

# Vermont Legislative Joint Fiscal Office

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## *FISCAL NOTE*

Date: September 3, 2020  
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### **S.220 An act relating to professional regulation – As recommended by the House Committee on Government Operations and House Committee on Ways and Means**

<https://legislature.vermont.gov/Documents/2020/WorkGroups/House%20Government%20Operations/Bills/S.220/Drafts,%20Amendments,%20and%20Summaries/S.220~BetsyAnn%20Wrask~Draft%202.1,%209-2-2020-%20HGO%20Amendment~9-3-2020.pdf>

#### **Bill Summary**

The bill makes miscellaneous changes to laws pertaining to the Office of Professional Regulation.

#### **Fiscal Provisions**

##### *Massage Therapists, Bodyworkers and Touch Professionals (sec. 28-32)*

The bill proposes to add these professions to the list of professions regulated by the OPR. Individuals wanting to practice in these professions would be required to register with the OPR. Registrants would be required to pay the initial registration and biennial renewal fees set in statute for advisor professions, \$75 for initial registration and \$240 for biennial renewals (3 V.S.A. §125(b)). Revenues from these fees are deposited in the OPR Professional Regulatory Fee Fund. The bill would authorize two new positions in OPR, one in the licensing division and one in the enforcement division, to assist in the regulation of these professions. The regulatory framework, and accompanying fees, would go into effect for these professions beginning April 1, 2021.

- Fee Revenue – In a memo to the Senate Government Operations Committee, the OPR indicated that approximately 370 massage therapists are employed in Vermont, per data from the U.S. Bureau of Labor Statistics (BLS).<sup>1</sup> A search of active licensed massage therapists in nearby states (NH<sup>2</sup>, ME<sup>3</sup>, RI<sup>4</sup>, CT<sup>5</sup>) indicated much higher numbers than those given by the BLS for the same state. If an estimate for the number of massage therapists that would register in Vermont were based on licensing data from other states,

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<sup>1</sup><https://legislature.vermont.gov/Documents/2020/WorkGroups/Senate%20Government%20Operations/Bills/S.270/Written%20Testimony/S.270~Lauren%20Hibbert~OPR%20Memo%20to%20Senate%20Government%20Operations%20Committee~1-29-2020.pdf>

<sup>2</sup> <https://www.oplc.nh.gov/annual-reports/documents/2019-oplc-annual-report.pdf>

<sup>3</sup> <https://www.maine.gov/pfr/professionallicensing/professions/massage/index.html>

<sup>4</sup> <https://health.ri.gov/find/licensees/index.php?prof=Massage#foo>

<sup>5</sup> <https://portal.ct.gov/DPH/Practitioner-Licensing--Investigations/PLIS/Licensing-Statistics>

and adjusted for population, the number of registrants would be approx. 800-1,000. The estimate in this fiscal note will be based on 800 massage therapy registrants and will cover a two year initial registration period and a two year renewal period.

**FY21-22 Initial Registrations (\$75): \$60,000**  
**FY23-24 Biennial Renewals (\$240): \$192,000**

- Staff Costs – The OPR stated that the two new positions would cost approximately \$220,000 per year in salaries and benefits, and that the positions would likely be hired late in calendar year 2020. Revenues from the new massage therapist fees would cover some of the new staffing costs and, per the OPR, there is capacity within the existing advisor profession funding pool to cover the gap. There is not currently an additional appropriation in S.220 to cover the costs of the positions.

**FY21 Salary/Benefit costs (7 months): \$130,000**  
**Future year Salary/Benefits: \$220,000 (costs will increase with pay act)**

Private Investigative and Security Services (Sec. 3 and Sec. 17)

The bill proposes to shift the regulation of this profession from a Board appointed by the Governor to advisor appointees appointed by the Secretary of State. All fees would be moved from 26 V.S.A. Ch. 59, which regulates the Private Investigative and Security Services profession, to 3 V.S.A §125, which contains all advisor appointee fees. The fees would not change.

**No fiscal impact**

Other Misc. Changes

Sec. 3: Renewal fee for appraisal management companies would change from \$600 biennial to \$300 annual. This is required by federal law. **Net revenues would not change.**

*\*\*The OPR has stated that the following three professions are carrying surpluses in the professional fee fund for each Board, and that the fee reductions would not have an adverse impact on those funds.\*\**

Sec. 9: The biennial renewal fee for optometrists would be lowered from \$425 to \$350. There were 151 Optometrists licensed in Vermont as of FY2018, per the OPR’s most recent annual report.<sup>6</sup> **Estimated biennial revenue reduction would be \$11,325.**

Sec. 10: The biennial renewal fee for osteopaths would be lowered from \$350 to \$300. There were 215 Osteopathic Physicians licensed in Vermont as of FY2018, per the OPR’s most recent annual report. **Estimated biennial revenue reduction would be \$10,750.**

Sec. 14: The biennial renewal fee for veterinarians would be lowered from \$200 to \$175. There were 614 Veterinarians licensed in Vermont as of FY2018, per the OPR’s most recent annual report. **Estimated biennial revenue reduction would be \$15,350.**

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<sup>6</sup> <https://sos.vermont.gov/opr/about-opr/annual-reports/>