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H.588

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

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

* * * General Powers * * *

Sec. 1. 3 V.S.A. § 123 is amended to read:

§ 123. DUTIES OF OFFICE

(a) The Office shall provide administrative, secretarial, financial, investigatory, inspection, and legal services to the boards. The services provided by the Office shall include:

* * *

(2) Issuing, recording, renewing, and reinstating all licenses as ordered by the boards, an appellate officer, the Director, an administrative law officer, or a court.

(3) Revoking, rescinding, or suspending licenses as ordered by the boards, the Director, an administrative law officer, or a court.

* * *

(14) Adopting rules to establish a program to serve as an alternative to the disciplinary process for regulated professionals with substance use disorders or other professional practice issues as designated by the boards or Director.

* * *

1 Sec. 3. 3 V.S.A. § 129c is added to read:

2 § 129c. RESCISSIONS

3 (a) The Director may rescind a license or compact privilege issued by the
4 Office of Professional Regulation under the following circumstances:

5 (1) it is discovered that an administrative mistake has occurred resulting
6 in the erroneous issuance of the license;

7 (2) payment is not remitted for any application fee pursuant to section
8 125 of this title; or

9 (3) if, for a compact license or privilege:

10 (A) either:

11 (i) this State or the compact license or privilege holder's home
12 state of licensure ceases participating in the relevant licensing compact; or

13 (ii) the compact license or privilege holder ceases to hold an
14 unencumbered home-state license; and

15 (B) the compact license or privilege holder does not obtain a full
16 Vermont license within 30 days.

17 (b) The rescission process shall be as set forth in this subsection.

18 (1) License active for less than 30 days.

19 (A) If the individual's license has been active for less than 30 days,
20 the Director shall initially rescind the license for any reason enumerated in
21 subsection (a) of this section.

1 (B) The individual shall be immediately notified of the rescission, the
2 reason for rescission, and procedural rights.

3 (C) The individual shall be provided an opportunity to have the
4 rescission reviewed by either an administrative law officer or the relevant
5 board. In any review, the Director shall have the burden of proving the
6 rescission is merited. Any review shall commence not later than 30 days after
7 the rescission, and a decision in any review shall be rendered within 40 days
8 following the rescission. The decision shall either reverse the Director's
9 rescission, in which case the license shall be immediately reinstated, or affirm
10 the Director's rescission and be deemed a final decision of the administrative
11 law officer or board.

12 (D) In the event of an administrative law officer or board affirming
13 the Director's rescission, the individual shall be provided notice and the ability
14 to appeal the Director's rescission in accordance with section 130a of this title;
15 however, the individual shall have the burden of proving the rescission is not
16 merited.

17 (2) License active for 30 days or more.

18 (A) If the individual's license has been active for 30 days or more,
19 and the Director determines there is a reason for rescission as enumerated in
20 subsection (a) of this section, the Director shall provide notice to the individual
21 that, after 30 days from issuing the notice, the Director intends to rescind the

1 individual's license. The notice shall also include the reason for rescission and
2 the individual's procedural rights.

3 (B) The individual shall be provided an opportunity to have a hearing
4 to determine the merits of a rescission. The individual shall have 30 days from
5 when the Director's notice was issued to indicate if the individual elects to
6 have a hearing. In the event the individual either elects not to have a hearing
7 or declines to answer within the allotted 30 days, Director shall rescind the
8 individual's license and the individual shall be foreclosed from appealing the
9 decision pursuant to subdivision (D) of this subdivision (b)(2). In the event the
10 individual elects to have a hearing, any rescission shall be stayed until a
11 hearing decision is rendered.

12 (C) Any hearing shall be held in accordance with section 129 of this
13 title and the resulting decision shall either affirm or reverse the Director's
14 rescission of the individual license.

15 (D) In the event of a hearing decision finding that the Director's
16 rescission of the individual's license is merited, the individual shall be
17 provided notice and the ability to appeal the Director's rescission in
18 accordance with section 130a of this title; however, the individual shall have
19 the burden of proving the rescission is not merited.

20 (c) A rescission of a license shall not be recorded as an adverse action
21 taken against the individual or any other misconduct or unprofessional conduct

1 for purposes of the individual's other currently held licenses or future licensure
2 applications.

3 (d) Upon becoming aware of the State either withdrawing from any
4 licensure compact described in Title 26 or when a licensure compact described
5 in Title 26 becomes no longer binding on the State, the Office of Professional
6 Regulation shall notify as soon as practicable all affected licensees practicing
7 in the State. An individual's license may not be rescinded if the Office fails to
8 provide the notice.

9 Sec. 4. 3 V.S.A. § 128 is amended to read:

10 § 128. DISCIPLINARY ACTION TO BE REPORTED TO THE OFFICE

11 (a)(1) Any hospital, clinic, community mental health center, or other health
12 care institution in which a licensee performs professional services shall report
13 to the Office, along with supporting information and evidence, any disciplinary
14 action taken by it or its staff that limits or conditions the licensee's privilege to
15 practice or leads to suspension or expulsion from the institution.

16 * * *

17 (3) This section shall ~~not~~ apply to cases of resignation, separation from
18 service, or changes in privileges that are ~~unrelated~~ related to:

19 (A) a disciplinary or adverse action;

20 (B) an adverse action report to the National Practitioner Data Bank;

1 (C) an unexpected adverse outcome in the care or treatment of a
2 patient;

3 (D) misconduct or allegations of misconduct;

4 (E) the initiation or process of an action to limit, condition, or
5 suspend a licensee's privilege to practice in an institution;

6 (F) an action to expel the licensee from an institution; or

7 (G) any other action that could lead to an outcome described in
8 subdivisions (A) through (F) of this subdivision (3).

9 * * *

10 Sec. 5. 3 V.S.A. § 129a is amended to read:

11 § 129a. UNPROFESSIONAL CONDUCT

12 (a) In addition to any other provision of law, the following conduct by a
13 licensee constitutes unprofessional conduct. When that conduct is by an
14 applicant or person who later becomes an applicant, it may constitute grounds
15 for denial of a license or other disciplinary action. Any one of the following
16 items or any combination of items, whether the conduct at issue was
17 committed within or outside the State, shall constitute unprofessional conduct:

18 (1) Fraudulent or deceptive procurement or use of a license or attempted
19 fraudulent or deceptive procurement or use of a license by making or causing
20 to be made a false, fraudulent, or forged statement or representation.

21 * * *

1 (g) Notwithstanding the provisions of this section or any other law to the
2 contrary, the Director may adopt rules permitting a licensee to enter, at the
3 Director's discretion, into a program serving as an alternative to the
4 disciplinary process for regulated professionals with substance use disorders or
5 other professional practice issues as designated by the boards or Director.

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

7 § 129b. BOARD MEMBER AND ADVISOR APPOINTMENTS

8 (a) Notwithstanding any provision of law to the contrary relating to terms
9 of office and appointments for members of boards attached to the Office of
10 Professional Regulation, all board members appointed by the Governor shall
11 be the age of majority, appointed for staggered five-year terms, and ~~shall~~ serve
12 at the pleasure of the Governor. Appointments under this section shall not be
13 subject to the advice and consent of the Senate. The Governor may remove
14 any member of a board as provided in section 2004 of this title. Vacancies
15 created other than by expiration of a term shall be filled in the same manner
16 that the initial appointment was made for the unexpired portion of the term.
17 Terms shall begin on January 1 of the year of appointment and run through
18 December 31 of the last year of the term. The Governor may request
19 nominations from any source but shall not be bound to select board members
20 from among the persons nominated. As provided in section 2004 of this title,

1 board members shall hold office and serve until a successor has been
2 appointed.

3 * * *

4 Sec. 7. 3 V.S.A. § 137 is amended to read:

5 § 137. UNIFORM PROCESS FOR FOREIGN CREDENTIAL
6 VERIFICATION

7 * * *

8 (d) The provisions relating to ~~preliminary~~ license denials set forth in
9 subsection 129(e) of this subchapter shall apply to a license application that is
10 ~~preliminarily~~ denied for nonequivalence under this section.

11 * * * Accountants * * *

12 Sec. 8. 26 V.S.A. § 13 is amended to read:

13 § 13. DEFINITIONS

14 As used in this chapter:

15 * * *

16 (7) ~~“Good character” means fiscal integrity, and a lack of any history of~~
17 ~~acts involving dishonesty, false statements, or fraud. [Repealed.]~~

18 * * *

19 (11) “Principal place of business” means the office location designated
20 by the licensee for the purposes of ~~substantial equivalency~~ mobility and
21 reciprocity.

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Sec. 9. 26 V.S.A. § 71a is amended to read:

§ 71a. LICENSE BY EXAMINATION

(a) ~~A license~~ To qualify for licensure as a ~~“certified public accountant”~~
~~shall be granted by the Board to any person~~ certified public accountant, an
applicant must:

(1) ~~who is of good character;~~

(2) ~~who completes~~ complete any one of the following requirements for
education and experience:

(A) a postbaccalaureate degree from a college or university
recognized by the Board with a concentration in accounting or an equivalent
and one year of experience in public accounting, meeting the requirements
prescribed by Board rule;

(B) 150 or more semester hours of college credit at a college or
university recognized by the Board, including a baccalaureate degree and a
minimum of 42 semester hours of accounting, auditing, and related subjects as
the Board determines to be appropriate, and one year of experience in public
accounting, meeting the requirements prescribed by Board rule ~~or other~~
~~experience or employment that the Board in its discretion considers~~
~~substantially equivalent; and or~~

1 (C) a baccalaureate degree from a college or university recognized by
2 the Board with a concentration in accounting or an equivalent and two years of
3 experience in public accounting, meeting the requirements prescribed by Board
4 rule; and

5 ~~(3)(2) who has passed~~ pass the examination required under subsection
6 (b) of this section.

7 (b) The Board shall administer an examination using a nationally
8 recognized uniform certified public accountants' examination and advisory
9 grading service.

10 (c) An applicant who has not yet completed a baccalaureate degree may sit
11 for the exam upon the completion of 120 semester hours at an institution
12 recognized by the Board, including a minimum of 30 semester hours of
13 accounting, auditing, and related subjects as the Board determines to be
14 appropriate.

15 Sec. 10. 26 V.S.A. § 74c is amended to read:

16 § 74c. ~~SUBSTANTIAL EQUIVALENCY~~ MOBILITY

17 (a) An individual whose principal place of business is not in this State shall
18 ~~be presumed to have qualifications substantially equivalent to this State's~~
19 ~~requirements and shall~~ have the privileges of licensure of this State, without
20 the need to obtain a license under section 72b of this title, if the individual:

1 (1) holds a valid license as a certified public accountant from a any state
2 ~~the Board determines has licensure requirements substantially equivalent to the~~
3 ~~requirements of the AICPA/NASBA Uniform Accountancy Act; or and~~

4 (2) holds a valid license as a certified public accountant from any state,
5 and the individual obtains verification from the NASBA National Qualification
6 Appraisal Service that the individual's qualifications are substantially
7 equivalent to the licensure requirements of the AICPA/NASBA Uniform
8 Accountancy Act. ~~An individual who passed the uniform CPA examination~~
9 ~~and holds a valid license issued by any state prior to January 1, 2012 shall be~~
10 ~~exempt from the education requirements of subdivision 5(e)(2) of the Uniform~~
11 ~~Accountancy Act for purposes of this section.~~ has passed the uniform CPA
12 examination and has met any one of the following requirements for education
13 and experience in accordance with rules adopted by the Board:

14 (A) a post-baccalaureate degree from a college or university with a
15 concentration in accounting or an equivalent and one year of experience in
16 public accounting;

17 (B) 150 or more semester hours of college credit at a college or
18 university, including a baccalaureate degree and a minimum of 42 semester
19 hours of accounting, auditing, and related subjects, and one year of experience
20 in public accounting; or

1 (b) Eligibility. To qualify for a limited academic dentist license, an
2 applicant must:

3 (1) be appointed as a full-time dental instructor of an accredited dental
4 program;

5 (2) hold a dental degree sufficient for licensure by examination under
6 section 601 of this title; and

7 (3) complete any courses in emergency office procedures or
8 cardiopulmonary resuscitation required for a licensed dentist.

9 (c) Specialties unavailable. A limited academic dentist license holder who
10 is not otherwise licensed as a dentist in this State is ineligible for sedation and
11 general anesthesia specialties.

12 (d) Notification of termination required. A limited academic dentist license
13 holder must notify the Office within 48 hours after any termination as a full-
14 time dental instructor. Continued practice after termination constitutes
15 unauthorized practice under 3 V.S.A. § 127.

16 (e) Renewal. For license renewal, a limited academic dentist license holder
17 must:

18 (1) meet all renewal requirements set forth in subsections 661(a)–(d) for
19 a licensed dentist, except no fee is required; and

20 (2) continue to be a full-time dental instructor of an accredited dental
21 program.

1 Sec. 12. 26 V.S.A. § 662 is amended to read:

2 § 662. FEES

3 (a) Applicants and persons regulated under this chapter shall pay the
4 following fees:

5 (1) Application

6 (A) Dentist \$285.00

7 (B) Limited academic dentist \$0.00

8 (C) Dental therapist \$215.00

9 ~~(C)~~(D) Dental hygienist \$200.00

10 ~~(D)~~(E) Dental assistant \$80.00

11 (2) Biennial renewal

12 (A) Dentist \$655.00

13 (B) Limited academic dentist \$0.00

14 (C) Dental therapist \$310.00

15 ~~(C)~~(D) Dental hygienist \$245.00

16 ~~(D)~~(E) Dental assistant \$105.00

17 (b) The licensing fee for a dentist, dental therapist, or dental hygienist or
18 the registration fee for a dental assistant who is otherwise eligible for licensure
19 or registration and whose practice in this State will be limited to providing pro
20 bono services at a free or reduced-fee clinic or similar setting approved by the
21 Board shall be waived.

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* * * Funeral Services * * *

Sec. 13. 26 V.S.A. § 1211 is amended to read:

§ 1211. DEFINITIONS

(a) As used in this chapter, unless a contrary meaning is required by the context:

* * *

(6) “Practice of funeral service” means arranging, directing, or providing for the care, preparation, or disposition of dead human bodies for a fee or other compensation. This includes:

(A) meeting with the public to select a method of disposition or funeral observance and merchandise;

(B) entering into contracts, either at-need or pre-need, for the provision of dispositions, funeral observances, and merchandise;

(C) arranging, directing, or performing the removal or transportation of a dead human body;

(D) securing or filing certificates, permits, forms, or other documents;

(E) supervising or arranging a funeral, memorial, viewing, or graveside observance; ~~and~~

(F) holding oneself out to be a licensed funeral director by using the words or terms “funeral director,” “mortician,” “undertaker,” or any other

1 words, terms, title, or picture that, when considered in context, would imply
2 that such person is engaged in the practice of funeral service or is a licensed
3 funeral director; and

4 (G) providing for the disposition of dead human bodies by cremation,
5 alkaline hydrolysis, or natural organic reduction.

6 * * *

7 (c) Notwithstanding this section, owners of a disposition facility and their
8 personnel may engage in the listed activities in subdivision (a)(6) of this
9 section only to the extent such functions are necessary to the performance of
10 their duties. Specifically, personnel at a disposition facility may:

11 (1) provide for the disposition of dead human bodies by cremation,
12 alkaline hydrolysis, or natural organic reduction and meet with the public to
13 arrange ~~and provide~~ for the disposition;

14 (2) enter into contracts, without taking prepaid funds, for the ~~provision~~
15 ~~of dispositions~~ disposition by cremation, alkaline hydrolysis, or natural organic
16 reduction;

17 (3) arrange, direct, or perform the removal or transportation of a dead
18 human body, provided that removals are performed by licensed removal
19 personnel; and

20 (4) secure and file certificates, permits, forms, or other documents.

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(e) Pharmacy technicians performing authorized ~~COVID-19~~ tests shall do so only:

(1) when a licensed pharmacist who is trained to perform authorized ~~COVID-19~~ tests is present and able to assist with the test, as needed; and

(2) in accordance with a State protocol adopted under subdivision 2023(b)(2)(A)(~~x~~) of this title or pursuant to a standing order of the Commissioner of Health; and

~~(3) in accordance with rules adopted by the Board.~~

(f) The Board may adopt rules regarding the administration of immunizations and the performance of authorized ~~COVID-19~~ tests by pharmacy technicians.

* * * Psychologists * * *

Sec. 15. TEMPORARY PSYCHOLOGIST LICENSURE EDUCATIONAL
SUPPLEMENTATION

(a) Notwithstanding the provisions of 26 V.S.A. chapter 55, 3 V.S.A. chapter 25, or any contrary rule, the Director of the Office of Professional Regulation may develop and implement temporary policies permitting supplementation of a master's or doctoral degree, pursuant to 26 V.S.A. § 3011a(a)(2), for the licensing of psychologists.

1 (A) completed 20 hours of continuing education approved by the
2 Director by rule;

3 (B) participated in at least four peer reviews;

4 (C) ~~submitted individual practice data;~~

5 ~~(D)~~ maintained current cardiopulmonary resuscitation certification;

6 and

7 ~~(E)~~(D) filed a timely certificate of birth for each birth at which ~~he or~~
8 ~~she~~ the licensee was the attending midwife, as required by law; and

9 (E) maintained current certification by the North American Registry
10 of Midwives.

11 (2) Upon receipt of the completed form and of the renewal fee, the
12 Director shall issue a renewal license to applicants who qualify under this
13 section.

14 (b) The Director shall renew a license that has lapsed for a period of three
15 years or less upon receipt of the renewal fee and late renewal penalty, the
16 reinstatement fee, and an application for renewal that shows that the person
17 still meets the eligibility requirements of this chapter and that all the
18 requirements for renewal, including continuing education, have been satisfied.
19 A person shall not be required to pay renewal fees for lapsed years.

20 (c) The Director may adopt rules to assure that an applicant whose license
21 has lapsed for a period greater than three years may be eligible for licensing,

1 but such rules shall not establish requirements greater than the eligibility
2 requirements of this chapter.

3 (d) The Director may, as a condition of license renewal, require that
4 licensed midwives submit individual practice data to the Office or its designee.
5 The required data may include information such as client demographics,
6 complications of labor and delivery, breastfeeding and postpartum health, and
7 such other information as the Director may require.

8 * * * Speech-Language Pathologist Assistants; Sunrise Report * * *

9 Sec. 17. OFFICE OF PROFESSIONAL REGULATION; SUNRISE REVIEW

10 REPORT; SPEECH-LANGUAGE PATHOLOGIST ASSISTANTS

11 On or before November 15, 2026, the Office of Professional Regulation, in
12 consultation with speech language pathologists, speech-language pathology
13 assistants, and other interested stakeholders, shall submit to the House
14 Committee on Government Operations and Military Affairs and the Senate
15 Committee on Government Operations a written report, in accordance with 26
16 V.S.A. chapter 57, on the advised nature of regulation and suggested level of
17 credentialling for speech-language pathologist assistants practicing in the State.
18 In so doing, OPR shall take into consideration its sunrise report completed in
19 2015.

1 ~~chapter where a person or persons engage in the practice of massage or the~~
2 ~~practice of bodywork.~~

3 * * *

4 § 5403. UNAUTHORIZED PRACTICE

5 Any individual who owns or operates an unregistered establishment or who
6 engages in the practice of massage or the practice of bodywork without a
7 registration from the Office shall be subject to the penalties provided in 3
8 V.S.A. § 127 (~~unauthorized practice~~).

9 § 5404. EXEMPTIONS

10 * * *

11 (c) Nothing in this chapter shall prohibit a massage therapist, bodyworker,
12 or touch professional from engaging in or offering the practice of massage or
13 the practice of bodywork at a location that is not ~~an~~ a registered establishment,
14 if:

15 (1) so long as prior to engaging in that practice at that location, the
16 registrant massage therapist and his or her the client agree in advance that the
17 location is acceptable; and

18 (2) the location is not an establishment as defined in subdivision 5401(2)
19 of this title.

20 (d) Establishment registration is not required for a location where the
21 practice of massage or the practice of bodywork is provided solely by:

1 professional and ~~his or her~~ the client sign an acknowledgement that the
2 information was disclosed.

3 (4) The Director may adopt other rules as necessary to perform ~~his or~~
4 ~~her~~ the Director's duties under this chapter.

5 (5) The Director may adopt rules limiting the applicability of this
6 chapter as applied to establishments operated within private homes.

7 * * *

8 § 5423. ESTABLISHMENTS; DESIGNEE AND INSPECTION

9 (a) An establishment shall ~~designate a massage therapist, bodyworker, or~~
10 ~~touch professional to be responsible for ensuring the establishment complies~~
11 ~~with the requirements of this chapter and the rules adopted by the Director~~
12 register with the Office of Professional Regulation. The operation of an
13 establishment without registration shall constitute unauthorized practice under
14 3 V.S.A. § 127.

15 (b) An establishment is responsible for ensuring its lawful operation,
16 regardless of whether the establishment's owner is on-site or has personal
17 knowledge of its operations. The Office may prosecute an establishment for
18 unprofessional conduct or unauthorized practice occurring at the establishment.

19 (c) The Director may require that an application for establishment
20 registration include:

1 (b) An establishment where the practice of massage or the practice of
2 bodywork is provided by only two massage therapists, bodyworkers, or touch
3 professionals shall pay reduced fees set forth in 3 V.S.A. § 125(b).

4 § 5426. DISPLAY OF REGISTRATION

5 ~~A massage therapist, bodyworker, or touch professional shall conspicuously~~
6 ~~display his or her registration in any establishment where the registrant is~~
7 ~~engaged in the practice of massage or the practice of bodywork~~ An
8 establishment must conspicuously display the registrations of:

9 (1) the establishment; and

10 (2) any massage therapist, bodyworker, or touch professional engaged in
11 the practice of massage or the practice of bodywork in the establishment.

12 § 5427. UNPROFESSIONAL CONDUCT

13 Unprofessional conduct means the conduct set forth in 3 V.S.A. § 129a and
14 the following:

15 (1) engaging in activities in violation of 13 V.S.A. § 2605 (voyeurism);

16 (2) engaging ~~in a sexual act~~ with a client in sexual conduct as defined in
17 13 V.S.A. § 2821:

18 (A) at an establishment; or

19 (B) while engaging in, offering to engage in, or purporting to engage
20 in the practice of massage or the practice of bodywork;

1 (3) meeting a client at an establishment for the purpose of sexual
2 conduct;

3 ~~(3)~~(4) conviction of a crime committed while engaged in the practice of
4 massage or the practice of bodywork;

5 ~~(4)~~(5) performing massage or bodywork that the massage therapist,
6 bodyworker, or touch professional knows or has reason to know has not been
7 authorized by a client or the client's legal representative; ~~and~~

8 ~~(5)~~(6) engaging in conduct of a character likely to deceive, defraud, or
9 harm the public; and

10 (7) engaging in the practice of massage or the practice of bodywork at
11 an unregistered establishment.

12 Sec. 18a. 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, \$30.00.

17 (2) An examination fee established by the Secretary, which shall be not
18 greater than the costs associated with examinations.

19 (3) Reinstatement fees for expired licenses pursuant to section 127

20 (unauthorized practice) of this title.

1 (4) Continuing, qualifying, or prelicensing education course approval:

2 (A) Provider, \$100.00.

3 (B) Individual, \$25.00.

4 (5) A preapplication criminal background determination, \$25.00.

5 (6) Limited temporary license or work permit, \$60.00.

6 (7) Apprenticeship application, \$50.00.

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

8 (9) Disciplinary action surcharge, \$250.00.

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

12 (1) Application for registration, \$100.00, except application for:

13 * * *

14 (D) Massage therapist, bodyworker, or touch professional, \$90.00.

15 (E) Massage establishment qualifying for a reduced fee under

16 26 V.S.A. § 5425(b), \$50.00.

17 (2) Application for licensure or certification, \$115.00, except application

18 for:

19 * * *

20 ~~(M) Massage therapist, bodyworker, or touch professional, \$90.00.~~

21 [Repealed.]

1 * * *

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

3 * * *

4 (Y) Massage establishment qualifying for a reduced fee under
5 26 V.S.A. § 5425(b), \$75.00.

6 (5) ~~Limited temporary license or work permit, \$60.00. [Repealed.]~~

7 (6) Radiologic evaluation, \$125.00.

8 (7) Annual renewal for appraisal management company registration,
9 \$345.00.

10 (8) Real estate appraiser trainee, \$115.00.

11 (9) ~~Apprenticeship application, \$50.00. [Repealed.]~~

12 (10) ~~Specialty or endorsement to existing license application, \$100.00.~~
13 [Repealed.]

14 (11) ~~Disciplinary action surcharge, \$250.00. [Repealed.]~~

15 * * *

16 Sec. 19. 13 V.S.A. § 2638 is amended to read:

17 § 2638. IMMUNITY FROM LIABILITY

18 (a) As used in this section:

19 (1) “Human trafficking” has the same meaning as in section 2651 of this
20 title.

21 (2) “Prostitution” has the same meaning as in section 2631 of this title.

1 (b) A person who, in good faith and in a timely manner, reports to law
2 enforcement that the person is a victim of or a witness to a crime that arose
3 from the person's involvement in prostitution or human trafficking shall not be
4 cited, arrested, or prosecuted for a violation of the following offenses:

- 5 (1) section 2632 of this title (prostitution);
6 (2) section 2601a of this title (prohibited conduct);
7 (3) 18 V.S.A. § 4230(a)(1)–(3) (cannabis possession);
8 (4) 18 V.S.A. § 4231(a)(1) and (2) (cocaine possession);
9 (5) 18 V.S.A. § 4232(a)(1) and (2) (LSD possession);
10 (6) 18 V.S.A. § 4233(a)(1) and (2) (heroin possession);
11 (7) 18 V.S.A. § 4234(a)(1) and (2) (depressant, stimulant, and narcotic
12 drugs possession);
13 (8) 18 V.S.A. § 4234a(a)(1) and (2) (methamphetamine possession);
14 (9) 18 V.S.A. § 4235(b)(1) (hallucinogenic drugs possession); ~~and~~
15 (10) 18 V.S.A. § 4235a(a)(1) (Ecstasy possession); and
16 (11) 26 V.S.A. § 5403 (unauthorized practice of massage or bodywork).

17 * * *

18 * * * Board of Medical Practice * * *

19 Sec. 19a. 26 V.S.A. § 1353 is amended to read:

20 § 1353. POWERS AND DUTIES OF THE BOARD

21 The Board shall have the following powers and duties to:

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(8)(A) Inquire into the criminal history backgrounds of applicants for licensure and for biennial license renewal for ~~all professionals licensed or certified by the Board. In obtaining these background checks, the Board may inquire directly of the Vermont Crime Information Center, the Federal Bureau of Investigation, the National Crime Information Center, or other holders of official criminal record information, and may arrange for these inquiries to be made by a commercial service~~ any Board-issued credential, including a license, certification, or registration for the following professions:

(i) medical doctors licensed pursuant to chapter 23 of this title;

(ii) podiatrists licensed pursuant to chapter 7 of this title;

(iii) anesthesiologist assistants licensed pursuant to chapter 29 of this title;

(iv) physician assistants licensed pursuant to chapter 31 of this title; and

(v) radiologist assistants licensed pursuant to chapter 52 of this title.

(B) Prior to acting on an initial or renewal application, the Board may obtain with respect to the applicant a Vermont criminal history record, an out-of-state criminal history record, and a criminal history record from the Federal Bureau of Investigation. Federal Bureau of Investigation background checks

1 shall be fingerprint-supported, and fingerprints so obtained may be retained on
2 file and used to notify the Board of future triggering events. Each applicant
3 shall consent to the release of criminal history records to the Board on forms
4 developed by the Vermont Crime Information Center.

5 (C) An applicant or licensee shall bear any cost of obtaining a
6 required criminal history background check. Applicants subject to background
7 checks shall be notified that a check is required, whether fingerprints will be
8 retained on file, and that criminal convictions are not an absolute bar to
9 licensure. Applicants shall be provided other information as may be required
10 by federal law or regulation.

11 ~~(D) The Board shall comply with all laws regulating the release of~~
12 ~~criminal history records and the protection of individual privacy.~~

13 ~~(E) No person shall confirm the existence or nonexistence of criminal~~
14 ~~history record information to any person who would not be eligible to receive~~
15 ~~the information pursuant to this chapter. As used in this subdivision, “criminal~~
16 ~~history record” has the same meaning as in 20 V.S.A. § 2056a.~~

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18 * * * Effective Dates * * *

19 Sec. 20. EFFECTIVE DATES

20 (a) This section, Secs. 1–10 (general powers, accountants), Secs. 13–17
21 (funeral services, advanced practice registered nurses, pharmacists,

1 psychologists, midwives, speech-language pathologist assistants report), Sec.
2 18a (3 V.S.A. § 125), and Sec. 19a (Board of Medical Practice) shall take
3 effect on passage.

4 (b) Secs. 11 and 12 (dentists) shall take effect on September 1, 2026.

5 (c) Sec. 18 (massage therapists, bodyworkers, and touch professionals) and
6 Sec. 19 (13 V.S.A. § 2638) shall take effect on December 1, 2026.