

**INNOVATIONS** | **INITIATIVES** | **INSIGHTS**

# BIENNIAL REPORT

FY 2018-19  
FY 2019-20



Department of Professional & Occupational Regulation

# INNOVATIONS

## Quick Pay

In March 2019, DPOR launched a fast, easy way to make renewal payments. **Quick Pay** is a simplified online service to pay renewal fees without logging in or creating an account.

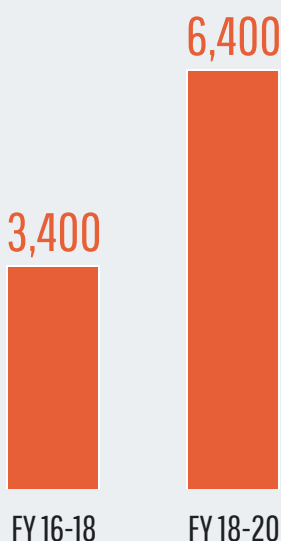
# 53,000

## PAYMENTS VIA QUICK PAY USERS

About 70% of online payments continue to come from registered DPOR Online Services account users.

For individuals and businesses that only need to pay their renewal fee every two years, creating an account and remembering a password was a hassle. Quick Pay solved a major pain point.

Real Estate Salesperson  
Online Activate/Transfer



# 30% increase

## IN ONLINE TRANSACTIONS

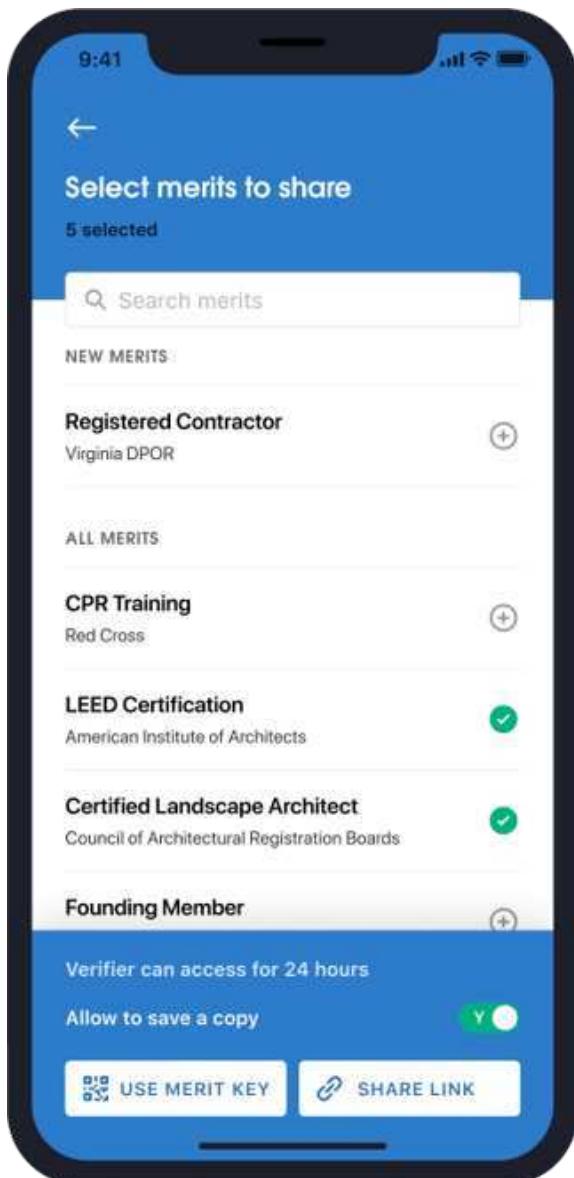
Registering for **DPOR Online Services** allows users to access advanced features, including the extremely popular option to **activate** or **transfer** a real estate salesperson license.

# INNOVATIONS

## Digital Licenses

In September 2019, DPOR began issuing individual licenses and other credentials digitally, powered by electronic credentialing platform Merit. The free digitized licenses are available in a convenient mobile app or on a web browser for accurate, portable, and secure verification.

Licenses are issued and used the same way, just now also made available with a few taps on a smartphone or clicks in a web browser. A Merit satisfies any legal requirement to display, post, or produce a DPOR credential.



Merits are secure,  
verified, portable,  
and accurate

A licensee can share their digital DPOR license in a variety of ways:



in-person verification  
through QR code scan



online verification  
(Log In With Merits)



offline sharing via text  
or email

# INNOVATIONS

## Digital Licenses

More than a third of current DPOR licensees have accepted their digital credentials, with Merit adoption uniformly strong across professions. With their digital credentials on the Merit platform, DPOR licensees can find continuing education, training, membership, and other opportunities created by employers, trade associations, and industry partners.

### INDUSTRY ENGAGEMENT

**Acceptance Rate by Profession**



This partnership is the beginnings of an infrastructure that will help ensure that people with the right skills find the right jobs.

M. Craig Toolson, CEO  
Home Builders Association of Virginia

# INNOVATIONS

## myVirginia app


In January 2020, DPOR became the first state agency on **myVirginia**, the all-in-one app that provides modern, secure access utilizing a single login, payment methods, receipts and official documents.

**MyVirginia, powered by Paylt, offers a quick and easy way to request official certification of a license issued by DPOR.** Other states or employers require the documentation to verify Virginia license status, so streamlining the process helps individuals and businesses get to work.



11,500

total certifications issued  
FY 18-20

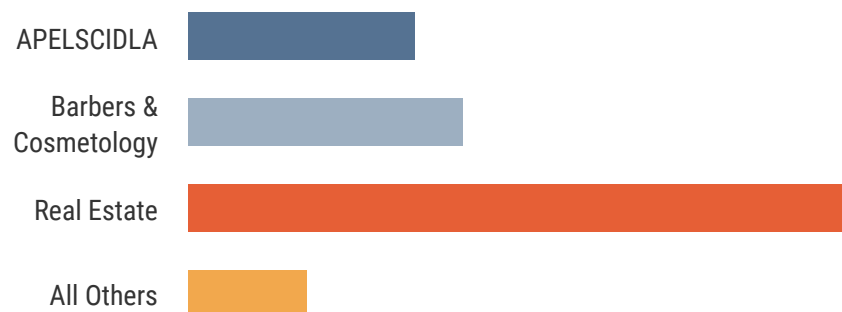


8.5%

requested via myVirginia app

In just under six months, nearly 1,000 licensees made their certification requests online using myVirginia instead of submitting the paper form.

### myVirginia Requests by Board



# INITIATIVES

## Regulatory Reform

DPOR is one of two agencies selected to participate in the **regulatory reduction pilot program** established during the 2018 Session of the General Assembly.

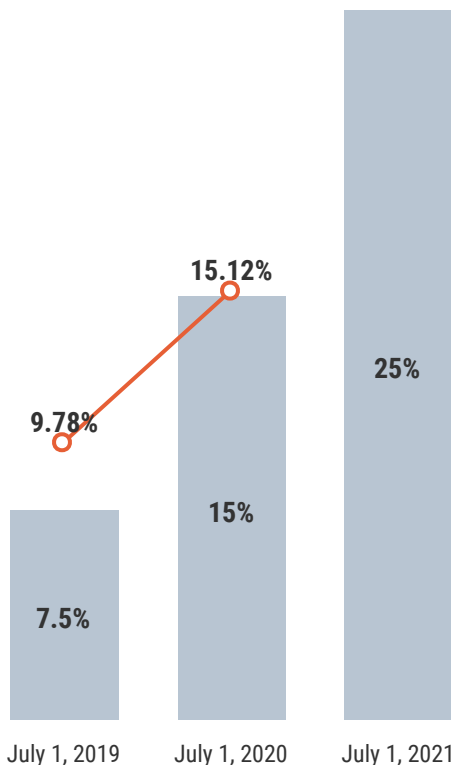
On October 1, 2018, each pilot agency submitted a baseline "regulatory catalog." Only discretionary requirements are included in the baseline count and eligible for elimination or streamlining.

The goal is to reduce these requirements by 25% over a three-year period ending July 1, 2021.

### DPOR Regulatory Requirements



● Reduction Target ○ Actual



**DPOR exceeded the first- and second-year reduction targets**, primarily by streamlining existing requirements, lowering barriers to entry, repealing certain reporting requirements and compliance obligations, and making process improvements.

More information about the pilot program, including the DPOR catalog and progress reports from the Secretary of Finance, is available at: <https://townhall.virginia.gov/>.

# INITIATIVES

## Policy Evaluations

The **Board for Professional and Occupational Regulation (BPOR)** is responsible for providing analysis and advice to policymakers on matters relating to occupational licensing. The Code of Virginia enumerates criteria to determine whether regulation is necessary and, if so, the least restrictive method to protect the public's health, safety, and welfare.

### SIGN LANGUAGE INTERPRETERS

In response to a request from the Virginia Department for the Deaf and Hard of Hearing (VDDHH) Advisory Board, BPOR evaluated the need to license sign language interpreters. VDDHH maintains and makes available a Directory of Qualified Interpreters available to local and state agencies, the courts, non-profits, and the public.

BPOR concluded that a more robust registry may be sufficient to address the moderately high risk of public harm identified during the study, or a certification program administered by VDDHH may be warranted. The full report to the Governor and the General Assembly is available at:

<https://rga.lis.virginia.gov/Published/2019/RD483>.

### CONTINUED REGULATION OF CERTAIN PROFESSIONS & OCCUPATIONS

The Joint Legislative Audit and Review Commission (JLARC) recommended that BPOR review the need for continued regulation of backflow prevention device workers, common interest community manager employees, interior designers, landscape architects, soil scientists, waste management facility operators, and wetland delineators.

BPOR's interim report to the General Assembly is available at:

<https://rga.lis.virginia.gov/Published/2019/RD695>.

### BILL REFERRALS FROM 2020 SESSION

A new law (§ 30-19.03:1.3) directs BPOR to evaluate proposed legislation that would increase or begin regulation of an occupation. During the 2020 Session of the General Assembly, BPOR prepared analyses of the following bills referred by the Division of Legislative Services:

- HB 832 | Athlete agents
- HB 994 | Hair styling
- SB 346 | Boiler operators
- SB 385 | Professional engineers

# INITIATIVES

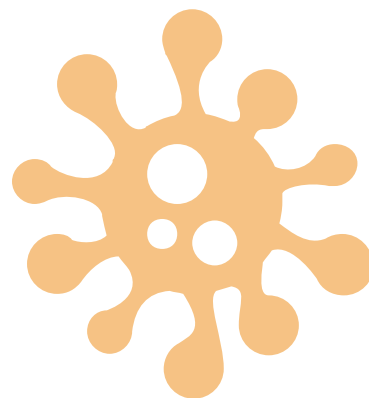
## COVID-19 Response

On March 12, 2020, Governor Ralph Northam declared a state of emergency due to the novel coronavirus (COVID-19). To help prevent and mitigate the spread of the virus, DPOR closed public access to the Perimeter Center, temporarily deferred in-person services, and increased telework options and flexible scheduling for employees.

# 15

### BOARD MEETINGS CANCELLED

In-person meetings resumed June 23, 2020, with operational adjustments to ensure the safety of employees, board members, participants, and the public.



DPOR extended deadlines and temporarily waived requirements to minimize the effects of the outbreak, as authorized by the Governor's Executive Order.

## TEMPORARY WAIVERS

### RENEWALS

Extend validity of credentials that would otherwise expire during the public health emergency, giving extra time to meet renewal requirements.

### EXAMINATIONS

Extend examination eligibility deadlines until 30 days after state of emergency lifts.

### EDUCATION

Allow online or virtual instruction in lieu of classroom credit hours, to help prevent the spread of COVID-19 and promote physical distancing.



# INITIATIVES

## Highlights & Milestones

### BOARD MEMBER TRAINING CONFERENCE

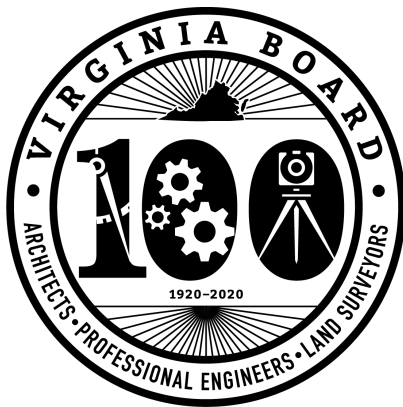
In October 2019, DPOR hosted nearly 100 board members for a two-day training in Midlothian.

Sessions included:

- Opening Remarks by Secretary of Commerce and Trade Brian Ball
- Appointment Process by Secretary of the Commonwealth Kelly Thomasson
- Keynote Address by former gubernatorial Chief of Staff Bill Leighty
- Legislative Process & Freedom of Information Act by Division of Legislative Services staff
- Conflict of Interests Act by Ethics Advisory Council staff
- Administrative Process, Equal Employment Opportunity & Fair Housing Act by Office of Attorney General staff
- Overview of agency structure, roles & responsibilities, policies & procedures, IFF conferences
- Panel discussion with experienced board members

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### CENTENNIAL CELEBRATION



In June 2020, the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA) celebrated **100 years of licensure** for **architects**, **professional engineers**, and **land surveyors**.

The mission remains the same today as when the board first met on September 9, 1920: to protect the public's health, safety, and welfare.

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### NEW REGULATORY PROGRAM

Chapter 726 of the 2019 Acts of Assembly created an individual license mandate for **Certified Automatic Fire Sprinkler Inspectors**.

Board for Contractors regulations to implement the program became effective April 1, 2020. The enabling legislation provides a delayed effective date for the licensing requirement until July 1, 2021.

# INITIATIVES

## Highlights & Milestones

### CUSTOMER FEEDBACK

DPOR will launch a new website in early 2021. As part of the redesign, more than 4,000 website visitors participated in a customer experience survey in April 2020.

# 63%

AGREED OR **STRONGLY AGREED**:

DPOR employees display **exceptional** customer service.

### WORKFORCE DEVELOPMENT

DPOR revised our **Educational Assistance Program** in early 2019, increasing the number of job-related classes covered from two to four a year. We also restored tuition assistance pre-payment for employees employed with the agency for at least two years. This biennium, DPOR also reinvigorated the **Employee Recognition & Engagement Program**.

DHRM recognized DPOR's workforce development initiatives in its **Workforce Planning: Best Practices Guide**.

### REPORTS TO THE GENERAL ASSEMBLY

Pursuant to Chapter 854 of the 2019 Acts of Assembly, Item 119, Paragraph B, DPOR engaged the Performance Management Group (PMG) at Virginia Commonwealth University to complete an **organizational assessment**.

- The report is available at: <https://rga.lis.virginia.gov/Published/2019/RD502>.

Pursuant to Paragraph C, DPOR submitted a **preliminary plan to replace our current information technology (IT) systems**, including the licensing system.

- The report is available at: <https://rga.lis.virginia.gov/Published/2019/RD495>.

# INSIGHTS

## Financial Activity

During the 2019 Session of the General Assembly, the legislature directed DPOR to place its overall fund balance **in reserve**, to offset future costs associated with organizational restructuring and replacement of the agency's information technology systems. The reserve funds may also be applied to cover ongoing operational expenses of the Department and its boards.

### \$21.3 million

RESERVE FUND BALANCE

as of June 30, 2020

### \$1 million

UNENCUMBERED FUND BALANCE

as of June 30, 2020

### 20% decrease

IN CUMULATIVE FUND BALANCE

*over the biennium*

The reserve fund addresses JLARC's recommendation to reduce the boards' cumulative fund balance.

As a **non-general fund agency**, DPOR is funded by license fees, not by any tax revenues. Our **fees are relatively low and affordable**, and set in accordance with the Administrative Process Act's public participation and executive branch review requirements.



# INSIGHTS

## Board Activity

**52,400**

applications

**272,500**

renewals +  
reinstatements

**44,900**

name + address  
changes

**169,400**

online  
transactions

**20**

contractor  
remedial  
education  
classes

**400**

contractors  
attended  
remedial  
education class

**46**

regulatory  
actions with  
public comment  
opportunities

**8**

public hearings

**196**

volunteer board  
members

**15**

regulatory  
boards

**3**

advisory boards

**1**

policy board

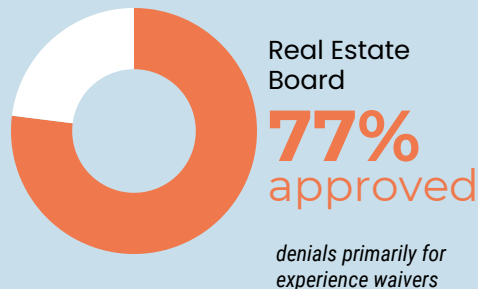
# INSIGHTS

## Licensing Case Decisions

Less than two percent of all applications require additional review for criminal convictions, adverse financial or disciplinary history, or special consideration of education or experience qualifications.

Those applications are referred for a Licensing Informal Fact-Finding (IFF) conference, where applicants are given the opportunity to provide additional documentation or clarification. Boards ultimately approved 86% of all applications referred for a Licensing IFF this biennium.

### Outcomes of License Application Cases Requiring IFF + Board Determination



### SECOND CHANCES

To fulfill our public protection mission, DPOR boards rely in part on criminal history information to help evaluate whether applicants can practice in regulated professions without putting the public at risk. Licensing IFFs allow applicants with prior criminal convictions the chance to speak on their own behalf and make their case for a fresh start.

**Criminal history is never an absolute prohibition to licensure in any DPOR-regulated occupation.** State law requires an individual, case-by-case analysis of nine factors to determine if a prior conviction is directly related to the license sought. Applicants that disclose prior criminal history are approved in nearly all cases.

# INSIGHTS

## Disciplinary Case Decisions

200

### Disciplinary IFFs

Due process administrative proceedings that give notice of potential disciplinary action and an opportunity to respond

270

### Prima Facie Cases

Files forwarded directly to the board without the need for a disciplinary IFF, if respondent agrees to waive the proceeding or does not respond to the IFF Notice

430

### Final Orders

Board orders resulting from disciplinary IFFs and prima facie case files

760

### Consent Orders

Voluntary, negotiated settlement agreements that bypass a disciplinary IFF and go directly to the board for ratification

# INSIGHTS

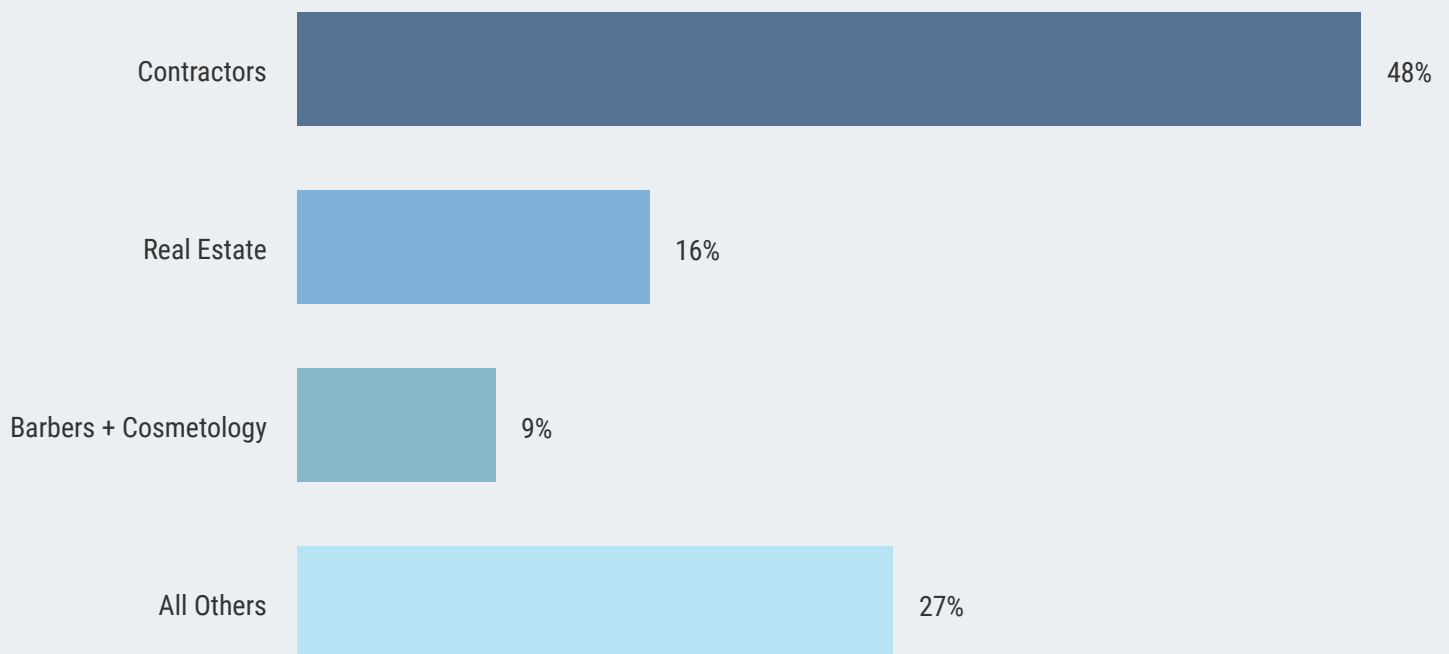
## Complaint Summary



● Disciplinary ● Unlicensed ● Fair Housing ● Other\*

\*Not all complaints received involve violations of laws or regulations under DPOR jurisdiction.

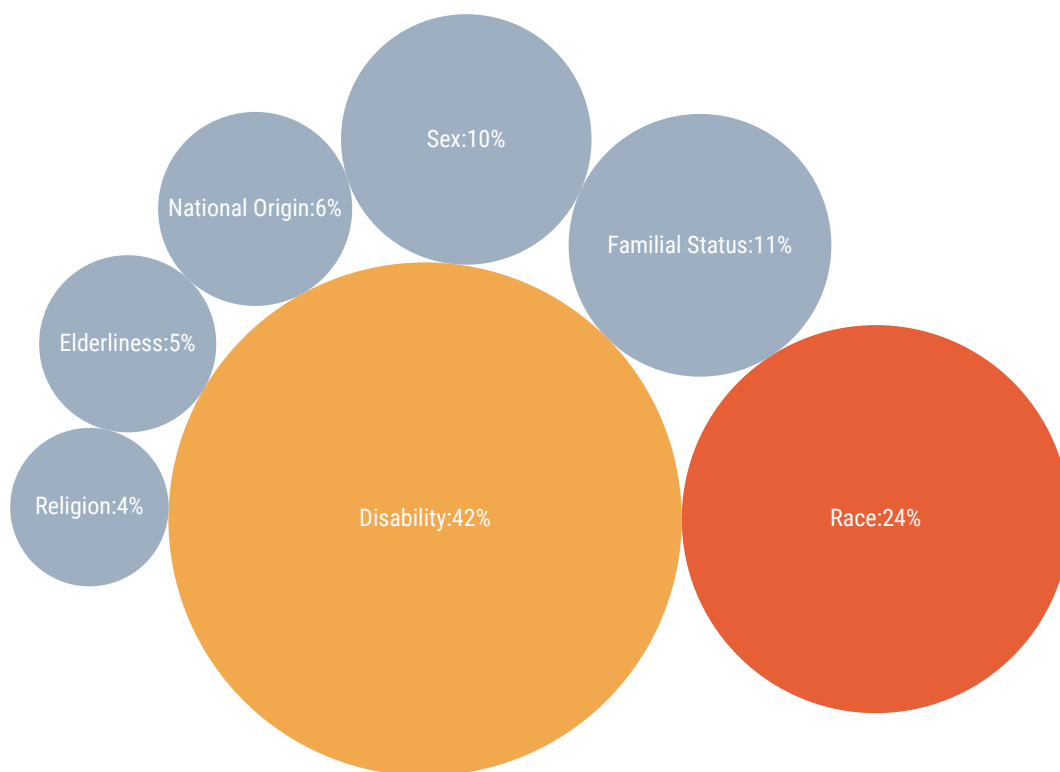
## DISCIPLINARY COMPLAINTS categorized by board



# INSIGHTS

## Fair Housing Complaints

### Fair Housing Complaints by Protected Class



\$304,200

Monetary relief to complainants

Settlement agreements also provided other relief, such as reasonable accommodations, and required respondents to complete fair housing training and update policies.

54

Board-ratified conciliation agreements



# INSIGHTS

## Complaint Resolution

DPOR cannot provide relief for individual consumers. Boards cannot make a licensee refund money or correct deficiencies, nor can they order other punishment. Unlicensed activity is a misdemeanor criminal offense.

Civil or criminal court is often a consumer's only recourse for private remedy. DPOR administers recovery funds for eligible consumers who are unable to collect on a judgment against a contractor or real estate licensee. We also work with local law enforcement and prosecutors to combat unlicensed activity and fraud.

### CONTRACTOR RECOVERY FUND

**\$1.77 million**      **137**

Dollar amount of claims paid

\$1.1 million in FY 2019  
\$661,200 in FY 2020

Number of claim payments

128 prima facie cases  
32 IFF conferences

### REAL ESTATE RECOVERY FUND

**\$54,800**      **4**

Dollar amount of claims paid

\$34,800 in FY 2019  
\$20,000 in FY 2020

Number of claim payments

4 prima facie cases  
0 IFF conferences

### UNLICENSED ACTIVITY

**\$335,100**      **209**

Court-ordered victim restitution  
in DPOR-assisted criminal  
prosecutions

Criminal warrants obtained by  
DPOR for unlicensed activity

# INSIGHTS

## Board Statistics

REGULATORY PROGRAM	REVENUES	EXPENDITURES	PUBLIC MEETINGS	EXAMINATIONS ADMINISTERED	COMPLAINTS RECEIVED	REGULANT POPULATION (06/30/20)
Architects, Professional Engineers, Land Surveyors, Certified Interior Designers & Landscape Architects	\$3,590,580	\$3,866,627	18	5,744	136	44,282
Asbestos, Lead & Home Inspectors	\$582,322	\$619,512	6	162	97	6,017
Auctioneers	\$83,730	\$125,186	4	95	33	1,363
Barbers & Cosmetology	\$6,714,442	\$7,673,740	17	13,597	571	74,628
Boxing, Martial Arts & Professional Wrestling	\$470,226	\$479,497	2	N/A	11	687
Branch Pilots	\$5,160	\$6,766	6	18	1	41
Cemetery	\$120,720	\$106,019	4	N/A	103	1,224
Common Interest Communities	\$1,361,340	\$1,584,265	10	N/A	453	7,563
Contractors	\$14,892,500	\$16,119,971	18	34,128	2,974	86,114
Fair Housing	\$59,370	\$59,370	7	N/A	558	1,947
Hearing Aid Specialists & Opticians	\$236,835	\$294,322	8	187	12	2,694
Polygraph Examiners	\$21,280	\$22,703	4	20	5	318
Professional Soil Scientists, Wetland Professionals & Geologists	\$90,090	\$123,551	5	109	0	1,170
Real Estate	\$8,311,394	\$10,202,195	27	39,667	970	73,236
Real Estate Appraisers	\$519,090	\$549,336	10	142	124	4,284
Waste Management Facility Operators	\$41,000	\$49,622	4	152	3	645
Waterworks, Wastewater Works Operators & Onsite Sewage System Professionals	\$439,616	\$580,895	14	1,530	84	5,784
<b>TOTALS</b>	<b>\$37,539,695</b>	<b>\$42,463,577</b>	<b>164</b>	<b>95,551</b>	<b>6,135</b>	<b>311,997</b>