

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.

20 * * *

* * *

1 for purposes of the individual's other currently held licenses or future licensure
2 applications.

3 (c) A licensee may appeal a recission of the Director in accordance with
4 section 130a of this title.

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

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

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

12 * * *

13 (3) This section shall ~~not~~ apply to cases of resignation, separation from
14 service, or changes in privileges that are ~~unrelated~~ related to:

- 15 (A) a disciplinary or adverse action;
- 16 (B) an adverse action report to the National Practitioner Data Bank;
- 17 (C) an unexpected adverse outcome in the care or treatment of a
18 patient;
- 19 (D) misconduct or allegations of misconduct;
- 20 (E) the initiation or process of an action to limit, condition, or
21 suspend a licensee's privilege to practice in an institution;

1 (F) an action to expel the licensee from an institution; or

2 (G) any other action that could lead to an outcome described in
3 subdivisions (A) through (F) of this subdivision (3).

4 * * *

5 Sec. 4. 3 V.S.A. § 129a is amended to read:

6 § 129a. UNPROFESSIONAL CONDUCT

7 (a) In addition to any other provision of law, the following conduct by a
8 licensee constitutes unprofessional conduct. When that conduct is by an
9 applicant or person who later becomes an applicant, it may constitute grounds
10 for denial of a license or other disciplinary action. Any one of the following
11 items or any combination of items, whether the conduct at issue was
12 committed within or outside the State, shall constitute unprofessional conduct:

13 (1) Fraudulent or deceptive procurement or use of a license or attempted
14 fraudulent or deceptive procurement or use of a license by making or causing
15 to be made a false, fraudulent, or forged statement or representation.

16 * * *

17 (g) Notwithstanding the provisions of this section or any other law to the
18 contrary, a licensee may, pursuant to rules adopted by the Director, enter into a
19 program serving as an alternative to the disciplinary process for regulated
20 professionals with substance use disorders or other professional practice issues
21 as designated by the boards or Director.

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

* * *

Sec. 6. 3 V.S.A. § 137 is amended to read:

§ 137. UNIFORM PROCESS FOR FOREIGN CREDENTIAL

VERIFICATION

* * *

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

* * * Dentists * * *

Sec. 7. 26 V.S.A. § 603 is added to read:

§ 603. LIMITED ACADEMIC DENTIST LICENSE

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

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

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

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

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

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

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

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

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

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

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

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

16 Sec. 8. 26 V.S.A. § 662 is amended to read:

17 § 662. FEES

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

20 (1) Application

21 (A) Dentist \$285.00

1 (B) Limited Academic Dentist \$0.00

2 (C) Dental therapist \$215.00

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

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

5 (2) Biennial renewal

6 (A) Dentist \$655.00

7 (B) Limited Academic Dentist \$0.00

8 (C) Dental therapist \$310.00

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

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

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

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

17 Sec. 9. 26 V.S.A. chapter 105 is amended to read:

18 CHAPTER 105. MASSAGE THERAPISTS, BODYWORKERS, AND

19 TOUCH PROFESSIONALS

20 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

1 registration from the Office shall be subject to the penalties provided in 3

2 V.S.A. § 127 (~~unauthorized practice~~).

3 § 5404. EXEMPTIONS

4 * * *

5 (c) Nothing in this chapter shall prohibit a massage therapist, bodyworker,
6 or touch professional from engaging in or offering the practice of massage or
7 the practice of bodywork at a location that is not ~~an~~ a registered establishment;
8 if:

9 (1) ~~so long as prior to engaging in that practice at that location, the~~
10 ~~registrant~~ massage therapist and ~~his or her~~ the client agree in advance that the
11 location is acceptable; and

12 (2) the location is not an establishment as defined in subdivision 5401(2)
13 of this title.

14 (d) Establishment registration is not required for a location where the
15 practice of massage or the practice of bodywork is provided solely by:

16 (1) persons exempt from registration; or

17 (2) a single massage therapist, bodyworker, or touch professional.

18 * * *

19 § 5411. DUTIES OF THE DIRECTOR

20 * * *

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.

* * *

- (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;
- (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. 10. 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 * * * Midwives * * *

7 Sec. 11. 26 V.S.A. chapter 85 is amended to read:

8 CHAPTER 85. MIDWIVES

9 * * *

10 § 4185. DIRECTOR; DUTIES

11 * * *

12 ~~(e)(1) The Director shall appoint an advisory committee to study and report~~
13 ~~to the Director and to the Commissioner of Health on matters relating to~~
14 ~~midwifery, including recommendations if necessary for revisions to the~~
15 ~~administrative rules. The Committee shall focus on improving communication~~
16 ~~and collaboration among birth providers.~~

17 ~~(2) The Committee shall be composed of at least six members: three~~
18 ~~midwives licensed under this chapter, two physicians licensed by the Board of~~
19 ~~Medical Practice or the Board of Osteopathic Physicians and Surgeons, and~~
20 ~~one advanced practice registered nurse midwife licensed by the Board of~~
21 ~~Nursing.~~

~~(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.

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

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

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

* * * Pharmacists * * *

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

§ 2023. CLINICAL PHARMACY; PRESCRIBING

* * *

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

* * *

(2) State protocol.

(A) A pharmacist may prescribe, order, or administer 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:

(i) opioid antagonists;

(ii) epinephrine auto-injectors;

(iii) tobacco cessation products;

(iv) tuberculin purified protein derivative products;

(v) self-administered hormonal contraceptives, including subcutaneous depot medroxyprogesterone acetate;

(vi) dietary fluoride supplements;

(vii) vaccinations for patients 18 years of age or older;
~~vaccinations recommended by the Centers for Disease Control and~~
~~Prevention's Advisory Committee on Immunization Practices (ACIP) and~~
~~administered consistently with the ACIP approved immunization schedules, as~~
~~may be amended from time to time;~~

1 (viii) for patients five years of age or older, influenza vaccine,
2 COVID-19 vaccine, and subsequent formulations or combination products
3 thereof;

4 * * *

5 Sec. 13. 26 V.S.A. § 2042a is amended to read:

6 § 2042a. PHARMACY TECHNICIANS; QUALIFICATIONS FOR
7 REGISTRATION

8 * * *

9 (c) Pharmacy technicians shall only administer immunizations:

10 (1) to patients 18 years of age or older, as established in subdivision
11 2023(b)(2)(A)(vii) and the resulting State protocol;

12 (2) to patients five years of age or older, influenza vaccine, COVID-19
13 vaccine, and subsequent formulations or combination products thereof, in
14 accordance with subdivision 2023(b)(2)(A)(viii) and the resulting State
15 protocol; and

16 (3) ~~pursuant to the schedules and recommendations of the Advisory~~
17 ~~Committee on Immunization Practices' recommendations for the~~
18 ~~administration of immunizations, as those recommendations may be updated~~
19 ~~from time to time; and~~

20 (4) when a licensed pharmacist who is trained to immunize is present
21 and able to assist with the immunization, as needed.

1 (d) ~~Pharmacy technicians shall administer only those immunizations that:~~

2 ~~(1) are recommended by the Centers for Disease Control and~~

3 ~~Prevention's Advisory Committee on Immunization Practices (ACIP); and~~

4 ~~(2) licensed pharmacists are permitted to administer under the State~~

5 ~~clinical pharmacy protocol, as established in subdivision 2023(b)(2) of this~~

6 ~~title.~~

7 ~~(e)~~ Pharmacy technicians performing COVID-19 tests shall do so only:

8 (1) when a licensed pharmacist who is trained to perform COVID-19

9 tests is present and able to assist with the test, as needed;

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

11 2023(b)(2)(A)(x) of this title; and

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

13 ~~(f)~~(e) The Board may adopt rules regarding the administration of

14 immunizations and the performance of COVID-19 tests by pharmacy

15 technicians.

16 * * * Funeral Services * * *

17 Sec. 14. 26 V.S.A. § 1211 is amended to read:

18 § 1211. DEFINITIONS

19 (a) As used in this chapter, unless a contrary meaning is required by the

20 context:

21 * * *

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

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

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

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

10 (D) securing or filing certificates, permits, forms, or other
11 documents;

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

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

19 (G) disposing of dead human bodies by cremation, alkaline
20 hydrolysis, or natural organic reduction.

21 * * *

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

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

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

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

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

15 * * * Psychologists * * *

16 **Sec. 15. TEMPORARY PSYCHOLOGIST LICENSURE EDUCATIONAL**
17 **SUPPLEMENTATION**

18 (a) Notwithstanding the provisions of 26 V.S.A. chapter 55, 3 V.S.A.
19 chapter 25, or any contrary rule, the Director of the Office of Professional
20 Regulation may develop and implement temporary policies permitting

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

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

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

4 (1) developed in consultation with the Board of Psychological
5 Examiners and the Vermont Psychological Association;

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

7 (3) made available to the public.

8 (c) The Director's powers granted pursuant to this section and any
9 temporary policies adopted pursuant to this section shall be in effect only until
10 either July 1, 2029, or when the Board of Psychological Examiners adopts
11 permanent rules regarding supplementation of a master's or doctoral degree,
12 pursuant to 26 V.S.A. § 3011a(a)(2), for the licensing of psychologists,
13 whichever occurs first.

14 (d) By July 1, 2029, the Board shall adopt updated rules regarding the
15 supplementation of a master's or doctoral degree, pursuant to 26 V.S.A.
16 § 3011a(a)(2), for the licensing of psychologists.

17 * * * Effective Dates * * *

18 **Sec. 16. EFFECTIVE DATES**

19 (a) This section, Secs. 1–6 (general powers), and Secs. 10–15 (13 V.S.A. §
20 2638, midwives, pharmacists, funeral services, psychologists) shall take effect
21 upon passage.

1 (b) Secs. 7–8 (dentists) shall take effect on September 1, 2026.

2 (c) Sec. 9 (massage therapists, bodyworkers, and touch professionals) shall
3 take effect on December 1, 2026.

4

5

6

7 (Committee vote: _____)

8

9

Representative _____

10

FOR THE COMMITTEE