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**April 9, 2025**

**To: Hon. Alice M. Emmons, Chair  
House Committee on Corrections and Institutions**

**From: S. Lauren Hibbert, Deputy Secretary of State  
Jen Colin, General Counsel, Office of Professional Regulation  
Shiela Boni, Executive Officer Vermont Board of Nursing, Office of Professional Regulation**

**Re: H.32, An act relating to treatment for opioid use disorder in correctional facilities**

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Thank you for the opportunity to testify on H.32. Our comments below pertain to a draft dated February 24, 2025 (VT LEG #381242 v.1).

OPR supports policies that make healthcare available as widely as possible while maintaining the minimum standards of competence needed to protect the public. The draft appears to share that goal, by specifying that only health care professionals may perform physical assessments and make MOUD prescribing decisions.

We have one concern, however. As currently drafted, “health care practitioner” means “an individual licensed or certified by the Office Professional Regulation or the Board of Medical Practice to provide professional health care services to an individual during the course of that individual’s medical care and treatment.”

This definition is too broad to protect incarcerated individuals—an extremely vulnerable patient population—from incompetent practice. OPR licenses many health care practitioners who are not authorized to perform activities specified in the bill. For example, licensed nursing assistants (LNAs) and licensed practical nurses (LPNs) may not perform the “physical assessment[s]” mentioned in 28 V.S.A. § 801(b). Other health care providers may assess patients only within their specialized areas of practice—for example, dentists, optometrists, and physical therapists.

OPR recommends the following change to proposed 28 V.S.A. § 801(b)(e)(5)(B):

(B) “Health care practitioner” means an individual licensed or certified by the Office Professional Regulation or the Board of Medical Practice ~~to provide professional health care services to an individual during the course~~

of that individual's medical care and treatment and acting within the individual's lawful scope of practice.