

1 Introduced by Committee on Government Operations and Military Affairs

2 Date:

3 Subject: Professional and occupations; miscellaneous amendments

4 Statement of purpose of bill as introduced: This bill proposes to amend  
5 various provisions of the statutes governing professions and occupations to  
6 adjust the scope and amounts of fees associated with professional licensure,  
7 authorize the Office to apply a disciplinary action surcharge following a  
8 finding of unprofessional conduct, require cosmetologists to be trained in the  
9 care of textured hair, require licensed nursing assistants to take a competency  
10 exam after their license has lapsed for a period of not more than five years, add  
11 requirements for the use of the title of “social worker,” remove motor vehicle  
12 racing from the regulatory authority of the Office of Professional Regulation,  
13 repeal provisions relating to escrow agents for prepaid funeral expenses, and  
14 add the position of Executive Officer for the Regulation of Mental Health  
15 Professions.

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

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

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

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

4 § 118. COLLECTION AND DISPOSITION OF REVENUE

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

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

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

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

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

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

2 § 125. FEES

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

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

6 \* \* \*

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

10 \* \* \*

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

12 \* \* \*

13 (W) Electrology shop, \$200.00.

14 \* \* \*

15 (9) Apprenticeship application, \$50.00.

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

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

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

20 [Repealed.]

21 \* \* \*

1                               \* \* \* 2027 Fee Increase; Peer Support Providers \* \* \*

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

3       § 125. FEES

4   \* \* \*

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

8   \* \* \*

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

10    \* \* \*

11               (V) Peer support providers or peer recovery support specialists,  
12       ~~\$50.00~~ \$75.00.

13    \* \* \*

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

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

16       § 123. DUTIES OF OFFICE

17    \* \* \*

18               (k) For any profession attached to it, the Office shall provide a pre-  
19       application determination of an individual’s criminal background. This  
20       determination shall not be binding on the Office in a future application if the

1 individual violates probation or parole or is convicted of another crime  
2 following the determination.

3 \* \* \*

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

8 \* \* \*

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

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

13 § 127. UNAUTHORIZED PRACTICE

14 \* \* \*

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



1 pursuant to subdivision 125(b)(12) of this title. The proceeds from the  
2 disciplinary action surcharge shall be deposited into the Professional  
3 Regulatory Fee Fund.

4 \* \* \*

5 \* \* \* Cosmetology Certificate of Approval \* \* \*

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

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

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

11 \* \* \*

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

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

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

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

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

7   \* \* \*

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

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

10                   § 1645. RENEWAL

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

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

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

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



1                                   \* \* \* Social Workers; Use of Title \* \* \*

2           Sec. 9. 26 V.S.A. § 3202 is amended to read:

3           § 3202. PROHIBITION; OFFENSES

4           (a) A person shall not practice or attempt to practice licensed independent  
5           clinical social work or licensed master’s social work, nor shall any person use  
6           in connection with the person’s name any letters, words, or insignia indicating  
7           or implying that the person is a licensed independent clinical social worker or a  
8           licensed master’s social worker unless the person is licensed in accordance  
9           with this chapter.

10           (b) ~~A person who violates any of the provisions of subsection (a) of this~~  
11           ~~section shall be subject to the penalties provided in 3 V.S.A. § 127.~~ Unless a  
12           person has earned a bachelor’s, master’s, or doctoral degree from a social work  
13           program accredited by the Council of Social Work Education or its successor,  
14           the person shall not:

15                   (1) use the title “social worker” or any initials associated with the title;

16           or

17                   (2) advertise services under the description of “social worker.”

18           (c) A ~~Neither~~ a State agency or a subdivision or contractor thereof, nor a  
19           private entity, shall ~~not~~ use or permit the use of the title “social worker” other  
20           than in relation to an employee holding a bachelor’s, master’s, or doctoral

1 degree from ~~an accredited school or program~~ of a social work program  
2 accredited by the Council of Social Work Education or its successor.

3 (d) A person who violates any of the provisions of this section shall be  
4 subject to the penalties provided in 3 V.S.A. § 127.

5 Sec. 10. 26 V.S.A. § 3205 is amended to read:

6 § 3205. LICENSED MASTER’S SOCIAL WORKER ELIGIBILITY

7 To be eligible for licensing as a licensed master’s social worker, an  
8 applicant must have:

9 (1) received a master’s degree or doctoral degree from ~~an accredited~~  
10 ~~social work education program~~ a social work program accredited by the  
11 Council of Social Work Education or its successor; and

12 (2) within five years prior to applying for licensure, passed the  
13 examinations designated by the Director.

14 Sec. 11. 26 V.S.A. § 3205a is amended to read:

15 § 3205a. LICENSED INDEPENDENT CLINICAL SOCIAL WORKER

16 ELIGIBILITY

17 (a) To be eligible for licensure as a licensed independent clinical social  
18 worker, an applicant must have:

19 (1) received a master’s degree or doctoral degree from ~~an accredited~~  
20 ~~social work education program~~ a social work program accredited by the  
21 Council of Social Work Education or its successor;

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\* \* \*

\* \* \* Repeals; Funeral Service Escrow Agents; Motor Vehicle Racing \* \* \*  
Sec. 12. 3 V.S.A. § 122 is amended to read:

§ 122. OFFICE OF PROFESSIONAL REGULATION

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

\* \* \*

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

\* \* \*

Sec. 13. 26 V.S.A. § 1272 is amended to read:

§ 1272. RULES; PREPAID FUNERAL FUNDS

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

\* \* \*

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

5 [Repealed.]

6   \* \* \*

7       Sec. 14. REPEALS

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

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

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

12   Professions \* \* \*

13       Sec. 15. OFFICE OF PROFESSIONAL REGULATION; POSITION;

14                           APPROPRIATION

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

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

1

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

2

Sec. 16. EFFECTIVE DATES

3

This act shall take effect on July 1, 2025, except that Sec. 3 (fees; peer

4

support providers) shall take effect on July 1, 2027.