

## Office of Professional Regulation

The Office of Professional Regulation provides Vermont licensees, certifications, and registrations for over 37,000 practitioners and businesses. Thirty-nine professions and occupations are supported and managed by this office. A list of professions regulated is found below.

Each profession or occupation is governed by laws defining professional conduct. Consumers who have inquiries or wish to obtain a form to register a complaint may do so by calling: (802)828-2372, or by writing to the Director of the Office, Secretary of State, 26 Terrace Street, Drawer 09, Montpelier, Vermont 05609-1106.

Upon receipt of a complaint, an administrative review determines if the issues raised are covered by the applicable professional conduct statute. If so, a committee is assigned to investigate, collect information, and recommend action or closure to the appropriate governing body.

All complaint investigations are confidential. Should the investigation conclude with a decision for disciplinary action against a professional's license and ability to practice, the name of the license holder will then be made public.

Complaint investigations focus on licensure and fitness of the licensee to practice. Disciplinary action, when warranted, ranges from warning to revocation of license, based on the circumstances. You should not expect a return of fees paid or additional unpaid services as part of the results of this process. If you seek restitution of this nature, consider consulting with the Consumer Protection Division of the Office of the Attorney General, retaining an attorney, or filing a case in Small Claims Court.

Accountancy	Naturopaths
Acupuncture	Nursing
Architects	Nursing Home Administrators
Athletic Trainers	Occupational Therapists
Auctioneer	Opticians
Barbers & Cosmetologists	Optometry
Boxing Control	Osteopathic Physicians and Surgeons
Chiropractic	Pharmacy
Dental Examiners	Physical Therapists
Dietitians	Private Investigative & Security Services
Electrolysis	Psychoanalyst
Professional Engineering	Psychology
Funeral Service	Psychotherapist, Non-licensed
Hearing Aid Dispensers	Radiologic Technology
Land Surveyors	Real Estate Appraisers
Marriage & Family Therapists	Real Estate
Clinical Mental Health Counselors	Social Workers, Clinical
Midwives, Licensed	Tattooists
Motor Vehicle Racing	Veterinary

**Chapter 5: SECRETARY OF STATE**  
**Sub-Chapter 3: Professional Regulation**  
**3 V.S.A. § 129a. Unprofessional conduct**

**§ 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:

- (1) Fraudulent or deceptive procurement or use of a license.
  - (2) Advertising that is intended or has a tendency to deceive.
  - (3) Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession.
  - (4) Failing to comply with an order of the board or violating any term or condition of a license restricted by the board.
  - (5) Practicing the profession when medically or psychologically unfit to do so.
  - (6) Delegating professional responsibilities to a person whom the licensed professional knows, or has reason to know, is not qualified by training, experience, education, or licensing credentials to perform them, or knowingly providing professional supervision or serving as a preceptor to a person who has not been licensed or registered as required by the laws of that person's profession.
  - (7) Willfully making or filing false reports or records in the practice of the profession; willfully impeding or obstructing the proper making or filing of reports or records or willfully failing to file the proper reports or records.
  - (8) Failing to make available promptly to a person using professional health care services, that person's representative, or succeeding health care professionals or institutions, upon written request and direction of the person using professional health care services, copies of that person's records in the possession or under the control of the licensed practitioner, or failing to notify patients or clients how to obtain their records when a practice closes.
  - (9) Failing to retain client records for a period of seven years, unless laws specific to the profession allow for a shorter retention period. When other laws or agency rules require retention for a longer period of time, the longer retention period shall apply.
  - (10) Conviction of a crime related to the practice of the profession or conviction of a felony, whether or not related to the practice of the profession.
  - (11) Failing to report to the office a conviction of any felony or any offense related to the practice of the profession in a Vermont District Court, a Vermont Superior Court, a federal court, or a court outside Vermont within 30 days.
  - (12) Exercising undue influence on or taking improper advantage of a person using professional services, or promoting the sale of services or goods in a manner which exploits a person for the financial gain of the practitioner or a third party.
  - (13) Performing treatments or providing services which the licensee is not qualified to perform or which are beyond the scope of the licensee's education, training, capabilities, experience, or scope of practice.
  - (14) Failing to report to the office within 30 days a change of name or address.
  - (15) Failing to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.
- (b) Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. 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.
- (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.
- (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 under this subsection shall be deposited in the Professional Regulatory Fee Fund established in section 124 of this title for the purpose of providing education and training for board members and advisor appointees. The Director shall detail in the annual report receipts and expenses from money received under this subsection.
- (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.

(Added 1997, No. 40, § 5; amended 2001, No. 151 (Adj. Sess.), § 2, eff. June 27, 2002; 2003, No. 60, § 2; 2005, No. 27, § 5; 2005, No. 148 (Adj. Sess.), § 4; 2009, No. 35, § 2; 2011, No. 66, § 3, eff. June 1, 2011; 2011, No. 116 (Adj. Sess.), § 5.)

**Title 26: Professions and Occupations**  
**Chapter 65: CLINICAL MENTAL HEALTH COUNSELORS**  
**26 V.S.A. § 3271. Unprofessional conduct**

**§ 3271. Unprofessional conduct**

- (a) Unprofessional conduct means the following conduct and conduct set forth in 3 V.S.A. § 129a.
  - (1) using dishonest or misleading advertising;
  - (2) misusing a title in professional activity;
  - (3) conduct which evidences unfitness to practice clinical mental health counseling;
  - (4) engaging in any sexual conduct with a client, or with the immediate family member of a client, with whom the licensee has had a professional relationship within the previous five years;
  - (5) harassing, intimidating, or abusing a client;
  - (6) entering into an additional relationship with a client, supervisee, research participant, or student that might impair the licensed clinical mental health counselor's objectivity or otherwise interfere with the clinical mental health counselor's professional obligations;
  - (7) independently practicing outside or beyond a clinical mental health counselor's area of training, experience, or competence without appropriate supervision.
- (b) After hearing, and upon a finding of unprofessional conduct, the board may take disciplinary action against a licensed clinical mental health counselor or applicant. (Added 1987, No. 245 (Adj. Sess.), § 1; amended 1993, No. 98, § 17; 1993, No. 222 (Adj. Sess.), § 10; 1997, No. 40, § 57; 1997, No. 145 (Adj. Sess.), § 53; 2007, No. 29, § 45.)

**My practice is also governed by the Rules of the Board of Allied Mental Health Practitioners. It is unprofessional conduct to violate those rules. A copy of the rules may be obtained from the Board or online at <http://vtprofessionals.org>.**