

Military Spouse License Transfer Options

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VERMONT

STATUTORY SUMMARY:

State agencies shall expedite the issuance of professional licenses to military spouses licensed in another jurisdiction in good standing. The process is different for each profession, but in most cases will not require more than three years of practice in another United States jurisdiction, regardless of whether that jurisdiction has licensing requirements which are substantially similar to those of Vermont. The Director may issue a 90-day provisional license to military spouses who have completed an application for full licensure. Upon request, application fees of qualified military members and spouses shall be waived.

RELEVANT LAW:

3 V.S.A. § 123. Duties of office.

- (a) The Office shall provide administrative, secretarial, financial, investigatory, inspection, and legal services to the boards. The services provided by the Office shall include:
- (1) Sending, receiving, and processing applications for licenses.
 - (2) Issuing, recording, renewing, and reinstating all licenses as ordered by the boards, an appellate officer, the Director, an administrative law officer, or a court.
 - (3) Revoking or suspending licenses as ordered by the boards, the Director, an administrative law officer, or a court.
 - (4) Keeping all files and records of the boards, including minutes of meetings.
 - (5) Compiling and maintaining a current register of all licensees.
 - (6) Compiling and maintaining statistical information for each board, including the number of applications received; the number of licenses, certificates, registrations, and permits issued, renewed, and reinstated; examination results; the number and disposition of inspections and complaints; and the number of board meetings.



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- (7) Collecting and depositing all fees into the Professional Regulatory Fee Fund.
- (8) Arranging payment of all expenses incurred by the boards within the limits of the funds appropriated to them.
- (9) Standardizing, to the extent feasible and with the advice of the boards, all applications, licenses, and other related forms and procedures, and adopting uniform procedural rules governing the investigatory and disciplinary process for all boards set forth in section 122 of this chapter.
- (10) Notifying the public and board members of all meetings and examinations to be held by the boards and arranging for places for those meetings and examinations.
- (11) Assisting the boards in developing rules consistent with the principles set forth in 26 V.S.A. chapter 57. Notwithstanding any provision of law to the contrary, the Secretary of State shall serve as the adopting authority for those rules.
- (12) With the assistance of the boards, establishing a schedule of license renewal and termination dates so as to distribute the renewal work in the Office as effectively as possible.
 - (A) Licenses may be issued and renewed according to that schedule for periods of up to two years.
 - (B) A person whose initial license is issued within 90 days prior to the set renewal date shall not be required to renew the license until the end of the first full biennial licensing period following initial licensure.
- (13) To the extent that resources permit, providing other administrative services that are necessary or desirable for the efficient operation of the boards.
 - (b) The Director shall consult with each board and prepare a consolidated budget for the Office. The consolidated budget shall also contain funds deemed to be required by the Director for the administration of this chapter. The Director shall submit the consolidated budget to the Secretary of State.
 - (c) The Director may purchase examination materials and contract with examination providers to administer examinations.
 - (d) The Director may adopt procedures for the effective administration of this section.
 - (e) The Secretary of State shall contract with and appoint one or more attorneys licensed to practice in this State to serve as administrative law officers under subsection 129(j) of this title or appellate officers under section 130a of this title.
 - (f) Classified State employees who are employed as investigators by the Secretary of State who have successfully met the standards of training for a Level III law enforcement officer under 20 V.S.A. chapter 151 shall have the same powers as sheriffs in criminal matters and the enforcement of the law and in serving criminal process, and shall have all the immunities and matters of defense now available or hereafter made available to sheriffs in a suit brought against them in consequence for acts done in the course of their employment.



- (g)
 - (1) The Office shall establish uniform procedures applicable to all of the professions and boards set forth in section 122 of this chapter, providing for:
 - (A) appropriate recognition of education, training, or service completed by a member of the U.S. Armed Forces toward the requirements of professional licensure; and
 - (B) expedited issuance of a professional license to a person who is licensed in good standing in another regulatory jurisdiction; and
 - (i) whose spouse is a member of the U.S. Armed Forces and who has been subject to a military transfer to Vermont; and
 - (ii) who left employment to accompany his or her spouse to Vermont.
 - (2) The Director may evaluate specific military credentials to determine equivalency to credentials required for professions attached to the Office. The determinations shall be adopted through written policy that shall be posted on the Office's website.
 - (3) The Director may evaluate apprenticeship programs recognized or administered by the Vermont Department of Labor, Agency of Education, or U.S. Department of Labor to determine equivalency to credentials required for professions attached to the Office. The determinations shall be adopted through written policy that shall be posted on the Office's website.
- (h) Notwithstanding any provision of Title 26 of the Vermont Statutes Annotated to the contrary, the Office, on behalf of the Director or a board, may use electronic mail to send notices and reminders that would otherwise be sent by mail, except certified mail, and may use online services to elicit information and sworn attestations that would otherwise be obtained on a paper form.
- (i)
 - (1) The Director shall actively monitor the actions of boards attached to the Office and shall ensure that all board actions pursued or decided are lawful, consistent with State policy, reasonably calculated to protect the public, and not an undue restraint of trade.
 - (2) If the Director finds an exercise of board authority or discretion does not meet those standards, the Director may, except in the case of disciplinary actions:
 - (A) provide written notice to the board explaining the perceived inconsistency, which notice shall have the effect of staying that action and implementing any alternative prescribed by the Director;
 - (B) schedule a public meeting with the board to resolve questions about the action and explore alternatives; and



- (C) within 60 days following that meeting, issue a written directive finding that:
 - (i) the exercise of board authority or discretion is consistent with State policy, in which case the action shall be reinstated;
 - (ii) the exercise of board authority or discretion is inconsistent with State policy in form, but may be modified to achieve consistency, in which case the board may issue a modified action consistent with the Director's recommendation; or
 - (iii) the exercise of board authority or discretion is inconsistent with State policy in purpose, in which case any alternative prescribed by the Director shall stand as the regulatory policy of the State.

- (j)
 - (1) The Office may inquire into the criminal background histories of applicants for initial licensure and for license renewal of any Office-issued credential, including a license, certification, registration, or specialty designation for the following professions:
 - (A) licensed nursing assistants, licensed practical nurses, registered nurses, and advanced practice registered nurses licensed under 26 V.S.A. chapter 28;
 - (B) private investigators, security guards, and other persons licensed under 26 V.S.A. chapter 59;
 - (C) real estate appraisers and other persons or business entities licensed under 26 V.S.A. chapter 69; and
 - (D) osteopathic physicians licensed under 26 V.S.A. chapter 33.
 - (2) Prior to acting on an initial or renewal application, the Office may obtain with respect to the applicant a Vermont criminal history record, an out-of-state criminal history record, and a criminal history record from the Federal Bureau of Investigation. Federal Bureau of Investigation background checks shall be fingerprint-supported, and fingerprints so obtained may be retained on file and used to notify the Office of future triggering events. Each applicant shall consent to the release of criminal history records to the Office on forms developed by the Vermont Crime Information Center.
 - (3) Applicants subject to background checks shall be notified that a check is required, if fingerprints will be retained on file, and that criminal convictions are not an absolute bar to licensure, and shall be provided such other information as may be required by federal law or regulation.

- (k) For any profession attached to it, the Office shall provide a pre-application determination of an individual's criminal background. This determination shall not be binding on the Office in a future application if the individual violates probation or parole or is convicted of another crime following the determination.



- (1) The Office shall initiate this determination upon an individual's "second chance" determination request. This request shall provide documentation related to the individual's conviction or convictions, evidence of rehabilitation, and identification of the profession or professions for which the individual seeks licensure.
 - (2) The individual shall submit this request online, accompanied by the fee for preapplication determinations set forth in section 125 of this subchapter. If the individual thereafter applies for licensure, this preapplication fee shall be deducted from that license application fee.
 - (3) The Office shall:
 - (A) process a request within 30 days of receiving a complete request;
 - (B) assess the nature of the underlying conviction or convictions, the nexus to the profession or professions for which the individual seeks licensure, and the provided evidence of rehabilitation; and
 - (C) respond to the individual's request in writing.
- (1) When, by reason of disqualification, resignation, vacancy, or necessary absence, a board is unable to form a quorum or assign one or more members to assist in the investigation and prosecution of complaints or license applications, or to adjudicate a contested case, the Secretary of State may appoint ad hoc members, either as voting members to establish a quorum at a specific meeting or as nonvoting members to assist Office investigators and prosecutors.

3 V.S.A. § 125. Fees. [Effective until June 1, 2023]

- (a) In addition to the fees otherwise authorized by law, a board or advisor profession may charge the following fees:
 - (1) Verification of license, \$20.00.
 - (2) An examination fee established by the Secretary, which shall be no greater than the costs associated with examinations.
 - (3) Reinstatement fees for expired licenses pursuant to section 127 (unauthorized practice) of this title.
 - (4) Continuing, qualifying, or prelicensing education course approval:
 - (A) Provider, \$100.00.
 - (B) Individual, \$25.00.
 - (5) A preapplication criminal background determination, \$25.00.
- (b) Unless otherwise provided by law, the following fees shall apply to all professions regulated by the Director in consultation with advisor appointees under Title 26:



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- (1) Application for registration, \$75.00, except application for:
 - (A) Private investigator and security services employees, unarmed registrants, \$60.00.
 - (B) Private investigator and security service employees, transitory permits, \$60.00.
 - (C) Private investigator and security service employees, armed registrants, \$120.00.
- (2) Application for licensure or certification, \$100.00, except application for:
 - (A) Barbering or cosmetology schools and shops, \$300.00.
 - (B) *[Subdivision (b)(2)(B) effective until June 1, 2023.]* Funeral directors, embalmers, crematory personnel, removal personnel, funeral establishments, crematory establishments, and limited services establishments, \$70.00.
 - (C) Application for real estate appraisers, \$275.00.
 - (D) Temporary real estate appraiser license, \$150.00.
 - (E) Appraisal management company registration, \$600.00.
 - (F) Private investigator or security services agency, \$340.00.
 - (G) Private investigator and security services agency, \$400.00.
 - (H) Private investigator or security services sole proprietor, \$250.00.
 - (I) Private investigator or security services unarmed licensee, \$150.00.
 - (J) Private investigator or security services armed licensee, \$200.00.
 - (K) Private investigator and security services instructor, \$120.00.
- (3) Optician trainee registration, \$50.00.
- (4) Biennial renewal, \$240.00, except biennial renewal for:
 - (A) Independent clinical social workers and master's social workers, \$150.00.
 - (B) Occupational therapists and assistants, \$150.00.
 - (C) Physical therapists and assistants, \$150.00.
 - (D) Optician trainees, \$100.00.
 - (E) Barbers, cosmetologists, nail technicians, and estheticians, \$130.00.
 - (F) Schools of barbering or cosmetology, \$300.00.
 - (G) Funeral directors and embalmers, \$280.00.
 - (H) *[Subdivision (b)(4)(H) effective until June 1, 2023.]* Crematory personnel and removal personnel, \$100.00.



- (I) *[Subdivision (b)(4)(I) effective until June 1, 2023.]* Funeral establishments, crematory establishments, and limited services establishments, \$640.00.
- (J) [Repealed.]
- (K) Radiologic therapist, radiologic technologist, nuclear medicine technologist, \$150.00.
- (L) Certified alcohol and drug abuse counselor, certified apprentice addiction professional, and licensed alcohol and drug abuse counselor, \$225.00.
- (M) Private investigator or security services agency, or both, \$300.00.
- (N) Private investigator or security services unarmed licensee, \$120.00.
- (O) Private investigator or security services armed licensee, \$180.00.
- (P) Private investigator or security services unarmed registrant, \$80.00.
- (Q) Private investigator or security services armed registrant, \$130.00.
- (R) Private investigator or security services sole proprietor, \$250.00.
- (S) Private investigator or security services instructor, \$180.00.
- (5) Limited temporary license or work permit, \$50.00.
- (6) Radiologic evaluation, \$125.00.
- (7) Annual renewal for appraisal management company registration, \$300.00.
- (c) Notwithstanding any provisions of law to the contrary, a board shall not require payment of renewal fees for years during which a license was lapsed.
- (d) Pursuant to qualifications and procedures determined by the Director, the Office shall, upon request, waive application fees to qualified military members and military spouses.

3 V.S.A. § 125. Fees. [Effective on June 1, 2023]

- (a) In addition to the fees otherwise authorized by law, a board or advisor profession may charge the following fees:
 - (1) Verification of license, \$20.00.
 - (2) An examination fee established by the Secretary, which shall be no greater than the costs associated with examinations.
 - (3) Reinstatement fees for expired licenses pursuant to section 127 (unauthorized practice) of this title.
 - (4) Continuing, qualifying, or prelicensing education course approval:
 - (A) Provider, \$100.00.
 - (B) Individual, \$25.00.



- (5) A preapplication criminal background determination, \$25.00.
- (b) Unless otherwise provided by law, the following fees shall apply to all professions regulated by the Director in consultation with advisor appointees under Title 26:
 - (1) Application for registration, \$75.00, except application for:
 - (A) Private investigator and security services employees, unarmed registrants, \$60.00.
 - (B) Private investigator and security service employees, transitory permits, \$60.00.
 - (C) Private investigator and security service employees, armed registrants, \$120.00.
 - (2) Application for licensure or certification, \$100.00, except application for:
 - (A) Barbering or cosmetology schools and shops, \$300.00.
 - (B) *[Subdivision (b)(2)(B) effective June 1, 2023.]* Funeral directors, embalmers, disposition facility personnel, removal personnel, funeral establishments, disposition facilities, and limited services establishments, \$70.00.
 - (C) Application for real estate appraisers, \$275.00.
 - (D) Temporary real estate appraiser license, \$150.00.
 - (E) Appraisal management company registration, \$600.00.
 - (F) Private investigator or security services agency, \$340.00.
 - (G) Private investigator and security services agency, \$400.00.
 - (H) Private investigator or security services sole proprietor, \$250.00.
 - (I) Private investigator or security services unarmed licensee, \$150.00.
 - (J) Private investigator or security services armed licensee, \$200.00.
 - (K) Private investigator and security services instructor, \$120.00.
 - (3) Optician trainee registration, \$50.00.
 - (4) Biennial renewal, \$240.00, except biennial renewal for:
 - (A) Independent clinical social workers and master's social workers, \$150.00.
 - (B) Occupational therapists and assistants, \$150.00.
 - (C) Physical therapists and assistants, \$150.00.
 - (D) Optician trainees, \$100.00.
 - (E) Barbers, cosmetologists, nail technicians, and estheticians, \$130.00.
 - (F) Schools of barbering or cosmetology, \$300.00.



- (G) [Subdivision (b)(4)(G) effective June 1, 2023.] Funeral directors and embalmers, \$280.00.
 - (H) [Subdivision (b)(4)(H) effective June 1, 2023.] Disposition facility personnel and removal personnel, \$100.00.
 - (I) [Subdivision (b)(4)(I) effective June 1, 2023.] Funeral establishments, disposition facilities, and limited services establishments, \$640.00.
 - (J) [Repealed.]
 - (K) Radiologic therapist, radiologic technologist, nuclear medicine technologist, \$150.00.
 - (L) Certified alcohol and drug abuse counselor, certified apprentice addiction professional, and licensed alcohol and drug abuse counselor, \$225.00.
 - (M) Private investigator or security services agency, or both, \$300.00.
 - (N) Private investigator or security services unarmed licensee, \$120.00.
 - (O) Private investigator or security services armed licensee, \$180.00.
 - (P) Private investigator or security services unarmed registrant, \$80.00.
 - (Q) Private investigator or security services armed registrant, \$130.00.
 - (R) Private investigator or security services sole proprietor, \$250.00.
 - (S) Private investigator or security services instructor, \$180.00.
- (5) Limited temporary license or work permit, \$50.00.
 - (6) Radiologic evaluation, \$125.00.
 - (7) Annual renewal for appraisal management company registration, \$300.00.
- (c) Notwithstanding any provisions of law to the contrary, a board shall not require payment of renewal fees for years during which a license was lapsed.
 - (d) Pursuant to qualifications and procedures determined by the Director, the Office shall, upon request, waive application fees to qualified military members and military spouses.

3 V.S.A. § 130. Provisional licensure.

- (a) The director may issue a 90-day provisional license to an individual who has completed an application for full licensure and:
 - (1) whose eligibility for licensure is contingent upon acceptable verification of licensure from another jurisdiction;
 - (2) whose eligibility for licensure is contingent upon completion of a background check; or



- (3) who is an active-duty member of the U.S. Armed Forces assigned to duty in Vermont or the spouse of such a member.
- (b) A provisional license shall be based on a voluntary agreement between the applicant and the Office to expedite the applicant's entry into the workforce, in which the applicant agrees to forgo the procedural rights associated with traditional licensure in exchange for a provisional license pending final determination of the license application.
- (c) A provisional license shall only be issued to an applicant who can attest to material facts consistent with the requirements of full licensure, including the applicant's standing in other U.S. jurisdictions, criminal history, and disciplinary history. An individual to whom a provisional license is issued shall expressly agree that the Office may summarily withdraw the provisional 2022 license upon discovery of any inconsistency or inaccuracy in the application materials.
- (d) An individual aggrieved by a denial or summary withdrawal of a provisional license issued under this section shall have as an exclusive remedy the right to have the individual's application for conventional licensure determined according to the usual process.
- (e) The director may extend a provisional license beyond the initial 90-day period if the reason for issuing the license, as set forth in subdivisions (a)(1)–(3) of this section, has not been resolved.

3 V.S.A. § 136a. Uniform process for endorsement from other states.

- (a) Notwithstanding any statute or rule to the contrary and except as provided in subsection (b) of this section, all professions attached to the Office shall have an endorsement process that requires not more than three years of practice in good standing in another jurisdiction within the United States, regardless of whether that jurisdiction has licensing requirements substantially similar to those of this State.
- (b) Any profession determining that three years of demonstrated practice in another jurisdiction is not adequately protective of the public shall provide its rationale to the Director, who may propose any necessary statutory or rule amendments in order to implement more restrictive requirements for endorsement.
- (c) The Director may issue to an endorsement applicant a waiver of the profession's practice requirement if there is a showing that the waiver follows State policy and the public is adequately protected.



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3 V.S.A. § 137. Uniform process for foreign credential verification.

- (a) The Director shall adopt rules that prescribe a process for the Director to assess the equivalence of an applicant's professional credentials earned outside the United States as compared to State licensing requirements for those professions attached to the Office that do not have laws addressing the verification and recognition of such credentials.
- (b) Any determination of equivalence by the Director under this section shall be recorded in the applicant's licensing file and shall be binding upon the relevant State board or regulatory program.
- (c) In administering this section, the Director may rely upon third-party credential verification services. The cost of such services shall be paid by the applicant.
- (d) The provisions relating to preliminary license denials set forth in subsection 129(e) of this subchapter shall apply to a license application that is preliminarily denied for nonequivalence under this section.



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