

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations and Military Affairs to which
3 was referred House Bill No. 588 entitled “An act relating to professions and
4 occupations regulated by the Office of Professional Regulation” respectfully
5 reports that it has considered the same and recommends that the bill be
6 amended by striking out all after the enacting clause and inserting in lieu
7 thereof the following:

8 * * * General Powers * * *

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

10 § 123. DUTIES OF OFFICE

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

14 * * *

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

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

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VT LEG #386495 v.4

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

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

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

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

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

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

14 (C) The individual shall be provided an opportunity to have the
15 rescission reviewed by either an administrative law officer or the relevant
16 board. In any review, the Director shall have the burden of proving the
17 rescission is merited. Any review shall commence not later than 20 days after
18 the rescission, and a decision in any review shall be rendered within 30 days
19 following the rescission. The decision shall either reverse the Director's
20 rescission, in which case the license shall be immediately reinstated, or affirm

1 the Director's rescission and be deemed a final decision of the administrative
2 law officer or board.

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

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

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

15 (B) The individual shall be provided an opportunity to have a hearing
16 to determine the merits of a rescission. The individual shall have 30 days from
17 when the Director's notice was issued to indicate if the individual elects to
18 have a hearing. In the event the individual either elects not to have a hearing
19 or declines to answer within the allotted 30 days, Director shall rescind the
20 individual's license and the individual shall be foreclosed from appealing the
21 decision pursuant to subdivision (D) of this subdivision (b)(2). In the event the

1 individual elects to have a hearing, any rescission shall be stayed until a
2 hearing decision is rendered.

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

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

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

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

21 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

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

13 * * *

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

15 § 137. UNIFORM PROCESS FOR FOREIGN CREDENTIAL

16 VERIFICATION

17 * * *

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

21 * * * Accountants * * *

§ 13. DEFINITIONS

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§ 71a. LICENSE BY EXAMINATION

(1) who is of good character;

(A) a post-baccalaureate degree from a college or university

(B) 150 or more semester hours of college credit at a college or

VT LEG #386495 v.4

1 minimum of 42 semester hours of accounting, auditing, and related subjects as
2 the Board determines to be appropriate, and one year of experience in public
3 accounting, meeting the requirements prescribed by Board rule ~~or other~~
4 ~~experience or employment that the Board in its discretion considers~~
5 ~~substantially equivalent; and or~~

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

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

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

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

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

21 § 74c. ~~SUBSTANTIAL EQUIVALENCY~~ MOBILITY

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

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

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

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

* * *

* * * Dentists * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

8 § 662. FEES

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

11 (1) Application

12 (A) Dentist \$285.00

13 (B) Limited academic dentist \$0.00

14 (C) Dental therapist \$215.00

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

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

17 (2) Biennial renewal

18 (A) Dentist \$655.00

19 (B) Limited academic dentist \$0.00

20 (C) Dental therapist \$310.00

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

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

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

7 * * * Funeral Services; Report * * *

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

9 § 1211. DEFINITIONS

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

12 * * *

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

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

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

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

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

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

5 (F) holding oneself out to be a licensed funeral director by using the
6 words or terms “funeral director,” “mortician,” “undertaker,” or any other
7 words, terms, title, or picture that, when considered in context, would imply
8 that such person is engaged in the practice of funeral service or is a licensed
9 funeral director; and

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

12 * * *

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

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

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

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

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

8 Sec. 14. OFFICE OF PROFESSIONAL REGULATION; REPORT;

9 DISPOSITION OF HUMAN REMAINS BY OUTDOOR

10 CREMATION

11 On or before November 15, 2026, the Office of Professional Regulation, in
12 consultation with the Department of Health, the Agency of Natural Resources,
13 and other interested stakeholders, shall submit to the House Committee on
14 Government Operations and Military Affairs and the Senate Committee on
15 Government Operations a report on any aspects of professional licensure
16 necessary to facilitate regulating the disposition of human remains by outdoor
17 cremation, in consideration of public health and safety, religious freedoms, and
18 environmental impacts.

* * * 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.

* * * Midwives * * *

CHAPTER 85. MIDWIVES

* * *

* * *

~~(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.

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

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

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

16 * * * Speech-Language Pathologist Assistants * * *

17 Sec. 17. 26 V.S.A. chapter 87 is amended to read:

18 Chapter 87: Speech-Language Pathologists; Speech-Language Pathologist
19 Assistants

20 § 4451. DEFINITIONS

21 As used in this chapter:

* * *

(4) “Practice of speech-language pathology” includes:

(A) screening, identifying, assessing and interpreting, diagnosing, rehabilitating, treating, and preventing disorders of language and speech, including disorders involving articulation, fluency, and voice;

(B) screening, identifying, assessing and interpreting, diagnosing, and rehabilitating disorders of oral-pharyngeal function, including dysphagia and related disorders;

(C) screening, identifying, assessing and interpreting, diagnosing, and rehabilitating communication disorders;

(D) assessing, selecting, and developing augmentative and alternative communication systems, and providing training in their use;

(E) providing aural rehabilitation, speech-language, and related counseling services to individuals who are hard of hearing or experiencing auditory processing problems and their families;

(F) enhancing speech-language proficiency and communication effectiveness, including accent modification; and

(G) screening of hearing and other factors for the purpose of speech-language evaluation, or the initial identification of individuals with other communication disorders.

* * *

1 (6) “Speech-language pathologist” means a person licensed to practice
2 speech-language pathology under this chapter.

3 (7) “Speech-language pathologist assistant” means a person licensed to
4 practice speech-language pathology under this chapter in a limited capacity as
5 determined by rule.

6 (8) “Speech-language pathology” means the application of principles,
7 methods, and procedures related to the development and disorders of human
8 communication, which include any and all conditions that impede the normal
9 process of human communication.

10 § 4452. PROHIBITIONS; PENALTIES

11 (a) A person shall not:

12 (1) practice or attempt to practice speech-language pathology or hold
13 oneself out as being permitted to do so in this State unless the person is
14 licensed in accordance with this chapter;

15 (2) use in connection with the person’s name an insignia or any letters or
16 words that indicate the person is a speech-language pathologist or speech-
17 language pathologist assistant unless the person is licensed in accordance with
18 this chapter; or

19 (3) practice speech-language pathology after the person’s license under
20 this chapter has been suspended or revoked.

1 (b) A person who violates a provision of this section or who obtains a
2 license by fraud or misrepresentation shall be subject to the pertinent penalties
3 provided in 3 V.S.A. § 127.

4 * * *

5 § 4456. DIRECTOR DUTIES

6 (a) The Director shall administer the application and renewal process for all
7 licensees under this chapter, and shall:

- 8 (1) provide information to applicants for licensure under this chapter;
9 (2) administer fees collected under this chapter;
10 (3) explain appeal procedures to licensees and applicants and explain
11 complaint procedures to the public;
12 (4) explain sanctions, including license revocation and suspension, that
13 may be imposed in disciplinary cases, the criteria by which sanctions are
14 selected, and procedures for reinstatement where appropriate;
15 (5) receive applications for licensure, grant licensure under this chapter,
16 renew licenses, and deny, revoke, suspend, reinstate, or condition licenses as
17 directed by an administrative law officer;
18 (6) with the advice of the advisor appointees, adopt rules necessary to
19 implement the provisions of this chapter, which may include rules providing
20 for the issuance of a restricted, provisional license to a person in the process of

1 completing the postgraduate professional training required by subdivision
2 4457(3) of this chapter;

3 (7) prepare and maintain a registry of licensed speech-language
4 pathologists and speech-language pathologist assistants; and

5 (8) issue to each person licensed a certificate of licensure that shall be
6 prima facie evidence of the right of the person to whom it is issued to practice
7 as a licensed speech-language pathologist or speech-language pathologist
8 assistant, subject to the conditions and limitations of this chapter.

9 ~~(b)~~ [Repealed.]

10 § 4457. LICENSURE; APPLICATIONS; ELIGIBILITY

11 An applicant for licensure under this chapter shall submit an application to
12 the Office on a form furnished by the Office, along with payment of the
13 specified fee and evidence of the eligibility qualifications established by the
14 Director that shall include, at a minimum:

15 (1) for speech-language pathologists:

16 (A) a master's degree or equivalent in speech-language pathology
17 from an educational institution approved by the Director with course work
18 completed in areas specified by rule;

19 ~~(2)~~(B) completion of a supervised clinical practicum, the length and
20 content of which shall be established by rule;

1 ~~(3)~~(C) completion of a period, as determined by rule, of postgraduate
2 professional training as approved by the Director; and

3 ~~(4)~~(D) passing an examination in speech-language pathology
4 approved by the Director; and

5 (2) for speech-language pathologist assistants:

6 (A) 150 or more semester hours of college credit at a college or
7 university recognized by the Director, including a baccalaureate degree and a
8 minimum of 42 semester hours of speech-language pathology related subjects
9 as the Director determines to be appropriate, meeting the requirements
10 prescribed by rule;

11 (B) completion of a period, as determined by rule, of professional
12 training as approved by the Director; and

13 (C) passing an examination in speech-language pathology approved
14 by the Director.

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

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

17 CHAPTER 105. MASSAGE THERAPISTS, BODYWORKERS, AND
18 TOUCH PROFESSIONALS

19 Subchapter 1. General Provisions

20 § 5401. DEFINITIONS

21 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

* * *

1 (b) Rules.

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

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

6 (B) actions that constitute unprofessional conduct;

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

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

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

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

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

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

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

* * *

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

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

(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.

* * *

§ 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 (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. 19. 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 * * * Effective Dates * * *

7 **Sec. 20. EFFECTIVE DATES**

8 (a) This section, Secs. 1–10 (general powers, accountants), Secs. 13–17
9 (funeral services, psychologists, midwives) shall take effect on passage.

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

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

13
14
15
16 (Committee vote: _____)

17 _____

18 Representative _____

19 FOR THE COMMITTEE