

## **BILL OVERVIEW**

### **“An Act Relating to Professions and Occupations Regulated by the Office of Professional Regulation”**

*As Amended by the House Committee on Government Operations and Military Affairs, Draft 5.3*

Purpose: This bill proposes to:

- explicitly enable the Office of Professional Regulation (“OPR”) to rescind licenses in instances of administrative error, non-payment, and withdrawal from or collapse of interstate compacts;
- enables OPR to enforce against *attempted* fraudulent or deceptive procurement or use of a license;
- require professional regulation board members to be adults;
- correct terminology in for license denials of foreign applicants;
- to create additional combinations of education and experience as prerequisites for accountant licensure;
- create a limited academic dentist license;
- **remove the requirement for advanced practice registered nurse license renewal to include documentation of completion of the APRN practice requirement;**
- enable the OPR create temporary policies to supplement physiologist licensure educational requirements notwithstanding any contrary rules;
- eliminate the advisory committee on midwifery that reports to OPR and the Commissioner of Health and change the license renewal requirement for midwives to submit individual practice data to a discretionary decision to be made by the Director;
- modify the definition of “practice of funeral service” to include disposition of human remains by cremation, alkaline hydrolysis, or natural organic reduction
- **require OPR to report on the possible professional regulation of speech-language pathology assistants;**
- require OPR to report on the possible professional regulation of the disposition of human remains by outdoor cremation; and
- modifies regulations for massage therapist establishments.

**PART ONE: General Powers** (Secs. 1-7) All sections in Part One are in Title 3, which affect the Office’s general regulation of all its regulated professions.

Sec. 1 amends [3 V.S.A. § 123 \(Duties of Office\)](#) to:

- amend subdivision (a)(3) to enable the Office to now *rescind* licenses, in addition to the Office’s existing ability to revoke and suspend licenses; and
- add a new subdivision (a)(14) enabling the Office to adopt “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.”  
See also Sec. 2, 3 V.S.A. 128(g).

Sec. 2 amends [3 V.S.A. § 129](#) (to be retitled “Powers of Board or Director in Advisor Professions; Disciplines and Rescission Processes”) to clarify that certain hearing provisions will apply to rescissions.

Sec. 3 creates a new section, 3 V.S.A. § 129c (Rescissions), enabling OPR to rescind a license if: a) a license was issued because of administrative mistake; b) fees were not paid; and c) a licensure compact becomes no longer binding on the State. Rescission processes will take two forms:

- 1) If the license is active for *less than 30 days*:
  - i) The OPR Director initially rescinds the license and immediately notifies the individual.
  - ii) The individual is provided an opportunity for review of the decision by a board or administrative law officer. The review decision must be made within 30 days of the rescission and either affirms or reverses the Director.
  - iii) An affirmed rescission decisions may be appealed in accordance with [3 V.S.A. § 130a](#).
- 2) If the license is active for *30 days or more*:

A rescission will not be ‘held against’ an individual holding another license or when applying for a license. If a licensure compact becomes no longer binding on the State, then OPR must inform affected professionals.

Sec. 4 amends [3 V.S.A. § 128 \(Disciplinary action to be reported to the Office\)](#) to rephrases subdivision (a)(3) for clarity by removing a double-negative, changing “this section shall not apply to cases...that are unrelated to...” to “this section shall apply to cases...that are related to...” § 128 requires health care institutions to report disciplinary action that limits a “licensee’s privilege to practice or leads to suspension or expulsion.”

Sec. 5 amends [3 V.S.A. § 129a \(Unprofessional conduct\)](#) to:

- amend subdivision (a)(1) to add the definition of what constitutes “unprofessional conduct” so that not only will “fraudulent or deceptive procurement or use of a license” be misconduct, but also *attempting* to do so will be misconduct, too; and
- add a new subsection (g) enabling a licensee with substance use disorder to voluntarily enter into a diversion program as an alternative to the disciplinary process. See also Sec. 1, 3 V.S.A. § 123.

Sec. 6 amends [3 V.S.A. § 129b \(Board member and advisor appointments\)](#) so that all board members must be adults. (The “age of majority” in Vermont is 18.)

Sec. 7 amends [3 V.S.A. § 137 \(Uniform process for foreign credential verification\)](#) subdivision (d) regarding license denials for foreign applicants, which incorporates by cross-reference the standard license denial procedures found in [3 V.S.A. § 129 \(Powers of boards or of Director in advisor professions; discipline process\)](#). In 2023, § 129(e)(2) was amended to eliminate the

“preliminary denial” process for license applications denied on the basis of qualifications. This amendment corrects the outdated terminology by removing the word “preliminary” before “license denials.”

## **PART TWO: ACCOUNTANTS (Secs. 8-10)**

Secs 8-9 insert most of the provisions of H.707. The differences are:

1. This bill keeps the term “substantially equivalent” rather than replacing it with “comparable,” and so the bill does not amend 26 V.S.A. § 72b (License by endorsement) or 26 V.S.A. § 75 (Renewal).
2. In Sec. 10, which amends [26 V.S.A. § 74c](#) (to be renamed “Mobility”), an “or” is changed to an “and” so that an out-of-state accountant does not need to obtain a State license if they *both* 1) are licensed in any state *and* 2) passed the uniform CPA examination and have a permitted combination of education and experience.

Sec. 8 amends [26 V.S.A. § 13 \(Definitions\)](#), modifying the definition of “principal place of business” replacing the term “substantial equivalency” with “mobility.”

Sec. 9 amends [26 V.S.A. § 71a \(License by Examination\)](#) to create additional combinations of education and experience as prerequisites to obtaining a license by examination.

Sec. 10 amends [26 V.S.A. § 74c](#) (to be renamed “Mobility”) so that an out-of-state accountant does not need to obtain a State license if they *both* 1) are licensed in any state *and* 2) passed the uniform CPA examination and have a permitted combination of education and experience (mirroring those in Sec. 9 for in-state accountants).

## **PART THREE: DENTISTS (Secs. 11-12)**

Sec. 11 creates a new section 26 V.S.A. § 603 (Limited academic dentist license) which will create a “limited academic dentist license” for teaching at an accredited dental program under the general supervision of a fully licensed dentist. See subsection (a). This license is available to full-time dental instructors who hold a sufficient dental degree and complete necessary courses. See subsection (b). Upon termination of employment, the licensee must report to OPR. See subsection (d). (Note: [3 V.S.A. § 128](#) independently requires health care institutions to report disciplinary action that limits a “licensee’s privilege to practice or leads to suspension or expulsion.”)

Sec. 12 amends [26 V.S.A. § 662 \(Fees\)](#) [under 26 V.S.A. Chapter 12: Dentists, Dental Therapists, Dental Hygienists, and Dental Assistants] to make explicit that the limited academic dentist license fee is zero (\$0.00).

#### **PART FOUR: FUNERAL SERVICES (Secs. 13-14)**

Sec. 13 amends [26 V.S.A. § 1211 \(Definitions\)](#) to change the definition of the “practice of funeral services” to include “providing for the disposition of dead human bodies by cremation, alkaline hydrolysis, or natural organic reduction.”

Sec. 14 is session law that will require OPR to submit by November 15, 2026 to both Government Operations Committees a report on any aspects of professional licensure necessary to facilitate regulating the disposition of human remains by outdoor cremation, in consideration of public health and safety, religious freedoms, and environmental impacts. OPR shall consult with the Department of Health, the Agency of Natural Resources, and other interested stakeholders.

#### **PART FIVE: ADVANCED PRACTICE REGISTERED NURSES (Sec. 15)**

Sec. 15 amends [26 V.S.A. § 1614 \(APRN renewal\)](#) to remove the requirement for advanced practice registered nurse license renewal to include documentation of completion of the APRN practice requirement.

#### **PART SIX: PSYCHOLOGISTS (Sec. 16)**

Sec. 16 creates a session law that will enable OPR to make temporary policies for a three-year period regarding supplementation of educational requirements for psychologist licensure. These policies will control, notwithstanding any contrary rule, and require OPR to adopt updated rules re supplementation by the end of that period.

#### **PART SEVEN: MIDWIVES (Sec. 17)**

Sec. 15 amends [26 V.S.A. Chapter 85 \(Midwives\)](#), specifically:

- [26 V.S.A. § 4185 \(Director; duties\)](#) to dissolve the midwife advisory committee to the Director and to the Commissioner of Health; and
- [26 V.S.A. § 4187 \(Renewals\)](#) to remove the requirement that licensed midwives submit individual practice data.

#### **PART EIGHT: SPEECH-LANGUAGE PATHOLOGIST ASSISTANTS (Sec. 18)**

Sec. 18 is session law requiring OPR to perform a “sunrise review” concerning the suggested level of credentialing for speech-language pathologist assistants practicing in the State.

**PART NINE: MESSAGE THERAPISTS, BODYWORKERS, AND TOUCH PROFESSIONALS (Secs. 19-20)**

Sec. 19 amends [26 V.S.A. Chapter 105 \(Massage Therapists, Bodyworkers, and Touch Professionals\)](#)

- In [26 V.S.A. § 5401 \(Definitions\)](#) subdivision (2), the definition of “establishment” is amended, changing the meaning from a “place of business” to a “location where the practice . . . is regularly engaged in,” and then also removes the definition of “place of business.”
- [26 V.S.A. § 5403 \(Unauthorized practice\)](#) is amended adds to who may be found to be conducting unauthorized practice, “individuals who own or operate unregistered establishment.”
- [26 V.S.A. § 5404 \(Exemptions\)](#) is amended so that a massage therapist, bodyworker, or touch professional is allowed to practice in a location that is *not* a registered establishments if the licensee and the client agree in advance that the location is acceptable. Also, a new subsection (d) is added to clarify that establishment registration is not required practice is undertaken by either a person exempt from registration or a solo licensee.
- [26 V.S.A. § 5411 \(Duties of the Director\)](#) is amended to add a new subdivision (5) enabling the “Director to adopt rules limiting the applicability of this chapter as applied to establishments operated within private homes.”
- [26 V.S.A. § 5423 \(Establishments; designee and inspection\)](#) is amended to require establishments to register with OPR, ensure that establishment is being operated lawfully regardless of whether or not the owner is on-site or has personal knowledge of the operation, provide the Director the ability to demand certain ownership information and make inspections prior to registration, and enable OPR to deny registration based on location of prior unprofessional conduct.
- [26 V.S.A. § 5426 \(Display of registration\)](#) is amended to require the display of both the establishment’s registration and any practicing licensees.
- [26 V.S.A. § 5427 \(Unprofessional conduct\)](#) is amended to add to what constitutes “unprofessional conduct” engaging with a client in sexual conduct as defined in [13 V.S.A. § 2821](#) [under 13 V.S.A. chapter 64, Sexual Exploitation of Children]

Sec. 20 amends [13 V.S.A. § 2638 \(Immunity from liability\)](#) adding a safe harbor for victims of prostitution and human trafficking to report those crimes without themselves being prosecuted for “unauthorized practice of massage or bodywork” under 26 V.S.A. § 5403.

**PART TEN: EFFECTIVE DATES (Sec. 21)**

Sec. 21. Effective Dates.

- Secs. 1–10 (general powers, accountants), Secs. 13–18 (funeral services, advanced practice registered nurses, psychologists, midwives, speech-language pathologist assistants report) shall take effect on passage.
- Secs. 11 and 12 (dentists) shall take effect on September 1, 2026.
- Sec. 19 (massage therapists, bodyworkers, and touch professionals) and Sec. 20 (13 V.S.A. § 2638) shall take effect on December 1, 2026.