

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred House
3 Bill No. 472 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 * * * OPR Fees and Fund Management * * *

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

10 § 118. COLLECTION AND DISPOSITION OF REVENUE

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

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

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

(c) The Secretary of State shall have the authority to collect and deposit to the Secretary of State Services Fund revenues generated from optional services offered in the normal course of business, including for one-time or periodic sales of data by subscription or other contractual basis.

§ 125. FEES

(1) Verification of license, ~~\$20.00~~ \$30.00.

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

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

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* * * OPR Duties and Disciplinary Authority * * *

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

§ 123. DUTIES OF OFFICE

* * *

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

* * *

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

* * *

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

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

§ 127. UNAUTHORIZED PRACTICE

* * *

1 (b)(1) A person practicing a regulated profession without authority or an
2 employer permitting such practice may, upon the complaint of the Attorney
3 General or a State's Attorney or an attorney assigned by the Office of
4 Professional Regulation, be enjoined therefrom by the Superior Court where
5 the violation occurred or the Washington County Superior Court and may be
6 assessed a civil penalty of not more than \$5,000.00.

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

12 * * *

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

14 § 129. POWERS OF BOARDS OR OF DIRECTOR IN ADVISOR
15 PROFESSIONS; DISCIPLINE PROCESS

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

19 * * *

20 (3) Issue warnings or reprimands, suspend, revoke, limit, condition,
21 deny, or prevent renewal of licenses, after disciplinary hearings or, in cases

1 requiring emergency action, immediately suspend, as provided by section 814
2 of this title. In a case involving noncompliance with a statute or rule relating
3 to administrative duties not related to patient, client, or customer care, a board
4 or hearing officer may determine that ordering a monetary civil penalty does
5 not constitute a finding of unprofessional conduct. After a finding of
6 unprofessional conduct, a respondent shall pay a disciplinary action surcharge
7 pursuant to subdivision 125(b)(12) of this title. The proceeds from the
8 disciplinary action surcharge shall be deposited into the Professional
9 Regulatory Fee Fund.

10 * * *

11 * * * Cosmetology Certificate of Approval * * *

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

13 § 281. POSTSECONDARY SCHOOL OF BARBERING AND
14 COSMETOLOGY; CERTIFICATE OF APPROVAL

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

17 * * *

18 (4) Requires a school term of training consistent with formal training
19 requirements established by rule, which shall include practical demonstrations
20 and theoretical studies in sanitation, sterilization, the use of antiseptics, and the
21 use of appliances, devices, treatments, ~~and~~ preparations relevant to the field of

licensure, and training on the care, styling, and treatment of textured hair. For purposes of this subdivision, “textured hair” means hair that is coiled, curly, or wavy. The training on the care, styling, and treatment of textured hair shall include:

(A) techniques for cutting, styling, and chemical treatments for textured hair;

(B) knowledge of products and tools specifically designed for
textured hair;

(C) best practices for hair health and scalp care for clients with
textured hair; and

(D) cultural competency and historical education on the significance
of textured hair in diverse communities.

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*** * * Nursing Assistants; License Renewal * * ***

Sec. 8. 26 V.S.A. 1645 is amended to read:

§ 1645. RENEWAL

(a) To renew a license, a nursing assistant shall meet ongoing practice requirements set by the Board by rule.

(b) The Board shall credit as ongoing practice those activities, regardless of title or obligation to hold a license, that reasonably tend to reinforce the training and skills of a licensee.

1 (c)(1) A licensee seeking to renew an expired or lapsed license after fewer
2 than five years of absence from practice shall repeat and pass the competency
3 examinations approved by the Department of Disabilities, Aging, and
4 Independent Living before licensure renewal.

5 (2) A licensee who does not pass the competency examinations shall
6 repeat a nursing assistant education program and competency examination.

7 * * * Repeals; Funeral Service Escrow Agents; Motor Vehicle Racing * * *

8 Sec. 9. 3 V.S.A. § 122 is amended to read:

9 § 122. OFFICE OF PROFESSIONAL REGULATION

10 The Office of Professional Regulation is created within the Office of the
11 Secretary of State. The Office shall have a director who shall be qualified by
12 education and professional experience to perform the duties of the position.
13 The Director of the Office of Professional Regulation shall be a classified
14 position with the Office of the Secretary of State. The following boards or
15 professions are attached to the Office of Professional Regulation:

16 * * *

17 (21) ~~Motor Vehicle Racing~~ [Repealed.]

18 * * *

§ 1272. RULES; PREPAID FUNERAL FUNDS

* * *

[Repealed.]

* * *

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

VT LEG #382872 v.2

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

Professions * * *

Sec. 12. OFFICE OF PROFESSIONAL REGULATION; POSITION;

APPROPRIATION

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

* * * Report; Massage Therapy Establishments * * *

Sec. 13. OFFICE OF PROFESSIONAL REGULATION; REPORT;

MASSAGE THERAPY ESTABLISHMENTS

On or before November 15, 2025, the Office of Professional Regulation, in consultation with interested stakeholders, including representatives from the Vermont Chapter of the American Association of Massage Therapists, the Vermont Network Against Domestic and Sexual Violence, the Department of State's Attorneys and Sheriffs, and other Vermont law enforcement agencies, shall submit to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations proposed

1 legislation for the regulation, which may include licensure, of massage therapy
2 establishments, as defined in 26 V.S.A. § 5401(2)(A).

3 * * * Licensure of Early Childhood Educators Serving in Programs Regulated
4 by the Child Development Division * * *

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

6 § 122. OFFICE OF PROFESSIONAL REGULATION

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

10 The Director of the Office of Professional Regulation shall be a classified
11 position with the Office of the Secretary of State. The following boards or
12 professions are attached to the Office of Professional Regulation:

13 (1) Board of Architects

14 * * *

15 (53) Peer Recovery Support Specialists

16 (54) Early Childhood Educators

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

18 CHAPTER 111. EARLY CHILDHOOD EDUCATORS EMPLOYED IN
19 PROGRAMS REGULATED BY THE CHILD DEVELOPMENT DIVISION
20 § 6211. CREATION OF BOARD

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

1 (b) The Board shall consist of nine members appointed for five-year terms
2 by the Governor pursuant to 3 V.S.A. §§ 129b and 2004 as follows: two
3 public members; two each of individuals licensed as an Early Childhood
4 Educator I, an Early Childhood Educator II, and an Early Childhood Educator
5 III; and one Family Child Care Provider. All members shall be Vermont
6 residents. The members who are early childhood educators shall have been in
7 active practice in Vermont for not less than the preceding three years and shall
8 be in active practice during their incumbency. The public member shall be a
9 person who has no financial interest personally or through a spouse, parent,
10 child, or sibling in the activities regulated under this chapter, other than as a
11 consumer or a possible consumer of its services. Appointments shall be made
12 without regard to political affiliation and on the basis of integrity and
13 demonstrated ability.

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

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

16 § 6212. BOARD PROCEDURES

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

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

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

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

3 § 6213. POWERS AND DUTIES OF THE BOARD

4 (a) The Board shall:

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

9 (2) provide general information to applicants for licensure as early
10 childhood educators;

11 (3) explain appeal procedures to licensees and applicants and complaint
12 procedures to the public; and

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

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

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

17 CHAPTER 111. EARLY CHILDHOOD EDUCATORS EMPLOYED IN
18 PROGRAMS REGULATED BY THE CHILD DEVELOPMENT DIVISION

19 Subchapter 1. General Provisions

20 § 6201. DEFINITIONS

21 As used in this chapter:

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

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

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

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

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

17 § 6202. SCOPE OF PRACTICE

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

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

4 (B) establishing and maintaining a safe, caring, inclusive, and healthy
5 learning environment;

6 (C) observing, documenting, and assessing children’s learning and
7 development;

8 (D) developing reciprocal, culturally responsive relationships with
9 families and communities; and

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

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

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

18 (1) Early Childhood Educator I shall be authorized to be on an early
19 childhood education team in a family child care home as defined in 33 V.S.A.
20 § 3511 or a center-based child care and preschool program as defined by the
21 Department for Children and Families in rule for children from birth through

1 eight years of age. Early Childhood Educator I shall serve under the
2 supervision of an Early Childhood Educator II or III or a teacher who is
3 exempt from this chapter and licensed under 16 V.S.A. chapter 51 by the
4 Agency of Education with an early childhood education endorsement or early
5 childhood special education endorsement.

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

14 (3) Early Childhood Educator III, in addition to the responsibilities and
15 authorities of an Early Childhood Educator I and II, shall be authorized to be a
16 lead educator role in a family child care home as defined in 33 V.S.A. § 3511
17 or a center-based child care and preschool program as defined by the
18 Department for Children and Families in rule for children from birth through
19 eight years of age, providing supervision to individuals licensed as an Early
20 Childhood Educator I and guidance to individuals licensed as an Early
21 Childhood Educator II.

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

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

7 § 6203. PROHIBITIONS

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

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

15 § 6204. EXEMPTIONS

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

18 (1) a teacher actively licensed under 16 V.S.A. chapter 51 by the
19 Agency of Education with an early childhood education endorsement, an early
20 childhood special education endorsement, or an elementary education
21 endorsement;

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

and

Subchapter 2. Board of Early Childhood Educators

§ 6211. CREATION OF BOARD

* * *

Subchapter 3. Licensure Requirements

§ 6221. QUALIFICATIONS

(a) To qualify for licensure as an early childhood educator in a program regulated by the Child Development Division, an applicant shall have attained the age of majority and shall have a high school diploma or successful completion of a General Education Development (GED) test or an equivalent

1 credential. An applicant shall have additional education and experience in
2 accordance with this subsection for each of the following license types:

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

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

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

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

10 and

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

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

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

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

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

4 (4) A Family Child Care Provider shall currently operate a family child
5 care home as defined in 33 V.S.A. § 3511 that is regulated and in good
6 standing with the Child Development Division as of January 1, 2028. The
7 Board shall not accept Family Child Care Provider applications after January
8 1, 2028.

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

11 § 6222. LICENSE RENEWAL

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

19 (b) The Board may adopt rules necessary for the protection of the public to
20 assure the Board that an applicant whose license has lapsed for more than five
21 years is professionally qualified before reinstatement may occur. Conditions

1 imposed under this subsection shall be in addition to the requirements of
2 subsection (a) of this section.

3 (c) In addition to the provisions of subsection (a) of this section, an
4 applicant for renewal shall have satisfactorily completed continuing education
5 as required by the Board. For purposes of this subsection, the Board may
6 require, by rule, not more than 24 hours of approved continuing education as a
7 condition of renewal.

8 § 6223. FEES

9 Applicants and persons regulated under this chapter shall pay the following
10 fees:

11 (1) Early Childhood Educator I:

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

13 (B) Biennial renewal, \$225.00.

14 (2) Early Childhood Educator II:

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

16 (B) Biennial renewal, \$250.00.

17 (3) Early Childhood Educator III:

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

19 (B) Biennial renewal, \$275.00.

20 (4) Family Child Care Provider:

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

1 (B) Biennial renewal, \$250.00.

2 § 6224. UNPROFESSIONAL CONDUCT

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

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

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

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

13 § 6225. VARIANCES; TRANSITIONAL LICENSURE

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

1 of the individual's ongoing work to obtain the required educational and
2 experiential qualifications for licensure under this chapter.

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

8 § 6226. DISCLOSURE BY LICENSEES

9 An early childhood educator licensed pursuant to this chapter shall post and
10 provide to current and prospective families the following:

11 (1) all available license types regulated by the Office of Professional
12 Regulation pursuant to this chapter;

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

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

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

1 Sec. 17. REPEAL; TRANSITIONAL LICENSE

2 26 V.S.A. § 6225 (variances; transitional licensure) is repealed on July 1,
3 2035.

4 Sec. 18. OFFICE OF PROFESSIONAL REGULATION; LICENSURE OF
5 EARLY CHILDHOOD EDUCATORS SERVING IN PROGRAMS
6 REGULATED BY THE CHILD DEVELOPMENT DIVISION;
7 APPROPRIATION

8 (a)(1) The establishment of the following two new permanent positions is
9 authorized in the Office of Professional Regulation in fiscal year 2026:

10 (A) one full-time, classified executive officer for the Vermont Board
11 of Early Childhood Educators; and

12 (B) one full-time, exempt staff attorney.

13 (2) In fiscal year 2026, the amount of \$262,000.00 is appropriated from
14 the General Fund to the Office of Professional Regulation to be used for the
15 licensure of early childhood educators in accordance with this act.

16 (b)(1) The establishment of the following three new permanent positions is
17 authorized in the Office of Professional Regulation in fiscal year 2027:

18 (A) one full-time, classified licensing staff;

19 (B) one full-time, classified enforcement staff; and

20 (C) one full-time, classified administrative staff.

21 (2) In fiscal year 2027, the amount of \$628,867.00 is appropriated from

1 the General Fund to the Office of Professional Regulation to be used for the
2 licensure of early childhood educators in accordance with this act.

3 (c) In fiscal year 2027, \$1,400,000.00 shall be distributed from the Child
4 Care Financial Assistance Program to the Office of Professional Regulation for
5 the first licensure and licensure renewal fees for early childhood educators
6 serving in programs regulated by the Child Development Division pursuant to
7 26 V.S.A. chapter 111.

8 * * * Accessibility and Confidentiality of Disciplinary Matters * * *

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

10 § 131. ACCESSIBILITY AND CONFIDENTIALITY OF DISCIPLINARY
11 MATTERS

12 * * *

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

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

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

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

1

2

3

4 (Committee vote: _____)

5

6

Senator _____

7

FOR THE COMMITTEE