

1 H.588

2 Introduced by Representative Birong of Vergennes

3 Referred to Committee on

4 Date:

5 Subject: Professions and occupations

6 Statement of purpose of bill as introduced: This bill proposes to explicitly
7 enable the Office of Professional Regulation to rescind licenses and enforce
8 against attempted fraudulent or deceptive procurement or use of a license. It
9 will also require professional regulation board members to be adults. This bill
10 modifies the uniform process for foreign credential verification and license
11 denials. It will create a limited academic dentist license. This bill modifies
12 regulations for massage therapist establishments. It will eliminate the advisory
13 committee on midwifery that reports to the Director of the Office of
14 Professional Regulation and the Commissioner of Health, and changes the
15 license renewal requirement for midwives to submit individual practice data to
16 a discretionary decision to be made by the Director. This bill modifies
17 recommendation requirements for pharmacists prescribing vaccinations for
18 patients 18 years of age or older and pharmacy technicians administering
19 immunizations. The bill will modify the definition of “practice of funeral
20 service” to include disposing of dead human bodies by cremation, alkaline
21 hydrolysis, or natural organic reduction. This bill will also create a temporary

1 expedited rule-making process for physiologist licensure educational
2 requirements.

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

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

6 ~~*** General Powers ***~~

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

8 § 123. DUTIES OF OFFICE

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

12 * * *

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

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

18 * * *

19 (14) Adopting rules to establish a program to serve as an alternative to
20 the disciplinary process for regulated professionals with substance use

1 ~~disorders or other professional practice issues as designated by the boards or~~
2 Director.

3 * * *

4 Sec. 2. 3 V.S.A. § 128 is amended to read:

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

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

11 * *

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

14 (A) a disciplinary or adverse action;

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

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

18 (D) misconduct or allegations of misconduct;

19 (E) the initiation or process of an action to limit, condition, or

20 ~~suspend a licensee's privilege to practice in an institution,~~

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

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

4 * * *

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

6 § 129a. UNPROFESSIONAL CONDUCT

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

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

16 * * *

17 (g) Notwithstanding the provisions of this section or any other law to the
18 contrary, a licensee may, pursuant to rules adopted by the Director, enter into a
19 program serving as an alternative to the disciplinary process for regulated
20 professionals with substance use disorders or other professional practice issues
21 as designated by the boards or Director.

1 ~~Sec. 4. 3 V.S.A. § 129b is amended to read:~~

2 § 129b. BOARD MEMBER AND ADVISOR APPOINTMENTS

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

18 * * *

19 Sec. 5. 3 V.S.A. § 137 is amended to read:

20 § 137. UNIFORM PROCESS FOR FOREIGN CREDENTIAL

21 ~~VERIFICATION~~

1
2 (d) The provisions relating to preliminary license denials set forth in
3 subsection 129(e) of this subchapter shall apply to a license application that is
4 preliminarily denied for nonequivalence under this section.

5 * * * Dentists * * *

6 Sec. 6. 26 V.S.A. § 603 is added to read:

7 § 603. LIMITED ACADEMIC DENTIST LICENSE

8 (a) Scope of dentist practice. A limited academic dentist license is a
9 credential that authorizes the practice of dentistry only:

10 (1) at a teaching facility operated by a dental program that is accredited
11 by the American Dental Association's Commission on Dental Accreditation to
12 grant doctoral degrees in dental medicine or dental surgery; and

13 (2) under the general supervision of a dentist who is fully licensed in
14 good standing.

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

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

19 (2) hold a dental degree sufficient for licensure by examination under
20 section 601 of this title, and

1 ~~(2) complete any courses in emergency office procedures or~~
2 ~~cardiopulmonary resuscitation required for a licensed dentist.~~

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

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

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

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

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

16 Sec. 7. 26 V.S.A. § 662 is amended to read:

17 § 662. FEES

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

20 (1) Application

21 ~~(A) Dentist \$285.00~~

1 ~~(B) Limited Academic Dentist \$0.00~~

2 ~~(C) Dental therapist \$215.00~~

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

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

5 (2) Biennial renewal

6 (A) Dentist \$655.00

7 (B) Limited Academic Dentist \$0.00

8 (C) Dental therapist \$310.00

9 (C)(D) Dental hygienist \$245.00

10 (D)(E) Dental assistant \$165.00

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

16 * * * Massage Therapists, Bodyworkers, and Touch Professionals * * *

17 Sec. 8. 26 V.S.A. chapter 105 is amended to read:

18 CHAPTER 105. MASSAGE THERAPISTS, BODYWORKERS, AND

19 TOUCH PROFESSIONALS

20 Subchapter 1. General Provisions

1 § 5401. DEFINITIONS

2 Terms used in this chapter:

3 * * *

4 (2)(A) “Establishment” means any place of business that location:

5 (i)(A) ~~offers the practice of massage or the practice of bodywork~~
6 ~~or where the practice of massage or the practice of bodywork is conducted on~~
7 ~~the premises of the business where the practice of massage or the practice of~~
8 ~~bodywork is regularly engaged in; or~~

9 (ii)(B) that represents itself to the public by any title or
10 description of services incorporating the words “touch professional,”
11 “bodywork,” “massage,” “massage therapy,” “massage therapist,” “massage
12 practitioner,” “massagist,” “masseur,” “masteuse,” “energy work,” or other
13 words identified by the Director in rules.

14 (B) ~~A “place of business” includes any office, clinic, facility, salon,~~
15 ~~spa, or other location not otherwise exempted under section 5404 of this~~
16 ~~chapter where a person or persons engage in the practice of massage or the~~
17 ~~practice of bodywork.~~

18 * * *

19 § 5403. UNAUTHORIZED PRACTICE

20 Any individual who owns or operates an unregistered establishment or who
21 engages in the practice of massage or the practice of body work without a

1 registration from the Office shall be subject to the penalties provided in 2

2 V.S.A. § 127 (unauthorized practice).

3 § 5404. EXEMPTIONS

4 * * *

5 (c) Nothing in this chapter shall prohibit a massage therapist, bodyworker,
6 or touch professional from engaging in or offering the practice of massage or
7 the practice of bodywork at a location that is not an a registered establishment,
8 if:

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

12 (2) the location is not an establishment as defined in subdivision
13 5401(2) of this title.

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

16 (1) persons exempt from registration; or

17 (2) a single massage therapist, bodyworker, or touch professional.

18 * * *

19 § 5411. DUTIES OF THE DIRECTOR

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(b) Rules

(1) The Director shall adopt rules requiring a massage therapist, bodyworker, or touch professional to disclose to each new client before the first treatment the following information:

- (A) the professional qualifications and experience of the registrant;
- (B) actions that constitute unprofessional conduct;
- (C) the method for filing a complaint against a registrant; and
- (D) the method for making a consumer inquiry with the Office.

(2) The Director shall adopt rules regarding the display of:

(A) the registrations of employed or contracted massage therapists, bodyworkers, or touch professionals at an establishment; and

(B) information regarding unprofessional conduct and filing complaints with the Office.

(3) The rules described in this subsection shall include provisions relating to the manner in which the information disclosed shall be distributed or displayed and a requirement that a massage therapist, bodyworker, or touch professional and ~~his or her~~ the client sign an acknowledgement that the information was disclosed.

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

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

3 * * *

4 § 5423. ESTABLISHMENTS; DESIGNEE AND INSPECTION

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

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

16 (c) ~~The Director may require that an application for establishment~~
17 ~~registration include:~~

- 18 (1) ~~the management and ownership of the business;~~
19 (2) ~~the name, location, and licensing history of any past or present~~
20 ~~massage establishment under the same management or ownership;~~
21 ~~(3) the location and ownership of the establishment's premises,~~

1 ~~(4) proof of business registration with the Secretary of State; and~~

2 ~~(5) other information required by the Director in rule.~~

3 ~~(d) The Director may deny an establishment registration of a location~~
4 ~~where unprofessional conduct, as defined in subdivision 5427(2) or (3) of this~~
5 ~~title, has previously occurred, even if under different ownership or~~
6 ~~management. A denial on this basis shall follow the same procedures as a~~
7 ~~denial for unprofessional conduct under 3 V.S.A. § 128.~~

8 ~~(e) A person authorized by the Director may enter any establishment for~~
9 ~~the purpose of inspection when a complaint has been filed with the Office~~
10 ~~regarding the practice of massage or the practice of bodywork at that~~
11 ~~establishment. The Director may require an establishment to undergo~~
12 ~~inspection prior to registration. A fee shall not be charged for any inspection~~
13 ~~under this subsection.~~

14 * * *

15 § 5426. DISPLAY OF REGISTRATION

16 ~~A massage therapist, bodyworker, or touch professional shall conspicuously~~
17 ~~display his or her registration in any establishment where the registrant is~~
18 ~~engaged in the practice of massage or the practice of bodywork. An~~
19 ~~establishment must conspicuously display the registrations of.~~

- 1 ~~(1) the establishment; and~~
2 (2) any massage therapist, bodyworker, or touch professional engaged in
3 the practice of massage or the practice of bodywork in the establishment.

4 § 5427. UNPROFESSIONAL CONDUCT

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

- 7 (1) engaging in activities in violation of 13 V.S.A. § 2605 (voyeurism);
8 (2) engaging ~~in a sexual act~~ with a client in sexual conduct as defined in
9 13 V.S.A. § 2821:
10 (A) at an establishment; or
11 (B) while engaging in, offering to engage in, or purporting to engage
12 in the practice of massage or the practice of bodywork;
13 (3) meeting a client at an establishment for the purpose of sexual
14 conduct;
15 (3)(4) conviction of a crime committed while engaged in the practice of
16 massage or the practice of bodywork;
17 (4)(5) performing massage or bodywork that the massage therapist,
18 bodyworker, or touch professional knows or has reason to know has not been
19 authorized by a client or the client's legal representative; ~~and~~
20 (5)(6) engaging in conduct of a character likely to deceive, defraud, or
21 harm the public, and

1 ~~(7) engaging in the practice of massage or the practice of bodywork at~~
2 ~~an unregistered establishment.~~

3 Sec. 9. 13 V.S.A. § 2638 is amended to read:

4 § 2638. IMMUNITY FROM LIABILITY

5 (a) As used in this section:

6 (1) "Human trafficking" has the same meaning as in section 2651 of this
7 title.

8 (2) "Prostitution" has the same meaning as in section 2631 of this title.

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

13 (1) section 2632 of this title (prostitution);

14 (2) section 2601a of this title (prohibited conduct);

15 (3) 18 V.S.A. § 4230(a)(1)–(3) (cannabis possession);

16 (4) 18 V.S.A. § 4231(a)(1) and (2) (cocaine possession);

17 (5) 18 V.S.A. § 4232(a)(1) and (2) (LSD possession);

18 (6) 18 V.S.A. § 4233(a)(1) and (2) (heroin possession);

19 (7) 18 V.S.A. § 4234(a)(1) and (2) (depressant, stimulant, and narcotic
20 drugs possession),

- 1 ~~(8) 18 V.S.A. § 4234a(a)(1) and (2) (methamphetamine possession);~~
2 (9) 18 V.S.A. § 4235(b)(1) (hallucinogenic drugs possession); ~~and~~
3 (10) 18 V.S.A. § 4235a(a)(1) (Ecstasy possession); and
4 (11) 26 V.S.A. § 5403 (unauthorized practice of massage or bodywork).

5 * * *
6 * * * Midwives * * *

7 Sec. 10. 26 V.S.A. chapter 85 is amended to read:

8 CHAPTER 85. MIDWIVES

9 * * *

10 § 4185. DIRECTOR; DUTIES

11 * * *

12 ~~(c)(1) The Director shall appoint an advisory committee to study and report~~
13 ~~to the Director and to the Commissioner of Health on matters relating to~~
14 ~~midwifery, including recommendations if necessary for revisions to the~~
15 ~~administrative rules. The Committee shall focus on improving communication~~
16 ~~and collaboration among birth providers.~~

17 (2) ~~The Committee shall be composed of at least six members: three~~
18 ~~midwives licensed under this chapter, two physicians licensed by the Board of~~
19 ~~Medical Practice or the Board of Osteopathic Physicians and Surgeons, and~~
20 ~~one advanced practice registered nurse midwife licensed by the Board of~~
21 ~~Nursing.~~

1 ~~(2) Members of the Committee shall be entitled to compensation at the~~
2 ~~rate provided in 32 V.S.A. § 1010.~~

3 * * *

4 § 4187. RENEWALS

5 ~~(a)(1) Biennially, the Director shall forward a renewal form to each~~
6 ~~licensed midwife. A license shall be renewed every two years upon the filing of~~
7 ~~a renewal application, payment of the required fee, and proof of compliance~~
8 ~~with renewal requirements. The completed ~~form~~ renewal application shall~~
9 include verification that during the preceding two years, the licensed midwife
10 has:

11 (A) completed 20 hours of continuing education approved by the
12 Director by rule;

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

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

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

16 ~~and~~

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

19 (E) maintained current certification by the North American Registry
20 of Midwives.

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~~***~~

(1) A pharmacist may prescribe in the following contexts:

~~***~~

(2) State protocol.

(A) A pharmacist may prescribe, order, or administer in a manner consistent with valid State protocols that are approved by the Commissioner of Health after consultation with the Director of Professional Regulation and the Board and the ability for public comment:

- (i) opioid antagonists;
- (ii) epinephrine auto-injectors;
- (iii) tobacco cessation products;
- (iv) tuberculin purified protein derivative products;
- (v) self-administered hormonal contraceptives, including subcutaneous depot medroxyprogesterone acetate;
- (vi) dietary fluoride supplements;
- (vii) vaccinations for patients 18 years of age or older, ~~vaccinations recommended by the Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices (ACIP) and administered consistently with the ACIP-approved immunization schedules, as~~ ~~may be amended from time to time,~~

1 ~~(viii) for patients five years of age or older, influenza vaccine,~~
2 COVID-19 vaccine, and subsequent formulations or combination products
3 thereof,

4 * * *

5 Sec. 12. 26 V.S.A. § 2042a is amended to read:

6 § 2042a. PHARMACY TECHNICIANS; QUALIFICATIONS FOR
7 REGISTRATION

8 * * *

9 (c) Pharmacy technicians shall only administer immunizations:

10 (1) to patients 18 years of age or older, as established in subdivision
11 2023(b)(2)(A)(vii) and the resulting State protocol;

12 (2) to patients five years of age or older, influenza vaccine, COVID-19
13 vaccine, and subsequent formulations or combination products thereof, in
14 accordance with subdivision 2023(b)(2)(A)(viii) and the resulting State
15 protocol; and

16 ~~(3) pursuant to the schedules and recommendations of the Advisory~~
17 ~~Committee on Immunization Practices' recommendations for the~~
18 ~~administration of immunizations, as those recommendations may be updated~~
19 ~~from time to time; and~~

20 (4) when a licensed pharmacist who is trained to immunize is present
21 and able to assist with the immunization, as needed.

1 ~~(d) Pharmacy technicians shall administer only those immunizations that:~~

2 ~~(1) are recommended by the Centers for Disease Control and~~
3 ~~Prevention's Advisory Committee on Immunization Practices (ACIP); and~~

4 ~~(2) licensed pharmacists are permitted to administer under the State~~
5 ~~clinical pharmacy protocol, as established in subdivision 2023(b)(2) of this~~
6 ~~title.~~

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

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

10 (2) in accordance with a State protocol adopted under subdivision
11 2023(b)(2)(A)(x) of this title; and

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

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

16 * * * Funeral Services * * *

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

18 § 1211. DEFINITIONS

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

21

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

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

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

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

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

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

14 ~~(F) holding oneself out to be a licensed funeral director by using the~~
15 words or terms "funeral director," "mortician," "undertaker," or any other
16 words, terms, title, or picture that, when considered in context, would imply
17 that such person is engaged in the practice of funeral service or is a licensed
18 funeral director; and

19 ~~(G) disposing of dead human bodies by cremation, alkaline~~
20 ~~hydrolysis, or natural organic reduction.~~

21

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

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

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

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

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

15 * * * Psychologists * * *

16 Sec. 14. TEMPORARY PSYCHOLOGIST LICENSURE RULES

17 (a) Notwithstanding the provisions of 26 V.S.A. chapter 55 and 3 V.S.A.
18 chapter 25, the Director of the Office of Professional Regulation may adopt
19 temporary rules permitting supplementation of a master's or doctoral degree
20 under 26 V.S.A. § 5011a(a)(2).

1 ~~(b) Temporary rules adopted pursuant to this section shall be:~~

2 ~~(1) developed in consultation with the Board and the Vermont~~

3 ~~Psychological Association; and~~

4 ~~(2) consistent with 26 V.S.A. chapter 57.~~

5 ~~(c)(1) Temporary rules may be adopted without having been prefiled or~~

6 ~~filed in proposed or final proposed form and may be adopted after whatever~~

7 ~~notice and hearing the Director finds to be practicable under the circumstances.~~

8 ~~The Director shall make reasonable efforts to ensure that temporary rules are~~

9 ~~known to persons who may be affected by them.~~

10 ~~(2) Temporary rules proposed under this section shall be filed with the~~

11 ~~Secretary of State and with the Legislative Committee on Administrative~~

12 ~~Rules. The rules shall include as much of the information required for the~~

13 ~~filing of a proposed rule as is practicable under the circumstances. The~~

14 ~~Legislative Committee on Administrative Rules shall distribute copies of~~

15 ~~temporary rules to the appropriate standing committees.~~

16 ~~(3) On a majority vote of the entire Committee, the Committee may~~

17 ~~object under this subsection if a temporary rule is:~~

18 ~~(A) beyond the authority of the Director;~~

19 ~~(B) contrary to the intent of the General Assembly; or~~

20 ~~(C) arbitrary.~~

1 ~~(4) When objection is made under this subsection, on majority vote of~~
2 ~~the entire Committee, the Committee may file the objection in certified form~~
3 ~~with the Secretary of State. The objection shall contain a concise statement of~~
4 ~~the Committee's reasons for its action. The Secretary shall affix to each~~
5 ~~objection a certification of its filing and as soon as practicable transmit a copy~~
6 ~~to the Director. After a Committee objection is filed with the Secretary under~~
7 ~~this subsection, to the extent that the objection covers a rule or portion of a~~
8 ~~rule, the burden of proof thereafter shall be on the Director in any action for~~
9 ~~judicial review or for enforcement of the rule to establish that the part objected~~
10 ~~to is within the authority delegated to the Director, is consistent with the intent~~
11 ~~of the General Assembly, and is not arbitrary. If the Director fails to meet its~~
12 ~~burden of proof, the court shall declare the whole or portion of the rule~~
13 ~~objected to invalid. The failure of the Committee to object to a rule is not an~~
14 ~~implied legislative authorization of its substantive or procedural lawfulness.~~

15 (5) ~~When the Committee makes an objection to a temporary rule under~~
16 ~~this subsection, the Director may withdraw the rule to which an objection was~~
17 ~~made. Prior to withdrawal, the Director shall give notice to the Committee of~~
18 ~~its intent to withdraw the rule. A rule shall be withdrawn upon the filing of a~~
19 ~~notice of withdrawal with the Secretary of State and the Committee. If the~~
20 ~~temporary rule amended an existing rule, upon withdrawal of the temporary~~

1 ~~rule, the existing rule shall revert to its original form, as though the temporary~~
2 ~~rule had never been adopted.~~

3 (6) In response to an expressed concern of the Legislative Committee on
4 Administrative Rules, the Director may make a germane change to a
5 temporary rule that is approved by the Committee.

6 (d) The Director may propose a permanent rule on the same subject at the
7 same time that the Board of Psychological Examiners adopts a temporary rule.

8 (e) The Director's powers granted pursuant to this section and any
9 temporary rules adopted pursuant to this section shall be in effective only until
10 either July 1, 2033, or when the Board of Psychological Examiners adopts
11 permanent rules regarding psychologist licensure educational requirements,
12 whichever occurs first.

13 * * * Effective Date * * *

14 Sec. 15. EFFECTIVE DATE

15 ~~This act shall take effect on passage.~~

* * * *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.

* * *

Sec. 2. 3 V.S.A. § 129 is amended to read:

§ 129. POWERS OF BOARDS OR OF DIRECTOR IN ADVISOR

PROFESSIONS; DISCIPLINE PROCESS AND RESCISSION

PROCESSES

* * *

(j) Hearings involving denials or rescissions of licensure or disciplinary matters concerning persons in professions that have advisor appointees shall be heard by an administrative law officer appointed by the Secretary of State.

* * *

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

§ 129c. RESCISSIONS

(a) The Director may rescind a license issued by the Office of Professional Regulation under the following circumstances:

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

(2) payment is not remitted for any licensing fee pursuant to section 125 of this title; and

(3) if, within 30 days after the State either completes a withdrawal from any licensure compact described in Title 26 or other time in which a licensure compact described in Title 26 becomes no longer binding on the State, the licensee does not apply for a license to practice in the State.

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

(1) License active for less than 30 days.

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

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

(C) The individual shall be provided an opportunity to have the rescission reviewed by either an administrative law officer or the relevant

board. In any review, the Director shall have the burden of proving the rescission is merited. Any review shall commence not later than 20 days after the rescission, and a decision in any review shall be rendered within 30 days following the rescission. The decision shall either reverse the Director's rescission, in which case the license shall be immediately reinstated, or affirm the Director's rescission and be deemed a final decision of the administrative law officer or board.

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

(2) License active for 30 days or more.

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

(B) The individual shall be provided an opportunity to have a hearing to determine the merits of a rescission. The individual shall have 30

days from when the Director's notice was issued to indicate if the individual elects to have a hearing. In the event the individual either elects not to have a hearing or declines to answer within the allotted 30 days, Director shall rescind the individual's license and the individual shall be foreclosed from appealing the decision pursuant to subdivision (D) of this subdivision (b)(2). In the event the individual elects to have a hearing, any rescission shall be stayed until a hearing decision is rendered.

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

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

(c) A rescission of a license shall not be recorded as an adverse action taken against the individual or any other misconduct or unprofessional conduct for purposes of the individual's other currently held licenses or future licensure applications.

(d) Upon becoming aware of the State either withdrawing from any licensure compact described in Title 26 or when a licensure compact described

in Title 26 becomes no longer binding on the State, the Office of Professional Regulation shall notify as soon as practicable all affected licensees practicing in the State. An individual's license may not be rescinded if the Office fails to provide the notice.

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

§ 128. DISCIPLINARY ACTION TO BE REPORTED TO THE OFFICE

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

* * *

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

- (A) a disciplinary or adverse action;
- (B) an adverse action report to the National Practitioner Data Bank;
- (C) an unexpected adverse outcome in the care or treatment of a patient;
- (D) misconduct or allegations of misconduct;
- (E) the initiation or process of an action to limit, condition, or suspend a licensee's privilege to practice in an institution;

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

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

** * **

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

§ 129a. UNPROFESSIONAL CONDUCT

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

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

** * **

(g) Notwithstanding the provisions of this section or any other law to the contrary, a licensee may, pursuant to rules adopted by the Director, enter into a program serving 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.

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

§ 129b. BOARD MEMBER AND ADVISOR APPOINTMENTS

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

* * *

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

*§ 137. UNIFORM PROCESS FOR FOREIGN CREDENTIAL
VERIFICATION*

** * **

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

** * * Accountants * * **

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

§ 13. DEFINITIONS

As used in this chapter:

** * **

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

** * **

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

§ 71a. LICENSE BY EXAMINATION

(a) A license as a “certified public accountant” shall be granted by the Board to any person:

(1) who is of good character;

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

(A) a post-baccalaureate 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~~

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

(3) who has passed the examination required under subsection (b) of this section.

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

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

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

§ 74c. SUBSTANTIAL EQUIVALENCY MOBILITY

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

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

(2) ~~holds a valid license as a certified public accountant from any state, and the individual obtains verification from the NASBA National Qualification Appraisal Service that the individual's qualifications are substantially equivalent to the licensure requirements of the AICPA/NASBA Uniform~~

~~Accountancy Act. An individual who passed the uniform CPA examination and holds a valid license issued by any state prior to January 1, 2012 shall be exempt from the education requirements of subdivision 5(c)(2) of the Uniform Accountancy Act for purposes of this section.~~ has passed the uniform CPA examination and has met any one of the following requirements for education and experience in accordance with rules adopted by the Board:

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

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

(C) a baccalaureate degree from a college or university with a concentration in accounting or an equivalent and two years of experience in public accounting.

* * *

(g) An individual whose principal place of business is not in this State, who holds a valid active license as a certified public accountant from any state, and who, as of December 31, 2024, had practice privileges in this State under this section shall continue to have all the privileges of licensees in this State

without the need to obtain a license under section 71a of this title, pursuant to all other requirements of this chapter.

** * * Dentists * * **

Sec. 11. 26 V.S.A. § 603 is added to read:

§ 603. LIMITED ACADEMIC DENTIST LICENSE

(a) Scope of dentist practice. A limited academic dentist license is a credential that authorizes the practice of dentistry only:

(1) at a teaching facility operated by a dental program that is accredited by the American Dental Association's Commission on Dental Accreditation to grant doctoral degrees in dental medicine or dental surgery; and

(2) under the general supervision of a dentist who is fully licensed in good standing.

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

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

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

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

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

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

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

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

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

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

§ 662. FEES

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

(1) Application

(A) Dentist \$285.00

(B) Limited academic dentist \$0.00

(C) Dental therapist \$215.00

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

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

(2) Biennial renewal

(A) Dentist \$655.00

(B) Limited academic dentist \$0.00

(C) Dental therapist \$310.00

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

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

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

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

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

* * *

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

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

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

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

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

** * * Nursing; Advanced Practice Registered Nurses * * **

Sec. 14. 26 V.S.A. § 1614 is amended to read:

§ 1614. APRN RENEWAL

An APRN license renewal application shall include:

(1) documentation of ~~completion of the APRN practice requirement;~~

(2) ~~possession of~~ a current certification by a national APRN specialty certifying organization; and

~~(3)~~(2) a current collaborative provider agreement if required for transition to practice.

* * * Pharmacists * * *

Sec. 14a. 26 V.S.A. § 2023 is amended to read:

§ 2023. CLINICAL PHARMACY; PRESCRIBING AND TESTING

(a) In accordance with applicable rules adopted by the Board, a pharmacist may engage in the practice of clinical pharmacy, including prescribing as set forth in subsection (b) of this section, provided that a pharmacist shall not:

* * *

(3) initiate antibiotic therapy, except pursuant to a collaborative practice agreement or state protocol.

(b) A pharmacist may prescribe in the following contexts:

* * *

(2) State protocol.

(A) A pharmacist may prescribe, order, or administer in a manner consistent with valid State protocols that are approved by the Commissioner of Health after consultation with the Director of Professional Regulation and the Board and the ability for public comment:

* * *

(x) emergency prescribing of albuterol or glucagon while contemporaneously contacting emergency services;

~~(xi) tests for COVID-19 for individuals by entities holding a Certificate of Waiver pursuant to the Clinical Laboratory Amendments of 1988 (42 U.S.C. § 263a). If a test for COVID-19, prescribed, ordered, or administered by a pharmacist in accordance with this section and the resulting State protocol incidentally detects influenza or human respiratory syncytial virus, a pharmacist shall advise the individual tested that the results indicate influenza or human respiratory syncytial virus infection and recommend to the individual to seek further care from an appropriate health care provider;~~

~~(xii) tests for SARS-CoV for asymptomatic individuals or related serology for individuals by entities holding a Certificate of Waiver pursuant to the Clinical Laboratory Amendments of 1988 (42 U.S.C. § 263a); and~~

~~(xiii)(xi) emergency contraception; and~~

~~(xii) tests waived under 42 C.F.R. § 493.15 for COVID-19, influenza, and streptococcal pharyngitis and subsequent drug treatment.~~

* * *

* * * *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.

(b) Policies adopted pursuant to this section shall be:

(1) developed in consultation with the Board of Psychological Examiners and the Vermont Psychological Association;

(2) consistent with 26 V.S.A. chapter 57; and

(3) made available to the public.

(c) The Director's powers granted pursuant to this section and any temporary policies adopted pursuant to this section shall be in effect only until either July 1, 2029, or when the Board of Psychological Examiners adopts permanent rules regarding supplementation of a master's or doctoral degree, pursuant to 26 V.S.A. § 3011a(a)(2), for the licensing of psychologists, whichever occurs first.

(d) On or before July 1, 2029, the Board shall adopt updated rules regarding the supplementation of a master's or doctoral degree, pursuant to 26 V.S.A. § 3011a(a)(2), for the licensing of psychologists.

** * * Midwives * * **

Sec. 16. 26 V.S.A. chapter 85 is amended to read:

CHAPTER 85. MIDWIVES

** * **

§ 4185. DIRECTOR; DUTIES

** * **

~~(e)(1) The Director shall appoint an advisory committee to study and report to the Director and to the Commissioner of Health on matters relating to midwifery, including recommendations if necessary for revisions to the administrative rules. The Committee shall focus on improving communication and collaboration among birth providers.~~

~~(2) The Committee shall be composed of at least six members: three midwives licensed under this chapter; two physicians licensed by the Board of Medical Practice or the Board of Osteopathic Physicians and Surgeons; and one advanced practice registered nurse midwife licensed by the Board of Nursing.~~

~~(3) Members of the Committee shall be entitled to compensation at the rate provided in 32 V.S.A. § 1010.~~

** * **

§ 4187. RENEWALS

~~(a)(1) Biennially, the Director shall forward a renewal form to each licensed midwife~~ A license shall be renewed every two years upon the filing of a renewal application, payment of the required fee, and proof of compliance with renewal requirements. ~~The completed form renewal application shall include verification that during the preceding two years, the licensed midwife has:~~

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

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

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

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

~~and~~

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

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

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

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

(c) The Director may adopt rules to assure that an applicant whose license has lapsed for a period greater than three years may be eligible for licensing, but such rules shall not establish requirements greater than the eligibility requirements of this chapter.

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

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

*Sec. 17. OFFICE OF PROFESSIONAL REGULATION; SUNRISE REVIEW
REPORT; SPEECH-LANGUAGE PATHOLOGIST ASSISTANTS*

On or before November 15, 2026, the Office of Professional Regulation, in consultation with interested stakeholders, shall submit to the House Committee on Government Operations and Military Affairs and the Senate Committee on

Government Operations a written report, in accordance with 26 V.S.A. chapter 57, on the advised nature of regulation and suggested level of credentialing for speech-language pathologist assistants practicing in the State.

** * * Massage Therapists, Bodyworkers, and Touch Professionals * * **

Sec. 18. 26 V.S.A. chapter 105 is amended to read:

*CHAPTER 105. MASSAGE THERAPISTS, BODYWORKERS, AND TOUCH
PROFESSIONALS*

Subchapter 1. General Provisions

§ 5401. DEFINITIONS

As used in this chapter:

** * **

(2)(A) “Establishment” means any place of business that location:

(i)(A) ~~offers the practice of massage or the practice of bodywork or where the practice of massage or the practice of bodywork is conducted on the premises of the business where the practice of massage or the practice of bodywork is regularly engaged in; or~~

(ii)(B) that represents itself to the public by any title or description of services incorporating the words “touch professional,” “bodywork,” “massage,” “massage therapy,” “massage therapist,” “massage practitioner,” “massagist,” “masseur,” “masseuse,” “energy work,” or other words identified by the Director in rules.

~~(B) A “place of business” includes any office, clinic, facility, salon, spa, or other location not otherwise exempted under section 5404 of this chapter where a person or persons engage in the practice of massage or the practice of bodywork.~~

* * *

§ 5403. *UNAUTHORIZED PRACTICE*

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

§ 5404. *EXEMPTIONS*

* * *

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

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

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

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

(1) persons exempt from registration; or

(2) a single massage therapist, bodyworker, or touch professional.

* * *

§ 5411. DUTIES OF THE DIRECTOR

* * *

(b) Rules.

(1) The Director shall adopt rules requiring a massage therapist, bodyworker, or touch professional to disclose to each new client before the first treatment the following information:

(A) the professional qualifications and experience of the registrant;

(B) actions that constitute unprofessional conduct;

(C) the method for filing a complaint against a registrant; and

(D) the method for making a consumer inquiry with the Office.

(2) The Director shall adopt rules regarding the display of:

(A) the registrations of employed or contracted massage therapists, bodyworkers, or touch professionals at an establishment; and

(B) information regarding unprofessional conduct and filing complaints with the Office.

(3) The rules described in this subsection shall include provisions relating to the manner in which the information disclosed shall be distributed or displayed and a requirement that a massage therapist, bodyworker, or touch professional and ~~his or her~~ the client sign an acknowledgement that the information was disclosed.

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

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

* * *

§ 5423. ESTABLISHMENTS; DESIGNEE AND INSPECTION

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

(b) An establishment is responsible for ensuring its lawful operation, regardless of whether the establishment's owner is on-site or has personal knowledge of its operations. The Office may prosecute an establishment for

unprofessional conduct or unauthorized practice occurring at the establishment.

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

(1) the management and ownership of the business;

(2) the name, location, and licensing history of any past or present massage establishment under the same management or ownership;

(3) the location and ownership of the establishment's premises;

(4) proof of business registration with the Secretary of State; and

(5) other information required by the Director in rule.

(d) The Director may deny an establishment registration of a location where unprofessional conduct, as defined in subdivision 5427(2) or (3) of this title, has previously occurred, even if under different ownership or management. A denial on this basis shall follow the same procedures as a denial for unprofessional conduct under 3 V.S.A. § 129.

(e) A person authorized by the Director may enter any establishment for the purpose of inspection when a complaint has been filed with the Office regarding the practice of massage or the practice of bodywork at that establishment. The Director may require an establishment to undergo inspection prior to registration. A fee shall not be charged for any inspection under this subsection.

* * *

§ 5425. FEES

(a) Applicants and persons regulated under this chapter shall pay those fees set forth in 3 V.S.A. § 125(b).

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

§ 5426. DISPLAY OF REGISTRATION

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

(1) the establishment; and

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

§ 5427. UNPROFESSIONAL CONDUCT

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

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

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

(A) at an establishment; or

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

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

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

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

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

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

Sec. 18a. 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:

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

* * *

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

(E) Massage establishment qualifying for a reduced fee under
26 V.S.A. § 5425(b), \$50.00.

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

* * *

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

[Repealed.]

* * *

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

* * *

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

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

(6) Radiologic evaluation, \$125.00.

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

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

(9) Apprenticeship application, \$50.00.

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

(11) Disciplinary action surcharge, \$250.00.

* * *

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

§ 2638. IMMUNITY FROM LIABILITY

(a) As used in this section:

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

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

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

(1) section 2632 of this title (prostitution);

(2) section 2601a of this title (prohibited conduct);

(3) 18 V.S.A. § 4230(a)(1)–(3) (cannabis possession);

(4) 18 V.S.A. § 4231(a)(1) and (2) (cocaine possession);

(5) 18 V.S.A. § 4232(a)(1) and (2) (LSD possession);

(6) 18 V.S.A. § 4233(a)(1) and (2) (heroin possession);

(7) 18 V.S.A. § 4234(a)(1) and (2) (depressant, stimulant, and narcotic drugs possession);

- (8) 18 V.S.A. § 4234a(a)(1) and (2) (methamphetamine possession);*
- (9) 18 V.S.A. § 4235(b)(1) (hallucinogenic drugs possession); ~~and~~*
- (10) 18 V.S.A. § 4235a(a)(1) (Ecstasy possession); and*
- (11) 26 V.S.A. § 5403 (unauthorized practice of massage or bodywork).*

* * *

* * * *Effective Dates* * * *

Sec. 20. EFFECTIVE DATES

(a) This section, Secs. 1–10 (general powers, accountants), Secs. 13–17 (funeral services, advanced practice registered nurses, psychologists, midwives, speech-language pathologist assistants report), and Sec. 18a (3 V.S.A. § 125) shall take effect on passage.

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

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