10. 26 V.S.A. § 1272 is amended to read:

14 § 1272. RULES; PREPAID FUNERAL FUNDS

15 The Director shall adopt rules to carry out the provisions of this subchapter
16 to ensure the proper handling of all funds paid pursuant to a prepaid funeral
17 agreement and to protect consumers in the event of default. The rules shall
18 include provisions relating to the following:

19 * * *

20 (2) ~~The appointment of an escrow agent who may be a bank or other~~
21 ~~category of individual such as an attorney, a local elected official, next of kin,~~

1 ~~or the executor of a buyer's estate. All prepaid arrangement funds shall be paid~~
2 ~~directly to the escrow agent and not to the funeral director or establishment.~~

3 [Repealed.]

4 * * *

5 Sec. 11. REPEALS

6 (a) 26 V.S.A. § 1275 (prepaid funeral expenses; duties of escrow agents) is
7 repealed.

8 (b) 26 V.S.A. chapter 93 (motor vehicle racing) is repealed.

9 * * * Position; Executive Officer for the Regulation of Mental Health

10 Professions * * *

11 Sec. 12. OFFICE OF PROFESSIONAL REGULATION; POSITION;

12 APPROPRIATION

13 (a) The position of one new, permanent, full-time, exempt Executive
14 Officer for the Regulation of Mental Health Professions is created in the Office
15 of Professional Regulation.

16 (b) The sum of \$170,000.00 is appropriated to the Office of Professional
17 Regulation from the General Fund in fiscal year 2026 for the creation of the
18 position of Executive Officer for the Regulation of Mental Health Professions
19 in the Office of Professional Regulation.

1 * * * Report; Massage Therapy Establishments * * *

2 Sec. 13. OFFICE OF PROFESSIONAL REGULATION; REPORT;

3 MESSAGE THERAPY ESTABLISHMENTS

4 On or before November 15, 2025, the Office of Professional Regulation, in
5 consultation with interested stakeholders, shall submit to the House Committee
6 on Government Operations and Military Affairs and the Senate Committee on
7 Government Operations proposed legislation for the regulation of massage
8 therapy establishments, as defined in 26 V.S.A. § 5401(2)(A).

9 * * * Effective Dates * * *

10 Sec. 14. EFFECTIVE DATES

11 This act shall take effect on July 1, 2025, except that Sec. 3 (fees; peer
12 support providers) shall take effect on July 1, 2027.