



Biennial Report 2002-2004



Protecting the health, safety and welfare of Virginians, while promoting a competent workforce, fair housing opportunities, and a productive economy.

DEPARTMENT of PROFESSIONAL and OCCUPATIONAL REGULATION

Louise Fontaine Ware
Director

Sandra Whitley Ryals
Chief Deputy Director

3600 West Broad Street
Richmond, VA 23230
(804) 367-8500
TDD (804) 367-9753
www.dpor.virginia.gov



OPERATIONS SUMMARY

Strong Financial Management

As a non-general fund agency, DPOR is supported by assessments on licensed practitioners, not by any tax revenues.

State law requires the agency to adjust fees so that revenues are sufficient to cover expenses, but not excessive.

	Fiscal Year 2003 (07/01/02 - 06/30/2003)	Fiscal Year 2004 (07/01/03 - 06/30/04)
Assessment Revenues	\$10,444,792	\$11,779,626
Federal Grants	\$506,968	\$457,879
Expenditures	\$11,039,091	\$10,891,767
Cash Balance	\$3,623,564	\$4,969,302

Complaints and Disciplinary Cases

The Complaint Analysis & Resolution Section processes all complaints received by DPOR. The Field Investigations Section determines whether evidence supports a probable violation of board regulations or state law. The Adjudication Section conducts Informal Fact-Finding (IFF) Conferences in accordance with the Administrative Process Act. Cases resolved through the agency's Alternative Dispute Resolution Section may avoid formal investigation.

Following an investigation and administrative hearing (IFF Conference), a board may require additional education, impose a monetary fine, or suspend or revoke the license if it finds a regulatory violation.

During the biennium, DPOR received **7,598 complaints** and conducted **3,007 IFF Conferences**.

In addition, the agency worked with local authorities in successfully prosecuting 755 cases of unlicensed activity. DPOR helps consumers receive **\$1.5 million** each year in court-ordered victim restitution.

Statistics for 2002-2004 Biennium

REGULATORY BOARD	REVENUES	EXPENDITURES	REGULANT POPULATION	APPLICANTS EXAMINED
Architects, Professional Engineers, Land Surveyors, Certified Interior Designers & Landscape Architects	\$1,494,386	\$2,082,942	33,875	6,061
Asbestos, Lead and Home Inspectors	\$468,730	\$379,977	6,019	122
Auctioneers	\$128,385	\$101,607	1,698	110
Barbers and Cosmetology	\$3,779,371	\$3,263,504	61,274	17,277
Branch Pilots	\$35,200	\$15,204	45	10
Boxing and Wrestling Task Force	\$226,939	\$231,924	894	n/a
Cemetery	\$150,716	\$64,698	1,061	n/a
Contractors	\$9,563,649	\$8,496,360	90,755	17,540
Fair Housing <i>*NOTE: Certification program effective July 2004.</i>	\$1,250	\$1,250	0*	n/a
Geology	\$75,140	\$60,182	811	103
Hearing Aid Specialists	\$109,185	\$41,461	546	131
Opticians	\$138,595	\$151,860	1,856	197
Polygraph Examiners Advisory Board	\$10,950	\$16,297	285	29
Real Estate Appraisers	\$410,686	\$317,107	3,665	1,581
Real Estate	\$4,662,890	\$4,957,340	67,294	30,043
Professional Soil Scientists & Wetland Professionals	\$25,100	\$27,574	120	10
Waste Management Facility Operators	\$49,800	\$101,384	1,053	130
Waterworks and Wastewater Works Operators	\$408,166	\$437,478	5,417	1,771
TOTALS	\$21,739,138	\$20,748,149	276,668	75,115



To learn more about the responsibilities and activities of each board, visit the DPOR website at www.dpor.virginia.gov

Governor Warner, General Assembly help licensees, protect consumers

In the midst of America's war on terror, DPOR strongly supported a bill to ease the burden on active-duty military personnel serving outside the Commonwealth. **House Bill 319** (2004) authorizes the agency to grant time extensions for meeting certain licensing requirements – such as continuing education coursework or other documentation for renewal. DPOR sought this legislation so that those serving in the armed forces do not jeopardize their professional license status while deployed outside Virginia or overseas.

A basic principle of professional regulation is to promote accountability and an ethical business climate. Recently, several asbestos training providers pled guilty in the Hampton Roads area for using false training certificates to obtain state licenses. DPOR, however, was powerless to take prompt disciplinary action because of a statutory loophole. As a result, **House Bill 462** (2004) allows the Board for Asbestos, Lead, and Home Inspectors to summarily suspend a license or training approval if a substantial danger to the public exists.

Following a troubling cemetery case involving complaints about maintenance, financial improprieties, and even allegations of improper burial, DPOR requested legislation to increase consumer protection. **House Bill 857** (2004) now allows the Cemetery Board to seek court intervention or the appointment of a receiver when a cemetery company threatens the public interest. By strengthening the statute, the state can ensure continuous cemetery operations and maintenance – including the integrity of pre-need and perpetual care trust funds.

To reassure consumers that Virginia will discipline unscrupulous or incompetent professionals, DPOR requested authority to allow information from public sources as the basis for a written complaint. Because of **House Bill 716** (2004), the agency can move forward with more disciplinary matters – many quite serious in nature – and revoke the licenses of individuals who pose a threat to the public.

In order to eliminate inefficiencies and provide customers with online business services, DPOR requested a bill to eliminate a technical obstacle to eventual electronic licensing. **House Bill 1749** (2003) removes an outdated requirement for Board for Contractors applicants to notarize license applications.



New agency programs, responsibilities

FAIR HOUSING

Based on a recommendation by the Housing Study Commission to strengthen Virginia's Fair Housing Law, **Senate Bill 1102** (2003) establishes an independent Fair Housing Board at DPOR. The Real Estate Board continues to handle cases involving real estate licensees or their employees. Both boards investigate housing discrimination through the agency's Virginia Fair Housing Office. The Fair Housing Board offers state certification for individuals who complete a two-hour, education-based course.

ELEVATOR MECHANICS

House Bill 829 (2004) implements a new certification program for elevator mechanics under the Board for Contractors. The new law, recommended by the Housing Study Commission, governs individuals who are engaged in building, installing, or servicing elevators, escalators, dumbwaiters, or related conveyances.

HAIR BRAIDERS

House Bill 1941 (2003) establishes a separate license under the Board for Barbers and Cosmetology for those who perform hair braiding services exclusively. Previously, the state required a full cosmetology license – with 1,500 hours of training in areas such as cutting and coloring – for hair braiding. The new law eases the regulatory burden while still protecting clients' health and safety by requiring appropriate education, training, and skill (such as knowledge in scalp disorders and tool sterilization).

LOCAL ENFORCEMENT PILOT

House Bill 454 and **Senate Bill 285** (2004) direct DPOR to establish a pilot program with at least one locality's Building Official to assist with complaint investigation and disciplinary orders against licensed contractors. The Board for Contractors is entering into formal agreements with localities of varying populations in diverse geographical areas.

Studies examine diverse, cutting-edge issues

In accordance with state law, the Board for Professional and Occupational Regulation (BPOR) evaluates the need for regulation.

During the biennium, the Board solicited comment at regional public hearings and conducted studies on:

ROLLER SKATING RINKS

The General Assembly directed BPOR to examine the appropriateness of regulating roller skating rinks in 2002. In its final report, BPOR concluded that the roller skating rink industry does not warrant regulation but might benefit from minimum safety standards.

ESTHETICIANS/ELECTROLOGISTS

At the request of the Board for Barbers and Cosmetology, in 2002 BPOR considered the need to regulate estheticians and related professionals, such as electrologists. In collaboration with the Department of Health Professions, BPOR found convincing evidence to support mandatory licensure of estheticians and electrologists in order to protect the public from harm.

PHOTOGRAMMETRY

For several years, a debate has surrounded the issue of photogrammetry — whether it is an occupation separate from the practice of land surveying, a specialty of land surveying, or itself a tool used by land surveyors. Following a study requested by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects (APELSCIDLA Board), in 2003 BPOR recommended all interested parties develop a mutually acceptable solution for licensing photogrammetrists and other "remote sensing practitioners." DPOR's Dispute Resolution Director facilitated the discussions among all stakeholders.

VOICE STRESS ANALYZERS

In 2003, the General Assembly and the Governor approved legislation providing DPOR with discretionary authority to approve the use of computer voice stress analyzers by licensed polygraph examiners. The Polygraph Examiners Advisory Board requested that BPOR study voice stress analyzers and other instruments and report on their validity and effectiveness. In its final report, BPOR found no independent scientific evidence to indicate that the computer voice analyzer is a valid instrument to detect deception, and recommended that such equipment not be approved in Virginia at this time.

BIENNIUM HIGHLIGHTS

Making great strides through Total Quality Improvement

In 2002, DPOR initiated a comprehensive review of its disciplinary process. Following the findings of a consultant report, the agency created an internal **Process Improvement Team** to identify ways to improve case processing.

Over a period of several months, staff representing all agency divisions underwent training in **Total Quality Improvement** through Chesterfield University, engaged in comparative studies of similar state agencies, and vigorously assessed existing practices.

As a result of the year-long effort, DPOR is turning away from purely punitive enforcement in favor of promoting compliance and avoiding future violations. Increasing opportunities for compliance strikes the best balance between protecting the public, remedying regulatory violations, and resolving complaints.

DPOR began implementing the Process Improvement Team recommendations during the summer of 2004. Within the structure of the new **Compliance & Investigations Division (CID)**, the Complaint Analysis & Resolution Section (CARS) is designed to increase processing efficiency at the initial complaint stage.

Building on the momentum of the first Process Improvement Team, DPOR is taking additional steps toward establishing a culture of **Total Quality Improvement**. The next two internal teams are a natural outgrowth. One will examine the complaint intake, investigation, and resolution of fair housing cases. The second is designed to maximize efficiencies in the administration of recovery funds as well as the administrative hearing component of the license application review process.

Education, exams ensure success in chosen professions

Advanced Contractor Licensing Course – A 20-hour course designed by the Board for Contractors and the Virginia Community College System (VCCS) to provide a basic understanding of business management subjects for contractor license applicants wishing to be successful in completing the Class A or Class B exams.

Participants learn how to avoid business failure through good management practices and knowledge of Virginia's unique contracting license requirements.

Real Estate Appraiser Internship Program – A curriculum developed by the Real Estate Appraisers Board and VCCS incorporating the compilation of property data, an introduction of computer-assisted mass appraisal, and a general analysis of value methodology. The internship offers practical application of property valuation.

Consumer education initiatives take center stage

DPOR dramatically increased its consumer education and outreach efforts throughout the biennium. Proactive communications include a community relations strategy resulting in widespread media coverage of consumer-related services.

The addition of bilingual staff allows DPOR to reach more diverse audiences. Agency-sponsored consumer education seminars are offered statewide and in conjunction with numerous partnerships such as TRIAD (local senior citizen and law enforcement chapters).

The City of Virginia Beach honored DPOR with its 9th Annual Consumer Service Recognition Award in 2003 for fraud prevention and public awareness efforts.

In 2003, DPOR successfully applied for grant monies through the Department of Criminal Justice Services. The funding obtained was used to place newspaper advertisements focused on fraud prevention in regions affected by Hurricane Isabel. In addition, the agency produced and distributed consumer education brochures and other materials for a variety of constituencies – including pamphlets targeted to Spanish-language consumers and senior citizens.

The "License Lookup" feature on the agency website provides citizens with instant access to license status and recent disciplinary actions. In 2004, DPOR upgraded the online service to offer even greater resources for consumers to make informed decisions.

Fair, accessible, adaptable housing for all Virginians

Equal housing opportunities remain a top priority at DPOR. The agency administers and enforces the Fair Housing Law, investigating allegations of housing discrimination based on race, color, religion, sex, national origin, elderliness, familial status, and handicap.

The Fair Housing Law requires certain accessibility standards in multifamily housing to prevent discrimination against persons with disabilities. And in recent years, the Virginia Housing Study Commission has focused attention on the concept of "visitability" and housing for persons with special needs.

In advance of any legislative recommendations, DPOR established a partnership with the **Virginia Society of the American Institute of Architects (VSAIA)** in 2003. Designed to increase awareness among architects about the value and necessity of designing accessible and adaptable housing, the innovative partnership included seminars, direct mail, and print advertising.

Funded in part with grant monies from the U.S. Department of Housing and Urban Development, DPOR is extending the partnership with VSAIA into the next biennium. Building on the success of that initial effort, in 2004 the agency initiated a similar partnership with the **Home Builders Association of Virginia**. Together, the organizations involved in these public-private partnerships will make great progress in increasing awareness about accessible design.

Technology innovations improve customer service

DPOR's Strategic Plan provides for the integration of electronic processing capabilities into all operations, with numerous accomplishments achieved during the biennium.

The agency began accepting license renewal payments via its website in 2003. In collaboration with VITA – Virginia Information Technology Agency, the Commonwealth's pioneering technology model – DPOR continues to develop an enterprise system allowing customers to apply for licenses and file consumer complaints online.

In 2004, DPOR successfully deployed digital document retrieval software, linked to its cutting-edge imaging system, allowing employees to access archived records from their desktops.

DPOR modified the Public Participation Guidelines (PPGs) for its regulatory boards in 2004 to allow for electronic notification.

In accordance with Gov. Warner's directive to use electronic procurement to the fullest extent, 100% of DPOR procurements are processed through "eVA."