

Board for Professional and Occupational Regulation Meeting

MINUTES

The Board for Professional and Occupational Regulation met on Monday, June 7, 2004, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. The following members were present for all or part of the meeting:

Raynard Jackson, Chairman
Julie M. Clifford
Ronald Lushbaugh
Thomas J. Meany, Jr.
Leroy O. Pfeiffer, Sr.

Board members absent from the meeting were:

Susan T. Ferguson
Maxime Frias

Also present for all or part of the meeting were:

Louise Fontaine Ware, Director
Sandra Whitley Ryals, Chief Deputy Director
Karen W. O'Neal, Deputy Director for Regulatory Programs
Mark N. Courtney, Executive Director for BPOR
Carol Mitchell, Dispute Resolution Manager
Judy Spiller, Executive Secretary

Chairman Jackson called the meeting to order at 10:15 a.m., noting that a quorum was present.

Call to Order

Mr. Pfeiffer moved to approve the agenda and Mr. Lushbaugh seconded the motion, which passed unanimously.

Agenda
Approval

Mr. Pfeiffer moved to approve the minutes of the March 1, 2004, meeting, waiving the reading, and Mr. Meany seconded the motion, which passed unanimously.

Minutes
Approval

There were no persons from the public wishing to speak.

Public
Comment

Director Louise Fontaine Ware reported on the visitability and accessibility issues for the disabled, a protected class under Fair Housing. The General Assembly made visitability recommendations for architects. As a result of these requirements, DPOR partnered with the Virginia Chapter of the American Institute of Architects (VSAIA) and contracted with Phil Zook, an architect well known in the disability field, to provide training for architects at four DPOR-sponsored sessions in different locations throughout Virginia. Over 100 architects attended the training in the Northern Virginia area, and approximately 20 attended in the Roanoke area. Director Ware, Executive Director Mark Courtney, APELSCIDLA Board member Ebo Fauber, and Fair Housing Director John Cancelleri visited Virginia Tech and the University of Virginia Schools of Architecture on May 19-20, 2004, to explain the concerns to them. The two universities will allow DPOR to speak to their professional practices classes. DPOR representatives will meet next at Hampton University on June 14, 2004. Director Ware will then update the concerned General Assembly members in a letter.

**Louise Fontaine
Ware,
Director's
Report**

Director Ware announced that effective July 1, 2004, the current Deputy Director for Enforcement, James L. Guffey, will leave his position, but will remain at DPOR as Special Assistant to the Director to work on safety and security through December 31, 2004. Mr. Guffey has been at DPOR more than 30 years and will be greatly missed. The position title will change to Deputy Director for Compliance and Investigations.

Chairman Jackson made a motion to recognize James L. Guffey with a Resolution honoring his years of service to the agency. Mr. Meany seconded the motion and it passed unanimously.

**Adoption of
Resolution for
James L. Guffey**

Director Ware spoke briefly about the Process Improvement Team (PIT) until Chief Deputy Director Sandra Whitley Ryals entered the meeting (from PIT) to formally explain about PIT. Because of a severe backlog in enforcement cases, Dr. Robert Colvin was hired as a consultant to study the enforcement processes, draft solutions and implement the new processes, using Total Quality Improvement (TQI) and PDSA (Plan, Do, Study, Act) as tools. PIT contacted 20 different agencies to examine their processes. DPOR hired temporary workers to assist in adjudication, and Chesterfield University provided TQI training. Plans should be finalized around July 1, 2004.

**Sandra Whitley
Ryals, Chief
Deputy Director**

Director Ware added that DPOR 1) began using former board members to hear Informal Fact Finding (IFF) Conferences; 2) hired a staff person to hear licensing cases; and 3) after July 1, 2004, will have all investigators, criminal and regulatory, report to Wayne Brown, Chief Criminal Investigator. The current intake section will be enlarged and empowered and will be headed by Assistant Director Bonnie Rhea Adams. Report writing will be simplified. Training in report writing was held in May, and high-speed internet service is being provided to field investigators. Every process in Enforcement has been

flow-charted. This is a continuous process with PIT prepared to review the procedures in another area.

Deputy Director Ryals reported that the process is coming to a conclusion and she was very proud of the work that had been accomplished.

Deputy Director Ryals reviewed the major DPOR bills from the 2004 General Assembly session. HB 716 allows DPOR to accept information and investigate before receiving a formal written complaint. HB857 authorizes the Cemetery Board to petition the court to appoint a receiver to oversee the operation of a cemetery company, increases the amount that a new cemetery company must place in an irrevocable perpetual care trust fund from \$25,000 to \$50,000, and clarifies that the principal of the trust fund must be used for perpetual care unless other uses have been approved by the Board or court. HB319 provides for extensions for military personnel to renew licenses from DPOR and other agencies. DPOR tracked over 50 bills. Continuing education was mandated for auctioneers through HB 1022.

Karen O'Neal, Deputy Director for Regulatory Programs, reported on the new programs that will become effective July 1, 2004: tattoo artists and tattoo shops, and body-piercers, including ear piercing. Training will be required for each of these professions, including a course on blood-related diseases. The Department of Health signed off on the new requirements to be sure safety precautions were being met.

Karen O'Neal,
Deputy Director
for Regulatory
Programs

Licenses will be required for hair braiders on July 1, 2004. Hair braiders were previously licensed by the Board for Barbers and Cosmetology as cosmetologists. Training will also be required for hair braiders, including courses dealing with sanitation and scalp conditions. These professionals will need to renew their licenses every two years.

Wetland delineators will begin voluntary certification as a free-standing program under Soil Scientists on July 1, 2004. Three criteria determine if an area is a wetland: soil type, vegetation, and hydrology.

Carol Mitchell, Dispute Resolution Manager, reported on the four Photogrammetry Facilitations held at DPOR over the past several months. The eleven different parties agreed on some parts of proposed legislation: 1) composition of the board, and 2) wording for a portion of the proposed legislation.

Carol Mitchell,
Dispute
Resolution
Manager

Director Ware recognized the excellent job performed by Ms. Mitchell in holding the facilitation meetings and using her arbitration skills.

Chairman Jackson opened the floor for nominations for Chairman of the BPOR Board for the upcoming year. Mr. Lushbaugh moved to nominate Raynard

Election of
Officers

Jackson as Chairman, to succeed himself, and Mr. Meany seconded the motion. The vote was unanimous.

The floor was opened for nominations for Vice-Chairman. Mr. Lushbaugh moved to nominate Ms. Clifford as Vice-Chairman. Mr. Pfeiffer seconded the motion and it carried unanimously.

Chairman Jackson moved to honor Thomas Meany and Leroy Pfeiffer with resolutions for their service to the Board, as they will not be returning. Mr. Lushbaugh seconded the motion and it passed unanimously.


**Resolutions for
Outgoing Board
Members**

As an informational item, Director Ware informed the Board that DPOR provided Sex-Offender Training to staff and board members, primarily from Contractors, Real Estate, Real Estate Appraisers, and Polygraph, where people come into the home and have direct contact with family members. Dr. Lisa Hunt from Fairfax County made the training available to approximately 40 persons. All felt the training was excellent and would assist boards in deciding whether to license sex offenders.

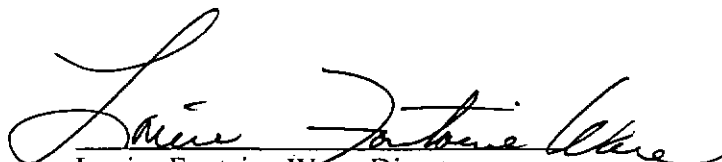
Other Business

Chairman Jackson made a motion to adjourn the meeting. Mr. Lushbaugh seconded the motion and it passed unanimously. The meeting adjourned at 11:45 a.m.

Adjournment



Raynard Jackson, Chairman



Louise Fontaine Ware, Director