

# BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

## MINUTES

The Board for Professional and Occupational Regulation met on Monday, March 18, 2024, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia.

The following members were present for all or part of the meeting:

Larry Benenson  
Grace Flores-Hughes  
Jemmalyn Hewlett  
Alice Kendrick  
Gaby Rengifo

Board members Enid Candelaria-Vega, H. Scott Johnson, and Charles Vaughters were not present at the meeting.

The following agency staff was present for all or part of the meeting:

Kishore Thota, Director  
Brian Wolford, Chief Deputy Director  
Steve Kirschner, Deputy Director  
Joe Haughwout, Regulatory Affairs Manager  
Jennifer Sayegh, Policy & Legislative Affairs Manager  
Anika Coleman, Executive Director  
Marjorie King, Executive Director  
Kate Nobsch, Executive Director  
Kelley Smith, Executive Director  
Amy Goobic, Executive Assistant

There was no representative present from the Office of the Attorney General.

Ms. Flores-Hughes called the meeting to order at 10:23 a.m.

**Call to Order**

Mr. Haughwout reviewed the emergency evacuation procedures.

**Emergency Evacuation  
Procedures**

Mr. Benenson moved to approve the agenda. Ms. Kendrick seconded the motion which was unanimously approved by members: Benenson, Flores-Hughes, Hewlett, Kendrick, and Rengifo.

**Approval of Agenda**

Ms. Rengifo moved to approve the November 27, 2023, board meeting minutes. Ms. Kendrick seconded the motion which was unanimously approved by members: Benenson, Flores-Hughes, Hewlett, Kendrick, and Rengifo.

**Approval of Minutes**

There were no public comments.

**Public Comment**

Ms. Rengifo reported on her attendance at the Board for Contactors meeting March 12, 2024, Ms. Hewlett reported on her attendance at the Board for Branch Pilots meeting in Norfolk, March, 14, 2024. Ms. Flores-Hughes reported on her attendance at the Virginia Board for Asbestos, Lead, and Home Inspectors meeting November 30, 2023, and commented that there was a robust discussion when considering one of the disciplinary cases.

### **Board Liaison Reports**

Jennifer Sayegh, Policy and Legislative Affairs Manager, provided an in depth review of the 2024 General Assembly session, focusing on agency bills, and bills pertaining to DPOR programs. Ms. Sayegh informed the Board that the three agency bills passed the General Assembly with amendments.

### **2024 General Assembly Update**

Mr. Kirschner informed the Board that Governor Glenn Youngkin and Secretary of Labor Bryan Slater, made a visit to the agency on March 12, speaking to agency staff, and also meeting with agency leadership. Mr. Kirschner provided the Board with the presentation that was shown to Governor Youngkin and Secretary Slater. Topics covered included:

### **Update on DPOR Operations**

- Regulatory Board Activity
- Update on Agency Objectives and Key Results
- Backlog Reduction
- IT Project: EPICx
- Universal Licensing Recognition

Within the presentation, Mr. Kirschner called attention to the number of licenses issued through the new Universal License Recognition (ULR). Since implemented there have been 300 licenses issued, all without much promotion of the new law. Mr. Kirschner stated that John Robertson, Communications and Digital Media Manager was developing a promotional campaign for ULR, and could provide an update at the next board meeting.

Mr. Haughwout informed the Board the 2024 Board Member Training Conference will be held October 10-11 in Williamsburg.

### **Board Member Training Conference**

The Board received presentations from the agency's regulatory Executive Directors:

### **Executive Directors**

Anika Coleman (Real Estate; Real Estate Appraisers; Cemetery; Fair Housing; and Common Interest Community Board)

Marjorie King (Contractors; Waste Management Facility Operators; Asbestos, Lead and Home Inspectors; Polygraph Examiners; Waterworks, Wastewater Works Operators and Onsite Sewage System Professionals Boards)

Kate Nosbisch (Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects; Branch Pilots; Auctioneers; Professional Soil Scientists, Wetland Professionals, and Geologists; and Boxing, Martial Arts, and Professional Wrestling Boards; and Athlete Agents registration)

Kelley Smith (Barbers and Cosmetology; Hearing Aid Specialists and Opticians Boards).

The Executive Directors provided updates on each of their respective boards including: staffing, call and email stats, back log issues, disciplinary and licensing cases, and outreach opportunities.

The Board recessed from 12:35 pm until 12:45 pm.

**Recess**

Board members were provided a handout with a legislative proposal for the 2025 General Assembly session regarding the powers and duties of the Board. Mr. Haughwout explained that staff reviewed the current statutory powers and duties of the Board, which include evaluating whether unregulated professions or occupations should be regulated, and the degree of such regulation; and advising the Governor and DPOR Director on matters relating to the regulation of professions and occupations. Mr. Haughwout stated that the review also included comparison to the powers and duties of the Board's sister board within the Department of Health Professions, the Board for Health Professions (BHP). BHP duties and powers allow for BHP to advise on deregulation of professions and occupations.

**Request for Legislative Proposal**

Mr. Haughwout recommended requesting legislation amending the Board's current powers and duties in § 54.1-310 of the Code of Virginia to (i) authorize the Board to periodically review DPOR-regulated professions and occupations to determine whether these professions and occupations should be regulated at a different level of regulation, or be deregulated; (ii) allow for the Board to advise the Governor, General Assembly, and DPOR Director on the deregulation of professions and occupations; and (iii) authorize the Board to review and comment on the agency budget. Mr. Kirschner commented if any profession was to be considered for regulation or deregulation, staff would review and report to the Board.

Ms. Rengifo moved to approve the legislative proposal. Ms. Kendrick seconded the motion which was unanimously approved by members: Benenson, Flores-Hughes, Hewlett, Kendrick, and Rengifo.

Ms. Flores-Hughes commented on the importance of attending board meetings to ensure a quorum and to conduct Board business. Board

**Other Business**

members also discussed the process of being appointed to the Board by applying with the Secretary of the Commonwealth's office.

Board members signed Conflict of Interest forms and travel vouchers.

**Conflict of Interest Forms  
& Travel Vouchers**

Board members were reminded of the future 2024 meeting dates:

**Future Meeting Dates**

- June 10
- September 16
- December 9

The meeting was adjourned at 1:06 pm.

**Adjourn**

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Grace Flores-Hughes, Chair

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Kishore S. Thota, Director

DRAFT

# 2024 General Assembly Session Update

## ▶ Presentation Overview

- 2024 Agency Bills (handout)
- Legislation by Section
- Bills introduced but not advancing
- Implementation

## ▶ General Session Information

- Long session – 60 days
- Democrats in control of both Chambers
- Most DPOR bills assigned to House and Senate General Laws
- March 9 – Sine Die

## ▶ Statistics

- 2779 bills introduced, 38 directly impacting DPOR
- 28 bills impacting DPOR enrolled/passed
- 10 bills impacting DPOR inactive/defeated

# 2024 General Assembly Session

## Agency Bills

Bill	Summary
<p><a href="#">HB 350</a> Del. David Owen</p>	<p>Architects, Professional Engineers, Land Surveyors, etc., Bd. for; quorum and signature requirements.</p> <p><b>What It does:</b> Makes two changes to the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects to improve the Board's efficiency and its ability to function. First, lowers the quorum for the number of required engineers, architects, and land surveyors at regularly scheduled Board meetings. Second, removes the requirement of licenses being signed by at least 4 members of the board. These changes will allow the Board to act more efficiently and better serve Virginians.</p>
<p><a href="#">HB 1005</a> Del. David Owen</p> <p><a href="#">SB 560</a> Sen. Travis Hackworth</p>	<p>Virginia Board for Asbestos, Lead, and Home Inspectors; dust sampling technicians, renovators.</p> <p><b>What It does:</b> The repeal of the Lead Renovation, Repair, and Painting (RRP) program for the ALHI Board is necessary to ensure that tens of thousands of individuals and firms engaging in home renovation and painting projects would not be burdened by the additional requirements for obtaining and maintaining licenses in Virginia. The RRP program passed in 2009 requiring the Board implement and execute a federal program in lieu of the EPA. However, Virginia has never administered this program as the regulations have not proceeded through the regulatory process under the past four, bipartisan Governor's administrations, due to reservations about the large estimated economic impact on Virginia residents. There is an existing federal program administered by the EPA, and the EPA currently administers the RRP program in Virginia. Repealing the program does not appear to increase risk to the public, as CDC data shows that the EPA administered states have lower lead exposure in children than the states that administer their own RRP program. The EPA would continue to administer the program in Virginia upon repeal.</p>
<p><a href="#">HB 1182</a> Del. N. Baxter Ennis</p>	<p>Department of Professional and Occupational Regulation; Board for Professional Soil Scientists.</p> <p><b>What It does:</b> Makes changes to certification requirements for Virginia's voluntary Professional Wetland Delineator Certification to align the statute with the Universal Licensing Recognition (ULR) statute. These changes will reduce barriers to entry for wetlands professionals and increase the number of wetlands professionals working in Virginia while maintaining minimum professional competency.</p>

# 2024 General Assembly Session

## Legislation by Section

### ▶ **APELS**

- HB 350 (Owen) Architects, Professional Engineers, Land Surveyors, etc., Bd. for; quorum and signature requirements\*\*

### ▶ **ALHI**

- HB 1005 (Owen) Asbestos, Lead, and Home Inspectors, Virginia Board for; dust sampling technicians, renovators.\*\*
- SB 560 (Hackworth) Asbestos, Lead, and Home Inspectors, Virginia Board for; dust sampling technicians, renovators.\*\*

### ▶ **BCHOP**

- HB 322 (Glass) Cosmetology Compact

### ▶ **Contractors**

- HB 1190 (Thomas) Contractors, Board for; offering exams, language counterparts.
- HB 576 (Glass) and SB 313 (VanValkenburg) Contractors, Board for; required regulations and disclosures.

\*\*Denotes agency bill

# 2024 General Assembly Session Legislation by Section

## ▶ PSSWPG

- HB 287 (Wiley) and SB 184 (Rouse) Geology; expands definition of geological mapping.
- HB 1182 (Ennis) Professional wetland delineator; certification requirements.\*\*

## ▶ CIC

- HB 214 (Watts) Common interest communities; residents providing certain services exemption.
- HB 880 (Bulova) and SB 341 (Surovell) Common interest communities; foreclosure remedy.
- HB 1209 (Bulova) Common interest communities; reserve studies, special assessment rescission or reduction.
- HB 1241 (Wilt) and SB 600 (Obenshain) Virginia Real Estate Time–Share Act; partial termination of certain time–shares.

\*\*Denotes agency bill



# 2024 General Assembly Session Legislation by Section

## ▶ RE

- **HB 105 (Reaser)** Resale Disclosure Act; resale certificate, fees.
- **HB 383 (Reaser) and SB 330 (Jordan)** Real estate board; continuing education requirements for real estate brokers and salespersons.
- **HB 876 (Bulova) and SB 526 (Graves)** Resale Disclosure Act; delivery of resale certificate, remedies.
- **HB 917 (Shin) and SB 358 (VanValkenburg)** Real estate broker; definition.
- **HB 1237 (Willett) and SB 437 (Suetterlein)** Real estate brokers; definitions, prohibits certain locations from being used as places of business.

## ▶ Other

- **HB 120 (Sullivan)** DPOR and DHP; certain suspensions not considered disciplinary action.
- **SB 554 (Jordan)** Licenses or certificates; reciprocal licensing for neighboring states.

# 2024 General Assembly Session Legislation by Section

- ▶ **Bills of Interest (introduced, not advanced)**
  - **HB 129 (Convirs Fowler)** Hair styling; added as a profession that is regulated by the Board of Barbers and Cosmetology.
  - **HB 248 (Glass)** Autonomous agent; regulations for an applicant requesting licensure of an agent.
  - **HB 1428 (Shin)** Regulatory boards; application review timelines.

# 2024 General Assembly Session Implementation

- ▶ The Governor has until midnight on April 8 to take action on bills (sign/veto/amend).
- ▶ Each section will begin meeting with the PLA and RAM to discuss implementation plans.
- ▶ This discussion includes agency action items, regulatory changes, public notice, and forms revisions.
- ▶ Most legislation will go into effect on July 1, 2024.



## 2024 Legislative Proposals

DPOR is an executive branch agency that oversees 18 regulatory boards and programs. Through its boards, DPOR regulates more than 300,000 individuals and businesses, and hundreds of license types. DPOR issues professional licenses, certificates and registration in the least intrusive, least burdensome and most efficient way. The agency is charged with ensuring the minimum competency necessary to practice without harming the public, not enhancing professional stature or limiting competition by keeping newcomers out.

Bill	Summary
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# Update to the Governor

Enabling Professional Opportunity  
Continuing Efficient Processes  
Empowering Agency Staff



Department of Professional & Occupational Regulation



# Update to the Governor: Agenda

March 2024 Progress and Achievements



- Board Activity by the Numbers
- Recent Wins and DPOR in the News
- Update on Objectives and Key Results
- Backlog Reduction
- Information Technology Project: EPICx
- Universal Licensing Recognition



# Board Activity by the Numbers

October 2022 to February 2024



**49,045**  
Applications



**216,095**  
Renewals and Reinstatements



**29,777**  
Name and Address Changes



**169,465**  
Online Transactions



**19**  
Contractor Remedial Education Classes



**274**  
Contractors Who Attended Classes



**44**  
Reg. Actions w/ Public Comment Opportunities



**9**  
Public Hearings



**188**  
Appointed Board Members



**15**  
Regulatory Boards



**3**  
Advisory Boards

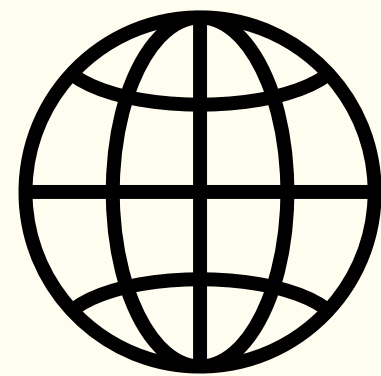


**1**  
Agency Oversight Board



# Recent Wins and DPOR In the News

March 2024 Progress and Achievements

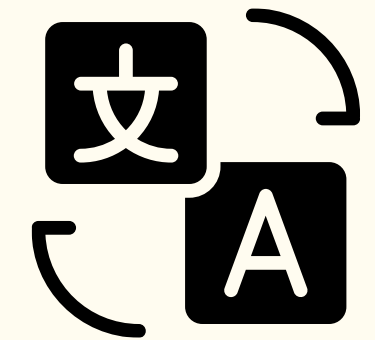


Universal License Recognition

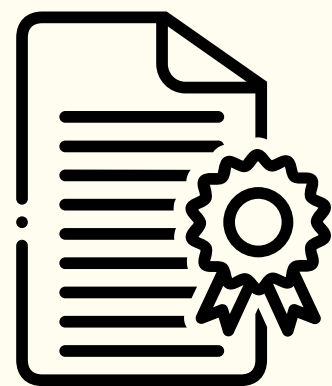


Universal License Recognition enabled **a seamless transition for 300 professionals** to transfer their credentials & begin immediate work in the Commonwealth.

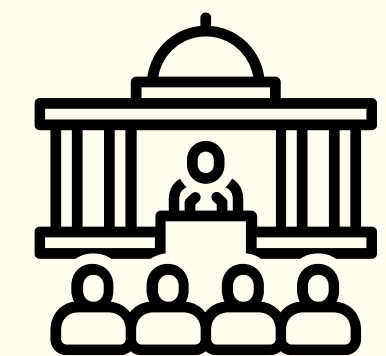
DPOR is translating its **23 most used documents into Korean, Vietnamese, Mandarin, French, and Spanish** to benefit applicants, regulants, & the public.



Translating Key Documents (5 Languages)



Eliminating Licensing Backlog



100% of Bills Passed in General Assembly



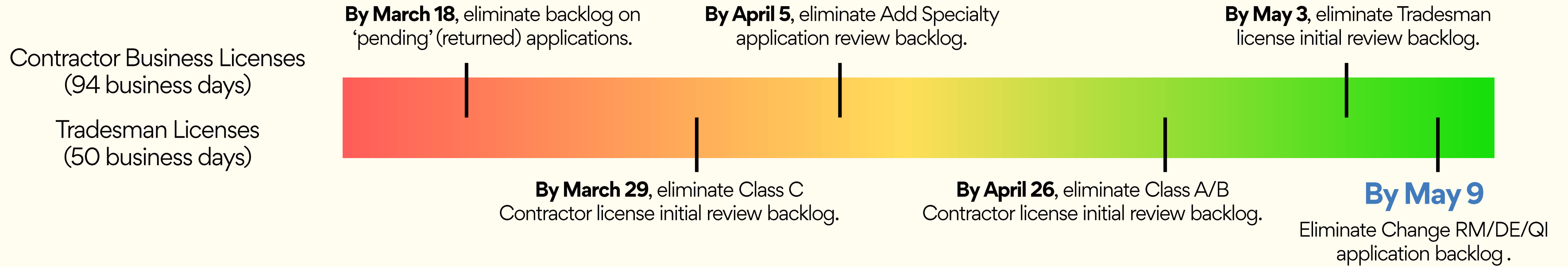
<b>Objectives &amp; Key Results (OKR) Overview</b>		<b>2022 Baseline</b>	<b>Current Progress</b>	<b>2025 Target</b>
<b>1</b>	<b>(1.1) Reduce average # of days to get licensed (lead time).</b>	<b>33</b>	<b>10.7</b>	<b>3</b>
	<b>(1.2) Reduce average # of days for intake to complete an initial review of complaint files (cycle time).</b>	<b>35</b>	<b>22</b>	<b>5</b>
	<b>(1.3) Reduce average # of days for investigations to complete an investigation (cycle time).</b>	<b>110</b>	<b>107</b>	<b>30</b>
<b>2</b>	<b>Reduce regulations by 25% through line-by-line reviews of 33 chapters.</b>	<b>0</b>	<b>13</b> (39% of 33 Chapters)	<b>33</b>
<b>3</b>	<b>Reducing Staff Vacancies: Increase staffing to 95% of 204 MEL.</b>	<b>42</b>	<b>21</b>	<b>10</b>
<b>4</b>	<b>Business Continuity: Establishing business continuity plans and actionable processes to prepare &amp; recover from unexpected disruptions and adapt to evolving needs.</b>	<b>0</b>	<b>2</b>	<b>8</b>
<b>5</b>	<b>New Licensing &amp; Enforcement System (Implementation effort divided into 10 phases).</b>	<b>2 of 10</b>	<b>6 of 10</b>	<b>10 of 10</b>

# OKR 1

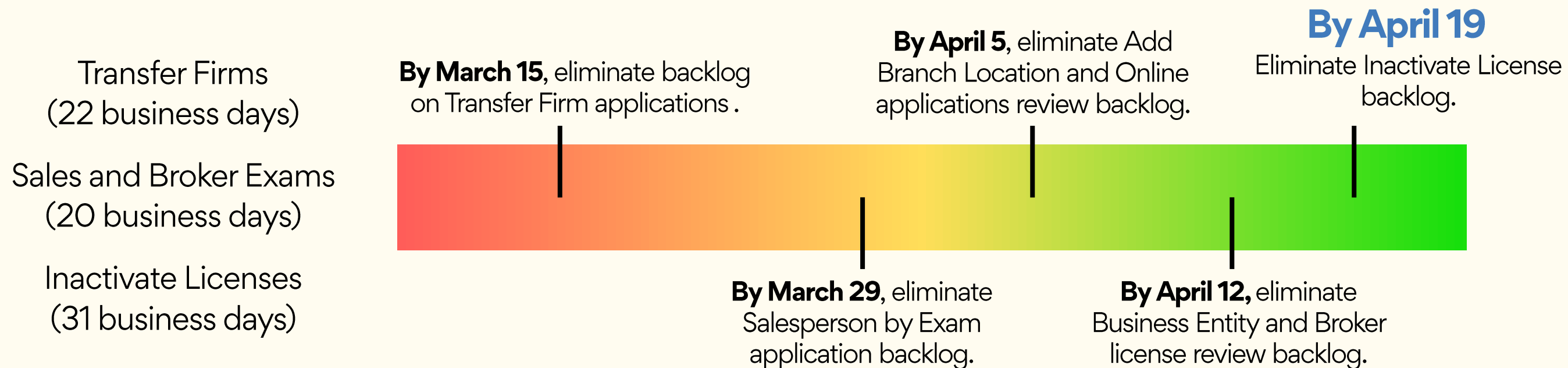
## DPOR is set to eliminate Real Estate and Contractors licensing backlogs in May of 2024.



### Contractors



### Real Estate



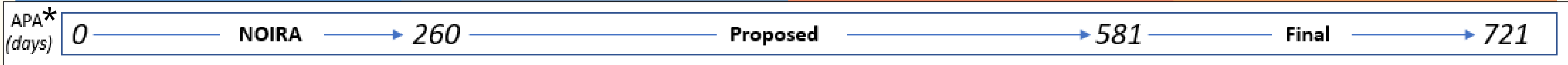
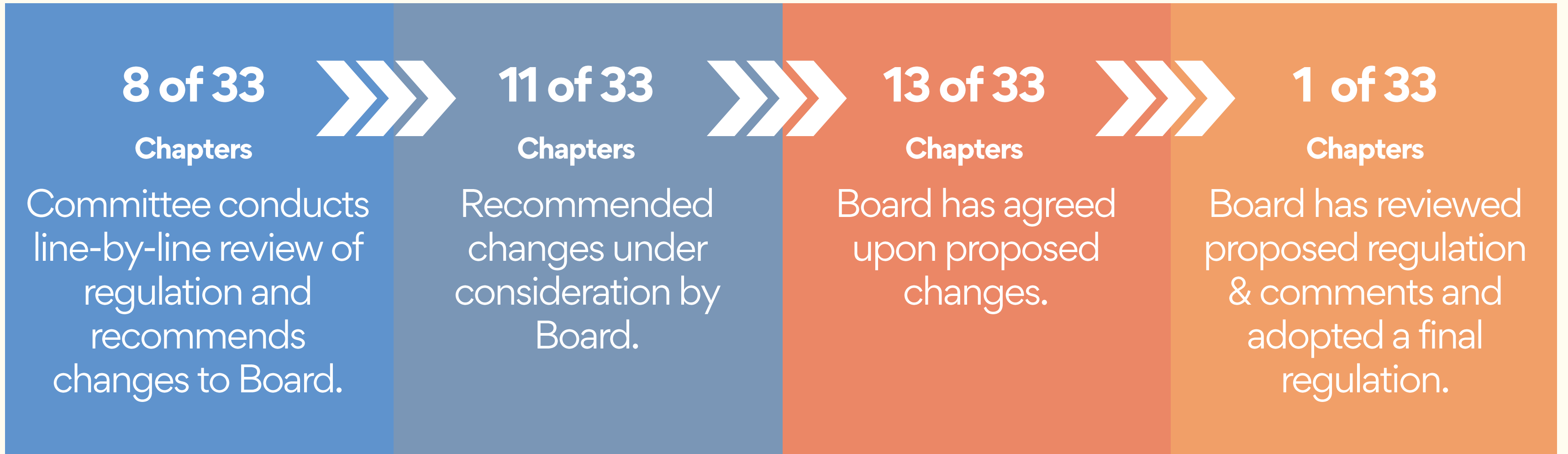
# Objectives & Key Results (OKR)

March 2024 Progress and Achievements



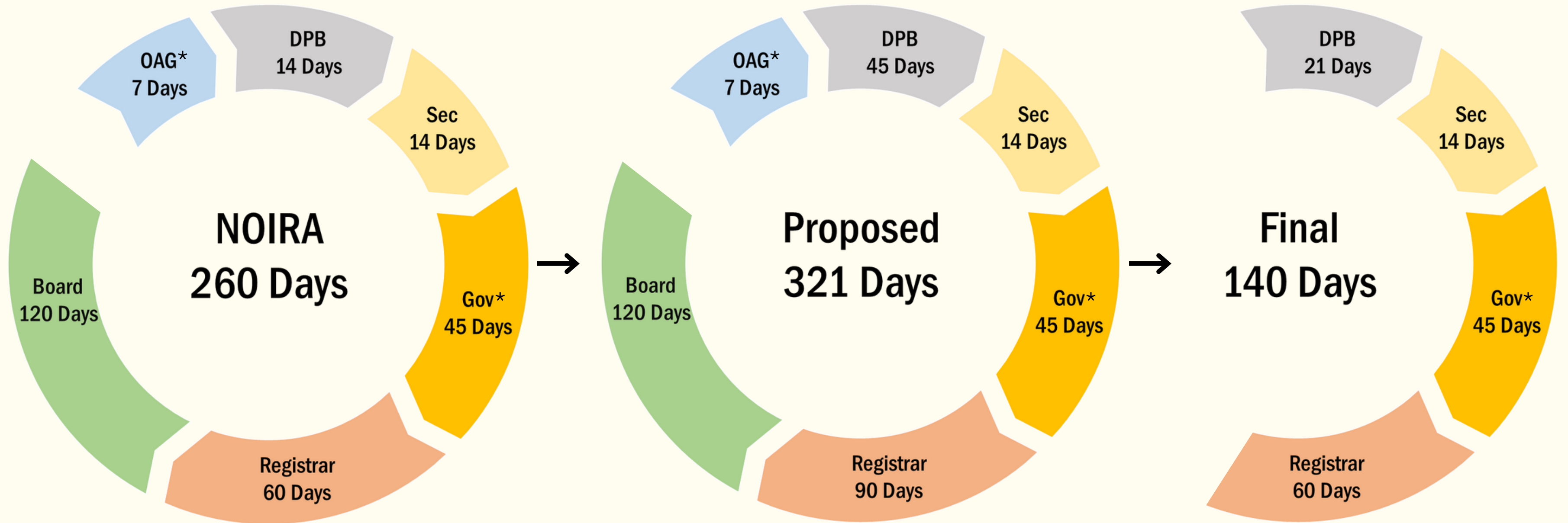
## OKR 2

Agency boards are conducting line-by-line reviews of all 33 chapters of regulation in order to reduce regulations by 25%. Boards have agreed upon reductions for 39% of 33 chapters.



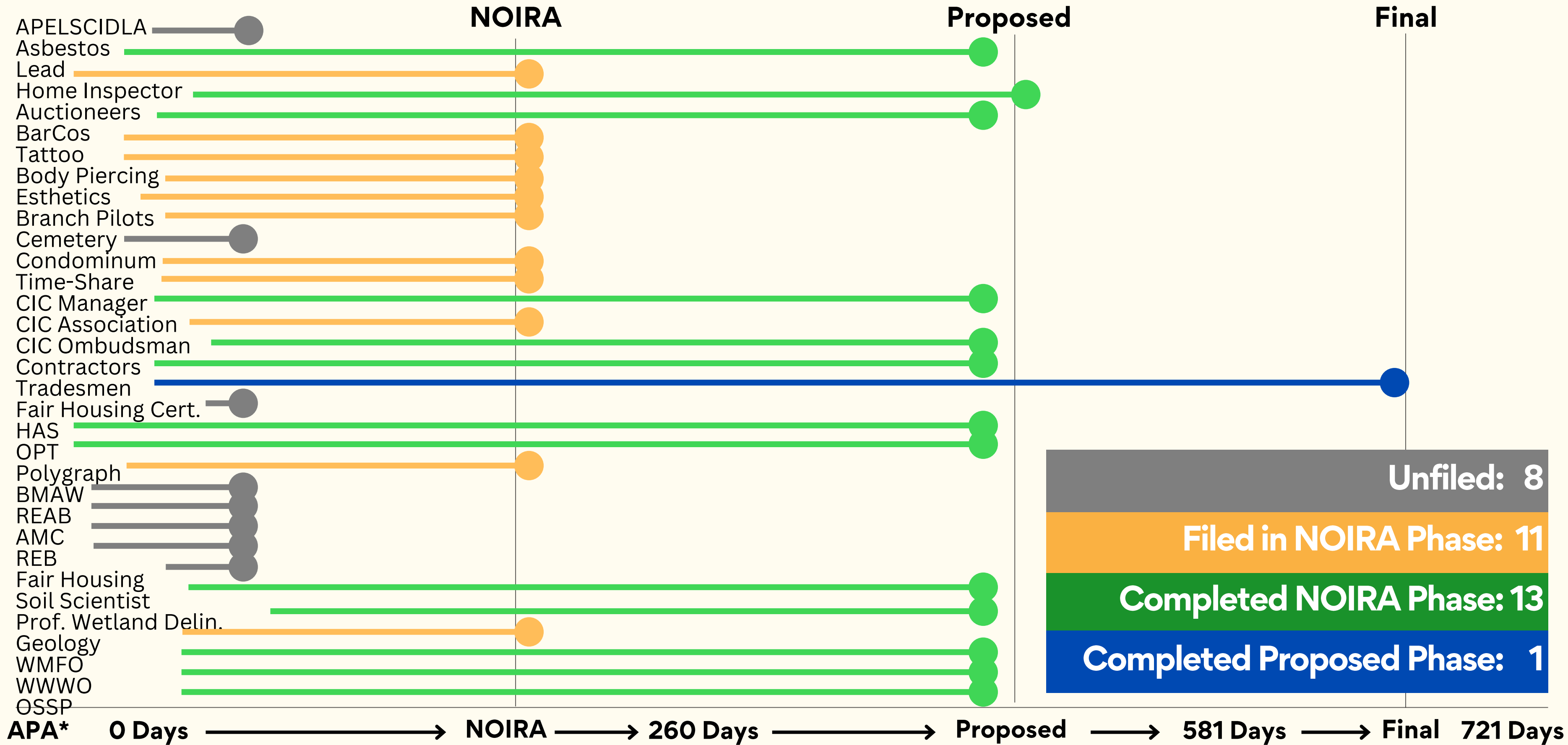


# Condensed APA Timeline Total: 721 Days



\*No Statutory Deadline





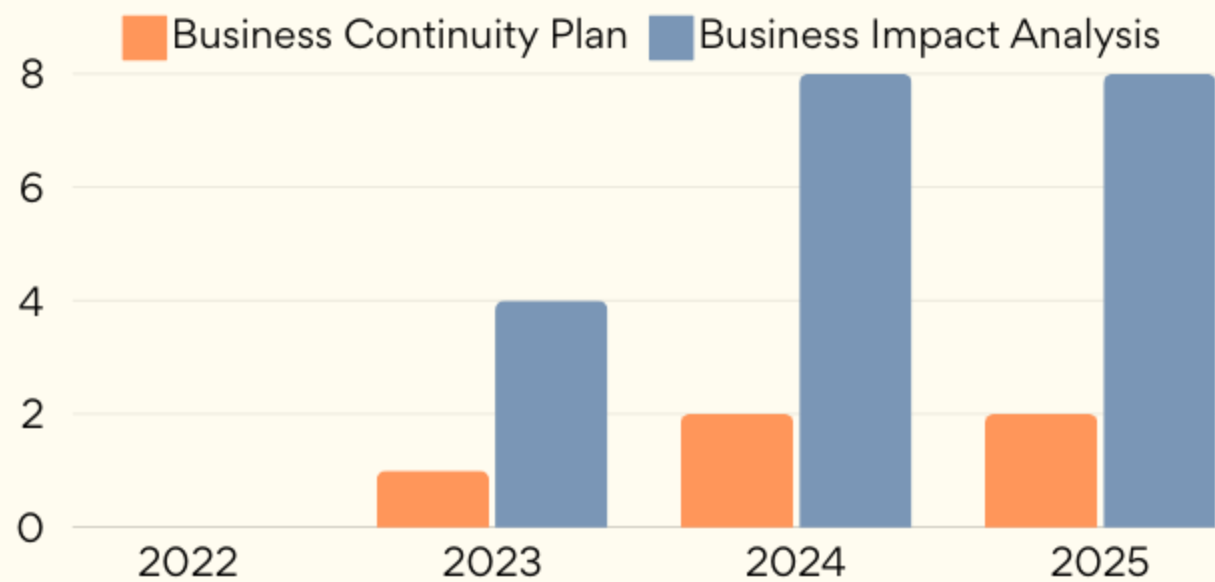
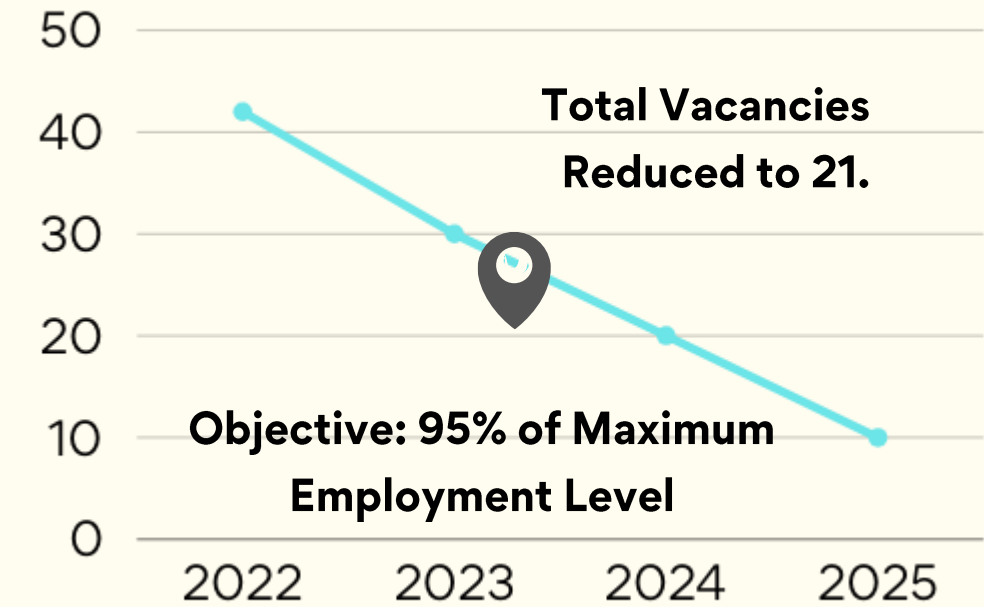
# Objectives & Key Results (OKR)

March 2024 Progress and Achievements



**OKR 3**

DPOR filled **11 of 42** vacancies in 2023. Progress in 2024 keeps us on track for the objective with **21 current vacancies**. The agency has reduced recruitment time to **under 60 days** & supports all divisions on staffing needs.



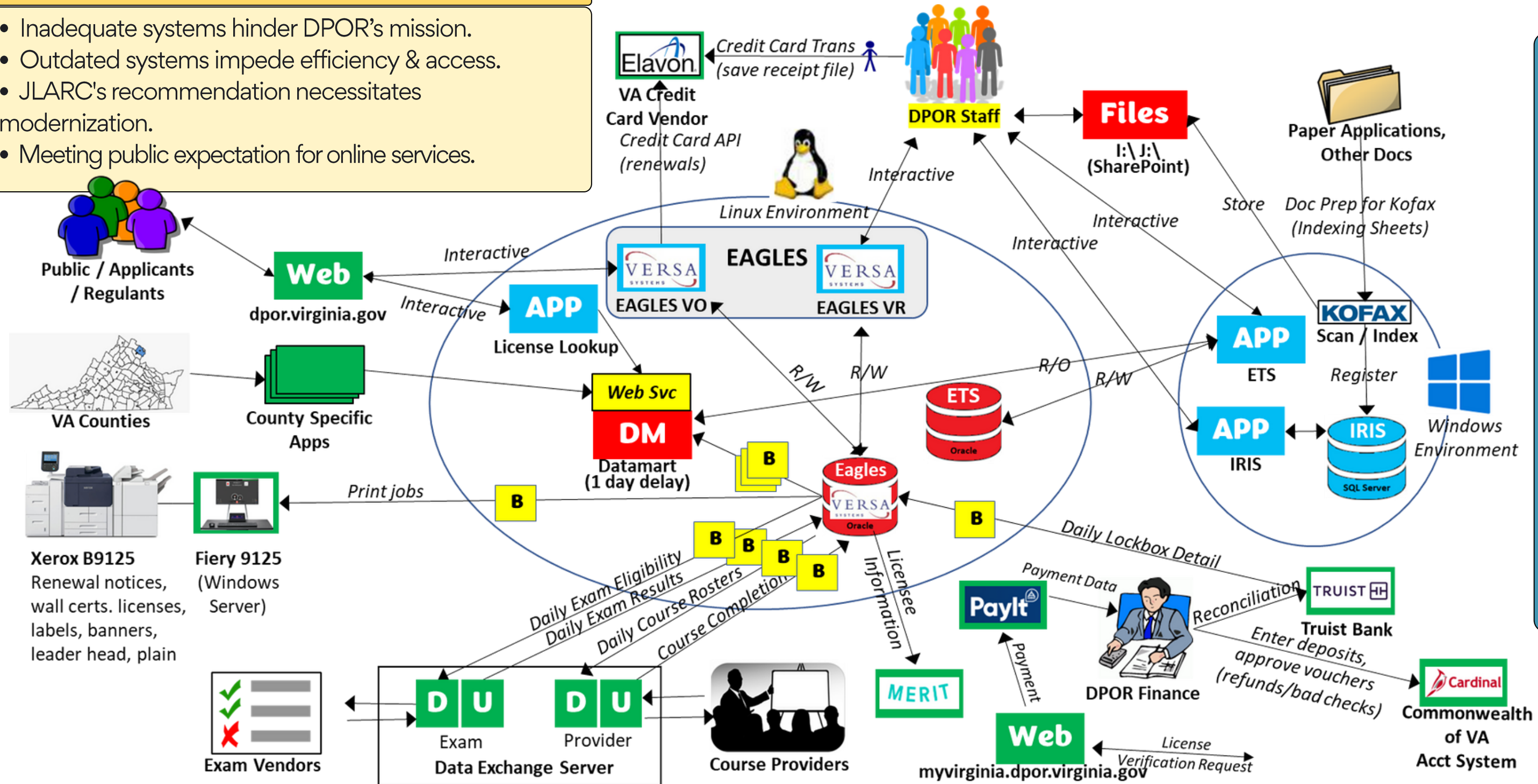
**OKR 4**

DPOR implemented a timeline and process for bi-annual review, testing, and updating of the Business Continuity Plan and new Business Impact Analyses on all 8 Agency directorates.



## Why Replace the Current Systems?

- Inadequate systems hinder DPOR's mission.
- Outdated systems impede efficiency & access.
- JLARC's recommendation necessitates modernization.
- Meeting public expectation for online services.



## IT Shortfalls Identified by JLARC

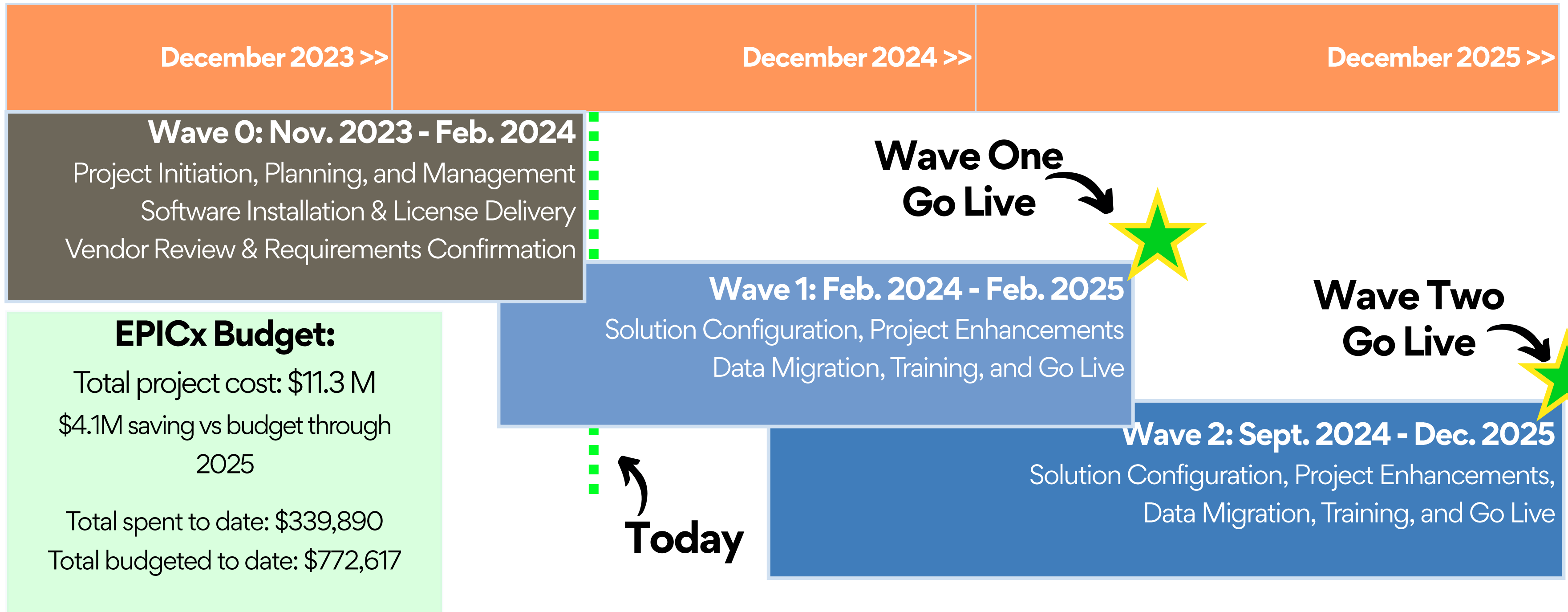
“DPOR’s poor IT systems keep it from offering basic, user-friendly online services and effectively automating key licensing processes.”

“Licensing IT system has challenges with online renewals and is not linked to enforcement IT system.”

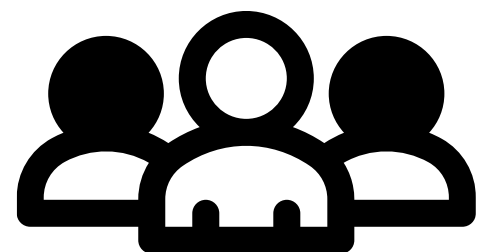
“DPOR is providing timely licensing services but is hindered by poor IT systems and staffing shortages.”

# Timeline & Objectives

26-Month Implementation. Subscription Services from 2025 to 2029.



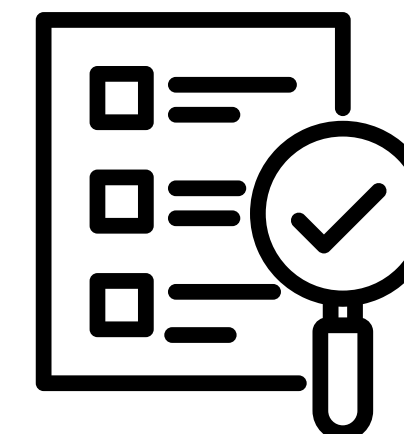
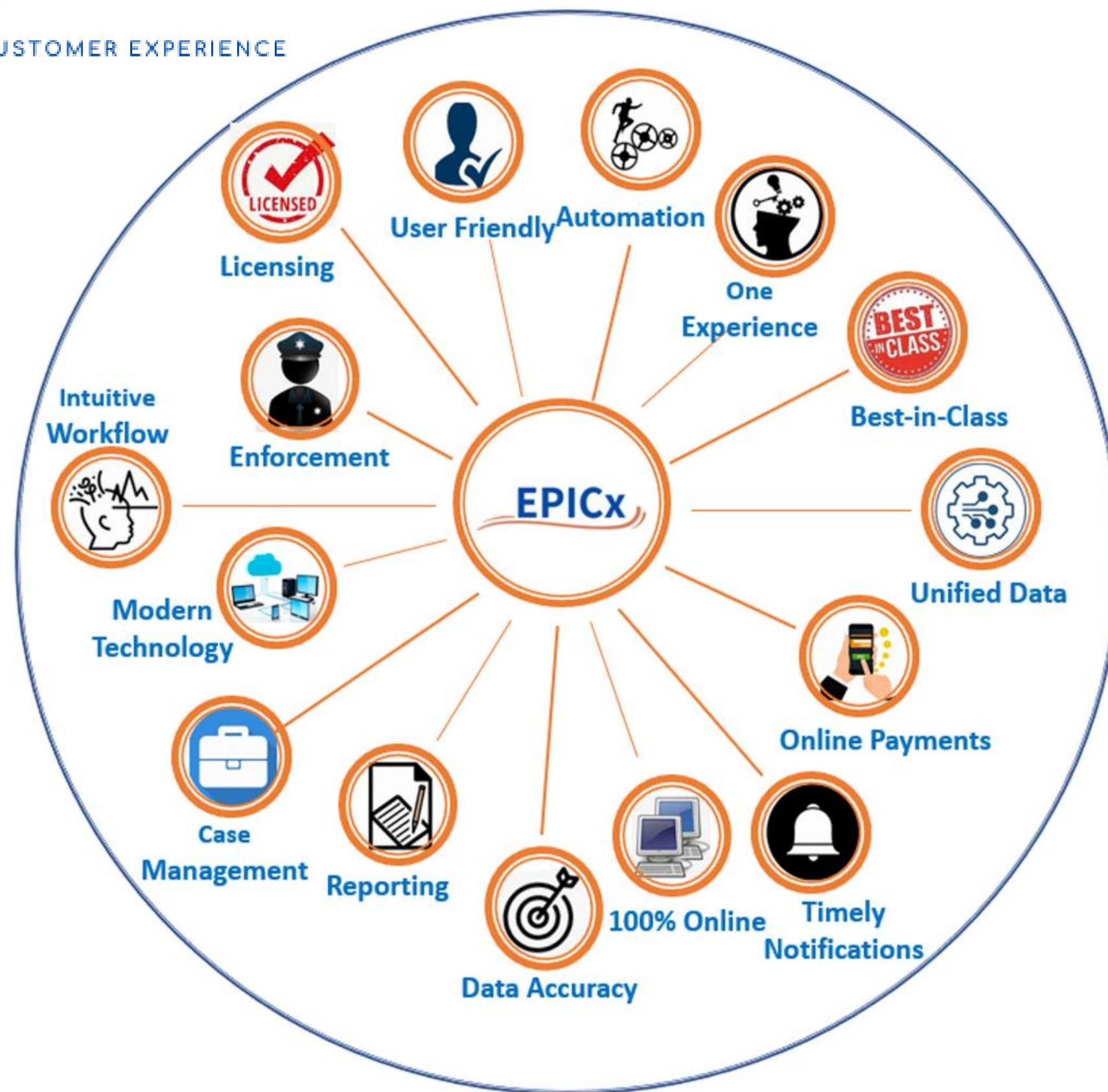




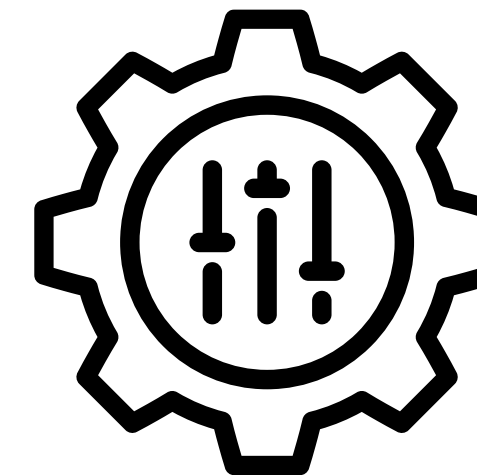
Citizen-centered user experience via online application, renewal, and customer service capabilities.



Reduced back-office workload via task automation and integration among Licensing, Education, & Enforcement.



Mobile and offline Field Inspections.



Configurable platform suite empowering Agency staff to quickly implement future regulatory changes.

**Extensible platform for integrated, centralized operations via a single COTS SAAS solution.**

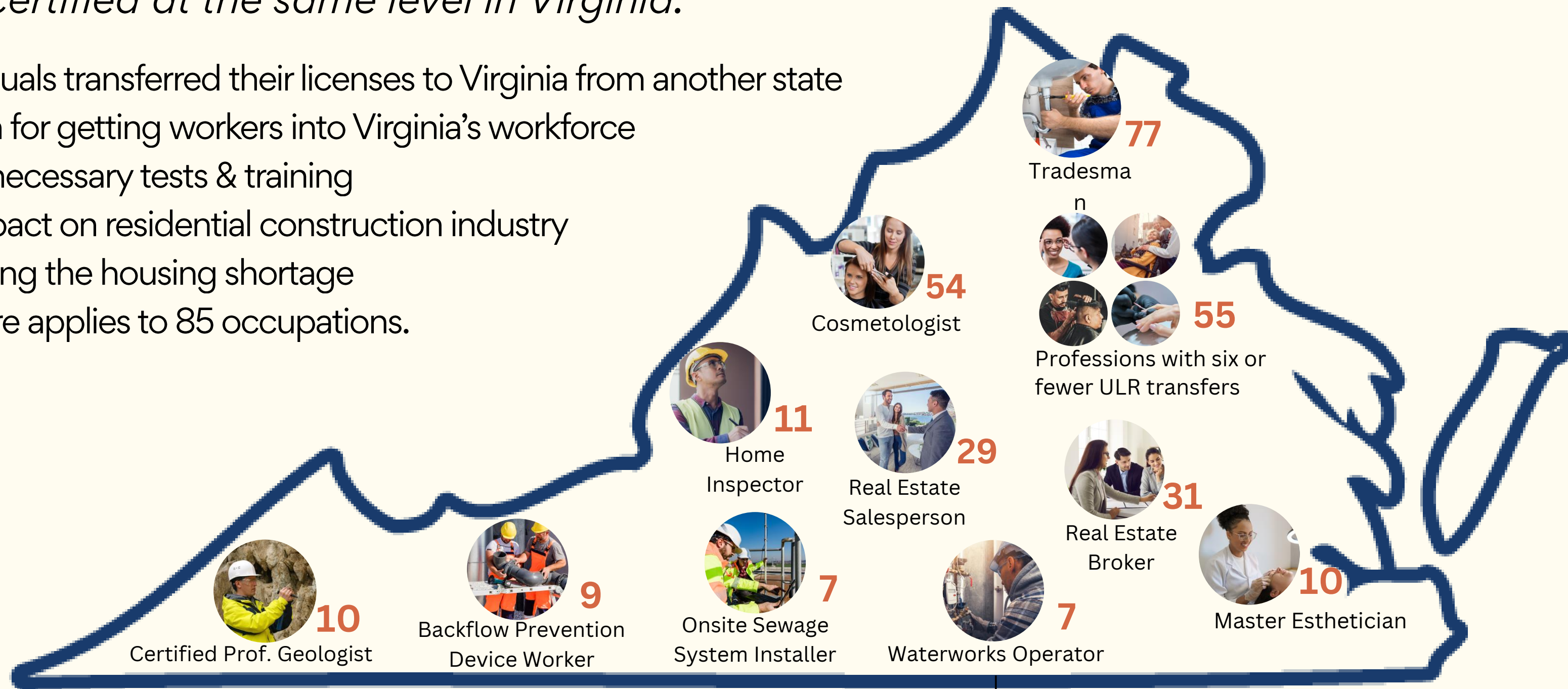
# Universal License Recognition

March 2024 Progress and Achievements



*ULR makes it easier for people who are already licensed in other states to get licensed or certified at the same level in Virginia.*

- **300** individuals transferred their licenses to Virginia from another state
- A clear path for getting workers into Virginia's workforce without unnecessary tests & training
- Positive impact on residential construction industry and alleviating the housing shortage
- The measure applies to 85 occupations.





# The Road Ahead

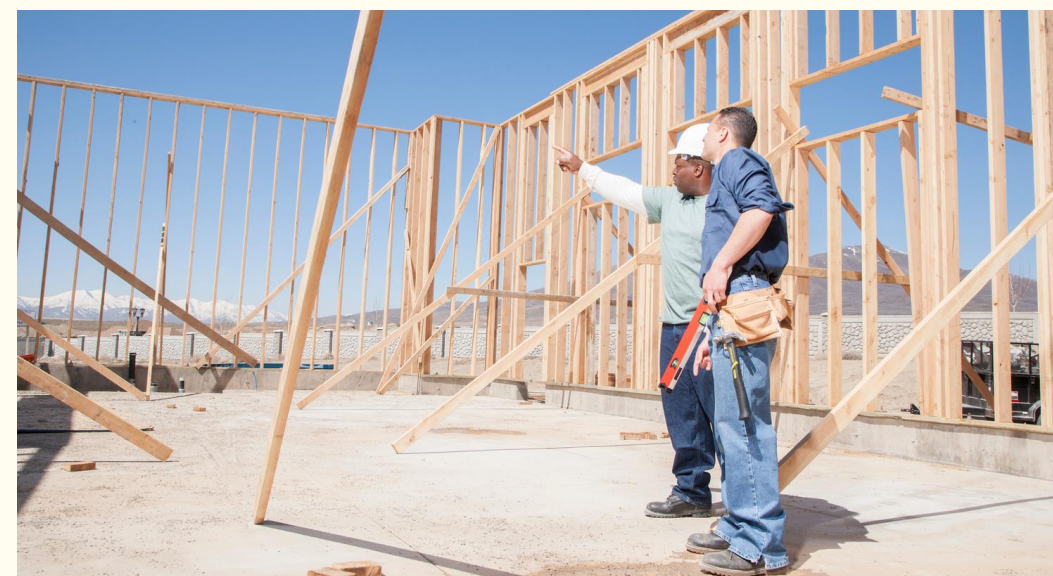
Priorities for 2024 and Beyond



## Empowering Agency Staff



## Continuing Efficient Processes



## Enabling Professional Opportunity



# APELSCIDLA

- Application Statistics

2024 Feb 1	2023	2022	2021	2020	2019
3063	3631	3353	3540	2735	3628

- Email Statistics

2024 Feb 1	2023	2022	2021	2020	2019
2077	24,429	16,318	15,317	13,528	9339

- Call Center Statistics

- As of January 1, 2024, the call center has received 928 phone calls

- Board Case Statistics

- Since 2018, the Board has adjudicated 103 cases: 39 Disciplinary and 64 Licensing; 9 Revocations and 1 Suspension

- Regulatory Projects

- General Regulatory Reduction

- Projects

- Comparison of initial application fees by profession for all states

- Outreach

- June 2023 NCARB Annual Meeting
- July 2023 NCARB Regional Realignment
- August 2023 NCEES Annual Meeting
- December 2023 NCARB Regional Realignment Workshop and Futures Symposium
- February 2024 US Delegation to London to discuss Mutual Recognition Agreement for Professional Engineers between US and UK

# REAL ESTATE

- Application Statistics

2024	2023	2022	2021	2020	2019
38,639	221,515	211,007	240,854	187,956	213,758

- Call Center Statistics

2024	2023	2022	2021	2020	2019
10,392	55,281	45,877	33,558	39,737	52,144

- Email Statistics

2024	2023	2022	2021	2020	2019
8,844	196,030	34,949	55,395	38,173	19,021

- Regulatory Projects

- General Regulatory Reduction for Five Boards
- Real Estate Appraiser Application Review Study
- Real Estate Fee Adjustment

- Projects

- Cemetery Board Total Return Distribution Application Process Revision
- Real Estate Education Committee Application Review Revision
- Real Estate Appraiser Audit Prep

- Outreach

- 2024 BMTC in Williamsburg, VA

# Contractors

- **Application Statistics** - \*As of Feb. 16, 2024

2024	2023	2022	2021	2020	2019
1674	10,939	9,499	9,273	8,112	8,833

- **Call Center Statistics** - \*As of Feb. 16, 2024

2024	2023	2022	2021	2020	2019
48,380	75,846	63,743	66,384	65,965	72,354

- **Email Statistics** - \*As of Feb. 16, 2024

2024	2023	2022	2021	2020	2019
2,559	28,119	19,820	18,843	15,678	13,974

- **Regulatory Projects**

- General Regulatory Reduction
- Eligibility
- Residential Contract Requirements

- **Projects**

- Exam Translation
- Application Backlog elimination

- **Outreach**

- Association presentations
- Community Consumer Engagements

# Polygraph, WMFO, ALHI & WWOSSP

- **Application Statistics** - \*As of Jan. 31, 2024

2024	2023	2022	2021	2020	2019
176	3,324	4,491	2,773	3,124	2,479

- **Call Center Statistics** - \*As of Jan 31, 2024

2024	2023	2022	2021	2020	2019
897	7,321	7,745	5,969	8,578	8,135

- **Email Statistics** - \*As of Jan. 31, 2024

2024	2023	2022	2021	2020	2019
804	6,069	9,792	8,421	6,375	6,548

- **Regulatory Projects**

- General Regulatory Reduction

- **Outreach**

- Annual Polygraph Association Conference
- Southwest Virginia Solid Waste Management Association
- Virginia Onsite Wastewater Recycling Association



# BCHOP

- Application Statistics

2024	2023	2022	2021	2020	2019
3846	35,616	40,271	42,021	41,651	45,382

- Call Center Statistics

2024	2023	2022	2021	2020	2019
6753	33,894	43,063	36,074	41,837	39,187

- Email Statistics

2024	2023	2022	2021	2020	2019
3135	22,638	28,441	18,164	14,580	11,071

- Regulatory Projects

- General Regulatory Reduction for both boards
- Reduction in Cosmetology Hours to 1000
- Amendment to Expand Training Options for Hearing Aid Specialists
- Optician Fee Adjustment
- Regulatory Advisory Panel to Review Esthetics Regulations

- Projects

- Exam RFP for Barbers and Cosmetology Professions
- Exam RFP for Opticians
- In-House Exam Application Review for Barbers and Cosmetology Professions in 2026

- Outreach

- 2024 SHAV Conference
- 2024 VATIE Conference