

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

MINUTES

The Board for Professional and Occupational Regulation met on Monday, November 20, 2017, 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:

Chika Anyadike (arrived at 10:12 a.m.)
Laurence Benenson
Eugene Goldman
H. Scott Johnson, Jr.
Martin Mooradian
Ryan O'Toole
Waylin Ross
Shelly Simonds

Board member Suzanne Conrad was not present at the meeting.

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

Kathleen (Kate) R. Nosbisch, Executive Director
Amy Goobic, Executive Assistant

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

Mr. Mooradian called the meeting to order at 10:02 a.m.

Call to Order

Mr. Mooradian advised the Board of the emergency evacuation procedures.

Emergency Evacuation Procedures

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

Approval of Agenda

Ms. Nosbisch expressed regrets from Mr. DeBoer and Ms. Conrad, as they were unable to attend the meeting. Ms. Nosbisch welcomed and introduced new Board member Ryan O'Toole.

Welcome & Introductions

Ms. Nosbisch recognized audience members in attendance from the Joint Legislative Audit and Review Commission (JLARC). Agency staff also in attendance were: Bonnie Rhea Adams, Director, Complaint, Analysis and Resolution; Doug Schroder, Director, Adjudication; and Bonnie Davis Administrative Assistant for Ms. Nosbisch.

Mr. Benenson moved to approve the September 18, 2017 minutes. Mr. Ross seconded the motion which was unanimously approved by members: Benenson, Goldman, Johnson, Mooradian, O'Toole, Ross, and

Approval of Minutes

Simonds.

Mr. Anyadike arrived at 10:12 a.m.

Arrival of Mr. Anyadike

There were no public comments.

Public Comment

Bonnie Rhea Adams, Director, Complaint Analysis and Resolution section, and Doug Schroder, Director, Adjudication, gave a presentation on the agency's complaint and adjudication processes. Ms. Adams presented an in depth review of how complaints made against licensees are processed and investigated. Ms. Adams explained the criteria used by staff to determine when a licensee has violated a regulation or regulations. She also provided a review of when and how Consent Orders are issued, and explained the Report of Findings, which is a timeline and summary of a complaint.

Presentation – Bonnie Rhea Adams, Director, Complaint, Analysis & Resolution; and Doug Schroder, Director, Adjudication

Mr. Schroder provided an in depth review of the informal fact-finding conference (IFF) and adjudication processes. Mr. Schroder also provided information on the Prima Facie process for adjudicating cases. He stated that in 2014 the General Assembly passed legislation regarding Prima Facie cases, allowing DPOR to adjudicate a case, without the licensee's input when the licensee has not responded to correspondence or requests for information. Ms. Adams and Mr. Schroder also explained the various statutory timelines for investigations, IFF's, and board decisions. They also provided detailed statistics on the number of complaints, consent orders, adjudicated cases and prima facie cases.

Ms. Simonds commented on an article in the New York Times regarding states that can suspend professional, occupational, or driver's licenses from individuals who default on student loan debt. Mr. Schroder stated that pursuant to § 54.1-2400.5 suspensions are allowed for debts owed to the state for licenses issued by the Department of Health Professions.

Ms. Nosbisch informed Board members that they will receive an email in January 2018 from the Virginia Conflict of Interest and Ethics Advisory Council regarding their yearly statement of economic interests (SEI). Ms. Nosbisch stated that completion of the SEI form is a requirement of being a board member and that the online form must be completed by all board members by February 1, 2018

Statement of Economic Interest Forms

Ms. Nosbisch provided information on the recent "License to Work" report on occupational regulation, presented by the Institute for Justice. Board members viewed a YouTube video regarding the report. Discussion was held on professional licensing and the regulations for

Other Business

licensing. Ms. Nosbisch stated that the licensing regulations in Virginia are required to meet 'minimum standards' for the profession and not be overly burdensome, while at the same time protect the health safety, and welfare of the public. Mr. Benenson commented that there is room for 'good' regulation. Mr. Goldman speculated that the report would be brought up in the upcoming session of the General Assembly.

Mr. Ross inquired about any thought to fees being waived or reduced for low income applicants. Ms. Nosbisch informed that Board that there was legislation introduced in the 2017 General Assembly session regarding this, however it did not pass. She further explained that any fee waiver or reduction would impact all other licensees. Ms. Nosbisch stated that a board member may promote or advocate for legislation as a citizen, but not as a representative of the Board.

Mr. Ross requested Board staff provide information on any legislation, hearings, committee meetings, pertaining to the particular boards for which they are the liaison.

Ms. Nosbisch will provide board members a link to the 'License to Work' report and YouTube video.

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

Conflict of Interest Forms

The Board recessed from 11:33 a.m. until 11:48 a.m.

Recess

Board members participated in mandatory Conflict of Interest Act training.

Conflict of Interest Act Training

The meeting was adjourned at 12:50 p.m. a.m.

Adjourn



Martin Mooradian, Chair



Jay W. DeBoer, Director

**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 November 20, 2017

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

Nov. 20, 2017
Date

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

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

- 1. Name: Laurence Benenson
- 2. Title: Board Member
- 3. Agency: Board for Professional & Occupational Regulation
- 4. Meeting/IFF Date: Board Meeting November 20, 2017

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

11/20/17

Date

**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 November 20, 2017

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

11/20/17

Date

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

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

1. Name: Eugene Goldman
2. Title: Board Member
3. Agency: Board for Professional & Occupational Regulation
4. Meeting/IFF Date: Board Meeting November 20, 2017

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.

Eugene Goldman

Signature

11/20/17

Date

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

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

1. Name: Waylin Ross
2. Title: Board Member
3. Agency: Board for Professional & Occupational Regulation
4. Meeting/IFF Date: Board Meeting November 20, 2017

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.

Waylin Ross
Signature

11/20/2017
Date

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

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

1. Name: Chika Anyadike
2. Title: Board Member
3. Agency: Board for Professional & Occupational Regulation
4. Meeting/IFF Date: Board Meeting November 20, 2017

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.

Chika Anyadike
Signature

11/20/17
Date

**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 November 20, 2017

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

11/20/17
Date