

# Office of Professional Regulation

---

FY2022 ANNUAL REPORT

July 1, 2021 – June 30, 2022



Secretary of State, Jim Condos  
89 MAIN STREET | MONTPELIER

Director, S. Lauren Hibbert

# Content

---

- Director’s Note..... 0
- Organization..... 3
- COVID-19 Response ..... 3
- Licensing Trends..... 4
- Professional Regulation Enforcement Division..... 5
- Appendices..... 6
  - End of Fiscal Year Credential Counts ..... 6
  - Fiscal Year Enforcement Data ..... 8
  - Fiscal Year Inspection Counts ..... 10

## Director's Note

The Office of Professional Regulation (OPR) continued its COVID-19 emergency response efforts throughout fiscal year 2022. Inter-agency cooperation remains high, and emergency rules continue to facilitate much needed professional services in Vermont.

Likewise, the Vermont legislature passed a number of bills to continue to address COVID-19 during the 2022 legislative session, many of which have direct implications for OPR. For example, Act 171 authorizes notaries public to perform notarial acts for remotely located individuals, provided that the notary acquires a special commission endorsement from OPR. Additionally, Acts 85 and 107 establish the registration of out-of-state telehealth providers, as well as the use of provisional licensure for professionals actively licensed in substantially equivalent jurisdictions. The purpose of these bills is to further enable professional practice during this tumultuous period.

As a result of this legislative session, the Office of Professional Regulation will now regulate additional services. Act 169 authorizes the use of natural organic reduction for the disposition of human remains. Act 182 requires the registration of residential home contractors in Vermont.

Additionally, the legislature has asked OPR to perform two internal reviews. First, Act 117 mandates the Office of Professional Regulation to conduct a study of mental health professional licensure in Vermont. This will include three areas of focus: streamlining regulations, supervisor regulation, and barriers to entry into the mental health professions. Similarly, the legislature has asked OPR in Act 134 to conduct a regulatory review recommending whether to establish a maximum per diem rate for Boards and whether legislative action is necessary to change per diem rates.

Over the next year OPR will work to meet these legislative mandates. The Office will also be busy with our continued efforts to address the COVID-19 pandemic. Our values remain dedicated to transparency, reducing unnecessary bureaucratic red tape, and protecting the public.

Respectfully Submitted,



S. Lauren Hibbert

## Organization

The Office of Professional Regulation, commonly known as "OPR," is a division of the Secretary of State's Office responsible for supporting the regulatory programs for 51 professions and occupations -- everything from Accountants and Acupuncturists to Tattooists and Veterinarians. Within those 51 professions and occupations, there are 167 different profession types and almost 80,000 licensees.

The Legislature created OPR as an umbrella agency to oversee both advisor and board professions where public protection is achieved through a system of licensure and enforcement. OPR provides its varied and diverse groups three distinct services:

- 1) the administrative services including initial licensure and renewal, public meetings, and regulation and statutory reform;
- 2) enforcement services including investigation and prosecutor staff necessary to receive complaints from the public and protect the public from incompetent, unethical, or otherwise unprofessional licensees in the regulated professions; and,
- 3) tribunal services which act in a quasi-judicial capacity for unprofessional conduct or pre-denial of applications.

OPR is headed by a Director who oversees a staff of 41 people including licensing administrators, a deputy director, a general counsel, staff attorneys, policy and system staff, executive officers, case managers, investigators, inspectors, and prosecutors.

Regulation of a profession, occupation, or professional service assures that practitioners meet minimum standards for initial licensure or registration, continue to meet minimum competency requirements on renewal, and if there is a complaint filed, practitioners are held responsible for their conduct.

## COVID-19 Response

Several licensed professions were substantially impacted by the COVID-19 pandemic, both operationally and as health care providers. Cosmetologists were unsure how to reopen safely, dentists needed to establish guidance for safe practice given their proximity to open mouths and aerosols, nurses and other healthcare providers were called out of retirement, and pharmacists were relied upon to administer testing and vaccination. With the support of the Secretary of State and the General Assembly, OPR responded to each of these COVID-related problems quickly, waiving certain licensing requirements and creating new license types to address the pandemic.

For example, OPR established emergency (EMGY) licenses, temporary and retiree license types for health care professionals wishing to re-license quickly. In addition to creating new license types, OPR synthesized fast-changing clinical guidance and State mitigation requirements, publishing concise and current emergency guidance to assist dentists, pharmacists, veterinarians, and mental health providers.

## Licensing Trends

The following graph (Figure 1) demonstrates how the number of licenses issued by OPR has increased substantially over the last several years, approximately 58% greater than in 2015. This growth is attributed to the addition of newly regulated professions, expansion in certain professions, and the transfer of licensure operations from other agencies to OPR. For example, in FY21 the regulation of Well Drillers was transferred to OPR from the Department of Environmental Conservation.

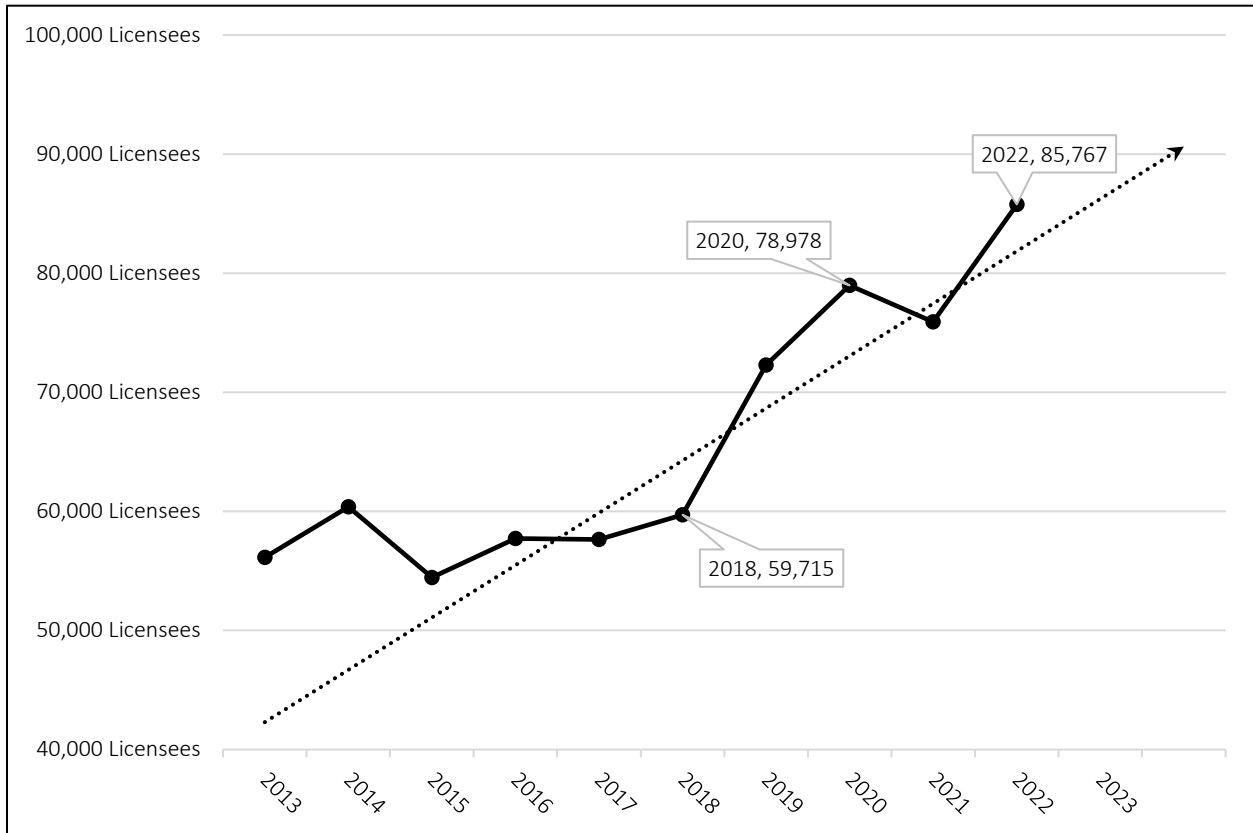


Figure 1: Annual Licensure Data from Fiscal Years 2013 - 2022

## Professional Regulation Enforcement Division

The Enforcement Division of OPR has two Units working together to meet its public protection mandate: the Investigation Unit and the Prosecution Unit. The purpose of OPR's enforcement process is to protect the public. The Enforcement Division strives to conduct fair and impartial investigations seeking only to determine the truth of what happened in each circumstance that gave rise to a complaint and to prosecute only when there is a risk to the public health, safety or welfare. The focus of prosecution and discipline against a licensee is remediation to ensure safety and fitness to practice in their profession.

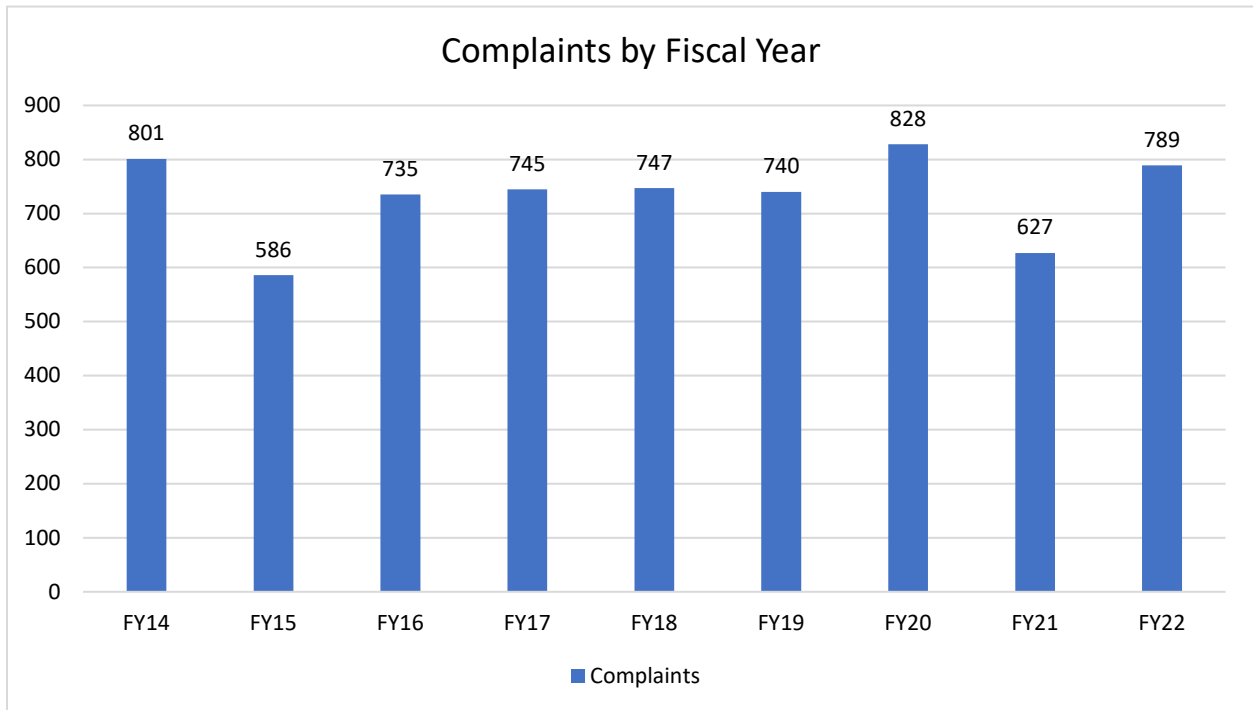


Figure 2: Complaints by fiscal year.

## Appendix A: End of Fiscal Year 2022 Credential Counts

<b>Profession Name</b>	<b>Count</b>
Accountancy	1,491
Acupuncturists	211
Alcohol & Drug Abuse Counselors	628
Allied Mental Health Practitioners	3,200
Architects	1,373
Athletic Trainers	248
Auctioneers	171
Audiologists	86
Barbers & Cosmetologists	4,291
Behavior Analysts	254
Boxing	1
Chiropractic	261
Dental Examiners	2,152
Dietitians	276
Electrology	62
Engineering	5,994
Foresters	265
Funeral Service	409
Hearing Aid Dispensers	52
Land Surveyors	229
Landscape Architects	119
Massage Therapy, Bodyworkers, and Touch Professionals	1,057
Midwifery	41
Mixed Martial Arts	90
Motor Vehicle Racing	10
Naturopathic Physicians	397
Notaries Public	10,799
Nursing	31,633
Nursing Home Administrators	87
Occupational Therapy	574
Opticianry	160
Optometry	163
Osteopathic Physicians & Surgeons	517
Pharmacy	5,640
Physical Therapy	1,608
PI & Security Services	1,133
Pollution Abatement Facility Operators	408
Property Inspectors	184
Psychoanalysts	46

Psychological Examiners	881
Radiologic Technology	1,004
Real Estate Appraisers	442
Real Estate Commission	2,852
Respiratory Care	529
Social Work	1,716
Speech-Language Pathologists	779
Tattoo & Body Piercing	384
Veterinary Medicine	699
Wastewater / Water System Designers	124
Well Drillers	37
<b>Total</b>	<b>85,767</b>



## Appendix B: Fiscal Year 2022 Enforcement Data

<b>Profession</b>	<b>Complaints</b>	<b>Dockets</b>
Accountancy	3	2
Acupuncturists	1	
Alcohol & Drug Abuse Counselors	15	3
Allied Mental Health Practitioners	48	3
Architects	1	2
Audiologists	1	
Barbers & Cosmetologists	26	2
Chiropractic	11	1
Dental Examiners	40	2
Electrology	1	
Engineering	4	1
Foresters	3	
Funeral Service	18	10
Hearing Aid Dispensers	2	
Land Surveyors	5	
Massage Therapy, Bodyworkers, and Touch Professionals	9	2
Midwifery	11	
Motor Vehicle Racing	2	
Naturopathic Physicians	2	2
Notaries Public	14	4
Nursing	214	52
Nursing Home Administrators	5	
Opticianry	3	1
Optometry	4	
Osteopathic Physicians & Surgeons	18	6
Other	44	
Pharmacy	146	74
Physical Therapy	9	2
PI & Security Services	5	
Pollution Abatement Facility Operators	1	
Property Inspectors	1	
Psychoanalysts	1	
Psychological Examiners	13	1
Radiologic Technology	1	
Real Estate Appraisers	18	1
Real Estate Commission	43	3
Respiratory Care	1	
Social Work	15	
Tattoo & Body Piercing	19	9

unknown	1	
Veterinary Medicine	8	7
Wastewater / Water System Designers	1	
Well Drillers	1	
<b>Totals</b>	<b>789</b>	<b>190</b>

## Appendix C: End of Fiscal Year 2022 Inspection Counts

<b>Profession</b>	<b>Count</b>
Barbers & Cosmetologists	45
Electrology	3
Tattoo & Body Piercing	27
Funeral Service	39
Motor Vehicle Racing	16
Pharmacy	66
Mixed Martial Arts	2
<b>Total</b>	<b>198</b>