

# Legislative Update on Government Operations

- *Professional Regulation*
- *Elections*

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- **Act 156 (H.562): An act relating to professions and occupations regulated by the Office of Professional Regulation and to the review of professional regulation**
- **Act 166 (H.355): An act relating to licensing and regulating foresters**
- **Act 161 (S.20): An act relating to establishing and regulating dental therapists**

## **PROFESSIONAL REGULATION**

**Act 156 (H.562): An act relating to professions and occupations regulated by the Office of Professional Regulation and to the review of professional regulation**



# Act 156 (H.562): OPR

## I. Sunrise ~ Sunset

- **26 V.S.A. § 3101:**
  - *It is State policy that regulation is imposed on a profession solely for the purpose of protecting the public.*
  - *If a need for professional regulation is identified, the form of regulation shall be the least restrictive form necessary to protect the public interest, and if regulation is imposed, it is subject to periodic review.*
- **26 V.S.A. § 3105 (SUNRISE):**
  - *Criteria and standards for regulating professions.*
  - *Upon the request of the House or Senate Committee on Government Operations, OPR shall conduct a "preliminary assessment" – a.k.a. sunrise – of whether a profession should be regulated.*
- **26 V.S.A. § 3104 (SUNSET):**
  - *~~Legislative Council~~ OPR shall review existing professional regulatory laws to determine whether they are still necessary.*
    - *OPR may review any laws within its jurisdiction, or shall review laws within or without its jurisdiction upon the request of the House or Senate Committee on Government Operations.*
    - *Criteria includes history of any disciplinary actions and whether standards for participating in the profession (education, training, etc.) are consistent with the public interest.*



## Act 156 (H.562): OPR (cont.)

### II. *Transfer of Professions*



**OPR**

#### 1.) *Alcohol and Drug Abuse Counselors*

- *From Department of Health's Division of Alcohol and Drug Abuse Programs*

#### 2.) *Potable Water Supply and Wastewater System Designers*

- *From Department of Environmental Conservation*

#### 3.) *Pollution Abatement Facility Operators*

- *From Department of Environmental Conservation*

## Act 156 (H.562): OPR (cont.)

### III. One-Time Professional Regulation Report

#### Entities Required to Report

##### Agency of Agriculture, Food and Markets

- 4 professions, incl. dairy techs and pesticide applicators

##### Agency of Human Services

- 2 professions re: child care

##### Agency of Natural Resources

- 2 professions: water system operators and well drillers

##### Department of Health

- 8 professions, incl. Board of Medical Practice professions, EMS personnel, and lead abatement

##### Department of Liquor Control

- 3 professions: sellers, manufacturers, and distributors

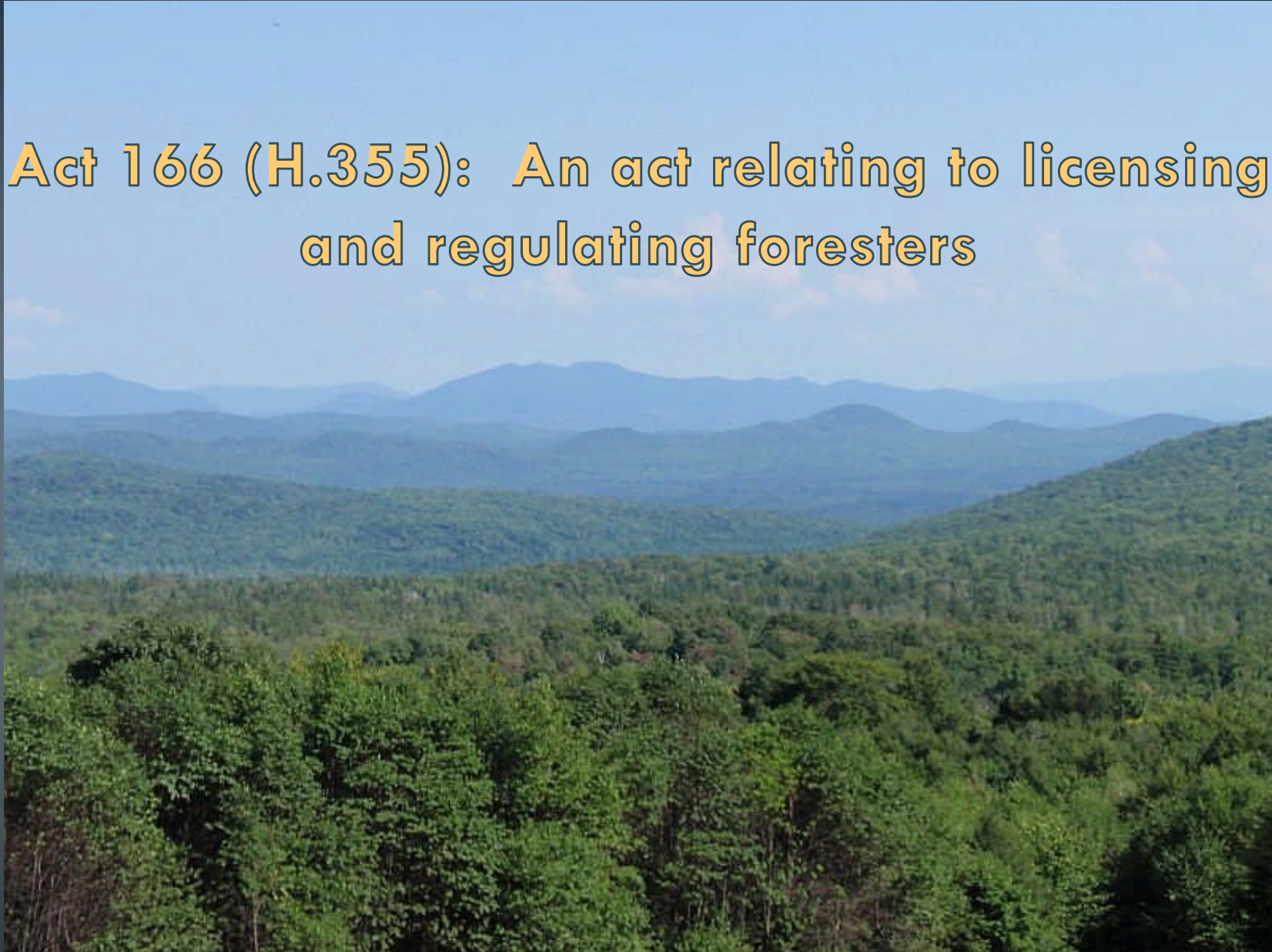
##### Department of Public Safety

- 18 professions, incl. electricians, plumbers, chimney sweeps, and polygraph examiners

#### Information Required to be Reported

- Regulation type
- Number of persons regulated
- Purpose of regulation
- Stakeholders
- Governance structure
- Decision makers
- Qualifications for regulation
- Application, inspection, and enforcement processes
- Staff
- Budget
- Oversight of the regulation

**Act 166 (H.355): An act relating to licensing  
and regulating foresters**





# Act 166 (H.355): Foresters

## Origin of Act 166

- In 2014, House Committee on Government Operations directed OPR to conduct a sunrise review re: whether foresters should be licensed.
- OPR's 2015 sunrise report recommended forester licensure based on the sunrise criteria set forth in 26 V.S.A. § 3105 and noted the following:
  - Nearly 4.6 million acres of forests covering 78% of the Green Mountain State.
  - Over 80% of Vermont's forests are owned by individuals and families.
  - Vermont's forests support our forest products industry, wildlife habitat, ecosystem, recreation, and tourism.
  - Many landowners hire foresters to create the forest management plan required for Vermont's Use Value Appraisal (a.k.a. "Current Use") Program.





# Act 166 (H.355): Foresters (cont.)

## Forester License Requirement

- “Foresters” practice forestry, which has a definition focused on forest management.
  - “Forestry” specifically excludes the physical implementation of cutting, hauling, handling, or processing forest products.
- In order to practice, a forester must be licensed beginning **July 1, 2016**.
- Several exemptions from the licensure requirement, including:
  - An individual, college or university, family, family trust, or business from practicing forestry on his, her, or its own lands, *provided that a business may only practice forestry on an aggregate of not more than 400 acres of its own lands*; and
  - Individuals acting under the general supervision of foresters.

# Act 166 (H.355): Foresters (cont.)

## Permanent Statutory Pathways to Licensure

*Based on education, experience, and exam, or licensure in another state*

(1) Possession of a bachelor's degree, or higher, in forestry from a program approved by the Director, satisfactory completion of two years of the SAF Certified Forester experience requirements, and passage of the SAF Certified Forester examination, which may include a State portion if required by the Director by rule.

(2) Possession of a bachelor's degree, or higher, in a forestry-related field from a program approved by the Director, satisfactory completion of three years of the SAF Certified Forester experience requirements, and passage of the SAF Certified Forester examination, which may include a State portion if required by the Director by rule.

(3) Possession of an associate degree in forestry from a program approved by the Director, satisfactory completion of four years of the SAF Certified Forester experience requirements, and passage of the SAF Certified Forester examination, which may include a State portion if required by the Director by rule.

(4) Possession of a valid registration or license to engage in the practice of forestry issued by the appropriate regulatory authority of a state, territory, or possession of the United States, or the District of Columbia, based on requirements and qualifications shown by the application to be equal to or greater than the requirements of this chapter. Such an applicant may be examined on forestry matters peculiar to Vermont and may be granted a license at the discretion of the Director.

## Temporary Transitional Licensing of Current Foresters

*Without exam or without degree, based on length of past practice; a peer review process; or national SAF certification.  
Expires January 1, 2019.*

(1) The Director of the Office of Professional Regulation shall establish a procedure whereby:

(A) an individual who can demonstrate a record of full-time forestry practice for at least eight of the ten years immediately preceding the effective date of Sec. 2 of this act may become licensed as a forester:

(i) without examination, if he or she possesses one of the degrees described in 26 V.S.A. § 4921(1)–(3) (qualifications for licensure) in Sec. 2 of this act; or

(ii) without possessing a degree described in 26 V.S.A. § 4921(1)–(3) in Sec. 2 of this act, if he or she passes the Society of American Foresters (SAF) Certified Forester Examination, which may include a State portion if required by the Director by rule; or

(B) an individual may become licensed as a forester without examination or possession of one of the degrees described in 26 V.S.A. § 4921(1)–(3) in Sec. 2 of this act, if he or she is determined by the Director, after due consultation with the advisor appointees, to have demonstrated through a peer-review process and production of such documentation as the Director may require, that he or she possesses both significant experience and forestry competencies commensurate to those of an individual eligible for licensure pursuant to Sec. 2 of this act.

(2) In addition to the ability of an individual to become licensed as a forester under the provisions of subdivision (1) of this subsection, an individual shall be eligible for expedited licensure if he or she is an SAF Certified Forester, active and in good standing.

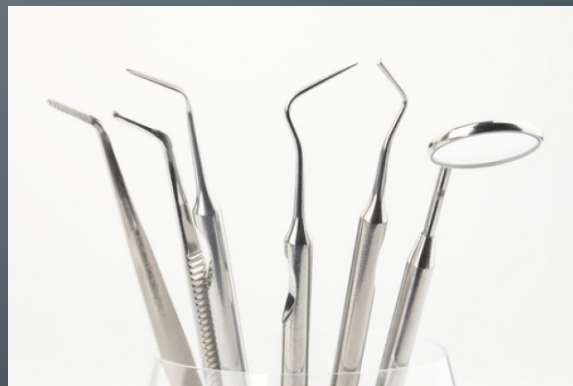
## Act 166 (H.355): Foresters (cont.)

- Advisor profession with advisor appointees
- License renewals every two years
  - 24 hours of continuing education required for renewal
- Unprofessional conduct provisions include aiding, abetting, encouraging, or negligently causing a substantial violation of the statutes or rules of the Vermont Department of Forests, Parks and Recreation





**Act 161 (S.20): An act relating to establishing and regulating dental therapists**







## Act 161 (S.20): Dental therapists

- Establishes a new dental profession in Vermont
  - VT's current dental professionals – in order of education and experience qualifications – are registered dental assistants, licensed dental hygienists, and licensed dentists
  - Dental therapists are a mid-level dental provider below a dentist in this hierarchy
  - Regulated by OPR's Board of Dental Examiners
- Currently only also established in AK and MN in U.S., but also 54 other countries
- General Assembly's stated intent in establishing this new profession is to increase access for Vermonters to oral health care, especially in areas with a significant volume of patients who have a low income or who are uninsured or underserved.

# Act 161 (S.20): Dental therapists (cont.)



## Dental Therapists' Practice Acts

- Statutory list of **34 procedures** a dental therapist can perform
  - About half of these a dental hygienist can already perform
  - New acts include prescribing non-narcotic drugs, administering nitrous oxide, extracting primary teeth, and cavity preparation
- Must practice under the **general supervision** of a dentist pursuant to a **collaborative agreement**
  - “General supervision” means direct or indirect oversight, *which need not be on-site*
  - Collaborative agreement must address 10 issues, including permitted *practice settings, populations* to be served, and *supervision* required

**Act 80 (H.458): An act relating to automatic voter registration through motor vehicle driver's license applications**

**Elections**



## Act 80 (H.458): Automatic Voter Registration



*Opt out of voter registration, rather than opt in*

- **Current law:** A person may register to vote when completing a driver's license application by signing the voter registration application portion (federal law requirement)
- **July 1, 2017:** A person completing an application for a driver's license or nondriver identification card must check a box to decline to register to vote