

NO. 151. AN ACT RELATING TO PROFESSIONAL REGULATION
AND REDISTRICTING THE SENATE AND THE HOUSE OF
REPRESENTATIVES.

(H.761)

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

* * * Professional Regulation * * *

Sec. 1. 3 V.S.A. § 129(a) is amended to read:

(a) In addition to any other provisions of law, a board may exercise the following powers:

* * *

(6) Discipline any licensee or refuse to license any person who has had a license revoked, suspended, limited or conditioned or otherwise disciplined by a licensing agency in another jurisdiction for an offense which would constitute unprofessional conduct in this state, or has surrendered a license while under investigation for unprofessional conduct.

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(12) Treat as incomplete any license application submitted with a check subsequently returned for insufficient funds.

Sec. 2. 3 V.S.A. § 129a is amended to read:

§ 129a. UNPROFESSIONAL CONDUCT

(a) In addition to any other provision of law, the following conduct by a licensee constitutes unprofessional conduct. When that conduct is by an

applicant or person who later becomes an applicant, it may constitute grounds for denial of a license or other disciplinary action. Any one of the following items, or any combination of items, whether or not the conduct at issue was committed within or outside the state, shall constitute unprofessional conduct:

* * *

(b) Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct.

Failure to practice competently includes:

(1) performance of unsafe or unacceptable patient or client care; or

(2) failure to conform to the essential standards of acceptable and prevailing practice.

~~(b)~~(c) The burden of proof in a disciplinary action shall be on the state to show by a preponderance of the evidence that the person has engaged in unprofessional conduct.

~~(e)~~(d) After hearing, and upon a finding of unprofessional conduct, a board or an administrative law officer may take disciplinary action against a licensee or applicant, including imposing an administrative penalty not to exceed \$1,000.00 for each unprofessional conduct violation. Any money received from the imposition of an administrative penalty imposed under this section shall be deposited in the general fund.

~~(d)~~(e) In the case where a standard of unprofessional conduct as set forth in this section conflicts with a standard set forth in a specific board's statute or rule, the standard that is most protective of the public shall govern.

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

§ 131. ACCESSIBILITY AND CONFIDENTIALITY OF DISCIPLINARY
MATTERS

* * *

(f) For the purposes of this section, "disciplinary action" means action that suspends, revokes, limits or conditions a license in any way, and includes warnings and reprimands.

(g) Nothing in this section shall prohibit the disclosure of information regarding disciplinary complaints to state or federal law enforcement agencies in the course of their investigations.

* * * Administrative Procedure * * *

Sec. 4. 3 V.S.A. § 814(d) is amended to read:

(d) An agency having jurisdiction to conduct proceedings and impose sanctions in connection with conduct ~~occurring during the time a license is operative~~ of a licensee or former licensee shall not lose jurisdiction if the license is not renewed or is surrendered or otherwise terminated prior to initiation of such proceedings.

* * * Barbers and Cosmetologists * * *

Sec. 5. 26 V.S.A. § 277(a) is amended to read:

(a) A person shall be eligible for licensure as a barber if the person is at least 18 years of age, has a high school or general educational development diploma, and has satisfactorily completed an accredited barber school program and an apprenticeship of 12 months; or has satisfactorily completed an apprenticeship of 24 months in addition to courses, as prescribed by the board, by rule, has a high school or general educational development diploma, and has passed the examination described in section 283 of this title.

Sec. 6. 26 V.S.A. § 278 is amended to read:

§ 278. QUALIFICATIONS; COSMETOLOGIST

A person shall be eligible for licensure as a cosmetologist if the person is at least 18 years of age, has a high school or general educational development diploma, and has satisfactorily completed the following:

* * *

Sec. 7. 26 V.S.A. § 279 is amended to read:

§ 279. QUALIFICATIONS; ESTHETICIAN

A person shall be eligible for licensure as an esthetician if the person is at least 18 years of age, has a high school or general educational development diploma, and has satisfactorily completed the following:

(1) a course of study in esthetics of at least ~~300~~ 600 hours at a school of cosmetology approved by an accrediting body recognized by the United States Department of Education or approved by the board under standards that the board has adopted by rule; or

(2) an apprenticeship of ~~six~~ 12 months, as prescribed by the board by rule; and has passed the ~~exam~~ examination described in section 283 of this title.

Sec. 8. 26 V.S.A. § 280 is amended to read:

§ 280. QUALIFICATIONS; MANICURIST

A person shall be eligible for licensure as a manicurist if the person is at least 18 years of age, has a high school or general educational development diploma, and has satisfactorily completed:

(1) a course of study in manicuring of at least ~~150~~ 400 hours at a school of cosmetology approved by an accrediting body recognized by the United States Department of Education or approved by the board under standards that the board has adopted by rule; or

(2) an apprenticeship of ~~four~~ eight months, as prescribed by the board by rule, and has passed the examination described in section 284 of this title.

* * * Chiropractic * * *

Sec. 9. 26 V.S.A. § 533 is amended to read:

§ 533. LICENSE BY ENDORSEMENT

~~The board may grant a license without written examination to an applicant who is licensed and in good standing to practice chiropractic in another state, if the applicant~~

~~(1) Meets the educational criteria provided in section 531 of this title;~~

~~and~~

~~(2) Passes the clinical examination required under subsection (b) of section 532 of this title.~~

(a) The board may grant a license without written examination to an applicant who:

(1) is licensed, is in good standing to practice chiropractic in another jurisdiction, and has successfully completed not less than 24 hours of continuing chiropractic professional education during the two years immediately preceding application. For purposes of this section, “in good standing” means the applicant has no record of disciplinary actions on file with other jurisdictions, the Chiropractic Information Network - Board Action Databank (CIN-BAD) or professional liability insurance carriers;

(2) presents proof of having graduated before January 1, 1996 from a four-year school of chiropractic, accredited by the Council on Chiropractic

Education (CCE), or which was accredited by the CCE at the time of the applicant's graduation, and which requires not less than 4,000 hours as a resident student; and

(3) has practiced chiropractic at least 500 hours during the two years immediately preceding the date of application.

(b) The board may require an applicant under this section to take an examination on the Vermont laws and rules governing the practice of chiropractic.

(c) An applicant who is not in good standing may be eligible for licensure under this section if the applicant can demonstrate to the satisfaction of the board that the applicant has passed the Special Purpose Examination for Chiropractors and is otherwise qualified for licensure under this section. The board may place limitations or conditions on licenses issued under this subsection.

Sec. 9a. 26 V.S.A. § 805 is amended to read:

§ 805. LICENSING NONRESIDENTS

(a) In its discretion, upon a satisfactory practical examination demonstrating his or her proficiency, the board may issue a license to a dentist who has been lawfully in practice in another state for at least five years, upon the payment of the required fee, if the applicant presents a certificate from the

board of dental examiners or other like board of the state in which he or she has practiced, certifying to ~~his~~ competency and good moral character.

(b) Notwithstanding the provisions of subsection (a) of this section and any other provision of law, a dentist who holds an unrestricted license in all jurisdictions in which the dentist is currently licensed, who certifies to the Vermont board of dental examiners that he or she will limit his or her practice in Vermont to providing pro bono services at a free or reduced fee clinic in Vermont and who meets the criteria of the board, shall be licensed by the board within 60 days of the licensee's certification without further examination, interview, fee or any other requirement for board licensure. The dentist shall file with the board, on forms provided by the board and based on criteria developed by the board, information on dental qualifications, professional discipline, criminal record, malpractice claims or any other such information as the board may require. A license granted under this subsection shall authorize the licensee to practice dentistry on a voluntary basis in Vermont.

* * * Funeral Services * * *

Sec. 10. 26 V.S.A. § 1211 is amended to read:

§ 1211. DEFINITIONS

(a) The following words as used in this chapter, unless a contrary meaning is required by the context, shall have the following meanings:

(1) “Crematory establishment” means a place of business conducted at a specific street address or location devoted to the disposition of dead human bodies by means of cremation.

(2) “Funeral director” means a licensed person who is the owner, co-owner, employee or manager of a licensed funeral establishment and who directs, supervises or contracts to direct, or supervise funerals, for compensation, engages in the practice of funeral service.

~~(2)~~(3) “Funeral establishment” means a place of business conducted at a specific street address or location devoted to the care and preparation for burial, disposal or transportation of dead human bodies, including the selling of funeral services or merchandise practice of funeral service.

(4) “Practice of funeral service” means arranging, directing, or providing for the care, preparation, or disposition of dead human bodies for a fee or other compensation. This includes, but is not limited to:

(A) meeting with the public to select a method of disposition or funeral observance and merchandise;

(B) entering into contracts, either at-need or pre-need, for the provision of dispositions, funeral observances, and merchandise;

(C) arranging, directing, or performing the removal or transportation of a dead human body;

(D) securing or filing certificates, permits, forms or other documents;

(E) supervising or arranging a funeral, memorial, viewing, or graveside observance;

(F) holding oneself out to be a licensed funeral director by using the words or terms “funeral director”, “mortician”, “undertaker”, or any other words, terms, title, or picture that, when considered in context, would imply that such person is engaged in the practice of funeral service or is a licensed funeral director.

(5) “Removal” means the removal of dead human bodies from places of death, hospitals, institutions, or other locations, for a fee or other compensation.

(b) Nothing in this section shall prohibit cemetery owners, associations or their employees from engaging in any functions normally performed by them in the course of their everyday affairs as allowed by chapter 121 of Title 18.

(c) Notwithstanding this section, crematory owners and their personnel may engage in the listed activities in subsection (a) of this section only to the extent such functions are necessary to the performance of their duties.

Specifically, crematory personnel may:

(1) provide for the disposition of dead human bodies by cremation, and meet with the public to arrange and provide for the disposition;

(2) enter into contracts, without taking prepaid funds, for the provision of dispositions by cremation;

(3) arrange, direct or perform the removal or transportation of a dead human body, so long as removals are performed by licensed removal personnel; and

(4) secure and file certificates, permits, forms or other documents.

Sec. 11. 26 V.S.A. § 1212 is amended to read:

§ 1212. RULES; DUTIES

(a) The board shall:

* * *

(b) The office of professional regulation, with the advice of the advisor appointees established in section 1212a of this title, shall:

(1) adopt rules regarding minimum standards for crematory establishments, including standards for permits and documentation, body handling, containers, infectious diseases, pacemakers, body storage, sanitation, equipment and maintenance, dealing with the public and other measures necessary to protect the public;

(2) provide general information to applicants for licensure;

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

(4) issue licenses to qualified applicants under this chapter.

Sec. 12. 26 V.S.A. § 1213 is amended to read:

§ 1213. INSPECTION OF PREMISES

(a) The board of funeral service or the office of professional regulation may, at any reasonable time, inspect funeral establishments. The office of professional regulation may, at any reasonable time, inspect crematory establishments.

(b) Each funeral and crematory establishment shall be inspected at least once every two years. Copies of the inspector's report of an inspection of a funeral establishment shall be provided to the board.

Sec. 12a. 26 V.S.A. § 1212a is added to read:

§ 1212a. ADVISOR APPOINTEES

(a) The secretary of state shall appoint two individuals for five-year terms to serve as advisors in matters relating to crematory establishments. One of the initial appointments may be for less than a five-year term. One appointee shall not have less than three years' experience as an owner or manager of a crematory establishment immediately preceding appointment and shall be actively engaged in the business of a crematory establishment in Vermont during incumbency.

(b) The director shall seek the advice of the crematory establishment advisors in carrying out the relevant provisions of this chapter. Such advisor appointees shall be entitled to compensation and necessary expenses in the

amount provided in section 1010 of Title 32 for attendance at any meeting called by the director for this purpose.

Sec. 13. REPEAL

26 V.S.A. § 1214 (limitation on funeral director reception of dead human bodies) is repealed.

Sec. 14. 26 V.S.A. § 1251 is amended to read:

§ 1251. LICENSE REQUIREMENTS

No person, partnership, corporation, association or other organization may open or maintain a funeral establishment unless the establishment is licensed by the board of funeral service to conduct the business and unless the owner, a co-owner or manager is a licensed funeral director. No person, partnership, corporation, association or other organization may open or maintain a crematory establishment unless the establishment is licensed by the office of professional regulation. No person may hold himself or herself out as performing the duties of a funeral director unless licensed by the board of funeral service. Except as otherwise permitted by law, no person employed by a funeral establishment may perform a removal unless registered with the board of funeral service and no person employed by a crematory establishment may perform a removal unless registered with the office of professional regulation.

Sec. 15. 26 V.S.A. § 1252 is amended to read:

§ 1252. APPLICATION; QUALIFICATIONS

(a) Funeral director. Any person who desires to engage in the business of a funeral director shall make written application to the board of funeral service for a license to engage therein. The applicant shall have attained the age of majority, ~~be a citizen of the United States, a resident of the state of Vermont and be of good moral character~~ and hold a high school or general educational development diploma or its equivalent. The application for a license shall be sworn to and shall state the name, age and residence of the applicant. The board of funeral service may prescribe by regulation the forms for the applications, and all applicants shall furnish such information relative to prior experience, employment and qualifications as the board shall require. The application shall be accompanied by an examination fee.

(b) Funeral establishment. A person, partnership, association or other organization desiring to operate a funeral establishment, shall apply, in writing, to the board of funeral service for a license. The applicant, if a corporation, partnership, association or other organization, must have a manager or co-owner who is a licensed funeral director. The application for a license shall be sworn to by the individual, a partner or a duly authorized officer of a corporation, and shall be on the form prescribed and furnished by the board of funeral service, and the applicant shall furnish such information as required by

rule or regulation of the board. The application shall be accompanied by an examination fee.

(c) Crematory establishment. A person, partnership, corporation, association or other organization desiring to operate a crematory establishment shall apply, in writing, to the office of professional regulation for a license. The applicant, if a partnership, corporation, association or other organization, must have a designated manager or co-owner who is responsible for the operation of the establishment. The application for a license shall be sworn to by the individual, or a partner or a duly authorized officer of a corporation, shall be on the form prescribed and furnished by the office of professional regulation, and the applicant shall furnish such information, as required by rule of the office. The application shall be accompanied by a registration fee. However, the applicant shall not be required to pay the registration fee under this subsection if the applicant pays the fee under subsection (b) of this section.

(d) Removal personnel. Any person who desires to engage in removals shall register with the board of funeral service and pay the fee established in subsection 1256(d) of this title. The applicant shall have attained the age of majority and be directly employed by a licensed funeral or crematory establishment. The board may prescribe, by rule, the forms for applicants, which may include proof of completion of up to three hours of education and training in infectious diseases in programs approved by the board. Registrants

under this section are authorized to perform removals only, as defined by this chapter. Unregistered personnel may accompany registered personnel to assist in removals so long as they have been instructed in handling and precautionary procedures prior to the call.

Sec. 16. 26 V.S.A. § 1254 is amended to read:

§ 1254. ISSUANCE OR DENIAL OF LICENSE

If, upon examination, it is found that the applicant ~~is of a good moral character and possessed of~~ possesses sufficient skill and knowledge of the business, the board shall issue to him or her upon the payment of an initial license fee, a license to engage in the business of funeral director, and shall ~~register~~ license him or her ~~as a duly licensed funeral director.~~ If, upon examination, it is found that the applicant possesses sufficient skill and knowledge of the business, the office of professional regulation shall issue to him or her upon the payment of an initial license fee, a license to engage in the business of a crematory establishment. All applications shall be granted or denied within ~~ninety~~ 90 days from the making thereof.

Sec. 17. 26 V.S.A. § 1256 is amended to read:

§ 1256. RENEWAL OF REGISTRATION OR LICENSE

(a)(1) One month before renewal is required, the board or the office of professional regulation shall notify, by mail, every ~~licensed funeral director~~

~~and funeral establishment licensee~~ of the date on which his or her or its license will expire.

(2) Biennially, every ~~licensed funeral director and funeral establishment licensee~~ shall renew ~~their~~ his or her or its registration or license by paying the required fee.

(3) Upon the receipt of the fee, the board or the office of professional regulation shall issue to the ~~funeral director~~ licensee a receipt showing his or her number, name, and the year for which the fee is paid.

(b) Upon request of the board of health or a person authorized to issue burial or removal permits, a ~~licensed funeral director~~ licensee shall show the receipt mentioned in subdivision (a)(3) of this section.

(c) If a ~~funeral director or funeral establishment licensee~~ fails to pay the renewal fee by the required date, the license shall be suspended. Thereafter, the license may be renewed only upon application to the board or the office of professional regulation and upon payment of the renewal fee and a reinstatement fee.

* * *

Sec. 18. 26 V.S.A. § 1257 is amended to read:

§ 1257. UNPROFESSIONAL CONDUCT

(a) A ~~funeral director~~ licensee shall not engage in unprofessional conduct.

(b) Unprofessional conduct means the following conduct and conduct set forth in section 129a of Title 3:

(1) Using dishonest or misleading advertising.

(2) Failure to make available, upon request of a person who had received services, copies of documents in the possession or under the control of the practitioner.

(3) ~~Failure~~ For funeral directors, failure to comply with rules adopted by the board or by the Federal Trade Commission relating to funeral directors or, for crematory establishments, failure to comply with rules adopted by the office of professional regulation.

(4) ~~Failure~~ For funeral directors, failure to make available at the licensee's place of business, by color picture or display, the three least expensive caskets, as available. For the purposes of this section and related administrative rules, the three least expensive caskets shall include one cloth, one metal, and one wood casket.

(c) After hearing and upon a finding of unprofessional conduct, the board or office of professional regulation may take disciplinary action against a ~~funeral director~~ licensee.

(d) For purposes of this section, "disciplinary action" includes any action taken by the board or the office of professional regulation against a ~~funeral director~~ licensee premised on a finding of unprofessional conduct.

Disciplinary action includes all appropriate remedies, including denial of renewal of a license, suspension, revocation, limiting or conditioning of the license, issuing reprimands or warnings, and adopting consent orders.

Sec. 19. 26 V.S.A. § 1272 is amended to read:

§ 1272. RULES

The board, with the assistance of the office of professional regulation, shall adopt rules to carry out the provisions of this subchapter to insure the proper handling of all funds paid pursuant to a prepaid funeral agreement and to protect consumers in the event of default. The rules shall include provisions relating to the following:

* * *

(9) Establishment of a funeral services trust account. For purposes of funding the funeral services trust account, the board or the office of professional regulation shall assess each funeral or crematory establishment a per funeral, burial or disposition fee of \$6.00. The account shall be administered by the secretary of state and shall be used for the sole purpose of protecting prepaid funeral contract holders in the event a funeral establishment defaults on its obligations under the contract. The account shall consist of all fees collected under this subdivision and any assessments authorized by the general assembly. The principal and interest remaining in the account at the close of any fiscal year shall not revert but shall remain in the account for use

in succeeding fiscal years. Notwithstanding the foregoing, if the fund balance at the beginning of a fiscal year is at least \$200,000.00, no fees shall be imposed during that fiscal year. Payments from the fund shall be made on warrants by the commissioner of finance and management, at the direction of the board of funeral services. In cases where both a funeral and crematory establishment are involved in a disposition, the party receiving the burial permit shall be responsible for the disposition fee.

* * * Medicine and Surgery * * *

Sec. 19a. REPEAL

26 V.S.A. § 1354(3) (unprofessional conduct relating to conviction of a crime arising out of the practice of medicine or conviction of a felony) is repealed in its entirety.

Sec. 19b. 26 V.S.A. § 1395(c) is added to read:

(c) Notwithstanding the provisions of subsection (a) of this section and any other provision of law, a physician who holds an unrestricted license in all jurisdictions where the physician is currently licensed, and who certifies to the Vermont board of medical practice that he or she will limit his or her practice in Vermont to providing pro bono services at a free or reduced fee health care clinic in Vermont and who meets the criteria of the board, shall be licensed by the board within 60 days of the licensee's certification without further

examination, interview, fee or any other requirement for board licensure. The physician shall file with the board, on forms provided by the board and based on criteria developed by the board, information on medical qualifications, professional discipline, criminal record, malpractice claims or any other such information as the board may require. A license granted under this subsection shall authorize the licensee to practice medicine or surgery on a voluntary basis in Vermont.

* * * Nursing * * *

Sec. 19c. 26 V.S.A. § 1576(e) is added to read:

(e) Notwithstanding the provisions of this section and any other provision of law, a nurse who holds an unrestricted license in all jurisdictions in which the nurse is currently licensed, who certifies to the Vermont board of nursing that he or she will limit his or her practice in Vermont to providing pro bono services at a free or reduced fee clinic in Vermont and who meets the criteria of the board, shall be licensed by the board within 60 days of the licensee's certification without further examination, interview, fee or any other requirement for board licensure. The nurse shall file with the board, on forms provided by the board and based on criteria developed by the board, information on nursing qualifications, professional discipline, criminal record, malpractice claims or any other such information as the board may require. A

license granted under this subsection shall authorize the licensee to practice nursing on a voluntary basis in Vermont.

* * * Pharmacy * * *

Sec. 20. REPEAL

26 V.S.A. § 1897 (posting of prescription prices by agency of human services) is repealed.

* * * Real Estate Brokers and Salespersons * * *

Sec. 21. 26 V.S.A. § 2292(a) is amended to read:

§ 2292. ELIGIBILITY

(a) A license as a real estate broker shall be granted to a person who satisfies all of the following:

(1) Has passed an examination as required by the commission.

(2) Has gained at least one year's experience satisfactory to the commission as a licensed salesperson, ~~or has completed a course of instruction that the commission deems to be equivalent to such experience.~~

* * *

* * * Veterinary Medicine * * *

Sec. 22. 26 V.S.A. § 2403 is amended to read:

§ 2403. EXEMPTIONS FROM LICENSURE

Regardless of whether acts performed are within the definition of the practice of veterinary medicine as defined in ~~section~~ subdivision 2401(5) of

this title, a license to practice veterinary medicine shall not be required under section 2402 of this title by the following:

* * *

(2) a person advising with respect to or performing acts which are accepted livestock management practices and animal husbandry practices such as the use of procedures for artificial insemination, dehorning, clipping and shoeing animals ~~and~~, trimming feet and use of handheld files, rasps or other devices to remove overgrowth from the teeth of horses (floating), but not to include extraction of teeth or other procedures that invade the skin tissue of the mouth. Prescription drugs shall not be used except by or on the order of a licensed veterinarian, as provided by state and federal law;

* * *

Sec. 23. [DELETED.]

Sec. 24. 26 V.S.A. § 2405 is added to read:

§ 2405. IMMUNITY FROM LIABILITY FOR GOOD SAMARITAN ACTS

(a) For purposes of this section, an “emergency” shall include a fire, flood, storm or other natural disaster, hazardous chemical or substance incident, vehicular collision with an animal, or other transportation accident where an animal is injured or in need of assistance to protect its health or life.

(b) A veterinarian licensed by the board or any other person who, in good faith, provides care and treatment to an animal during an emergency shall not

be held liable for civil damages by the owner of the animal, unless his or her acts constitute gross negligence or unless he or she will receive or expects to receive remuneration.

(c) Nothing contained in this section shall alter existing law with respect to tort liability of a practitioner of veterinary medicine for acts committed in the ordinary course of his or her practice.

Sec. 25. 26 V.S.A. § 2424(c) is amended to read:

(c) Applicants who are not graduates of schools of veterinary medicine accredited by the American Veterinary Medical Association (AVMA) must possess a certificate issued by the Educational Commission for Foreign Veterinary Graduates (ECFVG), its successor organization or an organization acceptable to the board, or a Certificate of Qualification issued by the Canadian Veterinary Medical Association, unless at the time the applicant became licensed in the state, territory or province from which ~~they are~~ the applicant is applying, an ECFVG certificate was not required by this state.

* * * Radiology * * *

Sec. 26. 26 V.S.A. § 2811 is amended to read:

§ 2811. BOARD OF RADIOLOGIC TECHNOLOGY

(a) A board of radiologic technology is created, consisting of five members. The board shall be attached to the office of professional regulation.

(b) ~~Two members~~ One member of the board shall be ~~members~~ a member of the public who ~~have~~ has no financial interest in radiologic technology other than as a consumer or possible consumer of its services. ~~They~~ The public member shall have no financial interest personally or through a spouse.

(c) One member of the board shall be a radiologist certified by the American Board of Radiology.

(d) Two members of the board shall be licensed under this chapter.

(e) One member of the board shall be a representative from the radiological health program of the Vermont department of health.

(f) Board members shall be appointed by the governor.

Sec. 27. 26 V.S.A. § 2825 is amended to read:

§ 2825. TEMPORARY PERMITS

(a) An applicant for general radiography licensure, nuclear medicine technology licensure or radiation therapy licensure who meets all of the qualifications for licensure except passage of a required examination shall be issued a temporary permit. The permit shall authorize the holder to practice, ~~under the general supervision of a licensed practitioner or a person licensed under this chapter,~~ the branch of radiologic technology applied for until ~~the next succeeding examination is given, and if the applicant sits for that examination,~~ until the results of the next examination taken by the applicant are distributed and acted on by the board.

(b) As soon as the results of the examination are distributed and acted upon by the board, a permit holder who passes the examination shall be granted permanent licensure. A graduate of an approved program of radiologic technology who fails the examination may have his or her temporary permit renewed or reissued no more than ~~two~~ three consecutive times to permit the applicant to take the ~~next two scheduled examinations~~ examination not more than four times. The fourth and final examination shall be taken only after the applicant has completed additional education or other remedial steps acceptable to the board. An applicant who thereafter fails an examination shall not be granted a temporary permit.

* * * Private Investigative and Security Services * * *

Sec. 28. 26 V.S.A. § 3162 is amended to read:

§ 3162. POWERS AND DUTIES

The board may:

* * *

(7) Adopt rules establishing a security guard or private investigator training program, consisting of not fewer than 40 hours of training, as a prerequisite to registration.

(8) Adopt rules establishing continuing education requirements and establish or approve continuing education programs to assist a licensee or registrant in meeting these requirements.

Sec. 29. 26 V.S.A. § 3175a is amended to read:

§ 3175a. FIREARMS AND GUARD DOG TRAINING; INSTRUCTOR

LICENSURE

(a) An applicant for a private detective or security guard license to provide armed services shall demonstrate to the board competence in the safe use of firearms in a ~~manner deemed appropriate by the board, which~~ firearms training program approved by the board and taught by an instructor currently licensed under this section. Firearms training may include evidence of law enforcement or military training in firearms. An applicant for a license to provide guard dog services shall demonstrate to the board competence in the handling of guard dogs in a ~~manner deemed appropriate by the board.~~ The board shall adopt rules governing the approval of firearm and guard dog training, including instructor qualifications guard dog training program approved by the board and taught by an instructor currently licensed under this section.

(b) The board shall license instructors of such training courses and shall adopt rules governing the licensure of instructors and the approval of firearms and guard dog training programs.

(c) The board shall not issue a license as a firearms training program instructor without first obtaining and approving the following:

(1) The application filed in the proper form.

(2) The application fee established in subdivision 3178a(5)(A) of this title.

(3) Evidence that the applicant has obtained the age of majority.

(4) A copy of the applicant's training program.

(5) Proof of certification as an instructor from an instructor's course approved by the board.

(6) A federal background check.

(d) The board shall not issue a license as a guard dog training program instructor without first obtaining and approving the following:

(1) The application filed in the proper form.

(2) The application fee established in subdivision 3178a(5)(A) of this title.

(3) Evidence that the applicant has obtained the age of majority.

(4) A copy of the applicant's training program.

(5) Proof of certification as an instructor from an instructor's course approved by the board.

(6) A federal background check.

(e) Instructors licensed under this section are subject to the same renewal requirements as others licensed under this chapter, and prior to renewal are required to show proof of current instructor licensure and pay the renewal fee established in subdivision 3178a(5)(B) of this title.

(f) Hunter safety instructors shall be exempt from the licensure requirements of this section for the purpose of hunter safety instruction.

Sec. 29a. 26 V.S.A. § 3178a(5) is added to read:

(5) Instructor licensure

(A) Application for licensure \$100.00

(B) Biennial renewal \$150.00

Sec. 30. 26 V.S.A. § 3176(e) is added to read:

(e) As a prerequisite to registration, all investigative and security employees shall take and successfully complete a training program approved by the board.

Sec. 31. 26 V.S.A. § 3181(b)(20) is added to read:

(b) Unprofessional conduct means any of the following:

* * *

(20) For armed and guard dog certified licensees, brandishing, exhibiting, displaying or otherwise misusing a firearm or guard dog in a careless, angry or threatening manner unnecessary for the course of the licensee's duties.

* * * Clinical Mental Health Counselors * * *

Sec. 32. 26 V.S.A. § 3265(2) is amended to read:

(2) Shall have documented a minimum of 3,000 hours of supervised work in clinical mental health counseling over a minimum of two years of

post-master's experience; and shall have documented a minimum of 100 hours of face-to-face supervision over a minimum of two years post-master's experience. Clinical work shall be performed under the supervision of a licensed physician certified in psychiatry by the American Board of Medical Specialties, a licensed psychiatric nurse practitioner, a licensed psychologist, a licensed clinical social worker ~~or~~, a ~~certified~~ licensed marriage and family therapist, a licensed clinical mental health counselor or a person certified or licensed in another jurisdiction in one of these professions or in a profession which is their substantial equivalent; and

* * * Hearing Aid Dispensers * * *

Sec. 32a. SUNSET

26 V.S.A. § 3283a (physician evaluation requirement for hearing aid dispensers) shall expire on July 1, 2003.

* * * Occupational Therapists * * *

Sec. 33. 26 V.S.A. § 3351 is amended to read:

§ 3351. DEFINITIONS

As used in this chapter:

(1) "Occupational therapist" means a person who is ~~certified~~ licensed to practice occupational therapy under this chapter.

(2) “Occupational therapy assistant” means a person who is ~~certified~~ licensed to assist in the practice of occupational therapy under the supervision of an occupational therapist.

(3) “Director” means the director of the office of professional regulation.

(4) “Disciplinary action” includes any action taken by the director or by an administrative law officer established by 3 V.S.A. § 129(j) against an occupational therapist, occupational therapy assistant, or applicant premised on a finding that the occupational therapist, occupational therapy assistant, or applicant has engaged in unprofessional conduct. The term includes all sanctions of any kind, refusing to grant or renew ~~certification~~ licensure, suspending or revoking ~~certification~~ licensure and issuing warnings.

(5) ~~“Occupational therapy” means the use of purposeful activity to maximize functional independence, prevent and remediate disability, and maintain the health of individuals who are limited by physical injury or illness, a cognitive impairment, psychosocial dysfunction, a mental illness, developmental or learning disabilities, or an adverse environmental condition. The practice of occupational therapy encompasses evaluation and testing, treatment, and consultation. Occupational therapists use skilled observation or administer and interpret standardized or nonstandardized tests and measurements to identify the need for occupational therapy services.~~

~~Occupational therapists assess the need for and use of: the design, development, adaptation, or application of assistive technology devices; the design, fabrication, and application of rehabilitative technology such as selected orthotic devices; training in the use of assistive technology or orthotic and prosthetic devices; the application of therapeutic agents as an adjunct to, or in preparation for, purposeful activities; ergonomic principles; and the adaptation of environments and processes to enhance functional performance or the promotion of health and wellness. Occupational therapy services include: developing daily living skills; work readiness or work performance; play skills or leisure capacity; enhancing educational performance skills; assisting in the development of sensory-motor, perceptual or neuromuscular functioning, or range of motion; assisting in the development of emotional, motivational, cognitive, or psychosocial components of performance; or assisting individuals with eating/swallowing disorders. Occupational therapy services are provided individually, in groups, or through social systems, and may be carried out in consultation with the patient's family or other person interested in his or her welfare. "Occupational therapy practice" means the therapeutic use of purposeful and meaningful occupations (goal-directed activities) to evaluate and treat individuals who have a disease or disorder, impairment, activity limitation, or participation restriction which interferes~~

with their ability to function independently in daily life roles, and to promote health and wellness. Occupational therapy intervention may include:

(A) remediation or restoration of performance abilities that are limited due to impairment in biological, physiological, psychological or neurological processes;

(B) adaptation of task, process or the environment, or the teaching of compensatory techniques, in order to enhance performance;

(C) disability prevention methods and techniques which facilitate the development of safe application of performance skills;

(D) health promotion strategies and practices which enhance performance abilities.

(6) "Occupational therapy services" include, but are not limited to:

(A) evaluating, developing, improving, sustaining, or restoring skills in activities of daily living, work or productive activities, including instrumental activities of daily living, and play and leisure activities;

(B) evaluating, developing, remediating, or restoring sensorimotor, cognitive, or psychosocial components of performance;

(C) designing, fabricating, applying, or training in the use of assistive technology or orthotic devices, and training in the use of prosthetic devices;

(D) adaptation of environments and processes, including the application of ergonomic principles, to enhance performance and safety in daily life roles;

(E) application of physical agent modalities as an adjunct to or in preparation for engagement in occupations;

(F) evaluating and providing intervention in collaboration with the client, family, caregiver, or others;

(G) educating the client, family, caregiver, or others in carrying out appropriate nonskilled interventions;

(H) consulting with groups, programs, organizations, or communities to provide population-based services.

Sec. 34. 26 V.S.A. § 3352 is amended to read:

§ 3352. PROHIBITION; OFFENSES

(a) No person shall practice or attempt to practice occupational therapy or hold himself or herself out as being able to do so in this state without first having obtained a license.

(b) No person shall use in connection with the person's name any letters, words or insignia indicating or implying that the person is an occupational therapist or occupational therapy assistant unless ~~certified~~ licensed in accordance with this chapter.

~~(b)~~(c) A person who violates this section shall be fined not more than \$1,000.00 for each occurrence.

Sec. 35. 26 V.S.A. § 3353(a) is amended to read:

(a) The director shall:

- (1) provide general information to applicants for ~~certification~~ licensure as occupational therapists or occupational therapy assistants;
- (2) administer fees collected under this chapter;
- (3) explain appeal procedures to occupational therapists, occupational therapy assistants and applicants, and complaint procedures to the public;
- (4) receive applications for ~~certification, certify~~ licensure, license applicants under this chapter, renew ~~certificates~~ licenses, and revoke, suspend, reinstate or condition ~~certificates~~ licenses as ordered by an administrative law officer; and
- (5) refer all disciplinary matters to an administrative law officer.

Sec. 36. 26 V.S.A. § 3355 is amended to read:

§ 3355. ELIGIBILITY

(a) To be eligible for ~~certification~~ licensure as an occupational therapist an applicant:

- (1) shall have ~~a bachelor's or higher degree in occupational therapy from an educational institution approved by an accrediting agency accepted by the director~~ successfully completed the academic requirements of an

educational program for occupational therapists accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education (ACOTE) or its predecessor or successor organizations;

(2) shall have ~~documented a minimum of six months' supervised work in occupational therapy; this clinical work shall be performed under the supervision of an occupational therapist who has been continuously engaged in the full-time active practice of occupational therapy for one or more years and who is either a certified occupational therapist in this state or has received the national professional designation of registered occupational therapist~~ successfully completed a period of supervised fieldwork experience required by the recognized educational institution where the applicant met the requirements set forth in subdivision (1) of this subsection; and

(3) shall pass an examination as provided in section 3357 of this title.

(b) To be eligible for ~~certification~~ licensure as an occupational therapy assistant an applicant:

(1) shall have ~~an associate's or higher degree in occupational therapy from an educational institution approved by an accrediting agency accepted by the director~~ successfully completed the academic requirements of an educational program for occupational therapy assistants accredited by the American Occupational Therapy Association's Accreditation Council for

Occupational Therapy Education (ACOTE) or its predecessor or successor organizations;

(2) shall have ~~documented a minimum of two months' supervised work in occupational therapy, which shall be performed under the supervision of an occupational therapist or occupational therapy assistant who has been continuously engaged in the full-time active practice of occupational therapy for one or more years and who is either a certified occupational therapist or certified occupational therapy assistant in this state or has received the national professional designation of registered occupational therapist or certified occupational therapy assistant~~ successfully completed a period of supervised fieldwork experience required by the recognized educational institution where the applicant met the requirements set forth in subdivision (1) of this subsection; and

(3) shall pass an examination as provided in section 3357 of this title.

(c) Occupational therapist applicants must complete a minimum of 24 weeks of supervised fieldwork experience or satisfy any generally-recognized past standards that identified minimum fieldwork requirements at the time of graduation.

(d) Occupational therapy assistant applicants must complete a minimum of 16 weeks of supervised fieldwork experience or satisfy any

generally-recognized past standards that identified minimum fieldwork requirements at the time of graduation.

Sec. 37. 26 V.S.A. § 3356 is amended to read:

§ 3356. APPLICATION

To apply for ~~certification~~ licensure as an occupational therapist or occupational therapy assistant, a person shall apply to the director on a form furnished by the director. The application shall be accompanied by payment of the specified fee and evidence of eligibility as requested by the director.

Sec. 38. 26 V.S.A. § 3357 is amended to read:

§ 3357. EXAMINATION

(a) Written examinations shall be conducted under this chapter by a nationally-recognized credentialing body approved by the director.

Examinations shall be conducted at least twice a year, except that examinations need not be conducted when no one has applied to be examined.

(b) Examinations administered and the procedures of administration shall be fair and reasonable and shall be designed and implemented to ensure that all applicants are granted ~~certification~~ licensure if they demonstrate that they possess the minimal occupational qualifications which are necessary for the protection of the public health, safety and welfare. The examination shall not be designed or implemented for the purpose of limiting the number of ~~certificate holders~~ licensees. The director, with the advice of the advisor

appointees, shall establish, by rule, fixed criteria for passing the examination that shall apply to all persons taking the examination.

* * *

Sec. 39. 26 V.S.A. § 3358 is amended to read:

§ 3358. ~~CERTIFICATION~~ LICENSURE WITHOUT EXAMINATION;
WAIVER OF EDUCATIONAL REQUIREMENT

* * *

(b) The director may waive the examination requirement if the applicant is certified prior to July 1, 1993 as a registered occupational therapist (OTR) or certified occupational therapy assistant (COTA) ~~by the American Occupational Therapy Certification Board~~, if, in the opinion of the director, the standards and qualifications for such certification are at least equal to those required by this chapter.

(c) The director may waive the educational requirement for ~~certification~~ licensure as an occupational therapist, if the applicant is recognized ~~by the American Occupational Therapy Certification Board as an A.O.T.A.~~ a certified occupational therapist after having qualified for and passed an occupational therapist examination, and the director determines that the examination so taken meets the requirements of section 3357 of this chapter.

Sec. 40. 26 V.S.A. § 3358a is added to read:

§ 3358a. TEMPORARY LICENSURE WITHOUT EXAMINATION

(a) A temporary license without examination for practice under the direction of an occupational therapist licensed in Vermont may be issued to a person who applies for the first time to practice occupational therapy in this state as an occupational therapist or as an occupational therapy assistant under section 3355 of this title and meets all other qualifications of that section.

(b) A temporary license may be issued only for the purpose of allowing a qualified applicant to practice as an occupational therapist or as an occupational therapy assistant until:

(1) the applicant takes the next examination provided by the director of the office of professional regulation under section 3357 of this title, and a determination is made of the applicant's qualifications to practice in this state;
or

(2) the necessary data for licensure without examination under section 3358 of this title is collected and ruled on by the director of the office of professional regulation.

(c) Temporary licenses shall be issued on payment of the specified fee for a fixed period of time to be determined by the director of the office of professional regulation, and shall not be renewed except by the director of the

office of professional regulation, subject to proof of an exceptional cause shown by the applicant.

Sec. 41. 26 V.S.A. § 3359 is amended to read:

§ 3359. RENEWALS

(a) ~~Certification~~ Licenses shall be renewed every two years upon payment of the required fee, provided the person applying for renewal completes at least 20 hours of continuing ~~education~~ competence requirements, approved by the director, during the preceding two-year period. The director, with the advice of the advisor appointees, shall establish, by rule, guidelines and criteria for continuing ~~education~~ competence credit. The director may waive the continuing ~~education~~ competence requirement for the initial ~~certification~~ licensure period.

(b) Biennially, the director shall forward a renewal form to each ~~certificate holder~~ licensee. Upon receipt of the completed form and the renewal fee, the director shall issue a new ~~certificate~~ license.

(c) Any application for renewal of a ~~certificate~~ license which has expired shall be accompanied by the renewal fee and late fee. A person shall not be required to pay renewal fees for years during which the ~~certificate~~ license was lapsed.

(d) The director may, after notice and opportunity for reinstatement hearing, revoke a person's right to renew ~~certification~~ licensure if the ~~certification~~ license has lapsed for five or more years.

Sec. 42. 26 V.S.A. § 3361 is amended to read:

§ 3361. UNPROFESSIONAL CONDUCT

(a) A person ~~certified~~ licensed under this chapter or a person applying for a ~~certificate~~ license shall not engage in unprofessional conduct.

(b) Unprofessional conduct means the following conduct and conduct set forth in section 129a of Title 3:

(1) Misrepresentation or concealment of a material fact to obtain, renew or reinstate a ~~certificate~~ license under this chapter.

* * *

(12) Engaging in a sexual act as defined in 13 V.S.A. § 3251 with a patient under the care of the person ~~certified by~~ licensed under this chapter.

(c) In connection with a disciplinary action, the office of professional regulation may refuse to accept the return of a ~~certificate~~ licensed tendered by the subject of a disciplinary investigation.

(d) The burden of proof in a disciplinary action shall be on the state to show by a preponderance of the evidence that the person has engaged in unprofessional conduct.

(e) After hearing and upon a finding of unprofessional conduct, or upon approval of a negotiated agreement, an administrative law officer may take disciplinary action against the occupational therapist or occupational therapy assistant, or applicant. That action may include any of the following conditions or restrictions which may be in addition to or in lieu of suspension:

(1) A requirement that the person submit to care or counseling.

(2) A restriction that a ~~certificate holder~~ licensee practice only under supervision of a named individual or an individual with specified credentials.

(3) A requirement that an occupational therapist or occupational therapy assistant participate in continuing education as directed by the administrative law officer, in order to overcome specified deficiencies.

(4) A requirement that the ~~certificate holder's~~ licensee's scope of practice be restricted to a specified extent.

(f) The administrative law officer may reinstate a revoked ~~certificate~~ license on terms and conditions he or she deems proper.

* * * Auctioneers * * *

Sec. 43. 26 V.S.A. chapter 89 is added to read:

CHAPTER 89. AUCTIONEERS

§ 4601. LICENSE REVOCATION

The secretary of state may license, in writing, resident and nonresident auctioneers to sell real and personal property in the state. The secretary of

state may revoke a license so granted or otherwise discipline a licensee when, in the secretary's judgment, the public good requires.

§ 4602. DEFINITIONS

As used in this chapter:

(1) "Director" means the director of the office of professional regulation.

(2) "Disciplinary action" means any action taken by an administrative law officer established under subsection 129(j) of Title 3 against a licensed auctioneer or an applicant. It includes all sanctions of any kind, including the denial of licensure, the issuance of warnings, reprimands, conditions, suspensions or revocations of licensure.

§ 4603. PROHIBITION; PENALTY

(a) No person shall use in connection with the person's name any letters, words or insignia indicating or implying that the person is a licensed auctioneer unless the person is licensed in accordance with this chapter.

(b) A person who violates this section shall be fined not more than \$1,000.00 for each occurrence.

§ 4604. DIRECTOR; DUTIES

(a) The director shall have the following duties:

(1) provide general information to applicants for licensure as auctioneers;

(2) explain appeal procedures to licensed auctioneers and applicants, and complaint procedures to the public;

(3) administer fees established by law;

(4) receive applications for licensure, issue licenses to applicants qualified under this chapter, deny or renew licenses, and issue, revoke, suspend, condition and reinstate licenses as ordered by an administrative law officer;

(5) refer complaints and disciplinary matters to an administrative law officer.

(b) The director, after consultation with the advisor appointees, may adopt rules necessary to perform the director's duties under this chapter.

§ 4605. ADVISOR APPOINTEES

(a) The secretary of state shall appoint two licensed auctioneers for five-year terms to serve as advisors in matters relating to auctioneers. One of the initial appointments may be for less than a five-year term. Appointees shall not have less than three years' experience as an auctioneer immediately preceding appointment, and shall be actively engaged in practice as an auctioneer in Vermont during incumbency.

(b) The director shall seek the advice of the auctioneer advisors in carrying out the provisions of this chapter. The advisors shall be entitled to

compensation and necessary expenses in the amount provided in section 1010 of Title 32 for attendance at any meeting called by the director for this purpose.

§ 4606. APPLICATION

A person who desires to be licensed as an auctioneer shall apply to the director, in writing, on a form furnished by the director, accompanied by payment of the required fee.

§ 4607. RENEWALS

(a) Licenses shall be renewed every two years upon payment of the required fee.

(b) Biennially, the director shall forward a renewal form to each license holder. Upon receipt of the completed form and the renewal fee, the director shall issue a new license.

(c) Any application for reinstatement of a license which has lapsed shall be accompanied by the renewal fee and the late renewal penalty. A person shall not be required to pay renewal fees for years during which the license was lapsed.

§ 4608. CLAIMS

Final settlement of accounts between consignors of auctioned goods and any auctioneer licensed under this chapter shall be made within 30 days of the auction sale from which the consignment was made.

§ 4609. UNPROFESSIONAL CONDUCT

(a) The term “unprofessional conduct” means misusing a title in professional activities and any of the conduct listed in section 129a of Title 3, whether committed by a licensed auctioneer or an applicant.

(b) After hearing, and upon a finding of unprofessional conduct, an administrative law officer may take disciplinary action against a licensed auctioneer or applicant.

Sec. 44. REPEAL

32 V.S.A. chapter 203 (auctioneers) is repealed.

* * * Elevators and Conveyances * * *

Sec. 44a. [DELETED.]

Sec. 44b. 21 V.S.A. § 141(10) is added to read:

(10) “Lift mechanic” means an individual who is licensed by the commissioner to erect, construct, install, alter, service, repair and maintain platform lifts and stairway chairlifts.

Sec. 44c. 21 V.S.A. § 145 is amended to read:

§ 145. ELEVATOR MECHANIC LICENSE AND LIFT MECHANIC LICENSE

An individual shall submit to the commissioner a written application for an elevator mechanic or a lift mechanic license on a form provided by the board, accompanied by the required fee. A license shall be granted to an applicant

who demonstrates to the satisfaction of the board that the applicant meets the qualifications established by the board. An individual who holds an elevator mechanic license may work on platform lifts and stairway chairlifts without a lift mechanic license. An individual who holds only a lift mechanic license may not work on elevators without an elevator mechanic license.

Sec. 44d. 21 V.S.A. § 143 is amended to read:

§ 143. LICENSE REQUIRED

No person shall erect, construct, wire, alter, replace or maintain any conveyance located in any public building in this state unless the person is licensed as an elevator mechanic, except that a person who is licensed as a lift mechanic may erect, construct, wire, alter, replace or maintain any platform lift or stairway chairlift in any public building.

Sec. 44e. 21 V.S.A. § 148(c)(3) is added to read:

(3) Lift mechanic license: \$50.00.

Sec. 44f. 26 V.S.A. § 908(b) is amended to read:

(b) All journeyman and master electricians shall, as a condition of license renewal, complete 15 hours of instruction, approved by the board, on the national electrical code during the preceding 36-month period. All holders of a type-S journeyman license shall, as a condition of renewal, complete eight hours of instruction, approved by the board, on the subject of the license holder's specialty during the preceding 36 months.

* * * Speech-Language Pathologists and Audiologists * * *

Sec. 45. 26 V.S.A. chapter 87 is added to read:

CHAPTER 87. SPEECH-LANGUAGE PATHOLOGISTS AND
AUDIOLOGISTS

§ 4451. DEFINITIONS

As used in this chapter:

(1) “Audiologist” means a person licensed to practice audiology under this chapter.

(2) “Audiology” means the application of principles, methods and procedures related to hearing and the disorders of hearing, and to related language and speech disorders, which includes all conditions that impede the normal process of human communication, including disorders of auditory sensitivity, acuity, function or processing.

(3) “Board” means the state board of education unless the context clearly requires otherwise.

(4) “Department” means the department of education.

(5) “Director” means the director of the office of professional regulation.

(6) “Disciplinary action” means any action taken by the administrative law officer appointed pursuant to subsection 129(j) of Title 3 against a licensee or applicant for licensure under this chapter, premised on a finding that the

person has engaged in unprofessional conduct. “Disciplinary action” includes all sanctions of any kind, including obtaining injunctions, refusal to give an examination, refusal to grant or renew a license, suspension or revocation of a license, placement of limitations or restrictions upon a license, issuance of warnings, ordering restitution and other similar sanctions.

(7) “Hearing aid” means an amplifying device to be worn by a hearing-impaired person to improve hearing, including any accessories specifically used in connection with such a device, but excluding theater or auditorium wide-area listening devices, telephone amplifiers, or other devices designed to replace a hearing aid for restricted situations.

(8) “Practice of audiology” includes:

(A) facilitating the conservation of auditory system function, and developing and implementing environmental and occupational hearing conservation programs;

(B) screening, identifying, assessing and interpreting, diagnosing, preventing, and rehabilitating peripheral and central auditory system dysfunctions;

(C) providing and interpreting behavioral and electro-physiological measurements of auditory, vestibular and facial nerve functions;

(D) selecting, fitting and dispensing of hearing aids, amplification, assistive listening and alerting devices, implantable devices, and other systems, and providing training in their use;

(E) dispensing hearing aids, including conducting and interpreting hearing tests for the purpose of selecting suitable hearing aids;

(F) making ear molds or impressions;

(G) providing instruction to patients on the care and use of hearing aids, auditory system functions, and hearing conservation;

(H) all acts pertaining to selling, renting, leasing, pricing, delivering and giving warranties for hearing aids;

(I) providing aural rehabilitation and related counseling services to hearing-impaired individuals and their families;

(J) screening of speech-language and other factors affecting communication function for the purposes of an audiologic evaluation, or initial identification of individuals with other communication disorders; and

(K) management of cerumen.

(9) “The practice of speech-language pathology” includes:

(A) screening, identifying, assessing and interpreting, diagnosing, rehabilitating, and preventing disorders of language and speech, including disorders involving articulation, fluency, and voice;

(B) screening, identifying, assessing and interpreting, diagnosing, and rehabilitating disorders of oral-pharyngeal function, including dysphagia and related disorders;

(C) screening, identifying, assessing and interpreting, diagnosing and rehabilitating communication disorders;

(D) assessing, selecting and developing augmentative and alternative communication systems, and providing training in their use;

(E) providing aural rehabilitation and related counseling services to hearing-impaired individuals and their families;

(F) enhancing speech-language proficiency and communication effectiveness, including accent reduction; and

(G) screening of hearing and other factors for the purpose of speech-language evaluation, or the initial identification of individuals with other communication disorders.

(10) “Private practice” means any work performed by a licensed speech-language pathologist or audiologist that is not within the jurisdiction of the state board of education.

(11) “Secretary” means the secretary of state.

(12) “Speech-language pathologist” means a person licensed to practice speech-language pathology under this chapter.

(13) “Speech-language pathology” means the application of principles, methods and procedures related to the development and disorders of human communication, which include any and all conditions that impede the normal process of human communication.

(14) “Within the jurisdiction of the state board of education” means conduct or work performed by a licensed speech-language pathologist or audiologist on behalf of a supervisory union or public school district in Vermont or an independent school approved for special education purposes, or conduct otherwise subject to discipline under the state board of education licensing rules.

§ 4452. PROHIBITIONS; PENALTIES

(a) No person shall:

(1) practice or attempt to practice audiology or speech-language pathology or hold oneself out as being permitted to do so in this state unless the person is licensed in accordance with this chapter;

(2) use in connection with the person’s name, an insignia or any letters or words which indicate the person is an audiologist or a speech-language pathologist unless the person is licensed in accordance with this chapter; or

(3) practice audiology or speech-language pathology after the person’s license under this chapter has been suspended or revoked.

(b) A person who violates a provision of this section or who obtains a license by fraud or misrepresentation may be imprisoned not more than 90 days or fined not more than \$5,000.00, or both.

§ 4453. EXEMPTIONS

The provisions of section 4452 of this title shall not apply to the following persons:

(1) A person enrolled in a course of study leading to a degree or certificate in audiology or speech-language pathology at a school accredited by the American Speech-Language Hearing Association, provided:

(A) the activities and services performed constitute part of a supervised course of study;

(B) the person is designated by a title which clearly indicates the person's student or trainee status; and

(C) the person is under the direct supervision of an audiologist or speech-language pathologist licensed in this state.

(2) A hearing aid dispenser performing services within the scope of a license under chapter 67 of this title.

§ 4454. CONSTRUCTION

(a) This chapter shall not be construed to limit or restrict in any way the right of a practitioner of another occupation which is regulated by this state from performing services within the scope of his or her professional practice.

(b) This chapter shall not be construed to limit the authority of the state board of education to determine and evaluate the qualifications of, issue licenses to, or discipline licensees who are within the jurisdiction of the state board of education or the Vermont standards board for professional educators.

§ 4455. ADVISOR APPOINTEES

(a) The secretary, in consultation with the commissioner of education, shall appoint two individuals to serve as advisors in matters related to audiology and speech-language pathology. One advisor shall be a licensed speech-language pathologist, and one advisor shall be an audiologist. Advisors who are speech-language pathologists or audiologists shall have not less than three years' experience as audiologists or speech-language pathologists immediately preceding appointment, and shall be actively engaged in the practice of audiology or speech-language pathology in Vermont during incumbency. The advisors shall be appointed for staggered terms of three years, and shall serve at the pleasure of the secretary. One of the initial appointments may be for less than a three-year term.

(b) The secretary shall seek the advice of the individuals appointed under this section in matters related to qualifications or alleged misconduct not within the jurisdiction of the state board of education. The advisors shall be entitled to compensation and necessary expenses as provided in section 1010 of Title 32 for meetings called by the director.

(c) The secretary may seek the advice of other audiologists and speech-language pathologists licensed under this chapter.

§ 4456. COMMISSIONER OF EDUCATION; DUTIES

(a) The commissioner of education shall administer the application and renewal process for all licensees under this chapter, and shall:

(1) provide information to applicants for licensure under this chapter;

(2) administer fees collected under this chapter;

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

(4) explain sanctions, including license revocation and suspension, which may be imposed in disciplinary cases, the criteria by which sanctions are selected, and procedures for reinstatement where appropriate;

(5) receive applications for licensure, grant licensure under this chapter, renew licenses and deny, revoke, suspend, reinstate or condition licenses as directed by the administrative law officer;

(6) refer all complaints and disciplinary matters not within the jurisdiction of the state board of education to the secretary of state;

(7) with the advice of the advisor appointees, adopt rules necessary to implement the provisions of this chapter;

(8) prepare and maintain a registry of licensed speech-language pathologists and audiologists; and

(9) issue to each person licensed a certificate of licensure which shall be prima facie evidence of the right of the person to whom it is issued to practice as a licensed audiologist or speech-language pathologist, subject to the conditions and limitations of this chapter.

(b) The department may contract with the secretary for provision of adjudicative services of one or more administrative law officers and other investigative, legal and administrative services related to licensure and discipline of speech-language pathologists and audiologists.

§ 4457. LICENSURE; APPLICATIONS; ELIGIBILITY

Applicants for licenses under this chapter shall submit an application to the department on a form furnished by the department, along with payment of the specified fee and evidence of the eligibility qualifications established by the state board of education which shall include, at a minimum:

(1) A master's degree or equivalent in audiology or speech-language pathology from an educational institution approved by the department with course work completed in areas specified by rule.

(2) Completion of a supervised clinical practicum, the length and content of which shall be established by rule.

(3) Completion of a period, as determined by rule, of postgraduate professional training as approved by the department.

(4) Passing an examination in audiology or speech-language pathology approved by the department, which, in the case of the audiology examination, shall include a section which is equivalent to the hearing aid dispensers examination described in section 3295 of this title. Audiologists who have passed an examination chosen by the department are not required to take the hearing aid dispensers examination required by section 3295.

§ 4458. RENEWALS; CONTINUING EDUCATION

(a) A license shall be renewed at an interval determined by the state board of education which shall be no fewer than every two years and no more than applying for renewal completes professional development activities in accord with the processes approved by the department or the Vermont standards board for professional educators, during the interval. The board shall establish, by rule, guidelines and criteria for the renewal or reinstatement of licenses issued under this chapter.

(b) At the time interval required for renewal, the department shall forward a renewal form to each licensee. Upon receipt of the completed application and the renewal fee, the department shall issue a new license.

§ 4459. FEES

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

- | | |
|--|-------------------------|
| <u>(1) Initial processing of application</u> | <u>\$35.00</u> |
| <u>(2) Issuance of initial license</u> | <u>\$35.00 per year</u> |

(c) The secretary shall adopt rules implementing the provisions of this section.

§ 4461. PRICES TO BE DISCLOSED

A licensee in private practice shall disclose in a clear and conspicuous manner the range of prices charged for goods and services. The disclosure schedule shall be posted in each licensee's office, and a written copy given to each client prior to any sale. Disclosures shall be in the manner set forth by the department, by rule.

§ 4462. TERMS OF SALE; 45-DAY TRIAL PERIOD

(a) All sales contracts for equipment sold by licensees in private practice to persons in this state, including, but not limited to, hearing aids and augmentative communications devices, shall contain a clause which requires the licensee to refund the full product price of the equipment, except for the cost of ear molds and service, up to 45 days from the date of delivery of any new or substantially refabricated equipment or aid if, in the opinion of the consumer, the equipment or aid is not satisfactory. If the returned equipment or aid is damaged while in the possession of the consumer, the amount refunded shall be reduced by the reasonable amount of the damage. The equipment or aid may not be sold thereafter as new. For purposes of this subsection, "cost of service" means the actual cost of the service provided to fit

the hearing aid or install or prepare the equipment, but shall not exceed five percent of the sale price or \$50.00, whichever is greater.

(b) The complete terms of the sale, including the terms of the 45-day trial period, the individual prices for goods and services sold and such other information as the director may require, shall be disclosed, in writing, to the consumer before the sale is completed.

(c) If the equipment or hearing aid is in the possession of the licensee, manufacturer, repair person or their agents during the trial period, the period of time the equipment or hearing aid is in such possession shall not be included in the calculation of the 45-day trial period.

§ 4463. MAINTENANCE OF BUSINESS ADDRESS; DISPLAY OF
LICENSE

A licensee in private practice shall maintain a Vermont business address, office and telephone number at which the licensee can normally be reached, and shall conspicuously display a copy of the license at each place of business the licensee maintains.

§ 4464. UNPROFESSIONAL CONDUCT

(a) A licensee or applicant shall not engage in unprofessional conduct.

(b) Unprofessional conduct means the following conduct and the conduct set forth in section 129a of Title 3:

(1) Willfully making or filing false reports or records in the practice of audiology, dispensing hearing aids or speech-language pathology, willfully impeding or obstructing the proper making or filing of reports or records, or willfully failing to file the proper report or record;

(2) Aiding or abetting a person, directly or indirectly, to commit an unauthorized practice;

(3) Giving, offering to give, or causing to be given, directly or indirectly, money or anything of value to any person who advises another in a professional capacity, as an inducement for the professional to influence others to purchase goods or services from the licensee;

(4) Advertising or making a representation which is intended or has a tendency to deceive the public, including:

(A) advertising a particular type of service, equipment or hearing aid when the particular service, equipment or hearing aid is not available;

(B) stating or implying that the use of a hearing aid will retard the progression of a hearing impairment;

(C) advertising or making any statement related to the practice of speech-language pathology or audiology which is intended to or tends to deceive or mislead the public;

(D) using or promoting or causing the use of any misleading, deceiving, improbable, or untruthful advertising matter, promotional literature,

testimonial guarantee, warranty, label, brand, insignia, or any other representation;

(5) Engaging in any unfair or deceptive act or practice within the meaning of section 2453 of Title 9, relating to consumer fraud;

(6) Willfully failing to honor any representation, promise, agreement or warranty to a client or consumer;

(7) Professional negligence or malpractice;

(8) Any of the following, except when reasonably undertaken in an emergency situation in order to protect life or health:

(A) practicing or offering to practice beyond the scope permitted by law;

(B) accepting and performing professional or occupational responsibilities which the licensee knows or has reason to know the licensee is not competent to perform; or

(C) performing professional or occupational services which have not been authorized by the consumer or his or her legal representative;

(9) Failing to make available, upon request of a person using the licensee's services, copies of records or documents in the possession or under the control of the licensee, when those records or documents have been prepared in connection with the furnishing of services or goods to the requesting persons;

(10) Sexual harassment of a patient or client;

(11) Engaging in a sexual act as defined in section 3251 of Title 13 with a patient;

(12) Conviction of a crime related to the practice of audiology or speech-language pathology;

(13) Discouraging clients or consumers in any way from exercising their right to a refund within a 45-day trial period, unreasonably delaying payment of such refunds as may be due, or deducting amounts from refunds beyond those allowed by law;

(14) Failing to inform a consumer prior to sale of a hearing aid that a medical evaluation of hearing loss prior to purchasing a hearing aid is in the consumer's best health interest;

(15) Engaging in fraud in connection with any state or federally-assisted medical assistance programs; or

(16) Violating any part of the Code of Ethics of the American Speech-Language Hearing Association.

Sec. 46. TRANSITIONAL PROVISIONS

(a) The department shall waive the education, practicum or professional training requirement set forth in section 4457 of Title 26 for applicants in private practice who meet the following conditions:

(1) Provision of proof of employment as an audiologist or speech-language pathologist in this state on the effective date of this act.

(2) Passage of the examination.

(3) Application for a license under chapter 87 of Title 26 within one year after the effective date of this act.

(b) Waivers under subsection (a) of this section shall expire five years after the effective date of this act.

(c) Notwithstanding the provisions of section 4455 of Title 26, requiring that the speech-language pathologist and audiologist advisor appointees be licensed under chapter 87 of Title 26, initial appointees shall be qualified for licensure under subdivisions 4457(1), (2) and (3) of Title 26, and shall become licensed during incumbency.

(d) Speech-language pathologists and audiologists within the jurisdiction of the board on the effective date of this act shall meet the licensure renewal requirements of the board.

Sec. 47. 26 V.S.A. § 3291(c) is added to read:

(c) Audiologists licensed pursuant to chapter 87 of this title may dispense hearing aids consistent with the requirements of that chapter. Licensed audiologists are not required to obtain a separate license to dispense hearing aids.

Sec. 48. 26 V.S.A. § 3102(b) is amended to read:

(b) The following laws are subject to review:

* * *

(28) Chapter 67 of Title 26 on hearing aid dispensers;

(29) Chapter 79 of Title 26 on tattooists;

(30) Chapter 81 of Title 26 on naturopathic physicians;

(31) Chapter 83 of Title 26 on athletic trainers;

(32) Chapter 87 of Title 26 on audiologists and speech-language pathologists.

Sec. 49. 3 V.S.A. § 122(41) is added to read:

(41) Audiologists and speech-language pathologists.

Sec. 50. 16 V.S.A. § 164(5) is amended to read:

(5) Make regulations governing the licensing and qualification of all public school teachers, administrators, speech-language pathologists and audiologists as provided in chapter 87 of Title 26, and other school personnel who are subject to licensing as determined by the state board, and for the recognition of teacher or administrator licenses issued by other states which will qualify a person to teach or administer in this state, provided such other state shall recognize by substantially reciprocal regulations or laws, licenses issued by this state. A license may be revoked for cause by the state board.

Sec. 51. EFFECTIVE DATES; APPLICATION

(a) This act shall take effect on July 1, 2002, except that the provisions of section 4452 of Title 26 (prohibitions and penalties for unauthorized practice and use of title for speech-language pathologists and audiologists) shall take effect from passage and Secs. 45-50 of this act shall take effect on July 1, 2003.

(b) No license shall be issued under Secs. 45-50 of this act prior to July 1, 2004.

Sec. 51a. COMMISSIONER OF EDUCATION; REPORT

The commissioner of the department of education shall study and evaluate the potential impacts which licensing speech-language pathologists and audiologists as proposed in this act may have on schools. The commissioner shall file a report of this evaluation with the General Assembly by January 15, 2003.

* * * Part I – Senate Redistricting * * *

Sec. 52. 17 V.S.A. § 1881 is amended to read:

§ 1881. NUMBER TO BE ELECTED

Senatorial districts and the number of senators to be elected from each are as follows:

(1) Addison senatorial district, composed of the towns of Addison, Brandon, Bridport, Bristol, Cornwall, Ferrisburgh, Goshen, Granville,

Hancock, Leicester, Lincoln, Middlebury, Monkton, New Haven, Orwell,
 Panton, Ripton, Salisbury, Shoreham, Starksboro, Vergennes, Waltham,
 Whiting and Weybridge..... . two;

(2) Bennington senatorial district, composed of the towns of Arlington,
 Bennington, Dorset, Glastenbury, Landgrove, Manchester, Peru, Pownal,
 Readsboro, Rupert, Sandgate, Searsburg, Shaftsbury, Stamford, Sunderland,
~~Whitingham~~, Wilmington, Winhall and Woodford..... . two;

(3) Caledonia senatorial district, composed of the towns of Barnet,
 Bradford, Burke, Danville, Fairlee, Groton, Hardwick, Kirby, Lyndon,
 Newark, Newbury, Orange, Peacham, Ryegate, St. Johnsbury, Sheffield,
 Stannard, Sutton, Topsham, Walden, Waterford, West Fairlee and
 Wheelock..... . two;

(4) Chittenden senatorial district, composed of the towns of Bolton,
 Buel's Gore, Burlington, Charlotte, Essex, Hinesburg, Huntington, Jericho,
 Milton, Richmond, St. George, Shelburne, South Burlington, Underhill,
 Westford, Williston, and Winooski..... . six;

(5) Essex-Orleans senatorial district, composed of the towns of Albany,
 Averill, Avery's Gore, Barton, Bloomfield, Brighton, Brownington,
 Brunswick, Canaan, Charleston, Concord, Coventry, Craftsbury, Derby, East
 Haven, Eden, Ferdinand, Glover, Granby, Greensboro, Guildhall, Holland,
 Irasburg, Jay, Lemington, Lewis, Lowell, Lunenburg, Maidstone,

Montgomery, Morgan, Newport City, Newport Town, Norton, Richford,
~~Sheffield~~, Troy, Victory, Warner’s Grant, Warren’s Gore, Westfield,
 Westmore; and Wolcott ~~and Victory~~..... . two;

(6) Franklin senatorial district, composed of the towns of Alburg,
 Bakersfield, Berkshire, Enosburg, Fairfax, Fairfield, Fletcher, Franklin,
 Georgia, Highgate, ~~Montgomery~~, St. Albans City, St. Albans Town, Sheldon
 and Swanton..... . two;

(7) Grand Isle senatorial district, composed of the towns of ~~Alburg~~,
 Colchester, Grand Isle, Isle La Motte, North Hero; and South Hero..... .
 one;

(8) Lamoille senatorial district, composed of the towns of Belvidere,
 Cambridge, ~~Eden~~, Elmore, Hyde Park, Johnson, Morristown, Stowe and
 Waterville..... . one;

(9) Orange senatorial district, composed of the towns of Braintree,
 Brookfield, Chelsea, Corinth, ~~Orange~~, Randolph, Strafford, Thetford,
 Tunbridge, Vershire, Washington and Williamstown..... . one;

(10) Rutland senatorial district, composed of the towns of Benson,
 Castleton, Chittenden, Clarendon, Danby, Fair Haven, Hubbardton, Ira,
Killington, Mendon, Middletown Springs, Mt. Holly, Mt. Tabor, Pawlet,
 Pittsfield, Pittsford, Poultney, Proctor, Rutland City, Rutland Town,

~~Killington~~, Shrewsbury, Sudbury, Tinmouth, Wallingford, Wells, West Haven and West Rutland..... . three;

(11) Washington senatorial district, composed of the towns of Barre City, Barre Town, Berlin, Cabot, Calais, Duxbury, East Montpelier, Fayston, Marshfield, Middlesex, Montpelier, Moretown, Northfield, Plainfield, Roxbury, Waitsfield, Warren, Waterbury, Woodbury and Worcester..... . three;

(12) Windham senatorial district, composed of the towns of Athens, Brattleboro, Brookline, Dover, Dummerston, Grafton, Guilford, Halifax, Jamaica, Londonderry, Marlboro, Newfane, Putney, Rockingham, Somerset, Stratton, Townshend, Vernon, Wardsboro, Westminster, ~~Wilmington~~, Whitingham and Windham..... . two;

(13) Windsor senatorial district, composed of the towns of Andover, Baltimore, Barnard, Bethel, Bridgewater, Cavendish, Chester, Hartford, Hartland, Ludlow, Norwich, Plymouth, Pomfret, Reading, Rochester, Royalton, Sharon, Springfield, Stockbridge, Weathersfield, Weston, West Windsor, Windsor and Woodstock..... . three.

* * * Part II - Subdivision of Initial Multi-Member House Districts * * *

Sec. 53. 17 V.S.A. § 1893a is added to read:

§ 1893a. SUBDIVISION OF INITIAL DISTRICTS

(a) The following initial House districts, created and assigned more than two members by section 1893 of this title, as amended by No. 85 of the Acts of 2002, are subdivided into final House districts, as designated and defined below, each of which shall be entitled to elect the indicated number of representatives:

(1) BENNINGTON-2 is subdivided into the following districts:

BENNINGTON-2-1. That portion of the town of Bennington not included in BENNINGTON-2-2. 2

BENNINGTON-2-2. That portion of the town of Bennington encompassed by a border beginning at the intersection of VT 7 and the Pownal town line; then northerly on the easterly side of VT 7 to the intersection with Monument Avenue; then north along the easterly side of Monument Avenue to the intersection with Dewey Street; then northerly along the easterly side of Dewey Street to the intersection with West Main Street; then southeasterly on the southerly side of West Main Street to the intersection with North Street; then northerly along the easterly side of North Street to the intersection with County Street; then easterly along the southerly side of County Street to the intersection with Park Street; then northerly along the easterly side of Park

Street to the intersection with Roaring Branch River; then easterly along the southerly side of the river to the intersection with VT 9; then easterly along VT 9 to the intersection with the Bennington-Woodford town line; then southerly along the westerly side of the Bennington-Woodford town line to the intersection with the Bennington-Pownal town line; then westerly along the northerly side of the Bennington-Pownal town line to the point of beginning. 2

(2) CHITTENDEN-3 is subdivided into the following districts:

CHITTENDEN-3-1. That portion of the City of Burlington in the northwesternmost part of the city, with boundaries more specifically set out in the map prepared by the Legislative Council, submitted to and approved by the Committee of Conference on S.300 on June 12, 2002 and identified therein as “CHITTENDEN –3-1”. 2

CHITTENDEN-3-2. That portion of the City of Burlington in the northwest of the city, bounded on the northwest by CHITTENDEN-3-1, and on the south by CHITTENDEN-3-3 and CHITTENDEN-3-4, with boundaries more specifically set out in the map prepared by the Legislative Council, submitted to and approved by the Committee of Conference on S.300 on June 12, 2002, and therein identified as “CHITTENDEN –3-2”. 1

CHITTENDEN-3-3. That portion of the City of Burlington in the west central part of the city, bounded on the north by CHITTENDEN-3-2, on

the east by CHITTENDEN-3-4, and on the south by CHITTENDEN-3-5, with boundaries more specifically set out in the map prepared by the Legislative Council, submitted to and approved by the Committee of Conference on S.300 on June 12, 2002 and identified therein as “CHITTENDEN-3-3”. 2

CHITTENDEN-3-4. That portion of the City of Burlington in the east central part of the City, bounded on the west by CHITTENDEN-3-3, on the north by CHITTENDEN-3-6, and on the south by CHITTENDEN 3-5, with boundaries more specifically set out in the map prepared by the Legislative Council, submitted to and approved by the Committee of Conference on S.300 on June 12, 2002 and identified therein as “CHITTENDEN-3-4”. 2

CHITTENDEN-3-5. That portion of the City of Burlington in the southern part of the city, bounded on the north by CHITTENDEN-3-3 and CHITTENDEN-3-4, on the west by Lake Champlain, and on the east and south by the border with South Burlington, with boundaries more particularly specified in the map prepared by the Legislative Council, submitted to and approved by the Committee of Conference on S.300 on June 12, 2002 and identified therein as “CHITTENDEN-3-5”. 2

CHITTENDEN-3-6. The City of Winooski and the adjoining portion of the City of Burlington, bounded on the south and west by CHITTENDEN-3-4, with boundaries as specified in the map prepared by the Legislative Council,

submitted to and approved by the Committee of Conference on S.300 on June 12, 2002 and identified therein as "CHITTENDEN-3-6". 2

CHITTENDEN-3-7. That portion of the City of South Burlington starting at a point on Lake Champlain at the Shelburne-South Burlington boundary and following the Shelburne-South Burlington boundary easterly to Shelburne Road; then northerly following Shelburne Road to Allen Road; then easterly following Allen Road to Spear Street; then northerly on Spear Street to Pheasant Way; then westerly on Pheasant Way to Deerfield Drive; then northerly on Deerfield Drive; then easterly on Deerfield Drive to the intersection with Spear Street; then across Spear Street to Nowland Farm Road to the intersection with Pinnacle Drive; then northerly on Pinnacle Drive; then easterly on Pinnacle Drive; then northerly on Pinnacle Drive; then westerly on Pinnacle Drive; then southerly on Pinnacle Drive to the intersection with Olivia Drive; then westerly along Olivia Drive to Spear Street; then northerly on Spear Street to Swift Street; then westerly on Swift Street to Shelburne Road; then westerly along the Burlington-South Burlington boundary to Lake Champlain; then following the shore of Lake Champlain southerly to the point of beginning. 1

CHITTENDEN-3-8. That portion of the City of South Burlington starting at the junction of Dorset Street and the Shelburne-South Burlington boundary and proceeding easterly to the junction of the Shelburne-South

Burlington-Williston boundaries; then northerly following the Williston-South Burlington boundary to Williston Road; then continuing westerly to the intersection of Hinesburg Road/Patchen Road; then southerly following Hinesburg Road to Woodcrest Street; then westerly on Woodcrest Street; then northerly on Woodcrest Street; then westerly on Woodcrest Street; then southerly on Woodcrest Street to Dean Street; then easterly on Dean Street to Hinesburg Road; then southerly along Hinesburg Road to Interstate 89; then westerly along Interstate 89 to its intersection with Dorset Street; then southerly to Swift Street; then westerly following Swift Street to Spear Street; then southerly along Spear Street to Olivia Drive; then easterly on Olivia Drive to Pinnacle Drive; then northerly on Pinnacle Drive; then easterly on Pinnacle Drive; then southerly on Pinnacle drive; then westerly on Pinnacle Drive; then southerly on Pinnacle Drive to Nowland Farm Road; then westerly to Spear Street; then across Spear Street to Deerfield Drive; then westerly on Deerfield Drive; then southerly on Deerfield Drive to Pheasant Way; then easterly on Pheasant Way to Spear Street; then southerly along Spear Street to Allen Road; then westerly following Allen Road to the intersection of Shelburne Road; then southerly on Shelburne Road to the Shelburne-South Burlington boundary; then easterly on the Shelburne-South Burlington boundary to the point of beginning at Dorset Street and the Shelburne-South Burlington boundary.

CHITTENDEN-3-9. That portion of the City of South Burlington starting at the junction of the Burlington-South Burlington boundary and Williston Road and following that boundary starting northerly following the city boundary to the Winooski River; then following the South Burlington-Winooski River boundary to Muddy Brook; then following the Muddy Brook-South Burlington boundary to Williston Road; then westerly to Hinesburg Road/Patchen Road; then southerly to Woodcrest Street; then westerly on Woodcrest Street; then northerly on Woodcrest Street; then westerly on Woodcrest Street; then southerly on Woodcrest Street to Dean Street; then easterly on Dean Street to Hinesburg Road; then continuing southerly on Hinesburg Road to Potash Brook; then westerly following the centerline of Potash Brook to the intersection with Kennedy Drive; then westerly on Kennedy Drive to Dorset Street; then northerly on Dorset Street to Williston Road; then westerly to the point beginning at the junction of the Burlington-South Burlington boundary and Williston Road. 1

CHITTENDEN-3-10. That portion of the City of South Burlington not contained in CHITTENDEN-3-7, 3-8, or 3-9. 1

(3) CHITTENDEN-6 is subdivided into the following districts:

CHITTENDEN-6-1. That portion of the Town of Essex not included in CHITTENDEN-6-2 or 6-3. 2

CHITTENDEN-6-2. The Village of Essex Junction. 2

CHITTENDEN-6-3. The Town of Westford, plus that portion of the Town of Essex bounded by the center line of the road from Curve Hill at the Colchester Town line; then to Lost Nation Road; then northerly on Old Stage Road to Towers Road; then continuing easterly to Brown's River Road to Weed Road; then easterly on Jericho Road to the Jericho town line. 1

(4) CHITTENDEN-7 is subdivided into the following districts:

CHITTENDEN-7-1. That portion of the town of Colchester north of Malletts Creek and west of Interstate 89 to the Milton town line, plus that portion of the town of Colchester east of Interstate 89. 2

CHITTENDEN-7-2. That portion of the town of Colchester not included in CHITTENDEN-7-1. 2

(5) GRAND ISLE-CHITTENDEN-1 is subdivided into the following districts:

GRAND ISLE-CHITTENDEN-1-1. The towns of Alburg, Grand Isle, Isle La Motte, North Hero and South Hero, plus that portion of the town of Milton bounded by a line beginning at the mouth of the Lamoille River and Lake Champlain; then along the river upstream to the Interstate 89 bridge crossing the Lamoille River; then northerly along Interstate 89 to the Georgia town line; then along the Georgia town line to Lake Champlain; then southerly along the lakeshore to the place of beginning. 2

CHITTENDEN-9. That portion of the town of Milton not included in
GRAND ISLE-CHITTENDEN-1. 2

(6) RUTLAND-1 is subdivided into the following districts:

RUTLAND -1-1. The town of Poultney and that part of the town of
Ira encompassed within a boundary beginning in the southwest at the
intersection of the town boundaries of Ira, Middletown Springs and Poultney;
then northerly along the boundary with Poultney and continuing northerly
along the boundary with Castleton; then easterly along the boundary with
Castleton to the boundary with West Rutland; then southeasterly along the
boundary with West Rutland to the ridge line of the mountain range; then
southwesterly along the ridge line of the mountain range to the boundary with
Middletown Springs; then westerly along the boundary with Middletown
Springs to the point of beginning. 1

RUTLAND-1-2. The towns of Clarendon, Proctor, West Rutland and
that part of the town of Ira not included in RUTLAND-1-1. 2

(7) RUTLAND-5 is subdivided into the following districts:

RUTLAND-5-1. That portion of the City of Rutland encompassed
within a boundary beginning at the point where the boundary line of Rutland
City and Rutland Town intersects with Lincoln Avenue; then southerly along
the east side of the centerline of Lincoln Avenue to the intersection of West
Street; then easterly along the north side of the centerline of West Street across

North Main Street; then easterly along the north side of Terrill Street to the intersection of Lafayette Street; then southerly along the east side of the centerline of Lafayette Street to the intersection of Easterly Avenue; then easterly along the north side of Easterly Avenue to the intersection of Easterly Avenue and Piedmont Drive; then easterly along the north side of the centerline of Piedmont Drive to the intersection of Piedmont Drive and Piedmont Parkway; then easterly along the centerline of Piedmont Parkway to the intersection of Piedmont Parkway and Stratton Road; then southerly along the easterly side of the centerline of Stratton Road to the intersection of Stratton Road and Killington Avenue; then easterly along the north side of the centerline of Killington Avenue, including both sides of Grandview Terrace, to the boundary between Rutland City and Rutland Town; then northerly following the boundary line to its intersection with Gleason Road; then westerly along the south side of the centerline of Gleason Road to Woodstock Avenue; then following the boundary line back to the point of beginning. 1

RUTLAND-5-2. That portion of the City of Rutland encompassed within a boundary beginning at the point where the boundary line of Rutland City and Rutland Town intersects with South Main Street; then northerly along the easterly side of the centerline of South Main Street to the intersection of South Main Street and Strongs Avenue; then northwesterly along the east side of the centerline of Strongs Avenue to the intersection of Strongs Avenue and

Prospect Street; then northerly along the east side of the centerline of Prospect Street to the intersection of Prospect Street and Washington Street; then easterly along the south side of the centerline of Washington Street to the intersection of Washington Street and Court Street; then northerly along the east side of the centerline of Court Street to the intersection of Court Street and West Street; then easterly along the south side of the centerline of West Street, to the intersection of West Street and South Main Street; then east across South Main Street; to the intersection of South Main Street and Terrill Street; then easterly along the south side of the centerline of Terrill Street to the intersection of Terrill Street and Lafayette Street; then southerly along the west side of the centerline of Lafayette Street to the intersection of Lafayette Street and Easterly Avenue; then easterly along the south side of the centerline of Easterly Avenue to the intersection of Easterly Avenue and Piedmont Drive; then easterly along the south side of the centerline of Piedmont Drive to the intersection of Piedmont Drive and Piedmont Parkway; then easterly along the south side of the centerline of Piedmont Parkway to the intersection of Piedmont Parkway and Stratton Road; then southerly along the west side of the centerline of Stratton Road to the intersection of Stratton Road and Killington Avenue; then easterly along the south side of the centerline of Killington Avenue to the boundary of Rutland City and Rutland Town; then southerly

along the city line to the intersection of the city line and South Main Street to the point of beginning. 1

RUTLAND-5-3. That portion of the City of Rutland encompassed within a boundary beginning at the point where the boundary line of Rutland City and Rutland Town intersects with South Main Street; then northerly along the west side of the centerline of South Main Street to the intersection of South Main Street and Strongs Avenue; then northwesterly along the west side of the centerline of Strongs Avenue to the intersection of Strongs Avenue and Prospect Street; then northerly along the west side of the centerline of Prospect Street to the intersection of Prospect Street and Washington Street; then easterly along the north side of the centerline of Washington Street to the intersection of Washington Street and Court Street; then northerly along the west side of the centerline of Court Street to the intersection of Court Street and West Street; then easterly along the north side of the centerline of West Street to the intersection of West Street and Lincoln Avenue; then northerly along the west side of the centerline of Lincoln Avenue to the intersection of Lincoln Avenue and Williams Street; then west along the south side of the centerline of Williams Street to the intersection of Williams Street and Grove Street; then north along the west side of the centerline of Grove Street to the intersection of Grove Street and Maple Street; then west along the south side of the centerline of Maple Street to the intersection of Maple Street and Pine

Street; then south along the east side of the centerline of Pine Street to the intersection of Pine Street and Robbins Street; then west along the south side of the centerline of Robbins Street to the intersection of Robbins Street and Baxter Street; then south along the east side of the centerline of Baxter Street to the intersection of Baxter Street and State Street; then west along the south side of the centerline of State Street to the intersection of State Street and Cramton Avenue; then south along the east side of the centerline of Cramton Avenue to the intersection of Cramton Avenue and West Street; then westerly along the south side of the centerline of West Street to the intersection of Ripley Road; then southerly along the Rutland City-Rutland Town line to the intersection of the city line and South Main Street, the point of beginning. 1

RUTLAND-5-4. That portion of the City of Rutland not located within the boundaries of RUTLAND-5-1, 5-2 or 5-3. 1

(8) WASHINGTON-3 is subdivided into the following districts:

WASHINGTON-3-1. That portion of the City of Barre bounded on the north, east and south by the Barre Town, and bounded on the west by a line running along the center of Hall Street to the intersection of Elm Street; then along the center of Elm Street to the intersection of North Main Street; then along the center of North Main Street to the intersection of Prospect Street; then along the center of Prospect Street to the intersection of Allen Street; then along the western back lot line of Allen Street to the Barre town boundary. 1

WASHINGTON-3-2. That portion of the City of Barre bound on the north and south by the Barre Town line, on the east by the boundary with WASHINGTON-3-1, and on the west by the boundary with WASHINGTON-3-3.

1

WASHINGTON-3-3. The town of Berlin and that portion of the City of Barre bound on the west by the Berlin town line, on the north and south by the Barre Town line, and on the east by a boundary running from the Barre Town northern boundary along the center of Beckley Street; then along the center of Third Street to North Main Street; then along the center of North Main Street to the intersection of Berlin Street; then along the center of Berlin Street to Prospect Street; then along the center of Prospect Street to the Barre town line.

1

(9) WINDHAM-3 is subdivided into the following districts:

WINDHAM-3-1. That portion of the Town of Brattleboro to the west of a boundary beginning at Upper Dummerston Road at the Dummerston town line; then southeasterly along the centerline of Upper Dummerston Road to Interstate 91; then southerly along the median of Interstate 91 to Williams Street; then easterly along the centerline of Williams Street to where the Whetstone Brook crosses; then southwesterly along the western bank of the Whetstone Brook to Lamson Street and southerly along the centerline of Lamson Street to Chestnut Street; then westerly along the centerline of

Chestnut Street to I-91; then southerly along the median of Interstate 91 to the Guilford town line. 1

WINDHAM-3-2. That portion of the Town of Brattleboro to the south of a boundary beginning at the Connecticut River at the Whetstone Brook, westerly along the southern bank of the Whetstone Brook to Elm Street; then northerly along the centerline of Frost Street to Williams Street and following the centerline of Williams Street to West Street; then westerly along the centerline of West Street to Williams Street and westerly along the centerline of Williams Street to where the Whetstone Brook crosses; then southwestly along the eastern bank of the Whetstone Brook to Lamson Street and southerly along the centerline of Lamson Street to Chestnut Street; then westerly along the centerline of Chestnut Street to I-91, and east of I-91 to the Guilford town line. 1

WINDHAM-3-3. That portion of the Town of Brattleboro not located in WINDHAM-3-1 or 3-2. 1

(10) WINDSOR-1 is subdivided into the following districts:

WINDSOR-1-1. The towns of Andover, Baltimore, Chester and that portion of the town of Springfield encompassed within a boundary beginning at the Chester-Springfield town lines at Northfield Drive; then easterly along the centerline of Northfield Drive to the intersection with Fairbanks Road; then northerly along the centerline of Fairbanks Road to the intersection with Main

Street, North Springfield; then easterly along the centerline of Main Street, North Springfield to the intersection with the County Road; then northeasterly along the centerline of the County Road to the intersection with VT 106; then northwesterly along the centerline of VT 106 to the intersection with the Baltimore Road; then northwesterly along the centerline of the Baltimore Road to the Chester boundary line; then southerly along the Chester boundary line to the point of the beginning. 1

WINDSOR-1-2. That portion of the town of Springfield not part of WINDSOR-1-1. 2

(11) WINDSOR-6 is subdivided into the following districts:

WINDSOR-6-1. The towns of Barnard and Pomfret and that portion of the town of Hartford lying westerly and northerly of a boundary beginning on the Norwich-Hartford town line at the centerline of Newton Lane; then southerly along the centerline of Newton Lane to its intersection with Jericho Street; then westerly along the centerline of Jericho Street to its intersection with Dothan Road; then southerly along the centerline of Dothan Road to VT 14; then westerly along the centerline of VT 14 to the intersection of the centerline of Runnels Road and VT 14; then at a right angle to a utility pole marked 137T/6/NET&T/3>/136/GMP Corp/156/40030 on the south edge of VT 14; then southerly in a straight line across the White River to the junction of Old River Road and the beginning of Costello Road; then southerly and

easterly along the center of Costello Road to its end on U.S. Route 4; then westerly along the centerline of U.S. Route 4 to the intersection of Waterman Hill Road; then northerly along the centerline of Waterman Hill Road to the northerly low watermark of the Ottauquechee River; then westerly and southerly along the northerly and westerly low watermark of the Ottauquechee River to the Hartford-Hartland town line; then westerly along the town line to the northerly low watermark of the Ottauquechee River; then along the northerly low watermark of the Ottauquechee River to the Hartford-Pomfret town line. 1

WINDSOR-6-2. That portion of the town of Hartford not located in WINDSOR-6-1. 2

* * * Part III – Subdivision of Initial Two-Member House Districts * * *

(b) The following initial House districts, created and assigned two members by section 1893 of this title, as amended by No. 85 of the Acts of 2002, are subdivided as recommended by their respective boards of civil authority into final House districts, as designated and defined below, each of which shall be entitled to elect one representative:

(1) CHITTENDEN-1 is subdivided into the following districts:

CHITTENDEN-1-1. The town of Hinesburg, except two portions: the first being that portion of the town of Hinesburg in the southwest corner of the town bounded by a line beginning at the intersection of the Monkton town

line and Baldwin Road; then northerly along Baldwin Road to its intersection with Drinkwater Road; then westerly along the center line of Drinkwater Road to the Charlotte town line; and the second being that portion of the town of Hinesburg in the northwest corner of the town bounded by a line beginning at the junction of VT 116 and the St. George town line; then southerly along the centerline of VT 116 to its intersection with Falls Road; then westerly along the centerline of Falls Road to its intersection with O'Neill Road; then westerly along the centerline of O'Neill Road to the Charlotte town border. 1

CHITTENDEN-1-2. The town of Charlotte, plus the two portions of the town of Hinesburg not included in CHITTENDEN-1-1. 1

(2) CHITTENDEN-5 is subdivided into the following districts:

CHITTENDEN-5-1. That portion of the town of Shelburne bounded by a line beginning on the southwest corner of the Shelburne-Charlotte town line, then following the shore of Lake Champlain to the mouth of Munroe Brook, including all of the Lake that is part of the town of Shelburne, then upstream along the center of Munroe Brook to the intersection with Spear Street, then south along the centerline of Spear Street to the Shelburne-Charlotte town line, then west along the Shelburne-Charlotte town line to the place of beginning. 1

CHITTENDEN-5-2. The town of St. George, plus that portion of Shelburne which is not in CHITTENDEN-5-1. 1

Sec. 54. [Omitted.]

*** Part IV – Revisions to Some Initial Districts ***

Sec. 55. 17 V.S.A. § 1893, as amended by No. 85 of the Acts of the 2002, is further amended:

(a) In district CHITTENDEN-8, as follows:

CHITTENDEN-8	Jericho, Underhill, and, in Bolton, the	2
	following census blocks 002900: 4001,	
	4002, 4003, 4004, 4007 and 4998	

(b) In district WASHINGTON-CHITTENDEN-1, as follows:

WASHINGTON- CHITTENDEN-1	Waterbury, Duxbury, that part of Bolton not in CHITTENDEN-8, Buel's Gore and Huntington	2
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Sec. 56. 17 V.S.A. § 1893, as amended by No. 85 of the Acts of the 2002, is further amended:

(a) In districts ADDISON-4 and ADDISON-5, as follows:

ADDISON-4	Bristol and, in Monkton, the following	4
	census blocks 960100: 3023, 3026, 3027,	
	3028, 3029, 3031, 3037, 3038, 3039, 3040,	
	3041, 3042, 3043, 3044, 3045, 3046 and 3047	
ADDISON-5	Lincoln, Starksboro and that part of Monkton not in ADDISON-4	4

ADDISON-4 Bristol, Lincoln, Monkton and Starksboro 2

(b) By redesignating district ADDISON-6 to be "ADDISON-5".

Sec. 57. 17 V.S.A. § 1893, as amended by No. 85 of the Acts of the 2002, is further amended:

(a) In district ORANGE-WINDSOR-1 as follows:

ORANGE- Sharon, Strafford, Thetford, ~~Tunbridge~~, and
WINDSOR-1 Norwich 2

(b) In district WINDSOR-7 as follows:

WINDSOR- 7 Royalton and ~~Sharon~~ Tunbridge 1

ORANGE -1

* * * Part V - Revisions of Some Boundary Descriptions * * *

Sec. 58. REVISIONS OF BOUNDARY DESCRIPTIONS

(a) The boundary description for district BENNINGTON-5 set out in 17 V.S.A. § 1893, as amended by No. 85 of the Acts of 2002, is revised to read:

BENNINGTON-5. Arlington, Sandgate, Sunderland and that part of Rupert encompassed within a boundary beginning at the intersection of the New York state line with VT 153; then northeasterly along the centerline of VT 153 to the intersection with East Street; then easterly along the centerline of East Street to the intersection with Kent Hollow Road; then southerly along the centerline of Kent Hollow Road to the Sandgate town line. 1

(b) The boundary description set out in 17 V.S.A. § 1893, as amended by No. 85 of the Acts of 2002, for District WINDHAM-4 is amended to read:

WINDHAM-4. Athens, Brookline, Grafton, Rockingham, Windham, plus that part of Westminster encompassed within a boundary beginning at the intersection of the Rockingham town line with Interstate 91; then southeasterly along the centerline of Interstate 91 to the intersection with the Saxtons River; then easterly along the centerline of the Saxtons River until the intersection with Saxtons River Road (VT 121); then southeasterly along the centerline of Saxtons River Road until the intersection with Church Avenue; then easterly along the centerline of Church Avenue until the intersection with Saxtons River Road; then northerly along the centerline of Saxtons River Road until the intersection of Forest Road; then southerly along the centerline of Forest Road to the intersection with the Saxtons River; then northeasterly along the centerline of the Saxtons River to the intersection with the Connecticut River.

2

* * * Part VI - Revision of Some District Names * * *

Sec. 59. REVISION OF CERTAIN DISTRICT DESIGNATIONS

(a) The following initial district designations in 17 V.S.A. § 1893, as amended by No. 85 of the Acts of 2002, are redesignated as follows:

(1) Initial House district “BENNINGTON-WINDHAM-1” is redesignated “WINDHAM-BENNINGTON-1”.

(2) Initial House district “BENNINGTON-WINDHAM-WINDSOR-1” is redesignated “WINDHAM-BENNINGTON-WINDSOR-1”.

(3) Initial House district “CALEDONIA-ORLEANS-1” is redesignated “ORLEANS-CALEDONIA-1”.

(4) Initial House district “CALEDONIA-ORANGE-1” is redesignated “ORANGE-CALEDONIA-1”.

(5) Initial House district “ORANGE-WINDSOR-1” is redesignated “WINDSOR-ORANGE-2”.

(6) Initial House district “LAMOILLE-2” is redesignated “LAMOILLE-4” and initial House District “LAMOILLE-4” is redesignated “LAMOILLE-2”.

(7) Initial House district “RUTLAND-WINDSOR-2” is redesignated “WINDSOR-RUTLAND-1”.

(8) Initial House district “RUTLAND-WINDSOR-3” is redesignated “WINDSOR-RUTLAND-2”.

(9) Initial House district “ESSEX-CALEDONIA-2” is redesignated “ESSEX-CALEDONIA-ORLEANS”; and initial House district “ESSEX-CALEDONIA-1” is redesignated “ESSEX-CALEDONIA”.

(b) Section 1893 of Title 17, as amended by No. 85 of the Acts of 2002, is further amended to list the districts in alphabetical and numerical order according to their redesignations by this and other sections of this act.

Sec. 60. CODIFICATION OF CHITTENDEN-3 BOUNDARY

DESCRIPTIONS

The Legislative Council is directed to define the boundary descriptions for House districts CHITTENDEN-3-1, CHITTENDEN-3-2, CHITTENDEN-3-3, CHITTENDEN-3-4, CHITTENDEN-3-5, and CHITTENDEN-3-6 in terms of streets, roads, census block lines, and other physical markers as set out in the map prepared by the Legislative Council, submitted to and approved by the Committee on Conference on S.300 on June 12, 2002, and codify the same in 17 V.S.A. § 1893a.

* * * EFFECTIVE DATE * * *

Sec. 61. EFFECTIVE DATE

Sections 52 through 61 of this act, relating to redistricting the House and Senate, shall take effect from passage, and apply to representative and senatorial districts for the 2002 election cycle and thereafter.

Approved: June 27, 2002