

## Senate proposal of amendment

### H. 472

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

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* OPR Fees and Fund Management \* \* \*

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

#### § 118. COLLECTION AND DISPOSITION OF REVENUE

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

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

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

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

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

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

#### § 125. FEES

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

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

\* \* \*

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

\* \* \*

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

\* \* \*

(W) Electrology shop, \$200.00.

\* \* \*

(9) Apprenticeship application, \$50.00.

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

(11) Disciplinary action surcharge, \$250.00.

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[Repealed.]

\* \* \*

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

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

§ 125. FEES

\* \* \*

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

\* \* \*

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

\* \* \*

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

\* \* \*

\* \* \* OPR Duties and Disciplinary Authority \* \* \*

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

§ 123. DUTIES OF OFFICE

\* \* \*

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

\* \* \*

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

\* \* \*

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

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

§ 127. UNAUTHORIZED PRACTICE

\* \* \*

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

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

\* \* \*

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

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

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

\* \* \*

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

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

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

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

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

\* \* \*

\* \* \* Nursing Assistants; License Renewal \* \* \*

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

§ 1645. RENEWAL

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

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

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

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

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

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

#### § 122. OFFICE OF PROFESSIONAL REGULATION

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

\* \* \*

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

\* \* \*

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

#### § 1272. RULES; PREPAID FUNERAL FUNDS

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

\* \* \*

~~(2) The appointment of an escrow agent who may be a bank or other category of individual such as an attorney, a local elected official, next of kin, or the executor of a buyer's estate. All prepaid arrangement funds shall be paid directly to the escrow agent and not to the funeral director or establishment.~~  
[Repealed.]

\* \* \*

#### Sec. 11. REPEALS

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

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

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

\* \* \* Licensure of Early Childhood Educators Serving in Programs Regulated  
by the Child Development Division \* \* \*

Sec. 14. 3 V.S.A. § 122 is amended to read:

§ 122. OFFICE OF PROFESSIONAL REGULATION

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

(1) Board of Architects

\* \* \*

(53) Peer Recovery Support Specialists

(54) Early Childhood Educators

Sec. 15. 26 V.S.A. chapter 111 is added to read:

CHAPTER 111. EARLY CHILDHOOD EDUCATORS EMPLOYED IN  
PROGRAMS REGULATED BY THE CHILD DEVELOPMENT DIVISION

§ 6211. CREATION OF BOARD

(a) The Vermont Board of Early Childhood Educators is created.

(b) The Board shall consist of nine members appointed for five-year terms by the Governor pursuant to 3 V.S.A. §§ 129b and 2004 as follows: two public members; two each of individuals licensed as an Early Childhood Educator I, an Early Childhood Educator II, and an Early Childhood Educator III; and one Family Child Care Provider. All members shall be Vermont residents. The members who are early childhood educators shall have been in active practice in Vermont for not less than the preceding three years and shall be in active practice during their incumbency. The public member shall be a person who has no financial interest personally or through a spouse, parent, child, or sibling in the activities regulated under this chapter, other than as a consumer or a possible consumer of its services. Appointments shall be made without regard to political affiliation and on the basis of integrity and demonstrated ability.

(c) Vacancies shall be filled in the same manner as initial appointments.

(d) Board members shall not serve more than two consecutive terms.

§ 6212. BOARD PROCEDURES

(a) Annually, the Board shall meet to elect a chair, vice chair, and a secretary.

(b) Meetings shall be warned and conducted in accordance with 1 V.S.A. chapter 5.

(c) A majority of the members of the Board shall constitute a quorum.

(d) All business may be transacted by a majority vote of the members present and voting, unless otherwise provided by statute.

§ 6213. POWERS AND DUTIES OF THE BOARD

(a) The Board shall:

(1) adopt rules, pursuant to 3 V.S.A. chapter 25, that are necessary for the performance of its duties in accordance with this chapter, including

activities that must be completed by an applicant in order to fulfill the educational and experiential requirements established by this chapter;

(2) provide general information to applicants for licensure as early childhood educators;

(3) explain appeal procedures to licensees and applicants and complaint procedures to the public; and

(4) use the administrative and legal services provided by the Office of Professional Regulation under 3 V.S.A. chapter 5.

(b) The Board may conduct hearings as provided in 3 V.S.A. chapter 5.

Sec. 16. 26 V.S.A. chapter 111 is amended to read:

## CHAPTER 111. EARLY CHILDHOOD EDUCATORS EMPLOYED IN PROGRAMS REGULATED BY THE CHILD DEVELOPMENT DIVISION

### Subchapter 1. General Provisions

#### § 6201. DEFINITIONS

As used in this chapter:

(1) “Board” means the Vermont Board of Early Childhood Educators.

(2) “Early childhood educator” means an individual licensed under this chapter to provide early childhood education pursuant to section 6202 of this chapter in a program regulated by the Child Development Division.

(3) “Family child care provider” means an individual approved to operate a family child care home regulated by the Child Development Division at the time of application and who is responsible for providing developmentally appropriate care, education, protection, and supervision for children from birth through eight years of age at the family child care home.

(4) “Guidance” means direct or indirect consultative support in which an Early Childhood Educator III provides feedback to an Early Childhood Educator II.

(5) “Supervision” means on-site, direct oversight in which an Early Childhood Educator II or III observes the practice of an Early Childhood Educator I and provides feedback, support, and direction to an Early Childhood Educator I.

#### § 6202. SCOPE OF PRACTICE

(a)(1) An early childhood educator licensed pursuant to this chapter shall provide care and educational instruction to children from birth through eight years of age in a variety of programs regulated by the Child Development Division, including:



(A) planning and implementing intentional, developmentally appropriate learning experiences that promote the social-emotional, physical, language, and cognitive development and health of each child served;

(B) establishing and maintaining a safe, caring, inclusive, and healthy learning environment;

(C) observing, documenting, and assessing children's learning and development;

(D) developing reciprocal, culturally responsive relationships with families and communities; and

(E) engaging in reflective practice and continuous learning.

(2) An early childhood educator licensed pursuant to this chapter does not include exempt teachers licensed under 16 V.S.A. chapter 51 by the Agency of Education with an early childhood endorsement, early childhood special education endorsement, or elementary education endorsement as provided in section 6204 of this chapter.

(b) An early childhood educator licensed pursuant to this chapter shall have the following responsibilities as determined by license type:

(1) Early Childhood Educator I shall be authorized to be on an early childhood education team in a family child care home as defined in 33 V.S.A. § 3511 or a center-based child care and preschool program as defined by the Department for Children and Families in rule for children from birth through eight years of age. Early Childhood Educator I shall serve under the supervision of an Early Childhood Educator II or III or a teacher who is exempt from this chapter and licensed under 16 V.S.A. chapter 51 by the Agency of Education with an early childhood education endorsement or early childhood special education endorsement.

(2) Early Childhood Educator II, in addition to the responsibilities and authorities of an Early Childhood Educator I, shall be authorized to be in a lead educator role in a family child care home as defined in 33 V.S.A. § 3511 or a center-based child care and preschool program as defined by the Department for Children and Families in rule for children from birth through eight years of age, providing supervision to individuals licensed as an Early Childhood Educator I and receiving guidance from individuals licensed as an Early Childhood Educator III.

(3) Early Childhood Educator III, in addition to the responsibilities and authorities of an Early Childhood Educator I and II, shall be authorized to be a lead educator role in a family child care home as defined in 33 V.S.A. § 3511 or a center-based child care and preschool program as defined by the Department for Children and Families in rule for children from birth through eight years of age, providing supervision to individuals licensed as an Early

Childhood Educator I and guidance to individuals licensed as an Early Childhood Educator II.

(4) A Family Child Care Provider shall be authorized to be a lead educator role in a family child care home as defined in 33 V.S.A. § 3511 for children from birth through eight years of age.

(c) An early childhood educator licensed pursuant to this chapter may serve in a supporting role only, and not as a lead educator, in the provision of prekindergarten services provided in accordance with 16 V.S.A. § 829.

#### § 6203. PROHIBITIONS

(a) An individual shall not hold themselves out as an early childhood educator in this State unless the individual is licensed under this chapter or exempt from this chapter pursuant to section 6204 of this chapter.

(b) An individual shall not use in connection with the individual's name any letters, words, or insignia indicating that the individual is an early childhood educator unless the individual is licensed under this chapter or exempt from this chapter pursuant to section 6204 of this chapter.

#### § 6204. EXEMPTIONS

(a) The provisions of this chapter shall not apply to the following persons acting within the scope of their respective professional practices:

(1) a teacher actively licensed under 16 V.S.A. chapter 51 by the Agency of Education with an early childhood education endorsement, an early childhood special education endorsement, or an elementary education endorsement;

(2) an individual who provides care in an afterschool child care program that is regulated by the Child Development Division or any other child care program that is exempt from regulation by the Child Development Division; and

(3) an individual who provides consultation services in this State, performs research, or participates in or instructs regular or continuing education courses, provided the individual does not otherwise practice in this State.

(b) This chapter shall not be construed to limit or restrict in any manner the right of a practitioner of another profession or occupation from carrying on in the usual manner any of the functions incidental to that profession or occupation.

### Subchapter 2. Board of Early Childhood Educators

#### § 6211. CREATION OF BOARD

\* \* \*

### Subchapter 3. Licensure Requirements

#### § 6221. QUALIFICATIONS

(a) To qualify for licensure as an early childhood educator in a program regulated by the Child Development Division, an applicant shall have attained the age of majority and shall have a high school diploma or successful completion of a General Education Development (GED) test or an equivalent credential. An applicant shall have additional education and experience in accordance with this subsection for each of the following license types:

(1) Early Childhood Educator I shall have completed an approved certificate or credential program in early childhood education requiring a minimum of 120 hours and field experience.

(2) Early Childhood Educator II shall have completed an approved associate's degree program in:

(A) early childhood education or a related field:

(i) requiring a minimum of 60 college credits and field experience; and

(ii) offering college credit based upon an assessment of the individual's competencies acquired through experience working in the profession; or

(B) any unrelated field and a minimum of 21 approved college credits in the core early childhood education competency areas identified in rule in addition to field experience.

(3) Early Childhood Educator III shall have completed an approved bachelor's degree program in:

(A) early childhood education or a related field requiring a minimum of 120 college credits and field experience; or

(B) any unrelated field and a minimum of 21 approved college credits in the core early childhood education competency areas identified in rule in addition to field experience.

(4) A Family Child Care Provider shall currently operate a family child care home as defined in 33 V.S.A. § 3511 that is regulated and in good standing with the Child Development Division as of January 1, 2028. The Board shall not accept Family Child Care Provider applications after January 1, 2028.

(b) In addition to the requirements of subsection (a) of this section, applicants shall pass any examination that may be required by rule.

#### § 6222. LICENSE RENEWAL

(a) Licenses shall be renewed every two years upon application and payment of the required fee. Failure to comply with the provisions of this section shall result in suspension of all privileges granted by the license beginning on the expiration date of the license. A license that has lapsed shall be reinstated upon payment of the biennial renewal fee and the late renewal penalty pursuant to 3 V.S.A. § 127, except a Family Child Care Provider license shall not be renewed after a lapse of two or more years.

(b) The Board may adopt rules necessary for the protection of the public to assure the Board that an applicant whose license has lapsed for more than five years is professionally qualified before reinstatement may occur. Conditions imposed under this subsection shall be in addition to the requirements of subsection (a) of this section.

(c) In addition to the provisions of subsection (a) of this section, an applicant for renewal shall have satisfactorily completed continuing education as required by the Board. For purposes of this subsection, the Board may require, by rule, not more than 24 hours of approved continuing education as a condition of renewal.

#### § 6223. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Early Childhood Educator I:
  - (A) Application for initial license, \$125.00.
  - (B) Biennial renewal, \$225.00.
- (2) Early Childhood Educator II:
  - (A) Application for initial license, \$175.00.
  - (B) Biennial renewal, \$250.00.
- (3) Early Childhood Educator III:
  - (A) Application for initial license, \$225.00.
  - (B) Biennial renewal, \$275.00.
- (4) Family Child Care Provider:
  - (A) Application for initial license, \$175.00.
  - (B) Biennial renewal, \$250.00.

#### § 6224. UNPROFESSIONAL CONDUCT

As used in this chapter, “unprofessional conduct” means:

(1) conduct prohibited by this section, by 3 V.S.A. § 129a, or by other statutes relating to early childhood education, whether that conduct is by a licensee, an applicant, or an individual who later becomes an applicant;

(2) conduct that results in a licensee, applicant, or an individual who later becomes an applicant being placed on the Child Protection Registry pursuant to 33 V.S.A. chapter 49; or

(3) conduct that is not in accordance with the professional standards and competencies for Early Childhood Educators published by the National Association for the Education of Young Children.

#### § 6225. VARIANCES; TRANSITIONAL LICENSURE

(a) The Board shall issue a transitional Early Childhood Educator II and III license to a teacher or director operating a registered or licensed family child care home as defined in 33 V.S.A. § 3511 or licensed center-based child care and preschool program as defined by the Department for Children and Families in rule and who does not meet the educational and experiential licensure requirements in this chapter. Transitional licenses shall be valid for a two-year period and shall be renewed by the Board for an otherwise qualified applicant for an additional two-year period with satisfactory supporting documentation of the individual's ongoing work to obtain the required educational and experiential qualifications for licensure under this chapter.

(b) At the conclusion of three two-year transitional licensure periods, the Board, at its discretion, may issue one final two-year transitional license for an otherwise qualified applicant if the licensee can demonstrate extenuating circumstances for not having attained the educational and experiential requirements in this chapter and ongoing work to attain these requirements.

#### § 6226. DISCLOSURE BY LICENSEES

An early childhood educator licensed pursuant to this chapter shall post and provide to current and prospective families the following:

(1) all available license types regulated by the Office of Professional Regulation pursuant to this chapter;

(2) a description of the Office of Professional Regulation's regulatory authority over licensees in programs regulated by the Child Development Division and how to make complaints;

(3) a description of the Agency of Education's regulatory authority over teachers providing prekindergarten services pursuant to 16 V.S.A. § 829 and how to make complaints; and

(4) a description of the Child Development Division's regulatory authority over regulated child care programs and how to make complaints.

Sec. 17. REPEAL; TRANSITIONAL LICENSE

26 V.S.A. § 6225 (variances; transitional licensure) is repealed on July 1, 2035.

Sec. 18. [Deleted.]

\* \* \* Accessibility and Confidentiality of Disciplinary Matters \* \* \*

Sec. 19. 3 V.S.A. § 131 is amended to read:

§ 131. ACCESSIBILITY AND CONFIDENTIALITY OF DISCIPLINARY MATTERS

\* \* \*

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

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

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

(B) a summary of the completed investigation; and

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

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

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

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

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

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

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

\* \* \*

\* \* \* Effective Dates \* \* \*

Sec. 20. EFFECTIVE DATES

This act shall take effect on July 1, 2025, except that:

(1) Sec. 3 (fees; peer support providers) shall take effect on July 1, 2027; and

(2) Sec. 16 (early childhood educators) and Sec. 17 (repeal; transitional license) shall take effect on July 1, 2027 contingent on a fiscal year 2027 appropriation to implement 26 V.S.A. chapter 111.