

1 S.217

2 Introduced by Senator White

3 Referred to Committee on

4 Date:

5 Subject: Professions and occupations; Office of Professional Regulation;
6 report; Agency of Education; regulation transfer

7 Statement of purpose of bill as introduced: This bill proposes to (1) require
8 specified State agencies that regulate professions or occupations to provide the
9 Office of Professional Regulation (Office) with a comprehensive report on the
10 resources necessary for that regulation; and (2) completely transfer from the
11 Agency of Education to the Office the licensure of professions already
12 regulated by the Office.

13 An act relating to the State's organization of professional regulation

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 * * * Professional Regulation Report * * *

16 Sec. 1. FINDINGS AND PURPOSE

17 (a) Findings.

18 (1) The General Assembly finds that multiple State agencies regulate a
19 variety of professions and occupations. This includes the Office of
20 Professional Regulation, which is focused primarily on licensing

1 administration and enforcement and which regulates approximately 60,000
2 licensees across 46 professions. It also includes other State agencies that have
3 other functions as their primary focus, with professional regulation as an
4 ancillary aspect of their duties.

5 (2) The General Assembly further finds that the State should review the
6 organization of professional regulation in the State to determine whether the
7 regulation of certain professions and occupations should be transferred to the
8 Office of Professional Regulation in order to allow State government to
9 operate in a more effective and efficient manner.

10 (b) Purpose. The purpose of Sec. 2 of this act is to provide the General
11 Assembly and the Office of Professional Regulation with comprehensive
12 information regarding the organizational structures of and the resources that
13 are necessary for other State agencies in regulating the professions and
14 occupations under their jurisdiction. This information will help the General
15 Assembly determine whether the regulation of certain professions and
16 occupations should be transferred to the Office.

17 Sec. 2. PROFESSIONAL REGULATION REPORT

18 On or before October 15, 2016, each of the agencies and departments set
19 forth in subdivision (1) of this section shall provide a written report to the
20 Senate and House Committees on Government Operations, and provide a copy
21 of that report to the Office of Professional Regulation. The report shall contain

1 the information set forth in subdivision (2) of this section for each of the
2 professions or occupations listed in subdivision (1) that are regulated by that
3 agency or department.

4 (1) Agencies and departments required to report; listed professions and
5 occupations.

6 (A) Agency of Agriculture, Food and Markets:

7 (i) pesticide applicators;

8 (ii) weighmasters; and

9 (iii) weights and measures repairers.

10 (B) Agency of Education: educators.

11 (C) Agency of Human Services:

12 (i) child care center workers; and

13 (ii) child care home providers.

14 (D) Agency of Natural Resources:

15 (i) wastewater and water supply designers;

16 (ii) wastewater treatment facility operators;

17 (iii) water system operators; and

18 (iv) well drillers.

19 (E) Department of Financial Regulation:

20 (i) lenders;

21 (ii) mortgage brokers;

- 1 (iii) mortgage loan originators;
2 (iv) loan servicers;
3 (v) sales and finance companies;
4 (vi) debt adjusters;
5 (vii) money transmitters;
6 (viii) check cashiers and currency exchangers;
7 (ix) insurance adjusters;
8 (x) insurance agents; and
9 (xi) financial planners.
10 (F) Department of Health:
11 (i) physicians;
12 (ii) physician assistants;
13 (iii) anesthesiologist assistants;
14 (iv) podiatrists;
15 (v) radiologist assistants;
16 (vi) alcohol and drug abuse counselors;
17 (vii) emergency medical personnel;
18 (viii) asbestos abatement; and
19 (ix) lead abatement.
20 (G) Department of Liquor Control:
21 (i) sellers;

- 1 (ii) manufacturers; and
- 2 (iii) distributors.
- 3 (H) Department of Public Safety:
- 4 (i) electricians;
- 5 (ii) plumbers;
- 6 (iii) elevator inspectors;
- 7 (iv) elevator mechanics;
- 8 (v) lift mechanics;
- 9 (vi) commissioned boiler inspectors;
- 10 (vii) chemical suppression;
- 11 (viii) chimney sweeps;
- 12 (ix) fire alarm inspectors;
- 13 (x) fire sprinkler system designers;
- 14 (xi) fire sprinkler system installers;
- 15 (xii) oil burner installers;
- 16 (xiii) propane gas installers;
- 17 (xiv) natural gas installers;
- 18 (xv) precious metal dealers;
- 19 (xvi) emergency generator installers;
- 20 (xvii) polygraph examiners; and
- 21 (xviii) explosive blasters.

- 1 (2) Information required to be reported.
- 2 (A) Agency or department name.
- 3 (B) Regulation type (license, certification, or registration).
- 4 (C) Number of persons regulated.
- 5 (D) Legal basis for regulation, including:
- 6 (i) statutory authority;
- 7 (ii) administrative rules; and
- 8 (iii) agency or department policies.
- 9 (E) Purpose of regulation.
- 10 (F) A description of stakeholders in the regulation, including:
- 11 (i) those subject to regulation;
- 12 (ii) State entities;
- 13 (iii) consumers or clients;
- 14 (iv) employers;
- 15 (v) the public; and
- 16 (vi) any other applicable persons.
- 17 (G) A description of the governance structure, such as:
- 18 (i) a board or commission;
- 19 (ii) an agency or division head;
- 20 (iii) a panel; or
- 21 (iv) a hearing officer.

- 1 (H) A description of the decision makers who:
- 2 (i) set application requirements and practice standards; and
- 3 (ii) make decisions on applicants, enforcement, and discipline.
- 4 (I) Qualifications for regulation, including:
- 5 (i) examination;
- 6 (ii) education; and
- 7 (iii) experience.
- 8 (J) A description of the application process, including:
- 9 (i) receiving applications;
- 10 (ii) reviewing applications;
- 11 (iii) rejecting applications;
- 12 (iv) appealing application rejections; and
- 13 (v) issuing licenses, certifications, or registrations.
- 14 (K) The duration of the license, certification, or registration.
- 15 (L) A description of the renewal process and requirements.
- 16 (M) Citation of the standards of practice or codes of conduct for
- 17 persons regulated set forth in:
- 18 (i) statute;
- 19 (ii) rule;
- 20 (iii) policy; or
- 21 (iv) another location.

1 (N) A description of the enforcement process, including:

2 (i) complaints;

3 (ii) investigations;

4 (iii) prosecutions;

5 (iv) hearings;

6 (v) discipline; and

7 (vi) follow-up or monitoring.

8 (O) A description of any inspection process.

9 (P) A description of any systems, such as information technology
10 systems, that are used to enable licensing, certification, or registration,
11 renewal, enforcement, and inspection.

12 (Q) Staff members:

13 (i) number of full-time staff;

14 (ii) number of part-time staff;

15 (iii) job titles; and

16 (iv) duties.

17 (R) Budget:

18 (i) annual expenses;

19 (ii) annual revenues;

20 (iii) fees charged;

1 (iv) General Fund or special fund deposits; and

2 (v) appropriations from the General Fund.

3 (S) Any other information the agency or department believes is
4 relevant for the purpose of this report.

5 * * * Agency of Education * * *

6 Sec. 3. 16 V.S.A. § 1691a is amended to read:

7 § 1691a. DEFINITIONS

8 As used in this chapter:

9 * * *

10 (10)(A) “Teacher” means an individual licensed under this chapter the
11 majority of whose employed time in a public school district or supervisory
12 union is assigned to furnish to students direct instructional or other educational
13 services, as defined by rule of the Standards Board, or who is otherwise subject
14 to licensing as determined by the Standards Board.

15 (B) “Teacher” does not include any professional licensed pursuant to
16 Title 26 and employed by a public school district or supervisory union to
17 provide services within the scope of practice of that professional license.

1 Sec. 4. 16 V.S.A. § 1694 is amended to read:

2 § 1694. POWERS AND DUTIES OF THE STANDARDS BOARD FOR
3 PROFESSIONAL EDUCATORS

4 In addition to any other powers and duties prescribed by law or incidental or
5 necessary to the exercise of such lawful powers and duties, the Standards
6 Board shall:

7 (1) Adopt rules pursuant to 3 V.S.A. chapter 25 with respect to the
8 licensing of teachers and administrators, ~~and of speech language pathologists~~
9 ~~and audiologists as provided in 26 V.S.A. chapter 87.~~

10 * * *

11 (6) When the Standards Board finds that it is necessary to protect the
12 interests of students and schools for professions regulated under Title 26,
13 notify the Director of the Office of Professional Regulation in the case of an
14 advisor profession, or the board having jurisdiction over a profession, in order
15 for the Director or the board to consider rulemaking in accordance with section
16 1694a of this chapter.

17 Sec. 5. 16 V.S.A. § 1694a is added to read:

18 § 1694a. LICENSED PROFESSIONALS PRACTICING IN SCHOOLS

19 (a) The Standards Board shall not require any professional licensed under
20 Title 26 to obtain from the Standards Board an additional license or

1 endorsement to provide professional services within his or her scope of
2 practice to a school district or supervisory union.

3 (b)(1) If the Standards Board finds that in order to protect the interests of
4 students and schools, it is necessary to modify or supplement a license issued
5 under Title 26 or to develop a subcategory of such a license specific to
6 school-based practice, the Standards Board shall notify the Director of the
7 Office of Professional Regulation in the case of an advisor profession or the
8 board having jurisdiction over the profession.

9 (2) The Standards Board's notification shall include a proposed rule or
10 rules it recommends that the Director or board adopt and administer. The
11 notification shall have the same effect as set forth in 3 V.S.A. § 806.

12 Sec. 6. 16 V.S.A. § 1931 is amended to read:

13 § 1931. DEFINITIONS

14 The following words and phrases as used in this chapter, unless a different
15 meaning is plainly required by the context, shall have the following meanings:

16 * * *

17 (20)(A) "Teacher" shall mean:

18 (i) any licensed teacher, principal, supervisor, superintendent, or
19 any professional licensed by the Vermont Standards Board for professional
20 educators regularly employed, or otherwise contracted if following retirement,
21 for the full normal working time for his or her position in a public day school

1 or school district within the State, or in any school or teacher-training
2 institution located within the State, controlled by the State Board of Education,
3 and supported wholly by the State; ~~or~~

4 (ii) any licensed teacher, principal, supervisor, superintendent, or
5 any professional licensed by the Vermont Standards Board for Professional
6 Educators and regularly employed, or otherwise contracted if following
7 retirement, for the full normal working time for his or her position in any
8 nonsectarian independent school that serves as a high school for the town or
9 city in which the same is located, provided such school is not conducted for
10 personal profit. ~~It shall also mean:~~

11 (iii) any licensed teacher employed, or otherwise contracted if
12 following retirement, in a teaching capacity and licensed by the Vermont
13 Standards Board for Professional Educators in certain public independent
14 schools designated for such purposes by the Board of Trustees in accordance
15 with section 1935 of this title; or

16 (iv) any professional licensed under Title 26 and regularly
17 employed to provide services within the scope of practice of his or her
18 professional licensure, or otherwise contracted if following retirement, for the
19 full normal working time for his or her position in any educational entity
20 identified in this subdivision (20), if the professional's employment contract

1 with the employing entity expressly provides that participation in the System is
2 a term or condition of employment.

3 (B) In all cases of doubt the Board of Trustees, herein defined, shall
4 determine whether any person is a teacher as defined in this chapter.

5 (C) ~~It~~ “Teacher” shall not mean a person who is teaching with an
6 emergency license.

7 * * *

8 Sec. 7. 16 V.S.A. § 1981 is amended to read:

9 § 1981. DEFINITIONS

10 As used in this chapter unless the context requires otherwise:

11 * * *

12 (5) “Teacher” means any person licensed employable as a teacher by the
13 Vermont Standards Board for Professional Educators who is not an
14 administrator as herein defined, and any professional licensed under Title 26
15 and recognized as a teacher as that term is defined in section 1931 of this title.

16 * * *

17 Sec. 8. 2015 Acts and Resolves No. 38, Sec. 35 is amended to read:

18 Sec. 35. TRANSITIONAL PROVISIONS; AUDIOLOGISTS

19 (a)(1) As of September 1, 2015, any audiologist currently licensed and in
20 good standing with the Agency of Education shall be deemed licensed by the
21 Secretary of State’s Office of Professional Regulation.

1 (2) The Office of Professional Regulation shall reissue initial licenses at
2 no charge after that date and shall establish a single expiration and renewal
3 date for all of these licensees.

4 (b) An audiologist employed in a school and holding an endorsement from
5 the Agency of Education shall not be required to retain that endorsement ~~and~~
6 ~~shall~~ or renew it with the Agency as ~~required by law, in addition to licensure~~
7 ~~with the Office of Professional Regulation.~~

8 Sec. 9. 2015 Acts and Resolves No. 38, Sec. 41 is amended to read:

9 Sec. 41. TRANSITIONAL PROVISION

10 (a)(1) As of September 1, 2015, any speech-language pathologist licensed
11 and in good standing with the Agency of Education shall be deemed licensed
12 by the Secretary of State's Office of Professional Regulation.

13 (2) The Office of Professional Regulation shall re-issue initial licenses
14 ~~speech-language pathologist licenses~~ at no charge after that date and shall
15 establish a single expiration and renewal date for all of those licensees.

16 (b) A speech-language pathologist employed in a school and holding an
17 endorsement from the Agency of Education shall not be required to retain that
18 endorsement ~~and shall~~ or renew it with the Agency as ~~required by law, in~~
19 ~~addition to licensure with the Office of Professional Regulation.~~

20 Sec. 10. EFFECTIVE DATE

21 This act shall take effect on July 1, 2016.