

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

MINUTES

The Board for Professional and Occupational Regulation met on Monday, October 28, 2019, 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:

Suzanne Conrad
H. Scott Johnson, Jr. (arrived 10:10 a.m.)
Joseph Montano
Martin Mooradian
Ryan O'Toole
Shelly Simonds

Board members, Chika Anyadike, Laurence Benenson, and Ana Mitchell were not present at the meeting.

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

Mary Broz-Vaughan, Director
Kathleen (Kate) R. Nosbisch, Executive Director
Amy Goobic, Executive Assistant
Matthew McCabe, Program & Special Projects Analyst
Connor Eads, Virginia Management Fellow

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

The following sign language interpreters were present for the meeting: Debbie O'Berry and Heather Goodson.

Ms. Simonds called the meeting to order at 10:17 a.m.

Call to Order

Ms. Simonds introduced new Board member Joseph (Joe) Montano.

**Welcome and
Introductions**

Ms. Simonds advised the Board of the emergency evacuation procedures.

**Emergency Evacuation
Procedures**

Ms. Conrad moved to approve the agenda. Mr. Mooradian seconded the motion which was unanimously approved by members: Conrad, Montano, Mooradian, O'Toole and Simonds.

Approval of Agenda

Mr. O'Toole moved to approve the minutes from the following meetings:

Approval of Minutes

- June 17, 2019 – Board Meeting
- September 4, 2019 – Public Hearing
- September 6, 2019 – Public Hearing
- September 9, 2019 – Public Hearing
- September 11, 2019 – Public Hearing
- September 23, 2019 – Stakeholder Meeting

Ms. Conrad seconded the motion which was unanimously approved by members: Conrad, Montano, Mooradian, O'Toole and Simonds.

Ms. Jenni Witteborg was present to address the Board. Ms. Witteborg signed, and the interpreter read the following correspondence:

Public Comment

Dear Ms. Nosbisch,

As a group of stakeholders, we strongly urge BPOR to put State Licensure for American Sign Language (ASL) Interpreters on a fast track.

Some of us are non-certified ASL interpreters whose current jobs will be significantly impacted by this move towards State Licensure. And still we recognize, on a professional and personal level, that State Licensure for ASL interpreters is a must. Too much harm is befalling the citizens of the Commonwealth of Virginia due to the absence of a formal licensure process for the profession of ASL interpreting. Regulations are needed to oversee the certification and training requirements of ASL interpreters to ensure that public health, safety, and welfare are protected.

"Service from Start to Finish" is the slogan of the Board for Professional and Occupational Regulation and we ask that you ensure the task of regulating State Licensure for ASL Interpreters is completed in order to protect the consumers of ASL interpreting services, both Deaf and hearing, across their lifetime.

We recognize that some ASL interpreters and consumers of interpreting services may be resistant to the regulation of the profession, due to a concern that these regulations might shrink the pool of ASL interpreters that will meet the requirements and be able to continue their practice. This, in and of itself, emphasizes the lack of minimum competency that exists in the field of ASL interpreting and highlights the need for more stringent regulations to enhance the quality of the profession as a whole. (Keep in mind that ASL interpreters are used in many critical life settings - medical procedures and surgical operations, courtrooms, lawyer's offices, classrooms, mental health services, etc - the need for competent ASL interpreters can and is a matter of life and death, livelihood and loss).

In order to address this concern, we do support the establishment of a licensure process that will allow for provisional (temporary) licenses that allow newer or more novice interpreters to practice, under the supervision of licensed interpreters and only in specific allowable settings. We believe that the Board established to regulate the professional of ASL Interpreting should allow for provisional levels of licensure and alternative pathways for those that qualify.

Please vote to recommend regulatory framework to the General Assembly - professional regulation of ASL Interpreting in the Commonwealth of Virginia is necessary to protect the public interest.

Sincerely,

*Jennifer Witteborg, Rixeyville, VA
Katherine Malady, Richmond, VA
Tressela Bateson, Powhatan, VA
Patricia Harris, Lawrenceville, VA
Bobbie Faye Downing, Mechanicsville, VA
Thomas Dowling, Fairfax, VA
Renay Miller, Mechanicsville, VA
Deaf Grassroots Movement (DGM) State Representative
Deborah Miller McKague, Danville, VA DGM Secretary/Treasurer*

Ms. Leslie Hutchinson, VDDHH, addressed the Board on behalf of Eric Raff, Director, VDDHH, as he was unable to attend the meeting. Ms. Hutchinson shared correspondence from Mr. Raff which thanked the Board of Professional and Occupational Regulation (BPOR) for the time and attention given to the study on the regulation of the profession of sign language interpreters in the Commonwealth. The acknowledgement that the public faces "moderately high risk of harm" is appreciated and supported by the comments made by the Deaf Virginians who participated to the public comment meetings. Mr. Raff also provided several suggestions and clarifications for the report.

Mr. Raff's correspondence concluded by thanking the Board for the attention given to this critical issue and looks forward to working together to ensure that the risk to the public, both those who are hearing and those who are deaf, is significantly reduced, if not eliminated.

Mr. Johnson arrived at 10:10 a.m.

Board Member Arrival

Ms. Nosbisch informed the Board that Ms. Simonds, Mr. O'Toole and Mr. Mooradian attended the Board Member Training Conference held September 3-4, at the Doubletree in Midlothian. Ms. Nosbisch reported that over 100 Board members attended, as well as several members of agency staff. Ms. Simonds, Mr. O'Toole and Mr. Mooradian all agreed that the conference was very helpful in learning about different facets of the agency, and thanked DPOR for providing the training opportunity.

Board Member Training Conference Report

Ms. Nobsch reported on the Public Hearings that were held for the public to provide comment on the Study for Sign Language Interpreters licensure. Ms. Nobsch informed the Board that Ms. Conrad attended the public hearing in Fairfax, and Mr. Mooradian attended the hearing in Hampton Roads.

Study of Sign Language Interpreters

Ms. Conrad stated the hearing and comments were enlightening and appreciated the public that came out to speak. She also said that it was great to hear from those affected.

Mr. Mooradian commented that there was spirited discussion at the hearing he attended. He also stated that learning about the specialized need for interpreters in the medical, legal, and educational fields was very educational.

Discussion was held on the study and Ms. Nobsch informed the Board that the study was required to be filed with by November 1. Ms. Broz-Vaughan stated that the Board was required to conduct the study and vote on a recommendation. She further commented that although the BPOR conducted the study, that does not assume that DPOR would regulate. Ms. Broz-Vaughan stated the legislature may consider building on the framework at VDDHH, and may need additional regulatory and statutory requirements.

Mr. Johnson moved to approve the study with suggestions and clarifications recommended by Mr. Raff. Mr. Mooradian seconded the motion which was unanimously approved by members: Conrad, Johnson, Montano, Mooradian, O'Toole and Simonds.

Ms. Nobsch informed the Board that two of the recommendations by the Joint Legislative Audit & Review Commission (JLARC) report on the operations and performance of DPOR, October 2018, required action by the Board by December 31, 2019.

JLARC Recommendations 2 and 3

RECOMMENDATION 2

The Board for Professional Occupational Regulation (BPOR) should review the need for continued regulation of soil scientists, waste management facility operators, and landscape architects. In carrying out these reviews, BPOR should follow the guidelines set in § 54.1-311 of the Code of Virginia for determining the need for regulation and the appropriate degree of regulation for an occupation. BPOR should begin reporting its evaluation findings to the General Assembly by December 31, 2019 and complete these evaluations by December 31, 2020. (Chapter 2)

RECOMMENDATION 3

The Board for Professional Occupational Regulation (BPOR) should review the need for continued state certification of (i) common interest community manager employees ;(ii) interior designers; (iii) backflow prevention device workers; and (iv) wetland delineators. BPOR should begin reporting its evaluation findings to the General Assembly by December 31, 2019 and complete these evaluations by December 31, 2020.

(Chapter 2)

Ms. Nosbisch informed the Board that a draft evaluation on the recommendations will be prepared by staff and will be on the December 9th board meeting agenda for review and approval.

Ms. Nosbisch provided background information on Merit, a third-party electronic credential system. Merit is an online credentialing service that issues digital licenses or certificates to individuals with email addresses on file with DPOR, who can then choose how to manage their industry credentials from participating organizations. Only publicly available information is shared with Merit, no personal information is shared.

Merit Update

Ms. Simonds commented that it is a busy time for the Board, and to please make all efforts to attend Board meetings.

Other Business

Ms. Nosbisch also commented on the importance of attending Board meetings. Ms. Nosbisch also thanked the members for taking the time from their schedules to attend.

Ms. Nosbisch informed the Board that all DPOR boards undergo regulatory review every four years for all board's regulations. The regulations can retain, repeal or amend the regulations.

Conflict of Interest forms and travel vouchers were completed by all board members present.

Conflict of Interest Forms

The meeting was adjourned at 11:00 a.m.

Adjourn


Shelly Simonds, Chair


Mary Broz-Vaughan, Director

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Ryan O'Toole
2. Title: Board Member
3. Agency: Board for Professional & Occupational Regulation
4. Meeting/IFF Date: Board Meeting October 28, 2019

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Signature



Date

10/28/19

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Suzanne Conrad
2. Title: Board Member
3. Agency: Board for Professional & Occupational Regulation
4. Meeting/IFF Date: Board Meeting October 28, 2019
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

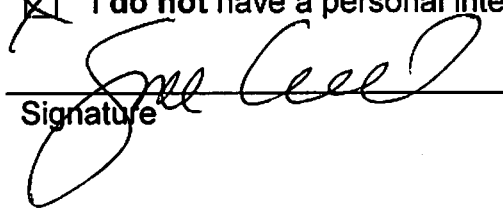
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

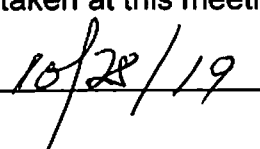
I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Signature



Date



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**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: H. Scott Johnson, Jr.
2. Title: Board Member
3. Agency: Board for Professional & Occupational Regulation
4. Meeting/IFF Date: Board Meeting October 28, 2019

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

H. Scott Johnson, Jr.
Signature

10/28/19
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Shelly Simonds
2. Title: Board Member
3. Agency: Board for Professional & Occupational Regulation
4. Meeting/IFF Date: Board Meeting October 28, 2019

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

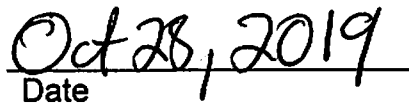
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature


Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Joseph Montano
2. Title: Board Member
3. Agency: Board for Professional & Occupational Regulation
4. Meeting/IFF Date: Board Meeting October 28, 2019

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Signature



Date

10/26/19

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Martin Mooradian
2. Title: Board Member
3. Agency: Board for Professional & Occupational Regulation
4. Meeting/IFF Date: Board Meeting October 28, 2019

5. I have a personal interest in the following transaction:

N/A

Nature of Personal Interest Affected by Transaction:

N/A

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

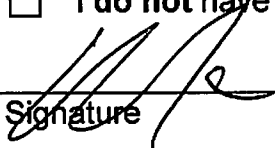
N/A

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature

10/28/19
Date