

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

MINUTES

The Board for Professional and Occupational Regulation met on Monday, March 4, 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:

Laurence Benenson
Martin Mooradian
Ryan O'Toole
Shelly Simonds

Board members Chika Anyadike, Suzanne Conrad, Eugene Goldman, H. Scott Johnson, Jr., and Waylin Ross were not present at the meeting.

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

Mary Broz-Vaughan, Acting Director/Deputy Director, Communications & Board Operations
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 10:20 a.m. Ms. Nosbisch stated that Board members Mr. Anyadike, Ms. Conrad, Mr. Goldman, Mr. Johnson, and Board Counsel, Ms. Peay, were unable to attend the meeting and sent their regrets.

Call to Order

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

Emergency Evacuation Procedures

Ms. Nosbisch welcomed and introduced Mary Broz-Vaughan, Acting Director for the agency. Ms. Nosbisch also recognized audience members from the Virginia Department of the Deaf and Hard of Hearing (VDDHH) Carrie Humphrey, Traci Branch, and Eric Raff; ASL interpreters Elaine Hernandez and Elizabeth Leitch; Jerry Gentile, DPB; and Jeff Palmore, Reed-Smith Group.

Welcome & Introduction

Mr. Mooradian stated that as there was not a sufficient number of board members to constitute a quorum, there could be no vote on approval of the agenda or approval of the November 5, 2018, minutes

Approval of Agenda and Approval of Minutes

Ms. Nosbisch welcomed VDDHH guests that signed up to speak during public comment— Carrie Humphrey, Traci Branch, and Eric Raff. Ms. Nosbisch reviewed the public comment guidelines.

Public Comment

Carrie Humphrey, VDDHH Advisory Board, addressed the Board. Ms.

Humphrey summarized the reasons that VDDHH was requesting a study on sign language interpreters explaining that deaf and hard of hearing individuals are dependent on the professional to relay critical information. The ADA definition of a “qualified” interpreter is somewhat ambiguous to entities hiring interpreters and in Virginia there is no standard by which to know if an interpreter is qualified. Regulation would offer a baseline to use as guidance for those hiring ASL interpreters. The VDDHH Advisory Board states that “without licensure or regulation of the profession, some individuals with minimal or no credentials do present themselves as qualified interpreters.”

Ms. Traci Branch, VDDHH Advisory Board Chairperson, spoke to the process of soliciting public comment for the study to ensure inclusivity. Ms. Branch requests that ASL video blogs/logs (vlogs) be accepted as public comment, and that social media sites be utilized as a means of submitting public comment. Ms. Branch also recommended including the Virginia Association for the Deaf (VAD) and the Virginia Registry of Interpreters (VRID) as a means of reaching out to the deaf community.

Mr. Eric Raff, VDDHH Director, addressed the Board regarding the use of Subject Matter Experts (SME) when conducting the study of Sign Language Interpreters. Mr. Raff recommends utilizing the Registry of Interpreters for the Deaf and the National Association of the Deaf, as well as himself and Leslie Hutcherson, sign language interpreter service manager for VDDHH. Mr. Raff also expressed concerns over the shortage of interpreters and the need for educational and career pathways for interpreters.

Ms. Nusbich informed the Board that a study on sign language interpreters was conducted in 2009; with the Board determining that licensure of the profession did not meet the criteria as outlined. She stated that the VDDHH has petitioned the Board to conduct another study of licensure for sign language interpreters. Ms. Nusbich added that as there was not a quorum of the Board present at the meeting, they would not be able to vote to move forward on the petitioned study. However, staff will begin gathering information for the study and the Board will vote at the June 17, 2019, meeting.

**Request from Virginia
Department of Deaf and
Hard of Hearing for a
Study of Sign Language
Interpreters**

Ms. Broz-Vaughan provided an update on the 2019 General Assembly session with regards to DPOR. Ms. Broz-Vaughan reported that the agency tracked 50 bills, half of the bills passed.

**General Assembly
Update**

The agency had four bills, two passed:
HB1990 – exempts eyebrow threading from the cosmetology license, did not pass. Exempts persons whose activities are confined solely to removing unwanted hair by the use of string or thread from being required to obtain an occupational license.

HB2353 did not pass – Removes the certification requirement for, and associated regulatory authority over, the occupation of natural gas automobile mechanics and technicians by the Department of Professional and Occupational Regulation.

The two bills pertaining to the Common Interest Community Board did pass:

HB 2081 - Eliminates annual assessments levied by the Common Interest Community Board. The bill allows for the collection of application, renewal, and annual reporting fees set by the Board in accordance with a biennial assessment of the Common Interest Community Management Information Fund similar to the assessment required by the Callahan Act (§ 54.1-113), but at no time shall such fee exceed \$25 unless such fee is based on the number of units or lots in the association.

HB1962 – Authorizes the Common Interest Community Board to issue orders requiring governing boards and developers under the (i) Condominium Act (§ 55-79.39 et seq.), (ii) Virginia Real Estate Time-Share Act (§ 55-360 et seq.), and (iii) Virginia Real Estate Cooperative Act (§ 55-424 et seq.) to take affirmative action to correct certain conditions to come into compliance with relevant statutory requirements. Currently the Board is limited to temporary and permanent cease and desist orders.

There were no deregulation bills passed, however SB1774 passed, which added 'fire sprinkler inspector' as an additional tradesman classification.

Ms. Broz-Vaughan also discussed bills that did not pass pertaining to the expungement of disciplinary actions on a licensee's record; and reduction of training hours for a cosmetology license.

Ms. Broz-Vaughan provided an update on the JLARC report. She informed the Board that there were six bills introduced in the General Assembly resulting from the report. Of those, three bills passed:

JLARC Update

HB2028 Legislation increasing or beginning regulation of an occupation; evaluation required. Provides that when any legislative bill requiring the Department of Professional and Occupational Regulation to increase or begin regulation of an occupation is filed during any session of the General Assembly, the Board for Professional and Occupational Regulation shall prepare an evaluation of the legislation using criteria outlined in current law that the Board is required to use whenever the Board determines that a particular occupation should be regulated or that a different degree of regulation should be imposed on a currently regulated occupation.

HB2327 Permits the Director of the Department of Professional and

Occupational Regulation, or his designee, to issue a notice to any person unlawfully engaging in unlicensed practice of an occupation to cease and desist such activity.

HB1939 Provides that following the close of any biennium, when the account for any regulatory board within the Department of Professional and Occupational Regulation shows that unspent and unencumbered revenue exceeds 20 percent or \$100,000 of the total expenses allocated to the regulatory board for the past biennium, whichever is greater, the regulatory board must (i) distribute all such excess revenue to current regulants of the board and (ii) reduce the fees levied by it for certification, licensure, registration, or permit and renewal thereof so that the fees are sufficient but not excessive to cover expenses. Under current law, these boards are required to adjust their fees when their account shows expenses allocated to it for the past biennium to be more than 10 percent greater or less than moneys collected on behalf of the board. Current law does not require the boards to distribute excess funds to regulants. The provisions of the bill requiring the distribution of excess revenue and the reduction of fees have a delayed effective date of July 1, 2022.

Additionally, the Board is required to evaluate certain licenses/certifications to determine whether they meet the criteria necessary for establishing licensing or certification program. The initial reports are due the end of 2019, the final reports due the end of 2020. Discussion was held on the definition of "evaluation" and "study" with regards to the process the Board will use going forward. Ms. Broz-Vaughan said that she will reach out to JLARC staff for clarification.

Ms. Broz-Vaughan reported that the agency is moving forward with technological advancements as recommended in the report. She informed the Board that a "quick pay" feature had been added to the website, making renewal payments easier. Ms. Broz-Vaughan stated that the feature went live March 3rd at 10:00 am, and as of 9:00 am March 4, 55 licensees has renewed their license using the new feature.

Ms. Nosbisch informed the Board that there is still one outstanding board member financial disclosure statement. The statements were due February 1. Ms. Nosbisch also expressed the importance of board member attendance, as the absence of a quorum impacts the business of the board.


Other Business

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

Conflict of Interest Forms

The meeting was adjourned at 11:28 a.m.

Adjourn



Martin Mooradian, Chair



Mary Broz-Vaughan, Acting 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 March 4, 2019
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

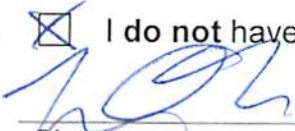
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

3/4/19

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 March 4, 2019

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

Nature of Personal Interest Affected by Transaction:

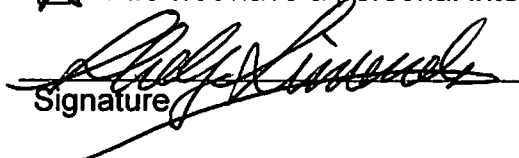
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

3/4/2019
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 March 4, 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

3/4/19

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 March 4, 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

3/4/19
Date