

BIENNIAL REPORT

FY 2016-17
FY 2017-18

DEPARTMENT OF PROFESSIONAL
AND OCCUPATIONAL REGULATION

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DIRECTOR



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OVERVIEW

July 1, 2016 – June 30, 2018

200+

CAREER CIVIL SERVANTS

196

VOLUNTEER BOARD MEMBERS

15

REGULATORY BOARDS

3

ADVISORY BOARDS

1

POLICY BOARD

152

TYPES OF CREDENTIALS ISSUED

7

PUBLIC HEARINGS

32

REGULATORY ACTIONS COMPLETED



Our Organization

DPOR and its regulatory programs operate under a shared services "umbrella" model. The Department provides leadership and support to the boards that are charged by the General Assembly with regulating professions and occupations.

Leveraging the benefits of a centralized agency structure allows DPOR to keep fees affordable and identify opportunities for efficiencies of scale.

LICENSING ACTIVITY

Online transactions increased by 10%

Renewals + Reinstatements



Only 5% of renewals are submitted late.

Renewals



- ✓ **129,700** online transactions
- ✓ **50,750** applications
- ✓ **266,800** renewals + reinstatements
- ✓ **47,900** name + address changes
- ✓ **10,700** certifications
- ✓ **720** licensing IFF conferences

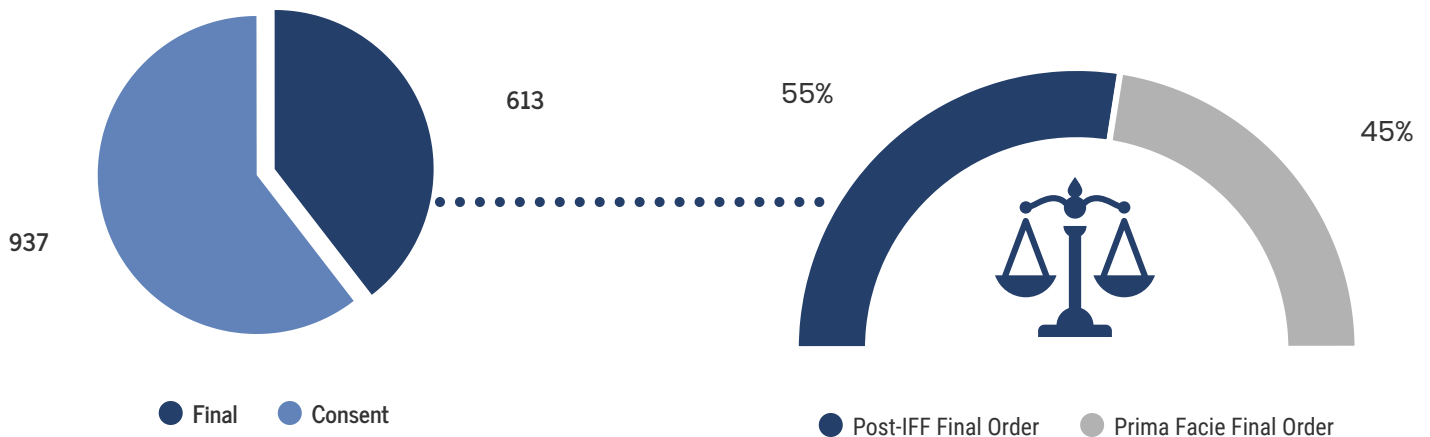
CASE DECISIONS

LICENSING DENIAL ORDERS



Just **one in ten** applications referred for a licensing IFF conference are ultimately **denied** licensure by the board.

DISCIPLINARY ORDERS



99% of DPOR regulants are never involved in a disciplinary case

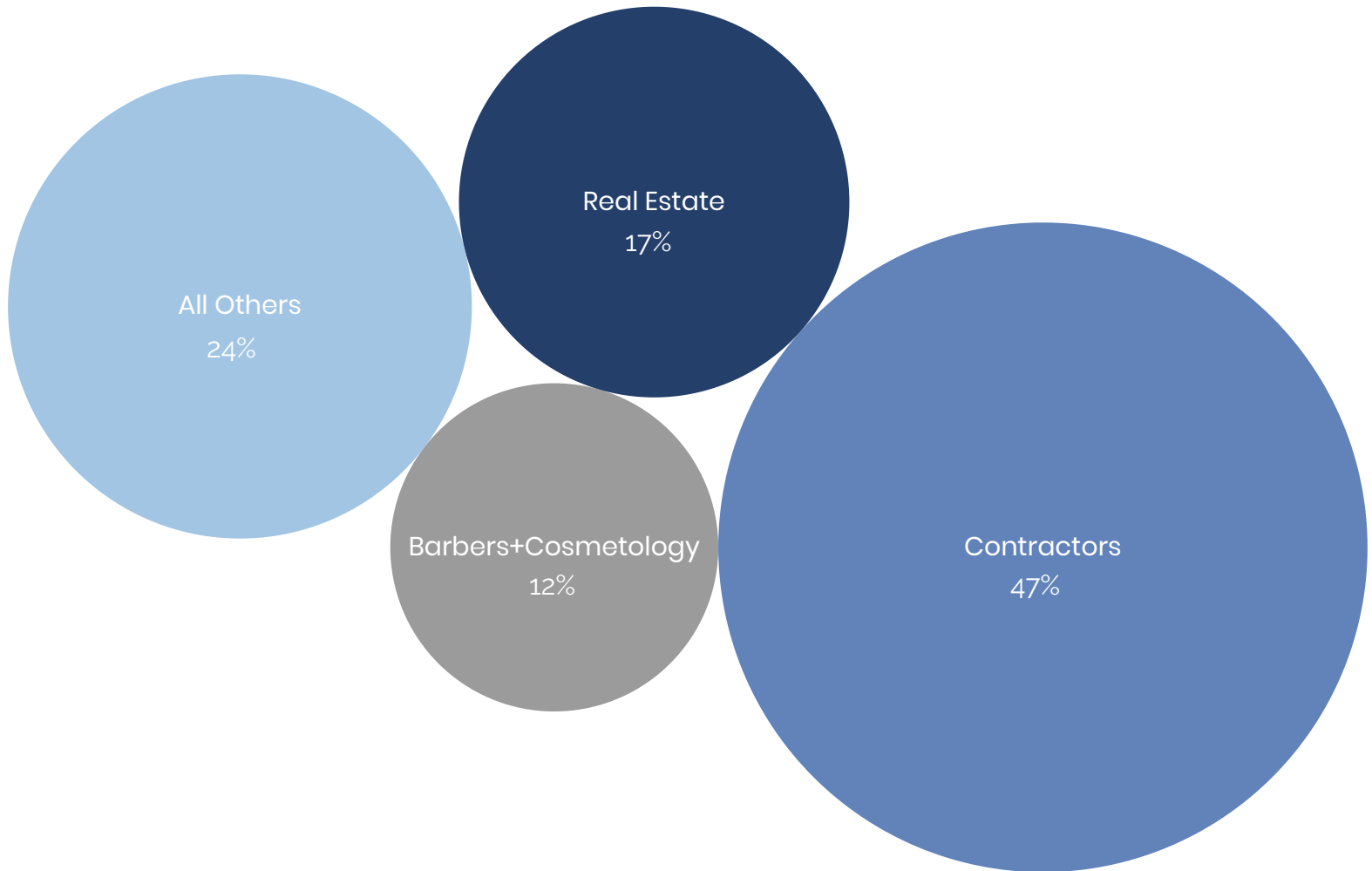
DPOR boards cannot deny a license application or impose disciplinary sanctions without providing notice and an opportunity to respond.

An **informal fact finding conference (IFF)** is the due process administrative proceeding used to gather additional information and give applicants and licensees the chance to present evidence about their case.

Negotiated settlement offers may bypass an IFF and go directly to the board for ratification as a Consent Order. "Prima facie" disciplinary files are forwarded to the board without the need for an IFF if the respondent agrees to waive the proceeding or does not respond to the IFF Notice.

COMPLIANCE ACTIVITY

Complaints categorized by program area



DPOR processed **more than 6,500** complaints involving regulated professions

Nearly a quarter of those complaints resulted in board orders against regulants, with sanctions ranging from monetary penalties or remedial education to license suspension or revocation.

Not all complaints allege violations of laws or regulations under DPOR jurisdiction. Files may be closed without additional investigation or board action for a variety of reasons, such as a lack of agency authority or successful mediation.

CONSUMER PROTECTION

Focused on public's health, safety, and welfare

DPOR cannot provide individual relief for consumers. Boards cannot make a regulant refund money or correct deficiencies, nor can they order other punishment. Agency jurisdiction does not extend to unlicensed individuals or businesses.

Civil or criminal court is often a consumer's only recourse for private remedy. DPOR administers recovery funds for eligible consumers who are unable to collect on a judgment against a contractor or real estate licensee. We also work with local law enforcement and prosecutors to combat unlicensed activity and fraud.

CONTRACTOR RECOVERY FUND

\$1.66 MILLION

Dollar amount of claims paid

\$792,000 in FY 2017

\$867,000 in FY 2018

135

Number of claim payments

58 in FY 2017

77 in FY 2018

REAL ESTATE RECOVERY FUND

\$24,300

Dollar amount of claims paid

\$20,000 in FY 2017

\$4,300 in FY 2018

2

Number of claim payments

1 in FY 2017

1 in FY 2018

UNLICENSED ACTIVITY

\$419,300

Court-ordered victim restitution in DPOR-assisted unlicensed prosecutions

240

Criminal warrants obtained by DPOR for unlicensed activity

PUBLIC PARTICIPATION

Transparent, accessible, responsive government

DPOR encourages participation by regulated professionals, industry groups, and consumers through a variety of channels.

Board meetings are open and noticed in advance. Agenda, minutes, and guidance documents are posted online. Boards often form stakeholder committees and DPOR always solicits meaningful comment from affected individuals and businesses when developing and amending regulations.



LEGISLATIVE DIRECTIVES

Almost 9 out of 10 survey respondents rated their regulatory requirements as "about right."

86% said DPOR fees are affordable

JLARC Review

In July 2017, the Joint Legislative Audit and Review Commission (JLARC) directed its staff to review DPOR operations and performance. Among the findings:

- ✓ DPOR licensing requirements are generally appropriate and not overly burdensome.
- ✓ Most regulated individuals agree that our processes are balanced, well explained, and fairly applied.
- ✓ 92% of renewal fees do not exceed \$100.
- ✓ 82% of initial application fees are \$100 or less.

The entire report is available at:
<http://jlarc.virginia.gov/2018-dpor.asp>

Newly mandated regulatory programs

✓ Home Inspector Licensing

Effective July 1, 2017, the regulation of home inspectors transitioned from voluntary certification to mandatory licensure. The General Assembly continued to assign responsibility for administration of the program to the **Board for Asbestos, Lead, and Home Inspectors**.

✓ Drug Lab Remediation Contractors

Board for Contractors regulations effective July 1, 2018, establish a specialty designation for businesses engaged in cleanup, containment, or removal of hazardous material from properties formerly used to manufacture methamphetamine or other drugs. The legislature directed the board to develop standards for the license specialty through regulation.

REGULATORY REFORM



25%

fewer regulations

three-year target for regulatory
reduction pilot program

Eliminate, streamline unnecessary regulatory requirements

DPOR is one of two agencies selected to participate in the bipartisan regulatory reduction pilot program established during the 2018 General Assembly Session.

- ✓ Many DPOR regulations are required by state or federal law, and therefore exempt from the pilot program.
- ✓ After establishing a "baseline" catalog of discretionary requirements, DPOR boards will identify possibilities for elimination or streamlining.
- ✓ Goal is to reduce discretionary regulatory requirements by 25% by July 1, 2021.



As with all regulatory activities, the best way to participate is to **register for notifications** on the Virginia Regulatory Town Hall.

<http://www.townhall.virginia.gov/L/Register.cfm>

BOARD STATISTICS

FY 2016-17 + FY 2017-18

(July 1, 2016 - June 30, 2018)

REGULATORY PROGRAM	REVENUES	EXPENDITURES	NUMBER OF BOARD MEETINGS	APPLICANTS EXAMINED	COMPLAINTS RECEIVED	REGULANT POPULATION (06/30/18)
Architects, Professional Engineers, Land Surveyors, Certified Interior Designers & Landscape Architects	\$3,554,546	\$3,719,325	24	5,595	149	43,326
Appraisers (Real Estate)	\$644,476	\$521,734	8	164	163	4,105
Asbestos, Lead & Home Inspectors	\$787,646	\$532,675	12	216	97	6,208
Auctioneers	\$88,760	\$128,640	9	96	49	1,437
Barbers & Cosmetology	\$6,901,737	\$7,069,098	14	18,557	764	72,549
Boxing, Martial Arts & Professional Wrestling	\$520,373	\$389,183	0	N/A	4	807
Branch Pilots	\$5,520	\$6,122	9	11	2	44
Cemetery	\$185,163	\$118,775	3	N/A	149	1,257
Common Interest Communities	\$1,944,279	\$1,470,069	7	N/A	460	7,121
Contractors	\$13,016,050	\$15,515,699	20	30,095	3,083	86,662
Fair Housing	\$75,450	\$75,450	8	N/A	384	2,475
Hearing Aid Specialists & Opticians	\$251,811	\$290,855	7	255	24	2,645
Natural Gas Auto Mechanics & Technicians	\$380	\$6	0	N/A	0	0
Polygraph Examiners	\$39,595	\$17,908	1	13	4	301
Professional Soil Scientists, Wetland Professionals & Geologists	\$92,010	\$105,187	5	107	2	1,161
Real Estate	\$8,231,560	\$9,544,869	26	44,316	1,107	71,821
Waste Management Facility Operators	\$45,260	\$45,645	2	174	1	670
Waterworks, Wastewater Works Operators & Onsite Sewage System Professionals	\$532,983	\$552,058	13	1,543	79	5,716
TOTALS	\$36,917,599	\$40,103,298	168	101,155	6,521	308,305



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