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Act No. 30 (H.104). Professions and occupations; Secretary of State, Office of Professional Regulation

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

This act enacts the 2019 annual Office of Professional Regulation Bill, which provides amendments to laws impacting the professions and occupations regulated by the Secretary of State's Office of Professional Regulation (OPR). The bill amends provisions of Title 3, which governs OPR generally, as well as provisions of Title 26, which governs the individual professions regulated by OPR. Aside from substantive amendments, the act eliminates Title 26 provisions that duplicate those set forth in Title 3 and provides other technical clean-up. Substantive amendments include the following:

- *OPR generally.*
 - Sec. 3 increases permitted penalties for unauthorized practice.
 - Sec. 4 adds a new unprofessional conduct standard that applies to all OPR professions regarding sexual harassment, exploitation, professional boundaries, and expectations of privacy. This section also increases the permitted administrative penalties for any unprofessional conduct.
 - Sec. 5 requires OPR to hold one or two public meetings each year for advisor professions, depending on the size of the profession.
 - Sec. 6 permits the Director of OPR to allow a lapsed licensee to renew his or her license under requirements less burdensome than completing all education that would have been required during active licensure.
 - Sec. 7 requires OPR, the Agency of Education, the Agency of Human Services, the Agency of Natural Resources, the Department of Public Safety, and the Department of Health to collaborate in analyzing the professions they regulate to determine whether their professional regulation should be transferred to a different agency, with a report due to committees of jurisdiction by January 15, 2020.
 - Secs. 7a and 7b require OPR and the Agency of Administration to collect from the same agencies and departments listed in Sec. 7 information and recommendations regarding apprenticeship pathways to licensure (Sec. 7a) and bridge-to-licensure programs for Canadian credentials (Sec. 7b) and to report to committees of jurisdiction by January 15, 2020.

- *Accountants.* Sec. 9 requires accountants and firms to have in place a plan for handling client records in case of unexpected incapacity or firm dissolution.
- *Dental Hygienists.* Sec. 10 allows the Board of Dental Examiners to set guidelines for “public-health hygienists” who are dental hygienists that practice in out-of-office settings under the supervision of a dentist.
- *Optometrists.* Sec. 12 adds glaucoma treatment as part of the standard scope of optometry practice, rather than requiring a special endorsement.
- *Pharmacy.* Sec. 14 adds a pharmacy technician to the Board of Pharmacy; adds references within the pharmacy chapter to virtual manufacturing and distribution, wholesale manufacturers, and third-party logistics providers; and requires the Board to adopt rules regarding the inspection of any regulated entity or commercial location where legend drugs are manufactured or kept. Sec. 15 requires OPR, in consultation with relevant stakeholders, to evaluate whether pharmacists should have prescribing authority, with a report back to committees of jurisdiction by January 15, 2020.
- *Real Estate Brokers and Salespersons.* Sec. 16 eliminates an initial post-licensure continuing education requirement for real estate salespersons.
- *Opticians.* Sec. 17 adds a new apprenticeship pathway to licensure as an optician via a national program and reduces the current standard optician apprenticeship requirement from three years to two.
- *Radiology.* Sec. 18 converts the radiology profession from a board model to an advisor model.
- *Alcohol and Drug Abuse Counselors.* Sec. 20 adds “process disorders” (such as gambling addiction) to alcohol and drug abuse counselors’ scope of practice.
- *Real Estate Appraisers.* Sec. 21 converts the real estate appraiser profession from a board model to an advisor model.
- *Acupuncture.* Sec. 23 updates the definition of the practice of acupuncture; specifies an acupuncturist’s scope of practice; and reduces education and practice requirements for acupuncture licensure. This section also eliminates a specialized certification for acupuncture detoxification and in lieu thereof permits the unlicensed practice of auriculotherapy under specified practice conditions.
- *Athletic Trainers.* Sec. 24 eliminates restrictions on the settings where athletic trainers may practice and adds podiatrists, physical therapists, and naturopaths to the list of medical professionals who may refer a patient to an athletic trainer.
- *Notaries Public.* Sec. 26 confirms that notarial acts are part of the official duties of a town clerk and his or her assistants when they are commissioned as notaries public and specifies that a town clerk may take required oaths without being so commissioned. Sec. 27 updates the definition of “notarial officer” to recognize people outside Vermont who may perform notarial acts. Sec. 28

amends the provisions of the notary public chapter from which judiciary-related and law enforcement-related employees are exempted.

- *Massage Services.* Sec. 30 requires OPR to consult with stakeholders and submit by January 15, 2020 an addendum to its 2016 sunrise report on massage therapy in order to specifically assess whether new regulation of businesses or individuals offering massage services will enhance public safety in regard to sexual misconduct and human trafficking.

Effective Date: July 1, 2019