

No. 152. An act relating to uniform licensing standards.

(S.233)

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

* * * Office of Professional Regulation * * *

Sec. 1. 3 V.S.A. § 123 is amended to read:

§ 123. DUTIES OF OFFICE

* * *

(g)(1) ~~The Office of Professional Regulation~~ shall establish uniform procedures applicable to all of the professions and boards set forth in section 122 of this chapter, providing for:

~~(A)~~(A) appropriate recognition of education, training, or service completed by a member of the U.S. Armed Forces toward the requirements of professional licensure; and

~~(B)~~(B) expedited issuance of a professional license to a person who is licensed in good standing in another regulatory jurisdiction; and:

~~(A)~~(i) whose spouse is a member of the U.S. Armed Forces and who has been subject to a military transfer to Vermont; and

~~(B)~~(ii) who left employment to accompany his or her spouse to Vermont.

(2) The Director may evaluate specific military credentials to determine equivalency to credentials required for professions attached to the Office. The

determinations shall be adopted through written policy that shall be posted on the Office's website.

* * *

(j)(1) The Office may inquire into the criminal background histories of applicants for licensure and for biennial license renewal for the following professions:

* * *

(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.

(1) The Office shall initiate this determination upon an individual's "second chance" determination request. This request shall provide documentation related to the individual's conviction or convictions, evidence of rehabilitation, and identification of the profession or professions for which the individual seeks licensure.

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

(3) The Office shall:

(A) process a request within 30 days of receiving a complete request;
(B) assess the nature of the underlying conviction or convictions, the nexus to the profession or professions for which the individual seeks licensure, and the provided evidence of rehabilitation; and

(C) respond to the individual's request in writing.

(1) When, by reason of disqualification, resignation, vacancy, or necessary absence, a board is unable to form a quorum or assign one or more members to assist in the investigation and prosecution of complaints or license applications, or to adjudicate a contested case, the Secretary of State may appoint ad hoc members, either as voting members to establish a quorum at a specific meeting or as nonvoting members to assist Office investigators and prosecutors.

Sec. 2. 3 V.S.A. § 125 is amended to read:

§ 125. FEES

(a) In addition to the fees otherwise authorized by law, a board or advisor profession may charge the following fees:

* * *

(5) A pre-application criminal background determination, \$25.00.

* * *

(d) Pursuant to qualifications and procedures determined by the Director, the Office shall, upon request, waive application fees to qualified military members and military spouses.

Sec. 3. 3 V.S.A. § 136 is amended to read:

§ 136. UNIFORM CONTINUING EDUCATION EVALUATION; SUNSET
REVIEW

(a) If continuing education is required by law or rule, the Office shall apply uniform standards and processes that apply to all professions regulated by the Office for the assessment and approval or rejection of continuing education offerings, informed by profession-specific policies developed in consultation with relevant boards and advisor appointees.

(b)(1) Not less than once every five years, each profession attached to the Office shall review its continuing education or other continuing competency requirements. The review results shall be in writing and address the following:

(A) the renewal requirements of the profession;

(B) the renewal requirements in other jurisdictions, particularly in the Northeast region;

(C) the cost of the renewal requirements for the profession's licensees;

(D) an analysis of the utility and effectiveness of the renewal requirements with respect to public protection; and

(E) recommendations to the Director on whether the continuing education or other continuing competency requirements should be modified.

(2) The Director shall respond to the profession within 45 days of its submitted review results. The Director may require a profession to reduce,

modify, or otherwise change the renewal requirements, including by proposing any necessary amendments to statute or rule.

Sec. 4. 3 V.S.A. § 136a is added to read:

§ 136a. UNIFORM PROCESS FOR ENDORSEMENT FROM OTHER

STATES

(a) Except as provided in subsection (b) of this section, all professions attached to the Office shall have an endorsement process that requires not more than three years of practice in good standing in another jurisdiction within the United States, regardless of whether that jurisdiction has licensing requirements substantially similar to those of this State.

(b) Any profession determining that three years of demonstrated practice in another jurisdiction is not adequately protective of the public shall provide its rationale to the Director, who may propose any necessary statutory or rule amendments in order to implement more restrictive requirements for endorsement.

(c) The Director may issue to an endorsement applicant a waiver of the profession's practice requirement if there is a showing that the waiver follows State policy and the public is adequately protected.

* * * Well Drillers * * *

Sec. 5. 10 V.S.A. § 1395a is amended to read:

§ 1395a. LICENSES; RULES

(a) Licenses. The Department shall issue licenses under this subchapter. A licensee may be authorized to perform more than one class of activities under a single license. The Department shall, by rule, establish appropriate application, testing, and renewal procedures for each class of activity under a license. The rule shall include the opportunity for an applicant to take the licensing test orally or by demonstration if the applicant fails the written test. The classes of activities under a license shall be as follows:

(1) Water well driller. This class shall consist of any person engaged in the business of constructing wells for the purpose of locating, extracting, or recharging groundwater, or for the purpose of transferring heat to or from the earth's subsurface.

(2) Monitoring well driller. This class shall consist of any person engaged in the business of constructing, servicing, or closing wells drilled for the purpose of monitoring groundwater quantity or quality.

* * *

(b) Criminal background; pre-application determination. The Department shall provide a pre-application determination of an individual's criminal background. This determination shall not be binding on the Department in a future application if the individual violates probation or parole or is convicted of another crime following the determination.

(1) The Department shall initiate this determination upon an individual's "second chance" determination request. This request shall provide

documentation related to the individual's conviction or convictions and evidence of rehabilitation.

(2) The individual shall submit this request online, accompanied by a pre-application fee of \$25.00. If the individual thereafter applies for licensure, this pre-application fee shall be deducted from that license application fee.

(3) The Department shall:

(A) process a request within 30 days of receiving a complete request;

(B) assess the nature of the underlying conviction or convictions, the nexus to the well-drilling profession, and the provided evidence of rehabilitation; and

(C) respond to the individual's request in writing.

(c) Continuing education; sunset review.

(1) Not less than once every five years, the Department shall review its continuing education or other continuing competency requirements for well drillers. The review results shall be in writing and address the following:

(A) the renewal requirements of the profession;

(B) the renewal requirements in other jurisdictions, particularly in the Northeast region;

(C) the cost of the renewal requirements for the profession's licensees;

(D) an analysis of the utility and effectiveness of the renewal requirements with respect to public protection; and

(E) recommendations to the Secretary on whether the continuing education or other continuing competency requirements should be modified.

(2) The Secretary shall respond to the Department within 45 days of its submitted review results. The Secretary may require the Department to reduce, modify, or otherwise change the renewal requirements, including by proposing any necessary amendments to statute or rule.

(d) Military credentials. The Department may evaluate specific military credentials to determine equivalency to credentials for well drillers. The determinations shall be adopted through written policy that shall be posted on the Department's website.

(e) Uniform process for endorsement from other states.

(1) The Department shall issue licenses for well drillers who have been licensed in good standing in another jurisdiction within the United States for at least three years, regardless of whether that jurisdiction has licensing requirements substantially similar to those of this State.

(2) If the Department determines that three years of demonstrated practice in another specific jurisdiction is not adequately protective of the public, it shall provide its rationale to the Secretary, who may propose any necessary statutory or rule amendments in order to implement more restrictive requirements for endorsement for that jurisdiction.

(3) The Secretary may issue to an endorsement applicant a waiver of the practice requirement if there is a showing that the waiver follows State policy and the public is adequately protected.

(f) Uniform process for foreign credential verification.

(1) The Secretary shall adopt rules in consultation with the Department that prescribe a process for the Secretary to assess the equivalence of an applicant's professional credentials earned outside the United States as compared to State licensing requirements for well drillers.

(2) Any determination of equivalence by the Secretary under this section shall be in consultation with the Department, recorded in the applicant's licensing file, and binding upon the Department.

(3) In administering this section, the Secretary may rely upon third-party credential verification services. The cost of such services shall be paid by the applicant.

(g) Rules.

(1) The Department may adopt rules to implement the provisions of this subchapter and to establish well construction standards for persons engaged in the business of well construction.

(e)(2)(A) Rules relating to licensing standards shall be fair and reasonable and shall be designed and implemented to ensure that all applicants are granted licensure if they demonstrate that they possess the minimal occupational qualifications necessary for the purposes of groundwater protection. They

shall not be designed or implemented for the purpose of limiting the number of licensees.

(B) All other rules to implement the provisions of this subchapter shall be rationally related to the purposes of this chapter, and shall be designed to achieve a reasonable balance between the expected governmental, societal, and occupational costs and the expected benefits.

Sec. 6. 10 V.S.A. § 1395 is amended to read:

§ 1395. APPLICATION

(a) Any person who intends to engage in the business of drilling wells in the State of Vermont shall file an application with the Department of Environmental Conservation for a license to do so on forms provided by the Department on which the person's qualifications and other information that may be required by the Department shall be stated.

(b)(1) The fee for a license or a renewal shall be in accordance with 3 V.S.A. § 2822.

(2) Pursuant to qualifications and procedures determined by the Secretary, the Department shall, upon request, waive application fees to qualified military members and military spouses.

(c) The licenses so issued shall expire every three years on June 30, shall not be transferable, and may be renewed on filing of a complete application and payment of the required fee in accordance with 3 V.S.A. § 2822. The fee shall be paid on an annual basis.

* * * Professional Educators * * *

Sec. 7. 16 V.S.A. § 1694 is amended to read:

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

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

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

(B) Not less than once every five years, review its continuing education or other continuing competency requirements for professional educators. The review results shall be in writing and address the following:

(i) the renewal requirements for licensure and endorsements;

(ii) the renewal requirements in other jurisdictions, particularly in the Northeast region;

(iii) the cost of the renewal requirements for the licensees; and

(iv) an analysis of the utility and effectiveness of the renewal requirements with respect to the purpose set forth in section 1691 of this chapter.

* * *

(3)(A) Establish standards, including endorsements, according to which individuals may obtain a license or have one renewed or reinstated.

(B) Adopt rules for an application process to provide licensure to applicants who can demonstrate three years or more of licensed practice in good standing in another jurisdiction within the United States, regardless of whether that jurisdiction has licensing requirements substantially similar to those of this State. The Standards Board may, by rule, exclude an endorsement from the process required by this subdivision (B) if it finds that licensure through this process for the endorsement does not fulfill the goals set forth in section 1691 of this chapter.

(4) Oversee and monitor the application and licensing process administered by the office. The Standards Board may, by adoption of a written policy that is posted on the Agency's website, allow specific military credentials to satisfy one or more requirements for licensure.

* * *

Sec. 8. 16 V.S.A. § 1695a is added to read:

§ 1695a. PRE-APPLICATION CRIMINAL BACKGROUND

DETERMINATION; UNIFORM PROCESS FOR FOREIGN

CREDENTIAL VERIFICATION

(a) Pre-application criminal background determination. An individual may request a pre-application determination of the individual's criminal background. The pre-application determination shall adhere to the process set

forth in section 254 of this title. Results of a pre-application determination shall not be binding on the Secretary in a future application.

(1) The individual's request for a pre-application determination shall include documentation related to criminal conviction or substantiation, evidence of rehabilitation or mitigation, and identification of which license and any endorsement the individual will seek.

(2) The individual shall submit this request on a form provided by the Secretary, accompanied by the pre-application criminal background determination fee set forth in section 1697 of this chapter. If the individual thereafter applies for licensure, this pre-application fee shall be deducted from that license application fee.

(3) The Secretary shall:

(A) process a request within 30 days of receiving a complete request;

(B) assess the nature of any underlying convictions and substantiations, the nexus to the license and endorsement sought, and the provided evidence of rehabilitation or mitigation; and

(C) respond to the individual's request in writing, stating whether the individual may seek licensure.

(b) Uniform process for foreign credential verification.

(1) The Standards Board shall adopt rules in consultation with the Secretary that prescribe a process for the Secretary to assess the equivalence of

an applicant's professional credentials earned outside the United States as compared to State licensing requirements for professional educators.

(2) Any determination of equivalence by the Secretary under this subsection (b) shall be in consultation with the Standards Board, recorded in the applicant's licensing file, and binding upon the Secretary.

(3) In administering this subsection, the Secretary may rely upon third-party credential verification services. The cost of such services shall be paid by the applicant.

(4) The provisions relating to preliminary license denials set forth in subsection 1704(a) of this chapter shall apply to a license application that is preliminarily denied for nonequivalence under this subsection.

Sec. 9. 16 V.S.A. § 1696 is amended to read:

§ 1696. LICENSING

* * *

(b) License by reciprocity.

(1) By rule, the Standards Board shall establish standards according to which an applicant who meets the licensing standards of another state with standards substantially similar to Vermont's may be accorded a license in this State, provided the other state recognizes, by substantially reciprocal regulations or laws, licenses issued in this State.

(2) Eligibility for licensure under this subsection shall be in addition to eligibility for licensure under subdivision 1694(3)(B) of this chapter.

* * *

Sec. 10. 16 V.S.A. § 1697 is amended to read:

§ 1697. FEES

(a) Each individual applicant and licensee shall be subject to the following fees:

* * *

(8) Pre-application criminal background determination \$25.00

(b) Pursuant to qualifications and procedures determined by the Secretary, the Agency shall, upon request, waive application fees to qualified military members and military spouses.

(c) Fees collected under this section shall be credited to special funds established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the Agency to offset the costs of providing those services.

* * * Electricians * * *

Sec. 11. 26 V.S.A. § 901 is amended to read:

§ 901. ELECTRICIANS' LICENSING BOARD; MEMBERSHIP; POWERS

(a) Creation. A board for the licensing of electricians is created, to be known as the "Electricians' Licensing Board."

(b) Membership. The ~~board~~ Board consists of the Commissioner of Public Safety or a member of that Department designated by the Commissioner and four persons appointed by the Governor with the advice and consent of the Senate.

(1) The four appointed members shall serve for terms of three years, beginning on July 1 in the year of appointment, and they shall include one licensed master electrician, one licensed journeyman electrician, one person associated with the public electrical utility industry who is knowledgeable in technical as well as operational issues of the electrical utility industry, and one person associated with the fire insurance industry.

(2) ~~Not~~ Not more than two appointed members' terms shall expire in the same year.

~~(e)~~(3) The Governor shall appoint one of the members of the Board to serve as its chair.

(c) Continuing education; sunset review.

(1) Not less than once every five years, the Board shall review electricians' continuing education or other continuing competency requirements. The review results shall be in writing and address the following:

(A) the renewal requirements for electricians;

(B) the renewal requirements in other jurisdictions, particularly in the Northeast region;

(C) the cost of the renewal requirements for electricians;

(D) an analysis of the utility and effectiveness of the renewal requirements with respect to public protection; and

(E) recommendations to the Commissioner on whether the continuing education or other continuing competency requirements should be modified.

(2) The Commissioner shall respond to the Board within 45 days of its submitted review results. The Commissioner may require the Board to reduce, modify, or otherwise change the renewal requirements, including by proposing any necessary amendments to statute or rule.

Sec. 12. 26 V.S.A. § 905 is amended to read:

§ 905. APPLICATION; EXAMINATIONS AND FEES

* * *

(g) Pursuant to qualifications and procedures determined by the Commissioner, the Board shall, upon request, waive application fees for qualified military members and military spouses.

Sec. 13. 26 V.S.A. § 906 is amended to read:

§ 906. EXAMINATIONS NOT REQUIRED

(a) Generally. A license for an individual who is licensed by another state or who has received designation by the U.S. Armed Forces as a 12R ~~Electrician~~ electrician or equivalent shall be issued without examination as provided pursuant to this section on payment of the required fee.

(b)(1) Reciprocity. A master's or journeyman's license, as the case may be, shall be issued to a person to whom a master electrician's license or a journeyman electrician's license has been previously issued by another state, whose standards are equivalent to those of this State, if under the laws or regulations of the state issuing the license a similar privilege is granted to electricians licensed under the laws of this State.

(2) Uniform process for endorsement from other states.

(A) The Board shall issue a license to master and journeyman electricians who have been licensed in good standing in another jurisdiction within the United States for at least three years, regardless of whether that jurisdiction meets the reciprocity requirements of subdivision (1) of this subsection.

(B) If the Board determines that three years of demonstrated practice in another specific jurisdiction is not adequately protective of the public, it shall provide its rationale to the Commissioner, who may propose any necessary statutory or rule amendments in order to implement more restrictive requirements for endorsement for that jurisdiction.

(C) The Commissioner may issue to an endorsement applicant a waiver of the practice requirement if there is a showing that the waiver follows State policy and the public is adequately protected.

(c) Except as otherwise provided by law, a journeyman's license shall be issued to a service member or veteran who:

(1) submits a complete application and any documentation required by the Board;

(2) has received designation by the U.S. Armed Forces as a 12R ~~Electrician~~ electrician or equivalent; and

(3) has completed a minimum of 8,000 hours and four years of active duty field work as a 12R ~~Electrician~~ electrician or equivalent.

* * *

Sec. 14. 26 V.S.A. § 907 is amended to read:

§ 907. RECOGNITION OF EXPERIENCE

(a) The Board, in determining the qualifications of an applicant for a license, may in its discretion give recognition:

(1) in the case of an application for a master's license, to the applicant's experience as a licensed journeyman in another state;

(2) in the case of an application for a journeyman's license, to an apprenticeship served in another state; or

(3) to experience or prior qualifications.

(b)(1) The Board, in determining the qualifications of a service member or veteran, as defined pursuant to section 906 of this subchapter, who is applying for a master's license, shall give recognition to the applicant's:

~~(1)(A)~~ experience as a 12R electrician or equivalent in the U.S. Armed Forces; and

~~(2)(B)~~ other experience or prior qualifications.

(2) The Board may evaluate specific military credentials to determine equivalency to credentials within the Board's jurisdiction. The determinations shall be adopted through written policy that shall be posted on the Board's website.

(c)(1) The Commissioner shall adopt rules in consultation with the Board that prescribe a process for the Commissioner to assess the equivalence of an

applicant's professional credentials earned outside the United States as compared to State licensing requirements for electricians.

(2) Any determination of equivalence by the Commissioner under this subsection shall be in consultation with the Board, recorded in the applicant's licensing file, and binding upon the Board.

(3) In administering this section, the Board may rely upon third-party credential verification services. The cost of such services shall be paid by the applicant.

* * * Board of Medical Practice * * *

Sec. 15. 26 V.S.A. § 1353 is amended to read:

§ 1353. POWERS AND DUTIES OF THE BOARD

The Board shall have the following powers and duties to:

* * *

(11) Provide a pre-application determination of an individual's criminal background. This determination shall not be binding on the Board in a future application if the individual violates probation or parole or is convicted of another crime following the determination.

(A) The Board shall initiate this determination upon an individual's "second chance" determination request. This request shall provide documentation related to the individual's conviction or convictions, evidence of rehabilitation, and identification of the profession or professions for which the individual seeks licensure.

(B) The individual shall submit this request online, accompanied by the fee for pre-application determinations set forth in section 1401a of this chapter. If the individual thereafter applies for licensure, this pre-application fee shall be deducted from that license application fee.

(C) The Board shall:

(i) process a request within 30 days of receiving a complete request;

(ii) assess the nature of the underlying conviction or convictions, the nexus to the profession or professions for which the individual seeks licensure, and the provided evidence of rehabilitation; and

(iii) respond to the individual's request in writing.

(12)(A) Establish uniform procedures applicable to all of the professions under its jurisdiction, providing for:

(i) appropriate recognition of education, training, or service completed by a member of the U.S. Armed Forces toward the requirements of professional licensure;

(ii) expedited issuance of a professional license to a person who is licensed in good standing in another regulatory jurisdiction:

(I) whose spouse is a member of the U.S. Armed Forces and who has been subject to a military transfer to Vermont; and

(II) who left employment to accompany his or her spouse to Vermont.

(B) The Board may evaluate specific military credentials to determine equivalency to credentials within the Board's jurisdiction. The determinations shall be adopted through written policy that shall be posted on the Board's website.

(13)(A) Adopt rules that prescribe a process for the Board to assess the equivalence of an applicant's professional credentials earned outside the United States as compared to State licensing requirements for those professions within the Board's jurisdiction.

(B) Any determination of equivalence by the Board under this subdivision (13) shall be recorded in the applicant's licensing file.

(C) In administering this section, the Board may rely upon third-party credential verification services. The cost of such services shall be paid by the applicant.

(14)(A) Not less than once every five years, review the continuing education and other continuing competency requirements for each of the professions it regulates. The review results shall be in writing and address the following:

(i) the renewal requirements of the profession;

(ii) the renewal requirements in other jurisdictions, particularly in the Northeast region;

(iii) the cost of the renewal requirements for the profession's licensees;

(iv) an analysis of the utility and effectiveness of the renewal requirements with respect to public protection; and

(v) recommendations to the Commissioner of Health on whether the continuing education or other continuing competency requirements should be modified.

(B) The Commissioner of Health shall respond to the Board within 45 days of its submitted review results. The Commissioner may require the Board to reduce, modify, or otherwise change the renewal requirements, including by proposing any necessary amendments to statute or rule.

Sec. 16. 26 V.S.A. § 372 is amended to read:

§ 372. LICENSURE WITHOUT EXAMINATION

(a) A person who is licensed under the laws of another jurisdiction and who desires licensure as a podiatrist without examination shall apply to the Board in writing on a form furnished by it and pay the specified fee. The Board shall license ~~such persons~~ that person if it deems that ~~they have~~ person has met requirements in the other jurisdiction that are substantially equal to those of this State. The Board may ~~make~~ adopt such rules as are reasonable and necessary for the protection of the public to ~~assure~~ ensure that applicants under this section are professionally qualified.

(b)(1) The Board shall have an endorsement process for podiatrist licensure that requires not more than three years of practice in good standing in another jurisdiction within the United States, regardless of whether that jurisdiction has

licensing requirements substantially equal to those of this State, so long as the applicant meets one of the following postgraduate training requirements:

(A) A graduate of a U.S. or Canadian podiatric school accredited by a body that is acceptable to the Board shall have successfully completed at least two years of postgraduate training in a U.S. or Canadian program accredited by an organization that is acceptable to the Board; or

(B) A graduate of a Board-approved podiatric school outside the United States or Canada shall have successfully completed at least three years of postgraduate training in a U.S. or Canadian program accredited by an organization that is acceptable to the Board.

(2) If the Board determines that three years of demonstrated practice in another specific jurisdiction is not adequately protective of the public, it shall provide its rationale to the Commissioner, who may propose any necessary statutory or rule amendments in order to implement more restrictive requirements for endorsement for that jurisdiction.

(3) The Board may issue to an endorsement applicant a waiver of the practice requirement if there is a showing that the waiver follows State policy and the public is adequately protected.

Sec. 17. 26 V.S.A. § 1395 is amended to read:

§ 1395. LICENSE ~~WITHOUT EXAMINATION~~ BY ENDORSEMENT

(a) ~~Without examination, the Board may, upon payment of the required fee, issue a license to a reputable physician who personally appears and presents a~~

~~certified copy of a certificate of registration or a license issued to him or her in a jurisdiction whose requirements for registration are deemed by the Board as equivalent to those of this State, providing that such jurisdiction grants the same reciprocity to a Vermont physician or by the National Board of Medical Examiners.~~ The Board shall have an endorsement process for physician licensure that requires not more than three years of practice in good standing in another jurisdiction within the United States, regardless of whether that jurisdiction has licensing requirements substantially equal to those of this State, provided the applicant meets one of the following postgraduate training requirements:

(1) A graduate of a U.S. or Canadian medical school accredited by a body that is acceptable to the Board shall have successfully completed at least two years of postgraduate training in a U.S. or Canadian program accredited by an organization that is acceptable to the Board.

(2) A graduate of a Board-approved medical school outside the United States or Canada shall have successfully completed at least three years of postgraduate training in a U.S. or Canadian program accredited by an organization that is acceptable to the Board.

~~(b) Without examination, the Board may issue a license to a reputable physician who is a resident of a foreign country and who shall furnish the Board with satisfactory proof that he or she has been appointed to the faculty of a medical college accredited by the Liaison Committee on Medical~~

~~Education (LCME) and located within the State of Vermont. An applicant for a license under this subsection shall furnish the Board with satisfactory proof that he or she has attained the age of majority, is of good moral character, is licensed to practice medicine in his or her country of residence, and that he or she has been appointed to the faculty of an LCME accredited medical college located within the State of Vermont. The information submitted to the Board concerning the applicant's faculty appointment shall include detailed information concerning the nature and term of the appointment and the method by which the performance of the applicant will be monitored and evaluated. A license issued under this subsection shall be for a period no longer than the term of the applicant's faculty appointment and may, in the discretion of the Board, be for a shorter period. A license issued under this subsection shall expire automatically upon termination for any reason of the licensee's faculty appointment. If the Board determines that three years of demonstrated practice in another specific jurisdiction is not adequately protective of the public, it shall provide its rationale to the Commissioner, who may propose any necessary statutory or rule amendments in order to implement more restrictive requirements for endorsement for that jurisdiction.~~

(c) The Board may issue to an endorsement applicant a waiver of the practice requirement if there is a showing that the waiver follows State policy and the public is adequately protected.

Sec. 18. 26 V.S.A. § 1401a is amended to read:

§ 1401a. FEES

(a) The Department of Health shall collect the following fees:

* * *

(4) Pursuant to qualifications and procedures determined by the Board, the Department shall, upon request, waive application fees to qualified military members and military spouses.

(b) The Department of Health may charge the following fees:

* * *

(5) Pre-application criminal background determination, \$25.00.

* * *

* * * Nursing * * *

Sec. 19. 26 V.S.A. § 1625 is amended to read:

§ 1625. PRACTICAL NURSE LICENSURE BY EXAMINATION

To be eligible for licensure as a practical nurse by examination, an applicant shall:

(1) complete an approved U.S. practical nursing education program meeting requirements set by the Board by rule or completion of equivalent study in a program conducted by the U.S. Armed Forces satisfactory to the Director; and

(2) complete examinations as determined by the Board.

* * * Plumbers * * *

Sec. 20. 26 V.S.A. § 2181 is amended to read:

§ 2181. PLUMBER'S EXAMINING BOARD; MEMBERSHIP; POWERS

(a) Creation. ~~A~~ The Plumber's Examining Board, within the Department of Public Safety, ~~hereinafter called "Board,"~~ shall consist of five members, one of whom shall be the Commissioner of Public Safety or designee and one of whom shall represent the Commissioner of Health or designee. The remaining three members shall be appointed by the Governor with the advice and consent of the Senate. One of the appointive members shall be a master plumber, one shall be a journey plumber, and one shall be a public member not associated with the plumbing or heating trades.

(b) General authority. The Board shall have authority to examine and license master plumbers and journeyman plumbers and specialists and shall have the right to make reasonable rules.

(c) Disciplinary actions. Upon notice to the affected person and after a hearing, the Board may refuse to issue a license or may suspend or revoke a license or may take other disciplinary action against a licensee for any of the following reasons:

* * *

(d) Military credentials. The Board may evaluate specific military credentials to determine equivalency to credentials within its jurisdiction. The

determinations shall be adopted through written policy that shall be posted on the Board's website.

(e) Foreign credential verification.

(1) The Commissioner shall adopt rules in consultation with the Board that prescribe a process for the Commissioner to assess the equivalence of an applicant's professional credentials earned outside the United States as compared to State licensing requirements for plumbers.

(2) Any determination of equivalence by the Commissioner under this subsection shall be in consultation with the Board, recorded in the applicant's licensing file, and binding upon the Board.

(3) In administering this subsection, the Board may rely upon third-party credential verification services. The cost of such services shall be paid by the applicant.

(f) Continuing education; sunset review.

(1) Not less than once every five years, the Board shall review plumbers' continuing education or other continuing competency requirements. The review results shall be in writing and address the following:

(A) the renewal requirements of the profession;

(B) the renewal requirements in other jurisdictions, particularly in the Northeast region;

(C) the cost of the renewal requirements for the profession's licensees;

(D) an analysis of the utility and effectiveness of the renewal requirements with respect to public protection; and

(E) recommendations to the Commissioner on whether the continuing education or other continuing competency requirements should be modified.

(2) The Commissioner shall respond to the Board within 45 days of its submitted review results. The Commissioner may require the Board to reduce, modify, or otherwise change the renewal requirements, including by proposing any necessary amendments to statute or rule.

Sec. 21. 26 V.S.A. § 2193 is amended to read:

§ 2193. APPLICATIONS AND EXAMINATIONS; FEES

* * *

(e) Pursuant to qualifications and procedures determined by the Commissioner, the Board shall, upon request, waive application fees to qualified military members and military spouses.

Sec. 22. 26 V.S.A. § 2194 is amended to read:

§ 2194. EXAMINATIONS NOT REQUIRED; TEMPORARY LICENSES

(a) Generally.

(1) Reciprocity.

(A) Appropriate licenses without examination may be issued to a person to whom a master plumber's license or a journeyman plumber's license or a specialty license or equivalent has been previously issued by another state or municipality upon the payment of the required fee if:

~~(A)(i)~~ that state or municipality maintained a standard of requirements equivalent to those of this State; and

~~(B)(ii)~~ the applicant presents satisfactory proof to the Board that he or she is a bona fide licensee.

~~(2)(B)~~ An applicant under this ~~subsection~~ subdivision (1) shall be exempt from examination only if the applicant holds a license from a foreign state or municipality and if under the laws or regulations of the foreign state or municipality issuing the license a like exemption or reciprocal agreement, or both, is granted to licensees under the laws of this State.

(2) Uniform process for endorsement from other states.

(A) The Board shall issue licenses for master plumbers and journeyman plumbers and specialists who have been licensed in good standing in another jurisdiction within the United States for at least three years, regardless of whether that jurisdiction meets the reciprocity requirements of subdivision (1) of this subsection.

(B) If the Board determines that three years of demonstrated practice in another specific jurisdiction is not adequately protective of the public, it shall provide its rationale to the Commissioner, who may propose any necessary statutory or rule amendments in order to implement more restrictive requirements for endorsement for that jurisdiction.

(C) The Commissioner may issue to an endorsement applicant a waiver of the practice requirement if there is a showing that the waiver follows State policy and the public is adequately protected.

(b) Service members and veterans. Except as otherwise provided by law, a journeyman's license shall be issued without examination and upon payment of the required fee to an applicant who is a service member or veteran who:

* * *

(c) Definitions. As used in this section:

* * *

* * * Electricians and Plumbers; Criminal Backgrounds * * *

Sec. 23. ELECTRICIAN AND PLUMBER LICENSING BOARDS;

RECOMMENDATIONS REGARDING LICENSEE CRIMINAL
BACKGROUND

On or before January 15, 2021, the Electricians' Licensing Board and the Plumbers' Examining Board shall each report to the House Committees on Government Operations and on General, Housing, and Military Affairs and to the Senate Committees on Government Operations and on Economic Development, Housing and General Affairs any recommendations regarding whether the law regulating their respective professions should be amended to:

(1) provide that criminal convictions constitute unprofessional conduct and therefore grounds on which the Board may deny initial licensure or license

renewal or otherwise discipline a licensee and, if so, whether this authority should be limited to certain convictions; and

(2) require an applicant for initial licensure or license renewal, or both, to submit to a criminal background check as part of the application process.

* * * Rules * * *

Sec. 24. ADOPTION OF REQUIRED RULES

An agency required to adopt rules under this act shall finally adopt those rules on or before July 1, 2021, unless that deadline is extended by the Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 843(c).

* * * Effective Dates * * *

Sec. 25. EFFECTIVE DATES

This act shall take effect on April 1, 2021, except that this section and Sec. 23 (electrician and plumber licensing boards; recommendations regarding licensee criminal backgrounds) shall take effect on passage.

Date Governor signed bill: September 23, 2020