

1 H.472

2 An act relating to professions and occupations regulated by the Office of
3 Professional Regulation

4 The Senate proposes to the House to amend the bill by striking out all after
5 the enacting clause and inserting in lieu thereof the following:

6 * * * OPR Fees and Fund Management * * *

7 Sec. 1. 3 V.S.A. § 118 is amended to read:

8 § 118. COLLECTION AND DISPOSITION OF REVENUE

9 (a) There is hereby created a Secretary of State Services Fund. The Fund
10 shall be used to provide appropriations for the operations of the Office of the
11 Secretary of State, with the exception of those operations provided for in
12 chapter 5, subchapter 3 of this title. The Fund shall be administered as a
13 special fund pursuant to 32 V.S.A. chapter 7, subchapter 5. At the end of each
14 fiscal year, the unobligated balance in this Fund shall be transferred to the
15 General Fund.

16 (b) All revenues collected by the Secretary of State shall be deposited into
17 the Secretary of State Services Fund except for the following revenues:

18 (1) any revenues collected by the Office of Professional Regulation set
19 forth in chapter 5, subchapter 3 of this title; and

20 (2) any revenues collected pursuant to subsection 117(k) of this title.

1 (c) ~~Notwithstanding any provisions of law to the contrary, a board shall not~~
2 ~~require payment of renewal fees for years during which a license was lapsed.~~

3 [Repealed.]

4 * * *

5 * * * 2027 Fee Increase; Peer Support Providers * * *

6 Sec. 3. 3 V.S.A. § 125 is amended to read:

7 § 125. FEES

8 * * *

9 (b) Unless otherwise provided by law, the following fees shall apply to all
10 professions regulated by the Director in consultation with advisor appointees
11 under Title 26:

12 * * *

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

14 * * *

15 (V) Peer support providers or peer recovery support specialists,

16 ~~\$50.00~~ \$75.00.

17 * * *

18 * * * OPR Duties and Disciplinary Authority * * *

19 Sec. 4. 3 V.S.A. § 123 is amended to read:

20 § 123. DUTIES OF OFFICE

21 * * *

1 (k) For any profession attached to it, the Office shall provide a pre-
2 application determination of an individual's criminal background. This
3 determination shall not be binding on the Office in a future application if the
4 individual violates probation or parole or is convicted of another crime
5 following the determination.

6 * * *

7 (2) The individual shall submit this request online, accompanied by the
8 fee for preapplication determinations set forth in section 125 of this
9 subchapter. ~~If the individual thereafter applies for licensure, this~~
10 ~~preapplication fee shall be deducted from that license application fee.~~

11 * * *

12 (m) The provisions of subsection 116a(b) of this title shall not apply to the
13 Office. The Office shall utilize the procedures within 26 V.S.A. chapter 57 to
14 review whether regulation of a profession is still necessary.

15 Sec. 5. 3 V.S.A. § 127 is amended to read:

16 § 127. UNAUTHORIZED PRACTICE

17 * * *

18 (b)(1) A person practicing a regulated profession without authority or an
19 employer permitting such practice may, upon the complaint of the Attorney
20 General or a State's Attorney or an attorney assigned by the Office of
21 Professional Regulation, be enjoined therefrom by the Superior Court where

1 the violation occurred or the Washington County Superior Court and may be
2 assessed a civil penalty of not more than \$5,000.00.

3 (2)(A) The Attorney General or an attorney assigned by the Office of
4 Professional Regulation may elect to bring an action seeking only a civil
5 penalty of not more than ~~\$2,500.00~~ \$5,000.00 for practicing or permitting the
6 practice of a regulated profession without authority before the board having
7 regulatory authority over the profession or before an administrative law officer.

8 * * *

9 Sec. 6. 3 V.S.A. § 129 is amended to read:

10 § 129. POWERS OF BOARDS OR OF DIRECTOR IN ADVISOR

11 PROFESSIONS; DISCIPLINE PROCESS

12 (a) In addition to any other provisions of law, a board or the Director, in the
13 case of professions that have advisor appointees, may exercise the following
14 powers:

15 * * *

16 (3) Issue warnings or reprimands, suspend, revoke, limit, condition,
17 deny, or prevent renewal of licenses, after disciplinary hearings or, in cases
18 requiring emergency action, immediately suspend, as provided by section 814
19 of this title. In a case involving noncompliance with a statute or rule relating
20 to administrative duties not related to patient, client, or customer care, a board
21 or hearing officer may determine that ordering a monetary civil penalty does

1 not constitute a finding of unprofessional conduct. After a finding of
2 unprofessional conduct, a respondent shall pay a disciplinary action surcharge
3 pursuant to subdivision 125(b)(12) of this title. The proceeds from the
4 disciplinary action surcharge shall be deposited into the Professional
5 Regulatory Fee Fund.

6 * * *

7 * * * Cosmetology Certificate of Approval * * *

8 Sec. 7. 26 V.S.A. § 281 is amended to read:

9 § 281. POSTSECONDARY SCHOOL OF BARBERING AND
10 COSMETOLOGY; CERTIFICATE OF APPROVAL

11 (a) A school of barbering or cosmetology shall not be granted a certificate
12 of approval unless the school:

13 * * *

14 (4) Requires a school term of training consistent with formal training
15 requirements established by rule, which shall include practical demonstrations
16 and theoretical studies in sanitation, sterilization, the use of antiseptics, and the
17 use of appliances, devices, treatments, ~~and~~ preparations relevant to the field of
18 licensure, and training on the care, styling, and treatment of textured hair. For
19 purposes of this subdivision, “textured hair” means hair that is coiled, curly, or
20 wavy. The training on the care, styling, and treatment of textured hair shall
21 include:

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6 * * *

7 Sec. 11. REPEALS

8 (a) 26 V.S.A. § 1275 (prepaid funeral expenses; duties of escrow agents) is
9 repealed.

10 (b) 26 V.S.A. chapter 93 (motor vehicle racing) is repealed.

11 * * * Position; Executive Officer for the Regulation of Mental Health

12 Professions * * *

13 Sec. 12. OFFICE OF PROFESSIONAL REGULATION; POSITION;

14 APPROPRIATION

15 (a) The position of one new, permanent, full-time, exempt Executive
16 Officer for the Regulation of Mental Health Professions is created in the Office
17 of Professional Regulation.

(b) The sum of \$170,000.00 is appropriated to the Office of Professional Regulation from the General Fund in fiscal year 2026 for the creation of the position of Executive Officer for the Regulation of Mental Health Professions in the Office of Professional Regulation.

1 * * * Report; Massage Therapy Establishments * * *

2 Sec. 13. OFFICE OF PROFESSIONAL REGULATION; REPORT;

3 MESSAGE THERAPY ESTABLISHMENTS

4 On or before November 15, 2025, the Office of Professional Regulation, in
5 consultation with interested stakeholders, including representatives from the
6 Vermont Chapter of the American Association of Massage Therapists, the
7 Vermont Network Against Domestic and Sexual Violence, the Department of
8 State's Attorneys and Sheriffs, and other Vermont law enforcement agencies,
9 shall submit to the House Committee on Government Operations and Military
10 Affairs and the Senate Committee on Government Operations proposed
11 legislation for the regulation, which may include licensure, of massage therapy
12 establishments, as defined in 26 V.S.A. § 5401(2)(A).

13 * * * Licensure of Early Childhood Educators Serving in Programs Regulated
14 by the Child Development Division * * *

15 Sec. 14. 3 V.S.A. § 122 is amended to read:

16 § 122. OFFICE OF PROFESSIONAL REGULATION

17 The Office of Professional Regulation is created within the Office of the
18 Secretary of State. The Office shall have a director who shall be qualified by
19 education and professional experience to perform the duties of the position.

20 The Director of the Office of Professional Regulation shall be a classified

1 position with the Office of the Secretary of State. The following boards or
2 professions are attached to the Office of Professional Regulation:

3 (1) Board of Architects

4 * * *

5 (53) Peer Recovery Support Specialists

6 (54) Early Childhood Educators

7 Sec. 15. 26 V.S.A. chapter 111 is added to read:

8 CHAPTER 111. EARLY CHILDHOOD EDUCATORS EMPLOYED IN
9 PROGRAMS REGULATED BY THE CHILD DEVELOPMENT DIVISION
10 § 6211. CREATION OF BOARD

11 (a) The Vermont Board of Early Childhood Educators is created.

12 (b) The Board shall consist of nine members appointed for five-year terms
13 by the Governor pursuant to 3 V.S.A. §§ 129b and 2004 as follows: two
14 public members; two each of individuals licensed as an Early Childhood
15 Educator I, an Early Childhood Educator II, and an Early Childhood Educator
16 III; and one Family Child Care Provider. All members shall be Vermont
17 residents. The members who are early childhood educators shall have been in
18 active practice in Vermont for not less than the preceding three years and shall
19 be in active practice during their incumbency. The public member shall be a
20 person who has no financial interest personally or through a spouse, parent,
21 child, or sibling in the activities regulated under this chapter, other than as a

1 consumer or a possible consumer of its services. Appointments shall be made
2 without regard to political affiliation and on the basis of integrity and
3 demonstrated ability.

4 (c) Vacancies shall be filled in the same manner as initial appointments.

5 (d) Board members shall not serve more than two consecutive terms.

6 § 6212. BOARD PROCEDURES

7 (a) Annually, the Board shall meet to elect a chair, vice chair, and a
8 secretary.

9 (b) Meetings shall be warned and conducted in accordance with 1 V.S.A.
10 chapter 5.

11 (c) A majority of the members of the Board shall constitute a quorum.

12 (d) All business may be transacted by a majority vote of the members
13 present and voting, unless otherwise provided by statute.

14 § 6213. POWERS AND DUTIES OF THE BOARD

15 (a) The Board shall:

16 (1) adopt rules, pursuant to 3 V.S.A. chapter 25, that are necessary for
17 the performance of its duties in accordance with this chapter, including
18 activities that must be completed by an applicant in order to fulfill the
19 educational and experiential requirements established by this chapter;

20 (2) provide general information to applicants for licensure as early
21 childhood educators;

1 (3) explain appeal procedures to licensees and applicants and complaint
2 procedures to the public; and

3 (4) use the administrative and legal services provided by the Office of
4 Professional Regulation under 3 V.S.A. chapter 5.

5 (b) The Board may conduct hearings as provided in 3 V.S.A. chapter 5.

6 Sec. 16. 26 V.S.A. chapter 111 is amended to read:

7 CHAPTER 111. EARLY CHILDHOOD EDUCATORS EMPLOYED IN
8 PROGRAMS REGULATED BY THE CHILD DEVELOPMENT DIVISION

9 Subchapter 1. General Provisions

10 § 6201. DEFINITIONS

11 As used in this chapter:

12 (1) “Board” means the Vermont Board of Early Childhood Educators.

13 (2) “Early childhood educator” means an individual licensed under this
14 chapter to provide early childhood education pursuant to section 6202 of this
15 chapter in a program regulated by the Child Development Division.

16 (3) “Family child care provider” means an individual approved to
17 operate a family child care home regulated by the Child Development Division
18 at the time of application and who is responsible for providing
19 developmentally appropriate care, education, protection, and supervision for
20 children from birth through eight years of age at the family child care home.

1 (4) “Guidance” means direct or indirect consultative support in which an
2 Early Childhood Educator III provides feedback to an Early Childhood
3 Educator II.

4 (5) “Supervision” means on-site, direct oversight in which an Early
5 Childhood Educator II or III observes the practice of an Early Childhood
6 Educator I and provides feedback, support, and direction to an Early Childhood
7 Educator I.

8 § 6202. SCOPE OF PRACTICE

9 (a)(1) An early childhood educator licensed pursuant to this chapter shall
10 provide care and educational instruction to children from birth through eight
11 years of age in a variety of programs regulated by the Child Development
12 Division, including:

13 (A) planning and implementing intentional, developmentally
14 appropriate learning experiences that promote the social-emotional, physical,
15 language, and cognitive development and health of each child served;

16 (B) establishing and maintaining a safe, caring, inclusive, and healthy
17 learning environment;

18 (C) observing, documenting, and assessing children’s learning and
19 development;

20 (D) developing reciprocal, culturally responsive relationships with
21 families and communities; and

1 (E) engaging in reflective practice and continuous learning.

2 (2) An early childhood educator licensed pursuant to this chapter does
3 not include exempt teachers licensed under 16 V.S.A. chapter 51 by the
4 Agency of Education with an early childhood endorsement, early childhood
5 special education endorsement, or elementary education endorsement as
6 provided in section 6204 of this chapter.

7 (b) An early childhood educator licensed pursuant to this chapter shall have
8 the following responsibilities as determined by license type:

9 (1) Early Childhood Educator I shall be authorized to be on an early
10 childhood education team in a family child care home as defined in 33 V.S.A.
11 § 3511 or a center-based child care and preschool program as defined by the
12 Department for Children and Families in rule for children from birth through
13 eight years of age. Early Childhood Educator I shall serve under the
14 supervision of an Early Childhood Educator II or III or a teacher who is
15 exempt from this chapter and licensed under 16 V.S.A. chapter 51 by the
16 Agency of Education with an early childhood education endorsement or early
17 childhood special education endorsement.

18 (2) Early Childhood Educator II, in addition to the responsibilities and
19 authorities of an Early Childhood Educator I, shall be authorized to be in a lead
20 educator role in a family child care home as defined in 33 V.S.A. § 3511 or a
21 center-based child care and preschool program as defined by the Department

1 for Children and Families in rule for children from birth through eight years of
2 age, providing supervision to individuals licensed as an Early Childhood
3 Educator I and receiving guidance from individuals licensed as an Early
4 Childhood Educator III.

5 (3) Early Childhood Educator III, in addition to the responsibilities and
6 authorities of an Early Childhood Educator I and II, shall be authorized to be a
7 lead educator role in a family child care home as defined in 33 V.S.A. § 3511
8 or a center-based child care and preschool program as defined by the
9 Department for Children and Families in rule for children from birth through
10 eight years of age, providing supervision to individuals licensed as an Early
11 Childhood Educator I and guidance to individuals licensed as an Early
12 Childhood Educator II.

13 (4) A Family Child Care Provider shall be authorized to be a lead
14 educator role in a family child care home as defined in 33 V.S.A. § 3511 for
15 children from birth through eight years of age.

16 (c) An early childhood educator licensed pursuant to this chapter may serve
17 in a supporting role only, and not as a lead educator, in the provision of
18 prekindergarten services provided in accordance with 16 V.S.A. § 829.

1 § 6203. PROHIBITIONS

2 (a) An individual shall not hold themselves out as an early childhood
3 educator in this State unless the individual is licensed under this chapter or
4 exempt from this chapter pursuant to section 6204 of this chapter.

5 (b) An individual shall not use in connection with the individual's name
6 any letters, words, or insignia indicating that the individual is an early
7 childhood educator unless the individual is licensed under this chapter or
8 exempt from this chapter pursuant to section 6204 of this chapter.

9 § 6204. EXEMPTIONS

10 (a) The provisions of this chapter shall not apply to the following persons
11 acting within the scope of their respective professional practices:

12 (1) a teacher actively licensed under 16 V.S.A. chapter 51 by the
13 Agency of Education with an early childhood education endorsement, an early
14 childhood special education endorsement, or an elementary education
15 endorsement;

16 (2) an individual who provides care in an afterschool child care program
17 that is regulated by the Child Development Division or any other child care
18 program that is exempt from regulation by the Child Development Division;
19 and

20 (3) an individual who provides consultation services in this State,
21 performs research, or participates in or instructs regular or continuing

1 education courses, provided the individual does not otherwise practice in this
2 State.

3 (b) This chapter shall not be construed to limit or restrict in any manner the
4 right of a practitioner of another profession or occupation from carrying on in
5 the usual manner any of the functions incidental to that profession or
6 occupation.

7 Subchapter 2. Board of Early Childhood Educators

8 § 6211. CREATION OF BOARD

9 * * *

10 Subchapter 3. Licensure Requirements

11 § 6221. QUALIFICATIONS

12 (a) To qualify for licensure as an early childhood educator in a program
13 regulated by the Child Development Division, an applicant shall have attained
14 the age of majority and shall have a high school diploma or successful
15 completion of a General Education Development (GED) test or an equivalent
16 credential. An applicant shall have additional education and experience in
17 accordance with this subsection for each of the following license types:

18 (1) Early Childhood Educator I shall have completed an approved
19 certificate or credential program in early childhood education requiring a
20 minimum of 120 hours and field experience.

1 (2) Early Childhood Educator II shall have completed an approved
2 associate's degree program in:

3 (A) early childhood education or a related field:

4 (i) requiring a minimum of 60 college credits and field experience;

5 and

6 (ii) offering college credit based upon an assessment of the
7 individual's competencies acquired through experience working in the
8 profession; or

9 (B) any unrelated field and a minimum of 21 approved college
10 credits in the core early childhood education competency areas identified in
11 rule in addition to field experience.

12 (3) Early Childhood Educator III shall have completed an approved
13 bachelor's degree program in:

14 (A) early childhood education or a related field requiring a minimum
15 of 120 college credits and field experience; or

16 (B) any unrelated field and a minimum of 21 approved college
17 credits in the core early childhood education competency areas identified in
18 rule in addition to field experience.

19 (4) A Family Child Care Provider shall currently operate a family child
20 care home as defined in 33 V.S.A. § 3511 that is regulated and in good
21 standing with the Child Development Division as of January 1, 2028. The

1 Board shall not accept Family Child Care Provider applications after January
2 1, 2028.

3 (b) In addition to the requirements of subsection (a) of this section,
4 applicants shall pass any examination that may be required by rule.

5 § 6222. LICENSE RENEWAL

6 (a) Licenses shall be renewed every two years upon application and
7 payment of the required fee. Failure to comply with the provisions of this
8 section shall result in suspension of all privileges granted by the license
9 beginning on the expiration date of the license. A license that has lapsed shall
10 be reinstated upon payment of the biennial renewal fee and the late renewal
11 penalty pursuant to 3 V.S.A. § 127, except a Family Child Care Provider
12 license shall not be renewed after a lapse of two or more years.

13 (b) The Board may adopt rules necessary for the protection of the public to
14 assure the Board that an applicant whose license has lapsed for more than five
15 years is professionally qualified before reinstatement may occur. Conditions
16 imposed under this subsection shall be in addition to the requirements of
17 subsection (a) of this section.

18 (c) In addition to the provisions of subsection (a) of this section, an
19 applicant for renewal shall have satisfactorily completed continuing education
20 as required by the Board. For purposes of this subsection, the Board may

1 require, by rule, not more than 24 hours of approved continuing education as a
2 condition of renewal.

3 § 6223. FEES

4 Applicants and persons regulated under this chapter shall pay the following
5 fees:

6 (1) Early Childhood Educator I:

7 (A) Application for initial license, \$125.00.

8 (B) Biennial renewal, \$225.00.

9 (2) Early Childhood Educator II:

10 (A) Application for initial license, \$175.00.

11 (B) Biennial renewal, \$250.00.

12 (3) Early Childhood Educator III:

13 (A) Application for initial license, \$225.00.

14 (B) Biennial renewal, \$275.00.

15 (4) Family Child Care Provider:

16 (A) Application for initial license, \$175.00.

17 (B) Biennial renewal, \$250.00.

18 § 6224. UNPROFESSIONAL CONDUCT

19 As used in this chapter, “unprofessional conduct” means:

1 (1) conduct prohibited by this section, by 3 V.S.A. § 129a, or by other
2 statutes relating to early childhood education, whether that conduct is by a
3 licensee, an applicant, or an individual who later becomes an applicant;

4 (2) conduct that results in a licensee, applicant, or an individual who
5 later becomes an applicant being placed on the Child Protection Registry
6 pursuant to 33 V.S.A. chapter 49; or

7 (3) conduct that is not in accordance with the professional standards and
8 competencies for Early Childhood Educators published by the National
9 Association for the Education of Young Children.

10 § 6225. VARIANCES; TRANSITIONAL LICENSURE

11 (a) The Board shall issue a transitional Early Childhood Educator II and III
12 license to a teacher or director operating a registered or licensed family child
13 care home as defined in 33 V.S.A. § 3511 or licensed center-based child care
14 and preschool program as defined by the Department for Children and Families
15 in rule and who does not meet the educational and experiential licensure
16 requirements in this chapter. Transitional licenses shall be valid for a two-year
17 period and shall be renewed by the Board for an otherwise qualified applicant
18 for an additional two-year period with satisfactory supporting documentation
19 of the individual's ongoing work to obtain the required educational and
20 experiential qualifications for licensure under this chapter.

1 **(b) At the conclusion of three two-year transitional licensure periods, the**
2 **Board, at its discretion, may issue one final two-year transitional license for an**
3 **otherwise qualified applicant if the licensee can demonstrate extenuating**
4 **circumstances for not having attained the educational and experiential**
5 **requirements in this chapter and ongoing work to attain these requirements.**

6 **§ 6226. DISCLOSURE BY LICENSEES**

7 **An early childhood educator licensed pursuant to this chapter shall post and**
8 **provide to current and prospective families the following:**

9 **(1) all available license types regulated by the Office of Professional**
10 **Regulation pursuant to this chapter;**

11 **(2) a description of the Office of Professional Regulation's regulatory**
12 **authority over licensees in programs regulated by the Child Development**
13 **Division and how to make complaints;**

14 **(3) a description of the Agency of Education's regulatory authority over**
15 **teachers providing prekindergarten services pursuant to 16 V.S.A. § 829 and**
16 **how to make complaints; and**

17 **(4) a description of the Child Development Division's regulatory**
18 **authority over regulated child care programs and how to make complaints.**

19 **Sec. 17. REPEAL; TRANSITIONAL LICENSE**

20 **26 V.S.A. § 6225 (variances; transitional licensure) is repealed on July 1,**
21 **2035.**

1 Sec. 18. [Deleted.]

2 * * * Accessibility and Confidentiality of Disciplinary Matters * * *

3 Sec. 19. 3 V.S.A. § 131 is amended to read:

4 § 131. ACCESSIBILITY AND CONFIDENTIALITY OF DISCIPLINARY
5 MATTERS

6 * * *

7 (c) The Secretary of State, through the Office of Professional Regulation,
8 shall prepare and maintain a register of all complaints, which shall be a public
9 record and which shall show:

10 (1) with respect to all complaints, the following information:

11 (A) the date and the nature of the complaint, but not including the
12 identity of the licensee or the complainant; and

13 (B) a summary of the completed investigation; and

14 (2) only with respect to complaints resulting in filing of disciplinary
15 charges or stipulations or the taking of disciplinary action, the following
16 additional information:

17 (A) the name and ~~business addresses~~ public address of the licensee
18 ~~and complainant~~;

19 (B) formal charges, provided that they have been served or a
20 reasonable effort to serve them has been made, and all subsequent pleadings
21 filed by the parties;

1 (C) the findings, conclusions, rulings, and orders of the board or
2 administrative law officer;

3 (D) the transcript of the hearing, if one has been made, and exhibits
4 admitted at the hearing;

5 (E) stipulations filed with the board or administrative law officer; and

6 (F) final disposition of the matter by the appellate officer or the
7 courts.

8 * * *

9 * * * Effective Dates * * *

10 Sec. 20. EFFECTIVE DATES

11 This act shall take effect on July 1, 2025, except that:

12 (1) Sec. 3 (fees; peer support providers) shall take effect on July 1,
13 2027; and

14 (2) Sec. 16 (early childhood educators) and Sec. 17 (repeal; transitional
15 license) shall take effect on July 1, 2027 contingent on a fiscal year 2027

16 appropriation to implement 26 V.S.A. chapter 111.