

1 TO THE HONORABLE SENATE:

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

20 * * *

(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

* * *

(d) A board or the Director shall notify parties, in writing, of their right to appeal final decisions of the board. A board or the Director shall also notify complainants in writing of the result of any disciplinary investigation made with reference to a complaint brought by them to the board or Director. When a disciplinary investigation results in a stipulation filed with the ~~board~~ board docket clerk, the board or the Director shall provide the complainant with a copy of the stipulation and notice of the stipulation review scheduled before the board or hearing authority. The complainant shall have the right to be heard at the stipulation review.

* * *

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

4 * * *

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

6 § 129c. RESCISSIONS

7 (a) The Director may rescind a license or compact privilege issued by the
8 Office of Professional Regulation under the following circumstances:

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

11 (2) payment is not remitted for any application fee pursuant to section
12 125 of this title; or

13 (3) if, for a compact license or privilege:

14 (A) either:

15 (i) this State or the compact license or privilege holder's home
16 state of licensure ceases participating in the relevant licensing compact; or

17 (ii) the compact license or privilege holder ceases to hold an
18 unencumbered home-state license; and

19 (B) the compact license or privilege holder does not obtain a full
20 Vermont license within 30 days.

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

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

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

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

7 (C) The individual shall be provided an opportunity to have the
8 rescission reviewed by either an administrative law officer or the relevant
9 board. In any review, the Director shall have the burden of proving the
10 rescission is merited. Any review shall commence not later than 30 days after
11 the rescission, and a decision in any review shall be rendered within 40 days
12 following the rescission. The decision shall either reverse the Director's
13 rescission, in which case the license shall be immediately reinstated, or affirm
14 the Director's rescission and be deemed a final decision of the administrative
15 law officer or board.

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

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

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

7 (B) The individual shall be provided an opportunity to have a hearing
8 to determine the merits of a rescission. The individual shall have 30 days from
9 when the Director’s notice was issued to indicate if the individual elects to
10 have a hearing. In the event the individual either elects not to have a hearing
11 or declines to answer within the allotted 30 days, Director shall rescind the
12 individual’s license and the individual shall be foreclosed from appealing the
13 decision pursuant to subdivision (D) of this subdivision (b)(2). In the event the
14 individual elects to have a hearing, any rescission shall be stayed until a
15 hearing decision is rendered.

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

19 (D) In the event of a hearing decision finding that the Director’s
20 rescission of the individual’s license is merited, the individual shall be
21 provided notice and the ability to appeal the Director’s rescission in

1 accordance with section 130a of this title; however, the individual shall have
2 the burden of proving the rescission is not merited.

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

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

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

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

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

20 * * *

(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, the Director may adopt rules permitting a licensee to enter, at the Director's discretion, 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

1 December 31 of the last year of the term. The Governor may request
2 nominations from any source but shall not be bound to select board members
3 from among the persons nominated. As provided in section 2004 of this title,
4 board members shall hold office and serve until a successor has been
5 appointed.

6 * * *

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

8 § 137. UNIFORM PROCESS FOR FOREIGN CREDENTIAL
9 VERIFICATION

10 * * *

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

14 * * * Accountants * * *

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

16 § 13. DEFINITIONS

17 As used in this chapter:

18 * * *

19 (7) “Good character” means fiscal integrity, and a lack of any history of
20 acts involving dishonesty, false statements, or fraud. [Repealed.]

21 * * *

(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 To qualify for licensure as a “certified public accountant”
shall be granted by the Board to any person certified public accountant, an
applicant must:

(1) ~~who is of good character;~~

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

(A) a postbaccalaureate 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

1 ~~experience or employment that the Board in its discretion considers~~
2 ~~substantially equivalent; and or~~

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

7 ~~(3)(2) who has passed pass~~ the examination required under subsection
8 (b) of this section.

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

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

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

18 § 74c. ~~SUBSTANTIAL EQUIVALENCY~~ MOBILITY

19 (a) An individual whose principal place of business is not in this State shall
20 ~~be presumed to have qualifications substantially equivalent to this State's~~

1 ~~requirements and shall~~ have the privileges of licensure of this State, without
2 the need to obtain a license under section 72b of this title, if the individual:

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

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

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

19 (B) 150 or more semester hours of college credit at a college or
20 university, including a baccalaureate degree and a minimum of 42 semester

1 hours of accounting, auditing, and related subjects, and one year of experience
2 in public accounting; or

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

6 * * *

7 (g) An individual whose principal place of business is not in this State, who
8 holds a valid active license as a certified public accountant from any state, and
9 who, as of December 31, 2024, had practice privileges in this State under this
10 section shall continue to have all the privileges of licensees in this State
11 without the need to obtain a license under section 71a of this title, pursuant to
12 all other requirements of this chapter.

13 * * * Dentists * * *

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

15 § 603. LIMITED ACADEMIC DENTIST LICENSE

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

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

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

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

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

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

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

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

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

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

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

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

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

4 § 662. FEES

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

7 (1) Application

8 (A) Dentist \$285.00

9 (B) Limited academic dentist \$0.00

10 (C) Dental therapist \$215.00

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

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

13 (2) Biennial renewal

14 (A) Dentist \$655.00

15 (B) Limited academic dentist \$0.00

16 (C) Dental therapist \$310.00

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

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

19 (b) The licensing fee for a dentist, dental therapist, or dental hygienist or
20 the registration fee for a dental assistant who is otherwise eligible for licensure
21 or registration and whose practice in this State will be limited to providing pro

1 bono services at a free or reduced-fee clinic or similar setting approved by the
2 Board shall be waived.

3 * * * Funeral Services * * *

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

5 § 1211. DEFINITIONS

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

8 * * *

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

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

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

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

18 (D) securing or filing certificates, permits, forms, or other
19 documents;

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

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

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

8 * * *

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

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

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

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

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

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

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

4 § 1614. APRN RENEWAL

5 An APRN license renewal application shall include:

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

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

9 ~~(3)~~(2) a current collaborative provider agreement if required for
10 transition to practice.

11 * * * Pharmacists * * *

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

13 § 2023. CLINICAL PHARMACY; PRESCRIBING AND TESTING

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

17 * * *

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

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

21 * * *

1 (2) State protocol.

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

6 * * *

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

9 ~~(xi) tests for COVID-19 for individuals by entities holding a~~
10 ~~Certificate of Waiver pursuant to the Clinical Laboratory Amendments of 1988~~
11 ~~(42 U.S.C. § 263a). If a test for COVID-19, prescribed, ordered, or~~
12 ~~administered by a pharmacist in accordance with this section and the resulting~~
13 ~~State protocol incidentally detects influenza or human respiratory syncytial~~
14 ~~virus, a pharmacist shall advise the individual tested that the results indicate~~
15 ~~influenza or human respiratory syncytial virus infection and recommend to the~~
16 ~~individual to seek further care from an appropriate health care provider;~~

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

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

1 (xii) tests waived under 42 C.F.R. § 493.15 for COVID-19,
2 influenza, and streptococcal pharyngitis and subsequent drug treatment; and
3 (xiii) medications for the prevention of human immunodeficiency
4 virus, including those for pre-exposure and post-exposure prophylaxis.

5 * * *

6 Sec. 14b. 26 V.S.A. § 2022 is amended to read:

7 § 2022. DEFINITIONS

8 As used in this chapter:

9 * * *

10 (14) “Pharmacy technician” means an individual who, only while
11 assisting and under the supervision of a licensed pharmacist, performs tasks
12 relative to dispensing prescription drugs, administering immunizations, and
13 performing tests for COVID-19, influenza, and streptococcal pharyngitis.
14 Pharmacy technicians shall administer immunizations and perform authorized
15 tests for COVID-19 in compliance and accordance with section 2042a of this
16 title.

17 * * *

18 Sec. 14c. 26 V.S.A. § 2042a is amended to read:

19 § 2042a. PHARMACY TECHNICIANS; QUALIFICATIONS

20 FOR REGISTRATION

21 * * *

1 (e) Pharmacy technicians performing authorized COVID-19 tests shall do

2 so only:

3 (1) when a licensed pharmacist who is trained to perform authorized

4 COVID-19 tests is present and able to assist with the test, as needed; and

5 (2) in accordance with a State protocol adopted under subdivision

6 2023(b)(2)(A)(x) of this title or pursuant to a standing order of the

7 Commissioner of Health; and

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

9 (f) The Board may adopt rules regarding the administration of

10 immunizations and the performance of authorized COVID-19 tests by

11 pharmacy technicians.

12 * * * Psychologists * * *

13 Sec. 15. TEMPORARY PSYCHOLOGIST LICENSURE EDUCATIONAL

14 SUPPLEMENTATION

15 (a) Notwithstanding the provisions of 26 V.S.A. chapter 55, 3 V.S.A.

16 chapter 25, or any contrary rule, the Director of the Office of Professional

17 Regulation may develop and implement temporary policies permitting

18 supplementation of a master's or doctoral degree, pursuant to 26 V.S.A.

19 § 3011a(a)(2), for the licensing of psychologists.

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

2 (1) developed in consultation with the Board of Psychological

3 Examiners and the Vermont Psychological Association;

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

5 (3) made available to the public.

6 (c) The Director's powers granted pursuant to this section and any

7 temporary policies adopted pursuant to this section shall be in effect only until

8 either July 1, 2029, or when the Board of Psychological Examiners adopts

9 permanent rules regarding supplementation of a master's or doctoral degree,

10 pursuant to 26 V.S.A. § 3011a(a)(2), for the licensing of psychologists,

11 whichever occurs first.

12 (d) On or before July 1, 2029, the Board shall adopt updated rules

13 regarding the supplementation of a master's or doctoral degree, pursuant to 26

14 V.S.A. § 3011a(a)(2), for the licensing of psychologists.

15 * * * Midwives * * *

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

17 CHAPTER 85. MIDWIVES

18 * * *

19 § 4185. DIRECTOR; DUTIES

20 * * *

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

§ 4187. RENEWALS

VT LEG #388565 v.4

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

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

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

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

6 and

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

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

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

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

20 (c) The Director may adopt rules to assure that an applicant whose license
21 has lapsed for a period greater than three years may be eligible for licensing,

1 but such rules shall not establish requirements greater than the eligibility
2 requirements of this chapter.

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

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

9 Sec. 17. OFFICE OF PROFESSIONAL REGULATION; SUNRISE REVIEW

10 REPORT; SPEECH-LANGUAGE PATHOLOGIST ASSISTANTS

11 On or before November 15, 2026, the Office of Professional Regulation, in
12 consultation with speech language pathologists, speech-language pathology
13 assistants, and other interested stakeholders, shall submit to the House
14 Committee on Government Operations and Military Affairs and the Senate
15 Committee on Government Operations a written report, in accordance with 26
16 V.S.A. chapter 57, on the advised nature of regulation and suggested level of
17 credentialling for speech-language pathologist assistants practicing in the State.
18 In so doing, OPR shall take into consideration its sunrise report completed in
19 2015.

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

21 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.

(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

(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.

(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;

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

4 § 5426. DISPLAY OF REGISTRATION

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

9 (1) the establishment; and

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

12 § 5427. UNPROFESSIONAL CONDUCT

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

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

16 (2) engaging ~~in a sexual act~~ with a client in sexual conduct as defined in
17 13 V.S.A. § 2821:

18 (A) at an establishment; or

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

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

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

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

8 ~~(5)~~(6) engaging in conduct of a character likely to deceive, defraud, or
9 harm the public; and

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

12 Sec. 18a. 3 V.S.A. § 125 is amended to read:

13 § 125. FEES

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

16 (1) Verification of license, \$30.00.

17 (2) An examination fee established by the Secretary, which shall be not
18 greater than the costs associated with examinations.

19 (3) Reinstatement fees for expired licenses pursuant to section 127
20 (unauthorized practice) of this title.

21 (4) Continuing, qualifying, or prelicensing education course approval:

(B) Individual, \$25.00.

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

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

(b) Unless otherwise provided by law, the following fees shall apply to all

under Title 26:

* * *

(E) Massage establishment qualifying for a reduced fee under

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

* * *

[Repealed.]

* * *

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

2 * * *

3 (Y) Massage establishment qualifying for a reduced fee under
4 26 V.S.A. § 5425(b), \$75.00.

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

6 (6) Radiologic evaluation, \$125.00.

7 (7) Annual renewal for appraisal management company registration,
8 \$345.00.

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

10 (9) Apprenticeship application, \$50.00. [Repealed.]

11 (10) Specialty or endorsement to existing license application, \$100.00.
12 [Repealed.]

13 (11) Disciplinary action surcharge, \$250.00. [Repealed.]

14 * * *

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

16 § 2638. IMMUNITY FROM LIABILITY

17 (a) As used in this section:

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

20 (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).

* * *

* * * Board of Medical Practice * * *

Sec. 19a. 26 V.S.A. § 1353 is amended to read:

§ 1353. POWERS AND DUTIES OF THE BOARD

The Board shall have the following powers and duties to:

* * *

(8)(A) Inquire into the criminal history backgrounds of applicants for licensure and for biennial license renewal for all professionals licensed or certified by the Board. In obtaining these background checks, the Board may inquire directly of the Vermont Crime Information Center, the Federal Bureau of Investigation, the National Crime Information Center, or other holders of official criminal record information, and may arrange for these inquiries to be made by a commercial service any Board-issued credential, including a license, certification, or registration for the following professions:

(i) medical doctors licensed pursuant to chapter 23 of this title;

(ii) podiatrists licensed pursuant to chapter 7 of this title;

(iii) anesthesiologist assistants licensed pursuant to chapter 29 of this title;

(iv) physician assistants licensed pursuant to chapter 31 of this title; and

(v) radiologist assistants licensed pursuant to chapter 52 of this title.

(B) Prior to acting on an initial or renewal application, the Board may obtain with respect to the applicant a Vermont criminal history record, an out-of-state criminal history record, and a criminal history record from the Federal Bureau of Investigation. Federal Bureau of Investigation background checks

1 shall be fingerprint-supported, and fingerprints so obtained may be retained on
2 file and used to notify the Board of future triggering events. Each applicant
3 shall consent to the release of criminal history records to the Board on forms
4 developed by the Vermont Crime Information Center.

5 (C) An applicant or licensee shall bear any cost of obtaining a
6 required criminal history background check. Applicants subject to background
7 checks shall be notified that a check is required, whether fingerprints will be
8 retained on file, and that criminal convictions are not an absolute bar to
9 licensure. Applicants shall be provided other information as may be required
10 by federal law or regulation.

11 ~~(D) The Board shall comply with all laws regulating the release of~~
12 ~~criminal history records and the protection of individual privacy.~~

13 ~~(E) No person shall confirm the existence or nonexistence of criminal~~
14 ~~history record information to any person who would not be eligible to receive~~
15 ~~the information pursuant to this chapter. As used in this subdivision, “criminal~~
16 ~~history record” has the same meaning as in 20 V.S.A. § 2056a.~~

17 * * *

18 * * * Effective Dates * * *

19 Sec. 20. EFFECTIVE DATES

20 (a) This section, Secs. 1–10 (general powers, accountants), Secs. 13–17
21 (funeral services, advanced practice registered nurses, pharmacists,

1 psychologists, midwives, speech-language pathologist assistants report), Sec.
2 18a (3 V.S.A. § 125), and Sec. 19a (Board of Medical Practice) shall take
3 effect on passage.

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

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

7
8
9
10 (Committee vote: _____)

11 _____

12 Senator _____

13 FOR THE COMMITTEE