

**Vermont Secretary of State
Office of Professional Regulation**

**Eighteenth Annual Report
on
Professional Licensing**

Published by:

Deborah L. Markowitz, Secretary of State

Thomas J. Lehner, Director

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A note to the reader:

The sunset law (26 V.S.A. §3106(a)) requires the Director of the Office of Professional Regulation to prepare a concise report on the activities of all regulatory programs supported by the Office. This is the Eighteenth Annual Report, providing information on 34 regulatory programs for 37 professions and occupations administered under the Secretary of State and for the fiscal year ending June 30, 1999. Comments and suggestions are welcome. Write or call the Director, Office of Professional Regulation, c/o Secretary of State, 109 State Street, Drawer 09, Montpelier, Vermont 05609-1106, (802) 828-2363 or e-mail to *tlehner@sec.state.vt.us*.

TABLE OF CONTENTS

Director's Report	1
Statutory Changes Adopted in FY99 Legislative Session	2
Statutory Revisions Identified in FY99 for Consideration in FY00	5
Review of Specific Activity of Professions	7

Appendices:

Appendix A: Receipts & Expenditures by Profession	i
Appendix B: Licensees By Profession	ii
Appendix C: Examination and New License/Registration Activity Data	iv
Appendix D: Analysis of Complaint Activity	vi
Appendix E: Graph of Complaint Activity	vii
Appendix F: Roster of Board/Commission/Advisor Members	viii

This report contains information regarding the following professions:

Accountancy	Nursing
Acupuncture	Nursing Home Administrators
Architects	Occupational Therapists
Athletic Trainers	Opticians
Auctioneer	Optometry
Barbers	Osteopathic Physicians and Surgeons
Boxing Control	Pharmacy
Chiropractic	Physical Therapists
Cosmetology	Private Investigative & Security Services
Dental Examiners	Psychoanalyst
Dietitians	Psychology
Professional Engineering	Psychotherapist, Non-licensed
Funeral Service	Radiologic Technology
Hearing Aid Dispensers	Real Estate Appraisers
Land Surveyors	Real Estate Commission
Marriage & Family Therapists	Social Workers, Clinical
Clinical Mental Health Counselors	Tattooists
Motor Vehicle Racing Commission	Veterinary
Naturopaths	

**Director's Report
Fiscal Year 1999**

This Director's Annual Report for the Office of Professional Regulation (OPR) covers Fiscal Year 1999 - July 1, 1998 through June 30, 1999. A series of tables and charts provides a detailed report on the activities, revenues, and expenditures for all regulatory programs administered under the jurisdiction of OPR. During FY 1999, 34 regulatory programs for 37 professions and occupations were supported and managed by this Office.

As in past years, the Vermonters who graciously volunteered their time in service as Board members or Advisors to the Director for administering these programs are to be congratulated and acknowledged. Their contribution of considerable time and effort to each of the 34 programs was crucial in meeting our goal for assuring and protecting the public by establishing and enforcing clear standards of professional conduct. For the second consecutive year, these volunteers and the staff of the Office of Professional Regulation are to be congratulated for their successful efforts toward timely processing of citizen complaints of unauthorized practice and unprofessional conduct. Through their efforts, the backlog of pending complaints was reduced by nearly 20 % this year, from 307 on July 1, 1998 to 246 on July 1, 1999. The average time to dispose of a case for the fiscal year was about 13.3 months.

We would be remiss not to acknowledge the important role of the Attorney General's Office in the effort to improve complaint processing. The establishment and performance of the General Counsel and Administrative Law Unit headed by Mike McShane and staffed by Bob Gagnon, Bill Ahlers, and Conrad Smith continues to be critical to the success of these efforts. With continuing level of cooperative and coordinated efforts of the Assistant Attorneys General, the Board members and Advisors, and the staff of OPR, we should realize continuing success in FY 2000.

The management and staff of OPR will continue to pursue opportunities for improvement in the quality and timeliness of its regulation of the professions. Budget initiatives for OPR for FY 2000 include: broader distribution of public information on the complaint process; implementation of regular random inspections of funeral services, pharmacy, and tattoo shops; pilot random inspections of barber shops, real estate offices and security guards and evaluations of radiologic technologists; board training in due process and ethics; integration and support of the medical practice program; initiation of an impaired professionals program; and improvements in the automated case tracking system utilized by the Office.

For their consultation and support of the professional regulation program, we would acknowledge and express our appreciation to the Secretary of State Deb Markowitz, Deputy Secretary David Grayck, the Office of the Attorney General, and Representative Jerry Kreitzer and Senator William Doyle who chair the respective Committees on Government Operations in the House and Senate. For their continuing commitment, energy and enthusiasm, the staff of OPR and, more particularly, Rita Knapp, Anita Ristau, Nancy Morin, Ted McKnight, and Ron West are to be recognized and commended.

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Respectfully submitted,

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Thomas J. Lehner, Director
Office of Professional Regulation

Statutory Changes Adopted in FY 99 Legislative Session

During the FY 99 Legislative Session, a number of proposals for statutory changes were discussed and adopted as part of the Office's annual review of professional regulation programs with the House and Senate Committees on Government Operations. That review resulted in passage of H. 532 as Act No. 52. It provided the following:

1. General Modifications

- For purposes of balancing the revenues from fees with the biennial costs of regulatory programs, all programs regulated by the director (to include boxing control for FY 2000) shall be treated as a group and the combined revenue from their fees must meet their total biennial costs. Revenue from professional licensing fees may be used only for purposes related to professional regulation.
- Licensing fees required to provide pro bono services may be waived by the licensing authority.
- The disciplinary authority shall provide the complainant with a copy of any proposed stipulation and notice of any stipulation review scheduled before the board. The complainant has a right to be heard at that review.
- In disciplinary proceedings, evidence of a victim's sexual history shall neither be subject to discovery nor be admitted into evidence. Neither opinion evidence nor evidence of reputation of the victim's sexual conduct shall be admitted.
- Confidential information related to professional regulation may be disclosed to the Secretary of State who shall be bound by the confidentiality provisions. Stipulations related to disciplinary proceedings shall be public when filed.
- Neither a board nor the director shall adopt rules defining unprofessional conduct unless specifically authorized by statute. The director of professional regulation shall review all grounds for unprofessional conduct in professional regulation rules and report to the House and Senate Committees on Government Operations by January 15, 2000 any appropriate recommendations for changes to address rules not currently authorized by statute.

2. Modifications of Specific Licensing Statutes

Statutes for seventeen professional regulatory programs were amended in the 1999 Legislative Session and included:

- Revisions of statutory definitions and accredited agent for examinations for **certified and registered accountants**.

- Revision of grounds for unprofessional conduct to include specific authority for acts previously covered by rules for **architects**.
- The addition of authority for the board of chiropractic to license **chiropractors** for application of ionizing radiation in lieu of the board of radiological technology. Revision of grounds for unprofessional conduct for chiropractors to include simple negligence instead of gross negligence.
- Repeal of reference to licensed apprentice for **embalmers** and inclusion of “employees” of licensed funeral establishments as **funeral directors**.
- Repeal of the requirement for biennial distribution of a roster for **professional engineers**.
- The addition of a biennial renewal requirement and inclusion of sexual harassment and engaging in sex with a patient as grounds for unprofessional conduct for **physical therapists**.
- Revision of statutory authority for regulation of **radiologic technology** by licensing authorities for chiropractors, medical doctors, osteopaths, and naturopaths. Addition of authority for the director of professional regulation to contract with the department of health for the conduct of competency evaluations for radiologic technologists.
- Addition of authority for the board to define by rule requirements for academic training for **psychologists**. Revision of provisions on licensing psychologists licensed in other jurisdictions and of provisions for unprofessional conduct changing the standard from gross negligence to simple negligence.
- Clarification of the authority for issuing 60-day temporary registration for **security guards and private detectives**.
- Addition of a continuing education requirement of 20 hours every two years for **clinical social workers**.
- Refinement of the language exempting pastoral counseling from regulation as **mental health counselors** and clarification of the grandfather provision for those enrolled in allied mental health degree programs on or before July 1, 1999.
- Revision of regulation of **marriage and family therapists** from certification to licensure.
- Refinement of the language exempting pastoral counselors from regulation as **psychotherapists** and repeal of the requirement that the psychotherapist member of the board vote in favor of any disciplinary actions taken against a psychotherapist respondent.
- Addition of the requirement that all **tattoo** shops be registered by the Office and that the practice of tattooing shall be permitted only in registered shops. The Director is also authorized to inspect

tattoo shops for compliance with requirements of statutes and rules.

- Addition of a biennial renewal requirement for **certified athletic trainers**.
- The extension of the sunset provision until July 1, 2000 for the **land surveyor** board to adopt by rule alternative measurement standards required by Act No. 77 of the 1997 Adjourned Session.
- Repeal of the sunset provision for regulation of **naturopathic physicians**.

In addition, the Legislature enacted Act No. 49 to adjust professional regulatory fees generally. Also, effective July 1, 1999, the Legislature transferred the responsibility for appointment of the Executive Director of the Medical Practice Board to the Secretary of State in Act No. 14 to assure adequate public oversight of the medical practice regulation program. The Office of Professional Regulation has been assigned the functions of supervising and supporting the Executive Director in meeting her responsibilities to the Board.

Statutory Revisions Identified in FY99 For Consideration in FY00

Accountants: Amend provisions regarding firm ownership to allow a minority ownership interest by non-licensees.

Architects: Add definitions of “intern” or “intern architect” and “responsible control.”

Athletic Trainers: Add provisions regarding temporary certification to allow for temporary practice at summer camp and seasonal school settings. Amend provisions to clarify the requirement that a patient must be free from underlying pathology, even when referred by a physician.

Barbers and Cosmetologists: Add authority to issue limited barbering licenses to qualified individuals incarcerated in State correctional facilities.

Boxing: Replace the current statutes with a new chapter deregulating amateur boxing and regulating professional boxing in a manner consistent with new federal mandates.

Chiropractic: Add authority to make rules relating to medical record keeping standards and release of medical records. Add unprofessional conduct item prohibiting “bait-and-switch” advertising. . . .

Dentists and Dental Hygienists: Amend statute pertaining to revocation of license for failure to pay fees by eliminating the eliminate requirement to pay back renewal fees prior to renewal. Clarify authority for Board to discipline dental assistants on grounds of unprofessional conduct as defined in Board rules.

Funeral Services: Amend statute relating to display of the three least expensive caskets displayed in funeral establishments by clarifying the types of caskets which must be physically displayed.

Land Surveyors: Amend Uniform Common Interest Ownership Act in Title 27A to clarify that architects, professional engineers, and land surveyors should practice only within their own disciplines and not engage in unlicensed practice of another profession.

Naturopathic Physicians: Add additional grounds of unprofessional conduct for abandoning a patient, gross overcharging, engaging in sexual conduct with a patient, entering into an additional relationship with a patient that might impair objectivity, and willful misrepresentation in treatment.

Nursing Home Administrators: Add statutory authority to implement and require an Administrator- in-Training program as a prerequisite to obtaining initial licensure as a Nursing Home Administrator.

Osteopathy: Add requirement that local medical director of managed care plan be licensed as an allopathic or osteopathic physician. Add special purpose license for practice of telemedicine.

Pharmacy: Amend reinstatement statute to eliminate requirement to pay renewal fees for years a license

has lapsed beyond five.

Private Investigator and Security Services: Add authority to charge applicants the additional processing costs of any illegible fingerprint cards and remove the authority to waive the Vermont exam for applicants currently licensed in another state.

Psychologists: Add professional ethics codes to unprofessional conduct statute.

Real Estate Appraisers: Eliminate the subsection limiting Board member terms to two consecutive three year terms.

Clinical Social Workers: Add additional grounds of unprofessional conduct relating to conflicts of interest.

Veterinary Medicine: Amend statute relating to renewal of license to require applicant to satisfy continuing education requirement prior to license renewal and to clarify that renewal fees will not be assessed for years during which a license was lapsed. Add violation of veterinarian-client-patient relationship as ground for disciplinary action.

Review of Specific Activity of Professions

During FY99 the **Office** adopted Rules relating to (1) preliminary sunrise review assessments for new professions seeking regulation, (2) procedures for the suspension of professional licenses for failure to comply with child support orders, and (3) regularizing processing disciplinary cases by revising its procedures for investigation and adjudicating complaints and by promulgating formal Administrative Rules of Practice.

The **Accountancy** Board is reviewing their laws and rules, generally, for conformity with the Uniform Accountancy Act and recent developments in the field.

Acupuncture Advisors are preparing to file proposed rules. The Office no longer administers the Comprehensive Written Exam (CWE). The exams are now administered through computer based testing.

The **Allied Mental Health Practitioners** Board is well into its second year and has accomplished much work towards licensing mental health counselors, marriage and family therapists, and psychotherapists. The Board continues to make progress in conforming its polices to national standards. The Board recommended and the Legislature adopted changes to the fees for Marriage and Family Therapists applications, and the biennial renewal. The Psychotherapy and Mental Health Counselor laws were amended to further clarify the pastoral counseling exemption.

The **Architect** Board adopted new rules, adding 24 professional continuing education credits as a condition of renewal beginning in 2001. Beginning in 2002, all applicants applying for initial licensure will need to complete an Intern Development Program (IDP).

The Board of **Barbers and Cosmetologists** spent the year implementing the new rules governing the professions of barbers and cosmetologists which became effective on August 10, 1998. At the request of the Department of Corrections, the Board is proposing legislation that would allow the issuance of a limited barbering license to any person incarcerated in a state correctional facility who completes a course of training in cutting, shampooing and styling hair of not less than 10 hours, while under the direct personal supervision of a barber licensed by the Board.

The **Boxing Commission** program was reviewed to assess the necessity for continuing regulation of amateur boxing. Proposed legislation will be drafted and submitted by the Office of Professional Legislation to deregulate amateur boxing.

The **Chiropractic** Board is preparing to implement Radiologic Technology Safety and Practice Act changes adopted by the Legislature. Throughout the year, the Board has worked on drafting the rules to be incorporated into the chiropractic requirements for licensure.

This year the **Dental Examiners** Board recommended adjustments to fees paid by dentists, dental

hygienists, and dental assistants. The Board spent the year administering jurisprudence exams and interviewing new applicants who met the requirements for licensure. Much time was spent in discussions concerning the requirements for active practice in order to renew a dental or dental hygiene license. The Board voted unanimously to initiate rule change to accept the clinical portion of NERB (Northeast Regional Board), CREDTS (Central Regional Dental Testing Service), WREB, (Western Regional Examining Board) and SERTA (Southern Regional Testing Agency) and require, in addition, the written portion of NERB for dentists who complete CREDTS, WREB and SERTA for dental licensure. The Board reviewed its decision made in August of 1997 regarding whether a traditional dental assistant could perform clinically reversible intraoral procedures under the direct supervision of a licensed dentist and whether it was within the scope of duties of a traditional dental assistant to perform coronal polishing and/or occlusal sealants while under the direct supervision of a licensed dentist.. The Board concluded that: a) The performance of any intraoral task by a dental assistant shall be under the direct supervision of a dentist. The dentist should be on the premises but not necessarily in the room with the assistant; and b) The Board's interpretation of the laws and rules is that coronal polishing and placement of sealants is within the scope of duties which a dentist may assign to traditional dental assistants and certified dental assistants. The Board makes a distinction between coronal polishing and oral prophylaxis as defined by CDT II.

The **Dietitian** Advisors did not meet this year since there were no issues that needed to be discussed. The Advisors were notified by the Commission on Dietetic Registration that the national examination for dietitians would be a computerized examination by the year 2000.

The **Professional Engineering** Board worked on several policies to clarify its procedures and requirements. The Board implemented its legislative changes effective July 1, 1998 that changed methods of application, and entered the rulemaking process.

The **Funeral Service** Board spent considerable time reviewing the statutes and rules relating to the profession. No significant changes are planned at this time. Renewal fees were increased for Funeral Directors and Embalmers from \$160.00 to \$225.00. The renewal fee for Funeral Establishments was increased from \$325.00 to \$400.00. Richard Klofach completed his second biennial inspection of funeral establishments. The Board noted significant improvement from the first inspections in 1997.

The **Hearing Aid Dispenser** Advisors are still reviewing their laws and rules prior to recommending statutory changes that would more adequately protect the public and set clearer and stronger guidelines for hearing aid dispensers.

The Board of **Land Surveyors** completed an extensive review and rewrite of the rules governing land surveyors, with input from many licensees. Renewal fees were raised from \$145.00 to \$225.00. The Board audited continuing education on 10% of the renewals and found 34 of 39 were in compliance. A large amount of time and effort went into development of a new Data Bank of Questions for the Vermont Land Surveyor Examination.

The **Motor Vehicle Racing** Commission began implementing the new rules governing motor vehicle racing that went into effect on May 15, 1999. These revisions included rules for fire fighting equipment, a

definition for trained fire fighters, and what trained fire fighters must wear at all races. The rules also set stricter guidelines for fencing and barriers used at demolition derbies.

The **Naturopathic** Advisors worked with the Commissioner of the Department of Health to adopt a formulary for Naturopathic Physicians. The Advisors continue to work on rules for Naturopathic Physicians.

The Board of **Nursing**, the largest regulatory program administered under the Secretary of State, is responsible for regulating, through licensure and endorsement, registered nurses (RNs), practical nurses (LPNs), advance practice nurses (APRNs) and nursing assistants (LNAs). The Nursing Board continues to be responsible, under contract with the Department of Aging and Disabilities, for maintaining a nursing assistant registry and approving all nursing assistant education programs on a biennial basis.

The Board surveyed the Associate Degree Nursing Program at Norwich University and granted conditional approval for one year with a progress report due in October, 1999. Norwich University is in the process of phasing out the Associate Degree program. The Board also surveyed the Associate Degree Nursing Program at Vermont Technical College and granted approval for 2 years with an interim report due in October 2000.

The Associate Degree Nursing Program at Castleton State College was fully approved for an eight year period. The Board also surveyed the practical nurse program at Vermont Technical College and its satellites at Thompson School in Brattleboro, Fanny Allen School in Winooski and Putnam School in Bennington. The school was granted an 8 year approval.

The practice of nursing is continually evolving and requires interpretation of the nursing laws and rules. This year an Advisory opinion was issued on the integration of holistic health into nursing practice. The licensure and disciplinary data is presently being programmed to comply with the federal act which established the Health Care Integrity and Protection Data Bank (HIPDB) and to comply with the Board's commitment with NCSBN to participate in the electronic verification process for licensure.

The Board of Examiners for **Nursing Home Administrators** regulates the practice of Nursing Home Administrators and is responsible for the administration of a state exam as well as approval of applications submitted for CEU credit.

This year the Board has been engaged in the development of a new state exam that will result in a change of format, that from oral to written. The Board's goal is to have this exam implemented by the year 2000. Additionally, the Board has been reviewing the "Administrator In Training" requirements employed by various states prior to licensure and is moving towards recommending similar requirements in Vermont. Increases in renewal and applications fees met with legislative approval and have been implemented. The National Association of Boards of Examiners for Nursing Home Administrators will be implementing computer based testing beginning in January of 2000.

The **Occupational Therapy** Advisors worked to define supervision standards for applicants.

The **Opticians** Board met quarterly during the year to review licensing applications and complaints. The **Optometry** Board met once during the fiscal year, licensed five new optometrists, and is currently working on revisions to the rules.

The **Osteopathic Physicians and Surgeons** began the process of filing proposed rules. The Board's current rules were promulgated before the Board's new practice act and the rules need to be updated.

The **Pharmacy** Board spent a great deal of time working on drafting changes to its rules. The rules have not been amended since December 1992 and many changes have taken place since then. The Board is utilizing the Model Rule from the National Association of Boards of Pharmacy in hopes to become current with some of the changes, e.g., Internet pharmacy, mail order pharmacies, and so on.

In April 1999 the Board required the Multistate Pharmacy Jurisprudence Examination (MPJE), a computer-adaptive examination. This examination is required of all applicants, whether they are applying on the basis of examination or endorsement. The results have been very favorable thus far.

The **Physical Therapy** advisors spent a substantial amount of time reviewing applications for licensure submitted by applicants with foreign degrees. A major change to 26 V.S.A. § 2085(b) required the Director of Professional Regulation to identify by rule the physical therapy services that may only be performed by, and are the sole responsibility of, the supervising physical therapist. Rule 3.4 clarifies supervision standards for assistive personnel other than physical therapist assistants. These rules became effective September 1, 1998.

The **Private Investigative** Board spent the year implementing newly adopted rules. The Board has also been reviewing the procedures for approving or denying applicants who have criminal records. Considerable Board time is spent reviewing these applications because public safety is a major issue when registering or licensing an applicant with a criminal record.

The **Psychoanalyst** issued 13 new certifications.

The Board of **Psychological Examiners** is in the process of revising its rules to recognize the Certificate of Professional Qualifications (CPQ) Program as an avenue for licensure by endorsement. The Board hosted a reception for the Association of State and Provincial Psychology Boards (ASPPB), and the examination committee.

The **Radiologic Technology** Board worked diligently with the Board of Chiropractic to exempt chiropractors from the Board's requirement to obtain ionizing privileges as an endorsement on their license. Mutually agreeable legislation was drafted and approved that exempted them from obtaining ionizing privileges, renewal, inspection, provided that their practice act and rules promulgated thereunder make provision for radiation therapy and proper radiation practices determined in concert with the Board, from inspection, and from renewing those privileges. This exemption requires the Chiropractic Board to ensure safe radiographic practices.

Discussions took place with the Office of Professional Regulation and the Vermont Department of Health regarding inspection/evaluation of facilities. The Board is addressing its concerns with new equipment, such as Bone Densitometers. The Board sent its first Newsletter with renewals in May of 1999 indicating the proposed changes to the laws and informed licensees of the Board's Web page shared with other boards at the Office of Professional Regulation.

The Board of **Real Estate Appraisers** discussed Distance Education (Internet) courses for continuing education at a number of meetings. Each course is to be reviewed individually. Total required continuing education hours will be 28 for the 2001 renewal. The practice of unlicensed and unregistered assistant appraisers was discussed at length. The Board is considering ways to increase the status and use of trainee registration.

The **Real Estate Commission** updated the Agency Disclosure Form, at Appendix D, of the Commission Laws and Rules. Distance Education courses were approved for continuing education, provided the course is certified by the Association of Real Estate Licensing Law Officials (ARELLO). The number of Distance Education courses was limited to two hours for salespersons and four hours for brokers. A representative from PSI Exam Services reviewed the changes to the new Uniform Examination with the Commission. The Commission supported legislation, with some amendments, sponsored by the Vermont Association of Realtors requiring Seller Disclosure and Property Disclosure. A licensing agreement with the New Hampshire Real Estate Commission was approved. Newsletters were sent out in the Fall of 1998 and the Spring of 1999.

Social Work Advisors began work on drafting rules for the continuing education requirements as a condition of renewal. Licensees will be required to complete twenty hours of continuing education each biennium with reporting in 2002 for the biennium beginning February 1, 2000.

Legislative authority was established for inspections of **tattooist** shops during the last legislative session. Tattooist were sent shop applications and notified that their shops would need to be inspected.

The **Veterinary** Board worked to obtain the statutory authority for continuing education credits, then entered the rulemaking process. The Board sent its first Newsletter with renewals in May of 1999 indicating the changes to the laws and rules that require continuing education credits and other changes. The Newsletter also informed licensees of the Board's Web page shared with other boards at the Office of Professional Regulation.

APPENDIX A: RECEIPTS AND EXPENDITURES BY PROFESSION								
for Fiscal Years 1996 through 1999								
Profession	Fiscal Year 96		Fiscal Year 97		Fiscal Year 98		Fiscal Year 99	
	Receipts	Expenditures	Receipts	Expenditures	Receipts	Expenditures	Receipts	Expenditures
Acupuncture	9,245	7,540	1,365	7,700	8,580	10,027	1,922	10,705
Athletic Trainers	NR	NR	NR	NR	NR	NR	5,600	7,100
Dietitian	15,280	8,428	3,725	6,803	4,266	10,195	7,095	10,046
Hearing Aid	10,915	12,972	1,425	13,056	8,920	12,028	1,325	12,985
Naturopathic Physician	NR	NR	21,600	5,989	(6,680)	7,169	7,065	7,804
Occupational Therapy	38,535	9,463	15,521	9,487	21,571	12,051	17,034	12,974
Physical Therapy	16,546	26,401	44,549	31,277	8,623	32,324	120,860	32,552
Psychoanalyst	11,502	9,730	64,365	8,144	1,405	12,184	13,060	11,732
Social Workers	41,525	25,971	3,430	22,681	69,010	26,436	6,100	27,323
Tattooist	NR	NR	680	4,893	1,615	6,841	4,465	7,536
Subtotal -Advisor Groups	143,548	100,505	156,660	110,030	117,310	129,255	184,526	140,757
Accountancy	3,536	43,635	140,142	36,663	6,065	39,262	15,610	40,039
Architect	12,147	34,550	61,890	37,239	4,375	39,668	55,330	37,967
Auctioneer	1,925	24,164	20,279	22,617	2,765	24,718	32,511	26,478
Barber	6,215	8,752	18,028	12,274	*	*	*	*
Boxing	2,664	2,052	996	1,953	1,890	1,273	1,277	1,454
Chiropractic	2,990	27,581	50,516	21,299	2,200	25,825	42,235	24,975
Cosmetology	126,442	93,919	29,875	93,809	172,303	119,704	27,775	117,480
Dental	92,126	64,122	8,801	70,079	93,355	67,934	4,615	66,800
Engineer	53,883	89,281	89,031	97,240	12,273	99,834	207,615	92,297
Funeral Service	39,010	32,519	3,134	45,639	66,414	35,045	42,194	47,958
Land Surveyor	3,406	35,375	45,952	31,862	2,345	26,734	44,673	29,919
Marriage & Family	735	3,120	5,520	2,360	*	*	*	*
Mental Health Counselor	3,770	22,125	55,200	21,498	10,305	67,088	102,602	51,088
Motor Vehicle Racing	4,350	5,210	3,885	2,071	9,025	6,764	3,100	3,935
Nursing	178,860	291,604	614,377	430,554	276,427	442,423	666,500	455,786
Nursing Home Admin	13,925	15,292	1,975	12,591	25,510	14,412	460	13,302
Optician	775	11,733	24,642	9,303	1,605	12,156	28,768	13,127
Optometry	1,170	10,304	21,085	8,724	5,410	11,762	32,855	12,465
Osteopath	2,510	17,886	23,812	12,860	2,555	16,057	32,735	17,217
Pharmacy	119,305	74,298	55,595	60,779	102,474	68,186	45,905	71,347
Private Detective	13,660	41,652	64,700	35,315	21,570	38,527	70,665	44,086
Psychology	111,639	56,844	4,312	62,060	140,156	67,931	6,353	59,126
Psychotherapist	4,215	11,415	33,025	11,497	*	*	*	*
Radiologic Tech.	7,440	19,114	42,005	20,851	5,476	22,711	48,494	23,460
Real Estate Appraiser	(8,754)	27,124	75,940	21,894	(1,840)	20,549	66,994	21,707
Real Estate Comm.	493,162	215,627	56,113	199,383	359,505	164,069	113,195	172,617
Veterinary	9,205	33,971	95,878	38,178	13,332	31,166	88,564	30,566
Subtotal - Boards/Comm.	1,300,311	1,313,269	1,646,708	1,420,592	1,335,495	1,463,798	1,781,025	1,475,196
GRAND TOTAL	1,443,859	1,413,774	1,803,368	1,530,622	1,452,805	1,593,053	1,965,551	1,615,953

NR = Not Regulated * = Barbers & Cosmetology were merged into a single board, as was Marriage & Family Therapy, Psychotherapy & Mental Health Counselors.

APPENDIX B: LICENSEES BY PROFESSION						
As of July 1, 1999						
Profession	Resident	Non-Resident	Total FY99	Total FY98	Total FY97	Total FY96
Accountancy						
CPA's	686	278	964	905	835	778
RPA's	15	0	15	25	15	17
Firms	110	181	291	286	272	334
Acupuncturist						
Registered	18	6	24	24	56	43
Licensed	42	17	59	48	34	34
Architects	275	751	1,026	1,092	1,003	1,092
Athletic Trainers	56	0	56	NR	NR	NR
Auctioneers	198	119	317	384	352	412
Barbers						
Masters	184	8	192	206	198	206
Apprentices	*	*	*	16	28	28
Shops	92	0	92	95	97	102
Boxing	1	0	1	1	1	2
Chiropractic	132	90	222	265	244	270
Cosmetology						
Cosmetologists	2,759	288	3,047	2,890	3,152	2,912
Shops	736	0	736	689	911	820
Schools	6	0	6	4	5	5
Manicurists	117	20	37	90	81	51
Estheticians	19	6	25	18	31	17
Dental						
Dentists	364	205	569	555	556	530
Hygienists	465	133	598	586	612	576
Assistants - Certified	53	2	55	52	55	50
Assistants - Traditional	381	22	403	379	384	309
Assistants - Trainee	23	4	27	46	54	26
Dietitians	82	4	86	79	89	107
Engineers						
Professional Engineers	780	2,519	3,299	2,894	3,425	3,567
Engineering Interns	517	491	1,008	986	794	704
Funeral						
Funeral Directors	145	19	164	157	176	166
Establishments	36	31	67	66	69	69
Embalmers	108	15	123	123	147	146
Hearing Aid Dispensers	59	12	71	64	65	56
Land Surveyors	177	96	273	299	292	382
Marriage & Family Therapists	15	0	15	17	10	10
Mental Health Counselor, Clinical	315	25	340	339	277	232
Motor Vehicle Racing	11	1	12	11	7	8
Naturopathic Physician	15	30	45	24	11	NR
Nursing						
RN's	5,612	1,459	7,071	7,388	6,720	7,411
LPN's	1,783	343	2,136	1,986	2,157	1,991
Nurse Assistants	3,773	418	4,191	5,446	4,399	4,924
Nurse Practitioner	337	72	409	416	353	346
Nursing Home Administrator	73	25	98	90	118	107
Occupational Therapy						
Occupational Therapists	153	63	216	172	186	168
Occupational Therapist Assistants	43	18	61	43	40	34

APPENDIX B: LICENSEES BY PROFESSION						
As of July 1, 1999						
Profession	Resident	Non-Resident	Total FY99	Total FY98	Total FY97	Total FY96
Opticians						
Opticians	76	19	95	66	89	91
Optician Trainee	28	2	30	21	30	46
Optometry	77	29	106	110	100	93
Osteopathy						
Osteopaths	38	66	104	115	100	93
Limited Temporary	2	-	2	3	3	3
Pharmacy						
Pharmacists	392	439	831	782	789	738
Institutional Drug Outlet	--	--	--	4	-	4
Institutional Pharmacy	17	-	17	17	17	18
Retail Pharmacy	138	-	138	135	136	137
Wholesale Drug Outlet	3	336	339	286	274	243
Drug Research Programs	4	-	4	4	4	4
Physical Therapy						
Physical Therapists	495	262	757	947	846	832
Physical Therapists Assistants	73	73	146	185	165	169
Private Detectives						
Private Detective Agency	10	48	58	61	53	55
Security Guard Agency	13	1	14	24	18	17
Combination Agency	2	29	31	37	32	36
Guard/Detective Employees	95	1,081	1,176	1,139	648	864
Psychoanalysts	13	100	113	123	113	158
Psychology						
Psychologist - M.A.	208	12	220	215	203	193
Psychologist - Ph.D.	261	75	336	315	333	307
Psychotherapists	265	10	275	491	437	215
Radiologic Technology						
Radiography	367	59	426	449	397	447
Radiation Therapy	19	3	22	19	15	16
Nuclear Medicine	31	6	37	41	35	44
Limited Licensure	15	--	15	18	18	27
Real Estate Appraisers						
State Licensed	40	2	42	45	37	41
Certified Residential	87	13	100	112	108	133
Certified General	79	31	118	127	117	130
Real Estate						
Brokers	1,318	142	1,460	1,410	1,714	1,635
Salespersons	891	64	955	883	1,049	1,007
Offices	364	33	397	391	419	392
Clinical Social Workers	489	103	592	539	507	440
Tattooist	31	6	37	49	24	NR
Veterinarians	245	221	466	551	477	540
TOTALS	26,952	11,036	37,906	38,970	37,618	38,306

NR = not regulated

* Regulation Repealed 6/30/97

APPENDIX C: EXAMINATION AND NEW LICENSE/REGISTRATION ACTIVITY DATA
July 1, 1998 - June 30, 1999

Type of License	# Taking Exam	# Passing	Percent Pass Rate	Newly Licensed* by Examination	Newly Licensed* by Endorsement	Registered
Accountancy						
CPA	**	**	**	27	32	-
RPA	**	**	**	-	-	--
Firms	n/a	n/a	n/a	-	-	8
Acupuncturist						
Registered	--	--	--	-	-	-
Licensed	8	2	25	4	58	--
Architect				9	59	--
Athletic Trainers	**	**	**	56	-	--
Auctioneers	n/a	n/a	n/a			
Barber						
Master	**	**	**	3	-	-
Apprentice	n/a	n/a	n/a	****	****	****
Shops	n/a	n/a	n/a	-	-	3
Chiropractic	**	**	**	20	-	--
Cosmetology						
Cosmetologist	**	**	**	70	40	-
Esthetician	**	**	**	2	5	-
Manicurist	**	**	**	30	16	-
Shop	n/a	n/a	n/a			
Schools	n/a	n/a	n/a			
Dental						
Dentist	24	24	100	18	--	--
Hygienist	37	37	100	6	--	--
Assistants-Certified	n/a	n/a	n/a	--	--	--
Assistant-Traditional	n/a	n/a	n/a	--	--	--
Assistants - Trainee	n/a	n/a	n/a	--	--	--
Dietitians	**	**	**	6	1	--
Engineers						
Engineers	71	47	66	42	126	-
Engineer Intern	117	73	62	73	--	--
Funeral Service						
Director	5	5	100	5	4	-
Embalmers	1	1	100	1	-	-
Establishment	n/a	n/a	n/a			
Hearing Aid Dispenser	5	5	100	5	-	--
Land Surveyor	5	2	40	4	1	--
Marriage & Family Therapist	3	3	100	2	-	--
Mental Health Counselor	124	101	81	38	-	--
Motor Vehicle Racing						
Naturopathic Physician	18	12	53	22	2	--
Nursing						
RN's	120	93	97	253	489	--
LPN's	84	81	96	70	58	--
LNA's	756	668	88	715	121	--
Nursing Home Admin.	3	3	100	3	1	--
Occupational Therapy						
Occupational Therapist	**	**	**	16	23	-
Occupational Therapy Assistant	**	**	**	8	8	--

APPENDIX C: EXAMINATION AND NEW LICENSE/REGISTRATION ACTIVITY DATA						
July 1, 1998 - June 30, 1999						
Type of License	# Taking Exam	# Passing	Percent Pass Rate	Newly Licensed* by Examination	Newly Licensed* by Endorsement	Registered
Optician						
Optician	**	**	**	11	8	--
Optician Trainee	n/a	n/a	n/a	--	--	--
Optometry	-	-	-	2	2	--
Osteopaths						
Osteopath	-	-	-	1	8	--
Limited Temporary	n/a	n/a	n/a	--	--	--
Pharmacy						
Pharmacists	16	12	75	22	29	--
Institutional Outlet	n/a	n/a	n/a	--	--	--
Institutional Pharmacy	n/a	n/a	n/a	--	--	--
Retail Pharmacy	n/a	n/a	n/a	--	--	--
Wholesale Drug	n/a	n/a	n/a	--	--	16
Drug Research	n/a	n/a	n/a	--	--	65
Physical Therapy						
Physical Therapist	42	13	31	30	41	--
Physical Therapy Assistant	9	3	33	9	9	--
Private Detective						
Detective Agency	8	8	100	8	--	--
Security Agency	2	2	100	2	--	--
Combination Agency	5	5	100	5	--	--
Guard/Detective Employee	n/a	n/a	n/a	--	--	559
Psychoanalyst	n/a	n/a	n/a	--	13	--
Psychology						
Doctorate	14	6	43	5	9	--
Master	13	7	54	7	1	--
Psychotherapist, Non-licensed	n/a	n/a	n/a	--	--	--
Radiologic Technology						
Radiography	**	**	**	15	51	--
Radiation Therapy	**	**	**	1	7	--
Nuclear Medicine	**	**	**	--	4	--
Limited Licensure	-	-	-	--	--	--
Real Estate Appraiser						
State Licensed	2	2	100	2	--	--
Cert. Residential	--	--	--	--	1	--
Cert. General	1	1	100	1	4	--
Real Estate						
Brokers	99	72	73	18	13	--
Salespersons	496	292	59	104	22	--
Offices	n/a	n/a	n/a			
Social Worker, Clinical	17	16	94	23	28	--
Tattooist	n/a	n/a	n/a			
Veterinary	**	**	**	15	14	--
TOTALS	2,105	1,596		1,789	1,308	651

* The term "licensed" is used to reference persons who received either licenses or certification, as is variously required by regulated professions.

** These professionals have a national exam; the Office of Professional Regulation is not involved in its administration.

*** As of 7/1/97 the Registration provision was repealed, all acupuncturists must apply to be licensed

**** Regulation Repealed 6/30/97

-- Denotes no exam activity for fiscal year

n/a Denotes no exam required

APPENDIX D:

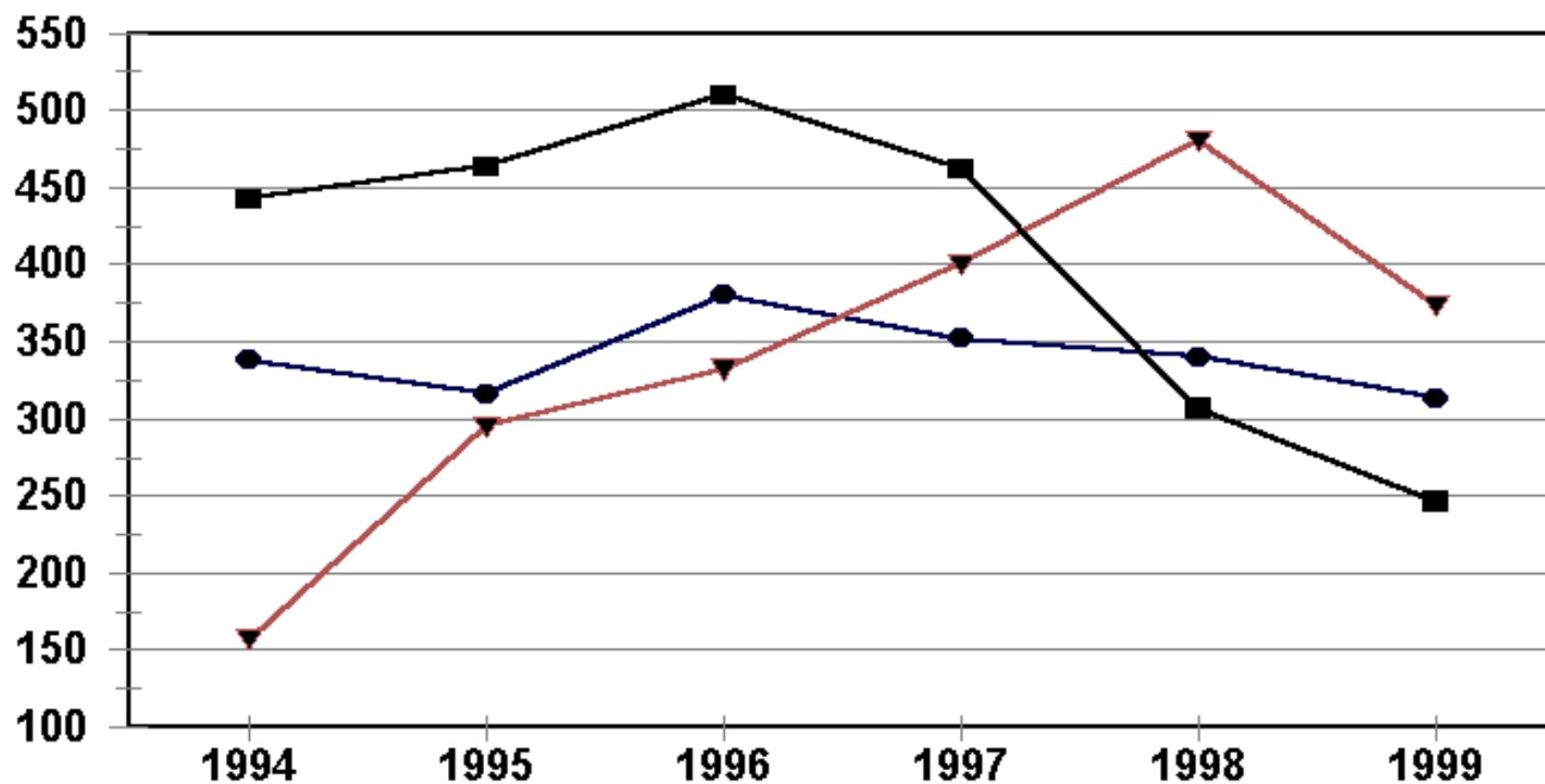
ANALYSIS OF COMPLAINT ACTIVITY*
for Fiscal Years 1994 through 1998

Profession	# Open Cases at the Beginning of Fiscal Year							# New Cases Received During the Fiscal Year						# Cases Closed without Disciplinary Action						# Cases Closed With Disciplinary Action					
	1994	1995	1996	1997	1998	1999	2000	1994	1995	1996	1997	1998	1999	1994	1995	1996	1997	1998	1999	1994	1995	1996	1997	1998	1999
Accountancy	9	16	16	7	5	4	1	8	8	4	3	3	2	1	6	7	4	4	5	--	2	6	1	--	--
Acupuncture	--	--	--	--	1	--	--	--	--	--	1	--	--	--	--	--	--	1	--	--	--	--	--	--	--
Architect	3	10	10	7	8	3	--	9	3	2	2	--	--	2	1	5	--	5	3	--	2	--	1	--	--
Athletic Trainers	NR	NR	NR	NR	NR	NR	--	NR	NR	NR	NR	NR	--	NR	NR	NR	NR	NR	--	NR	NR	NR	NR	NR	--
Auctioneer	12	19	15	11	7	1	3	9	8	4	2	5	7	--	6	4	4	8	3	2	6	4	2	1	2
Barber	--	--	--	2	3	1	--	--	--	2	1	1	--	--	--	--	--	3	1	--	--	--	--	--	--
Boxing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Chiropractic	11	17	15	12	14	8	5	7	7	8	5	4	6	--	7	9	3	9	5	1	2	2	--	1	4
Cosmetology	7	14	9	16	9	9	4	7	4	11	1	8	8	--	7	2	6	7	13	--	2	2	2	1	--
Dental	14	15	23	30	31	26	21	28	24	30	29	17	15	23	15	21	26	17	16	4	1	2	2	5	4
Dietitian	NR	--	--	--	--	--	--	NR	--	--	--	--	--	--	--	--	--	--	--	NR	--	--	--	--	--
Engineer	9	17	13	18	20	15	7	10	5	6	6	7	2	1	7	1	4	6	10	1	2	--	--	3	--
Funeral Service	--	8	11	9	15	5	7	8	7	5	12	3	9	--	3	6	6	12	5	--	1	1	--	1	2
Hearing Aid	19	27	22	22	5	--	2	8	6	1	1	2	4	--	--	1	18	7	2	--	11	--	--	--	--
Land Surveyor	2	8	14	11	10	6	8	7	14	7	13	5	8	--	7	8	10	7	4	1	1	2	4	2	2
Marriage & Family	NR	--	--	--	1	1	1	NR	--	1	1	--	1	--	--	1	--	--	1	NR	--	--	--	--	--
Mental Health Coun.	1	5	3	9	11	10	3	4	2	8	3	5	2	--	4	2	1	6	6	--	--	--	--	--	3
Motor Vehicle	--	--	--	--	--	--	--	3	--	--	--	--	--	3	--	--	--	--	--	--	--	--	--	--	--
Naturopathic Phy.	NR	NR	NR	--	3	--	1	NR	NR	NR	3	--	1	NR	NR	NR	--	3	--	NR	NR	NR	--	--	--
Nursing	103	116	123	142	152	91	73	56	70	128	151	146	127	21	30	48	88	112	61	22	33	61	53	88	84
Nursing Home Adm.	--	2	7	8	5	4	5	2	5	1	--	2	4	--	--	--	3	1	1	--	--	--	--	1	2
Occupational Ther.	NR	--	--	1	1	--	--	NR	--	1	--	--	--	NR	--	--	--	1	--	NR	--	--	--	--	--
Optician	--	2	1	1	1	2	--	2	1	--	2	2	1	--	2	--	2	1	2	--	--	--	--	--	1
Optometry	7	6	1	1	1	2	4	2	1	1	--	2	4	--	6	1	--	--	1	3	--	--	--	1	1
Osteopath	3	10	12	6	6	2	3	7	4	2	4	4	4	--	1	8	3	8	3	--	1	--	1	--	--
Pharmacy	5	18	21	18	14	16	8	16	16	9	10	18	9	--	9	7	9	17	10	3	4	5	5	1	7
Physical Therapy	2	2	2	3	2	--	3	--	1	2	2	--	4	--	1	1	2	2	1	--	--	--	1	--	--
Private Detective	--	3	10	17	20	16	10	5	17	18	7	9	11	--	6	6	3	11	10	2	4	5	1	2	7
Psychoanalyst	NR	--	--	--	--	--	--	NR	--	--	--	--	--	--	--	--	--	--	--	NR	--	--	--	--	--
Psychology	NA	20	18	28	17	21	14	23	13	25	6	15	12	--	12	10	15	11	16	2	3	5	2	--	3
Psychotherapist	NR	--	1	3	3	6	2	NR	1	2	2	5	3	--	--	--	1	2	5	NR	--	--	1	--	2
Radiologic Tech.	--	--	--	2	2	1	--	--	--	2	1	4	--	--	--	--	1	4	--	--	--	--	--	1	1
Real Estate Appr.	4	23	16	13	12	5	4	24	9	8	2	1	6	3	15	11	2	8	6	2	1	--	1	1	1
Real Estate Comm.	47	71	83	85	60	38	48	78	69	73	66	58	50	41	50	60	77	60	32	13	7	11	14	18	8
Social Workers	--	4	4	11	8	7	4	5	9	8	2	8	5	--	7	1	3	6	6	1	2	--	2	1	2
Tattooist	NR	NR	NR	--	2	2	1	NR	NR	NR	2	1	3	NR	NR	NR	--	1	4	NR	NR	NR	--	--	--
Veterinary	4	9	13	17	13	5	4	10	12	11	12	5	5	1	6	5	14	11	5	4	2	2	2	1	1
TOTAL	262	442	463	510	462	307	246	338	316	380	352	340	313	96	208	225	305	351	237	61	87	108	95	129	137

FY 94 & 95 is Estimated Data NR = Not a Regulated profession at that time NA = Not Available

*includes both disciplinary and unauthorized practice cases

Appendix E: Complaint Activity



- New Cases Received During Fiscal Year
- ▼ Cases Closed During Fiscal Year
- Cases Pending at End of Fiscal Year

APPENDIX F: ROSTER OF BOARD/COMMISSION/ADVISOR MEMBERS

As of June 30, 1999

Board of Public Accountancy

William Fisk, Chair
Sherry M. Prehoda
Francine Chittenden, Public Member

David Fielding, Secretary
Gilles Messier

Acupuncture Advisors

Glynn Pellagrino

Alexander Johnston

Board of Architects

Frank Guillot, Chair
Rebecca Arnold
Christopher Liddle
Jack Anderson

Jay Ancel, Secretary
Michael Ertel
Janet Stackpole

Athletic Trainer Advisors

Leo LaBonte

Denise Alosa

Board of Barbers and Cosmetology

Philippa Maloney, Chair
Madeline Roy

Rudy Loyola, Vice-Chair
Alfonso Sorrentino

Boxing Control Commission

Bernard Cummings, Chair
Richard Bernstein

Ernest Dague

Board of Chiropractic

Julia McDaniel, DC, President
Vernon Temple, DC, Vice-president

John Pizzo, DC
Sylvia Jarvis Smith

Board of Dental Examiners

Louis Beaudette, D.M.D., Chairperson
David Averill, DDS
Miriam Lane Findeisen, RDH
Susan Shouldice

Katherine Silloway, D.D.S.
James Wright, D.D.S.
Elaine McLain, D.M.D.

Dietitians Advisors

Priscilla Roberts Carpenter

Diane S. Holme

Board of Professional Engineering

Lance Llewellyn, P.E., Chairperson
Colin B. Taylor, P.E., Secretary

Wendy B. Pelletier, P.E.

Board of Funeral Service

James Kavanagh, Chairperson
William J. Hurley, Jr.
Gertrude Hodge

Paul Guare
Reino Kalinen

Hearing Aid Dispensers Advisors

Robert Fagelson
Sandra Duncan Farnum

David Charnock

Board of Land Surveyors

Patricia H. Meredith, LS, Chair
Cindy L. Bigelow-Lindemann, LS, Vice-Chair
Larry Walter

Ronald E. Gauthier, LS
Robert C. Krebs, LS
Michael W. Jones

APPENDIX F: ROSTER OF BOARD/COMMISSION/ADVISOR MEMBERS

As of June 30, 1999

Clifford O. Morrie

Board of Allied Mental Health Practitioners

Kevin P. Gallagher, LCMHC, Chairperson
Nancy Weber, LCMHC
Lauren Berrizbeitia, Psychotherapist

Leora D. Black, LMFT
Paula Flaherty

Motor Vehicle Racing Commission

Edward A. Warner, Chair
Clarence Jelley

Thomas Hazen

Naturopathic Physicians Advisors

Molly Fleming

Bill Warnock

Board of Nursing

Susan Farrell, RN, Chair
Catherine McGee, Public Member
Diane Dowgiewicz, LPN, Vice-Chair
Susan Cota, RN
Linda Rice, RN

Ray Phillips, Public Member
Louise Lamphere, RN, Secretary
Margaret Luce, RN
Louise Hamilton, LNA

Board of Examiners For Nursing Home Administrators

Margaret M. Perry, NHA , Chair
Regis Cummings, Vice-chair
Dorothy Dunsmore, P.T.

Tressa Condon, RN, NHA
Maureen Bertrand, NHA
Lorraine Welch, R.N.

Occupational Therapy Advisors

Deborah G. Hartenstein

Nancy Lepsic

Board of Examiners of Opticians

Peter Duff, Chair
Salley Elkins
William Lannon, Public Member

Nicole Perreault
Gary King

Board of Optometry

John Duff, OD, Chairperson
David H. Garbutt, OD, Vice-chair

Floyd M. Lapidow, OD
Teresa Randall

Board of Osteopathic Physicians & Surgeons

Susan M. Spaulding, Chairperson
John Peterson, D.O., Vice-chair

John R. Johannson, D.O.
Allen S. Gartner

Board of Pharmacy

John W. Vincent, R.Ph., Chairperson
Andrea Hubbard MacLauchlan, R.Ph.
Jill Donahue, R.Ph.

John Dorvee, R.Ph.
Ellen Huntley, Secretary
Douglas Schoolcraft, R. Ph.

Physical Therapy Advisors

Joseph Nalette

Sandra A. Ladd

Board of Private Investigative and Security Services

Caroline Earle, Chair
Leo Blais

Robert Edwards
Danny Coane

Psychoanalyst Advisors

APPENDIX F: ROSTER OF BOARD/COMMISSION/ADVISOR MEMBERS

As of June 30, 1999

Michael Conforti

Lorraine Smithberg

Board of Psychological Examiners

Mary E. Willmuth, Ph.D., Chairperson
Barbara VanDrimmelen, Psy.D., Vice-chair

Donald F. Hillman, Ph.D.
Maxie S. Ewins

Board of Radiologic Technology

Kathy J. Whiting, RTR, RDMS, Chairperson
Jan G. Fossum, P.E., Secretary
Cindy Boran

Robert M. Naylor, M.D.
Lise Fradette, R.T.(R)(M)

Board of Real Estate Appraisers

William Scranton, Chair
John Bernasconi
Lawrence Martin

Karen Williams, Vice-chair
Lloyd Potter

Real Estate Commission

Martin Nitka, Chairperson
Robert Walsh
Stuart Baraw
Susan Matthews

Elizabeth Merrill, Vice-chair
Dona Jackson
Tara Dowden

Clinical Social Worker Advisors

Kathleen A. Judge

Gary Chaudoir

Tattooist Advisors

Anita Licata

Walter Henshaw

Board of Veterinary

David T. Lamb, D.V.M., Chairperson
Michele R. Tulis, D.V.M., Secretary
Nancy Carey, Vice-chair

Robert E. Treat, D.V.M.
Mark Basol, D.V.M.
Heather Hoisington