

1 H.472

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

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

5 * * * OPR Fees and Fund Management * * *

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

7 § 118. COLLECTION AND DISPOSITION OF REVENUE

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

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

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

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

20 (c) The Secretary of State shall have the authority to collect and deposit
21 into the Secretary of State Services Fund revenues generated from optional

1 services offered in the normal course of business, including for one-time or
2 periodic sales of data by subscription or other contractual basis.

3 Sec. 1a. SECRETARY OF STATE; REPORT; REVENUES FROM SALES
4 OF DATA

5 On or before December 1, 2025, the Secretary of State shall submit to the
6 House Committees on Energy and Digital Infrastructure, on Government
7 Operations and Military Affairs, and on Ways and Means and to the Senate
8 Committees on Finance, on Government Operations, and on Institutions a
9 written report detailing the revenues generated from optional services through
10 sales of data, as authorized pursuant to 3 V.S.A. § 118(c), including the
11 categories of data sold.

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

13 § 125. FEES

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

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

17 * * *

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

21 * * *

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

2 * * *

3 (W) Electrology shop, \$200.00.

4 * * *

5 (9) Apprenticeship application, \$50.00.

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

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

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

10 [Repealed.]

11 * * *

12 * * * 2027 Fee Increase; Peer Support Providers * * *

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

14 § 125. FEES

15 * * *

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

19 * * *

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

21 * * *

1 (V) Peer support providers or peer recovery support specialists,
2 ~~\$50.00~~ \$75.00.

3 * * *

4 * * * OPR Duties and Disciplinary Authority * * *

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

6 § 123. DUTIES OF OFFICE

7 * * *

8 (k) For any profession attached to it, the Office shall provide a pre-
9 application determination of an individual's criminal background. This
10 determination shall not be binding on the Office in a future application if the
11 individual violates probation or parole or is convicted of another crime
12 following the determination.

13 * * *

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

18 * * *

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

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

2 § 127. UNAUTHORIZED PRACTICE

3 * * *

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

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

15 * * *

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

17 § 129. POWERS OF BOARDS OR OF DIRECTOR IN ADVISOR

18 PROFESSIONS; DISCIPLINE PROCESS

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

* * *

(3) Issue warnings or reprimands, suspend, revoke, limit, condition, deny, or prevent renewal of licenses, after disciplinary hearings or, in cases requiring emergency action, immediately suspend, as provided by section 814 of this title. In a case involving noncompliance with a statute or rule relating to administrative duties not related to patient, client, or customer care, a board or hearing officer may determine that ordering a monetary civil penalty does not constitute a finding of unprofessional conduct. After a finding of unprofessional conduct, a respondent shall pay a disciplinary action surcharge pursuant to subdivision 125(b)(11) of this title. The proceeds from the disciplinary action surcharge shall be deposited into the Professional Regulatory Fee Fund.

* * *

* * * Cosmetology Certificate of Approval * * *

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

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

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

* * *

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

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

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

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

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

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

14 § 122. OFFICE OF PROFESSIONAL REGULATION

15 The Office of Professional Regulation is created within the Office of the
16 Secretary of State. The Office shall have a director who shall be qualified by
17 education and professional experience to perform the duties of the position.
18 The Director of the Office of Professional Regulation shall be a classified
19 position with the Office of the Secretary of State. The following boards or
20 professions are attached to the Office of Professional Regulation:

21 * * *

* * *

* * *

* * *

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

Professions * * *

Sec. 12. OFFICE OF PROFESSIONAL REGULATION; POSITION;

APPROPRIATION

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

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

* * * Report; Massage Therapy Establishments * * *

Sec. 13. OFFICE OF PROFESSIONAL REGULATION; REPORT;

MASSAGE THERAPY ESTABLISHMENTS

On or before November 15, 2025, the Office of Professional Regulation, in consultation with interested stakeholders, including representatives from the Vermont Chapter of the American Association of Massage Therapists, the Vermont Network Against Domestic and Sexual Violence, the Department of State's Attorneys and Sheriffs, and other Vermont law enforcement agencies, shall submit to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations proposed

1 legislation for the regulation, which may include licensure, of massage therapy
2 establishments, as defined in 26 V.S.A. § 5401(2)(A).

3 * * * Accessibility and Confidentiality of Disciplinary Matters * * *

4 Sec. 14. 3 V.S.A. § 131 is amended to read:

5 § 131. ACCESSIBILITY AND CONFIDENTIALITY OF DISCIPLINARY
6 MATTERS

7 * * *

8 (c) The Secretary of State, through the Office of Professional Regulation,
9 shall prepare and maintain a register of all complaints, which shall be a public
10 record and which shall show:

11 (1) with respect to all complaints, the following information:

12 (A) the date and the nature of the complaint, but not including the
13 identity of the licensee or the complainant; and

14 (B) a summary of the completed investigation; and

15 (2) only with respect to complaints resulting in filing of disciplinary
16 charges or stipulations or the taking of disciplinary action, the following
17 additional information:

18 (A) the name and ~~business addresses~~ public address of the licensee
19 ~~and complainant~~;

1 (B) formal charges, provided that they have been served or a
2 reasonable effort to serve them has been made, and all subsequent pleadings
3 filed by the parties;

4 (C) the findings, conclusions, rulings, and orders of the board or
5 administrative law officer;

6 (D) the transcript of the hearing, if one has been made, and exhibits
7 admitted at the hearing;

8 (E) stipulations filed with the board or administrative law officer; and

9 (F) final disposition of the matter by the appellate officer or the
10 courts.

11 * * *

12 * * * Effective Dates * * *

13 Sec. 15. EFFECTIVE DATES

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