

## 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 2.1*

Purpose: This bill proposes to:

- explicitly enable the Office of Professional Regulation (“OPR”) to rescind licenses and 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;
- create a limited academic dentist license;
- modifies regulations for massage therapist establishments;
- eliminate the advisory committee on midwifery that reports to the Director of the Office of Professional Regulation and the Commissioner of Health, and changes the license renewal requirement for midwives to submit individual practice data to a discretionary decision to be made by the Director;
- modifies recommendation requirements for pharmacists prescribing vaccinations for patients 18 years of age or older and pharmacy technicians administering immunizations;
- modify the definition of “practice of funeral service” to include disposing of dead human bodies by cremation, alkaline hydrolysis, or natural organic reduction; and
- enable the Director create temporary policies to supplement physiologist licensure educational requirements notwithstanding any contrary rules.

**PART ONE: General Powers** (Secs. 1-6) 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 creates a new section, [3 V.S.A. § 129c \(Recissions\)](#), to provide detail as to under what circumstances the Director of OPR may rescind a license issued by OPR, specifically:

- (1) if, within 30 days of issuing license, it is discovered that an administrative mistake has occurred resulting in the erroneous issuance of the license;
- (2) if, within 30 days of issuing license, payment is not remitted for any licensing fee pursuant to section 125 of this Title; and

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

A recission will not be ‘held against’ an individual holding another license or when applying for a license. A recission decisions may be appealed in accordance with [3 V.S.A. § 130a](#).

Sec. 3 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. 4 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. 5 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. 6 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: Dentists (Secs. 7-8)

Sec. 7 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. 8 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 THREE: Massage Therapists, Bodyworkers, and Touch Professionals (Sec. 9-10)**

Sec. 9 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, ensure its 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, make inspections prior to registration, and 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. 10 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 FOUR: Midwives (Sec. 10)**

Sec. 11 amends [26 V.S.A. Chapter 85 \(Midwives\)](#), specifically:

- [26 V.S.A. § 4185 \(Director; duties\)](#) to dissolves 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 FIVE: Pharmacists** (Secs. 12-13) These sections will add to pharmacist and pharmacy technicians immunization protocols “recommendations from the Commissioner of Health” in addition to ACIP recommendations.

Sec. 12 amends [26 V.S.A. § 2023 \(Clinical pharmacy; prescribing\)](#) so that the vaccinations prescribed, ordered, or administered by pharmacists no longer must be those recommended by the Centers for Disease Control (“CDC”) and Prevention’s Advisory Committee on Immunization Practices (“ACIP”). These vaccinations must still be prescribed, ordered, or administered “in a manner consistent with valid State protocols that are approved by the Commissioner of Health after consultation with the Director of Professional Regulation and the Board and the ability for public comment.”

Sec. 13 similarly amends [26 V.S.A. § 2042a \(Pharmacy technicians; qualifications for registration\)](#) so that the vaccinations administered by pharmacy *technicians* no longer must be those recommended by the Centers for Disease Control (“CDC”) and Prevention’s Advisory Committee on Immunization Practices (“ACIP”).

## **PART SIX: Funeral Services (Secs. 14)**

Sec. 14 amends [26 V.S.A. § 1211 \(Definitions\)](#) adding a subdivision (g) including in the “practice of funeral services” the “disposing of dead human bodies by cremation, alkaline hydrolysis, or natural organic reduction.”

## **PART SEVEN: Psychologists (Sec. 15)**

Sec. 15 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 EIGHT: Effective Dates (Sec. 16)**

**Sec. 16. Effective Dates.**

- Secs. 1–6 (general powers), and Secs. 9–14 (13 V.S.A. § 2638, midwives, pharmacists, funeral services, psychologists) shall take effect upon passage.
- Secs. 7-8 (dentists) shall take effect on September 1, 2026.
- Sec. 9 (massage therapists, bodyworkers, and touch professionals) shall take effect on December 1, 2026.