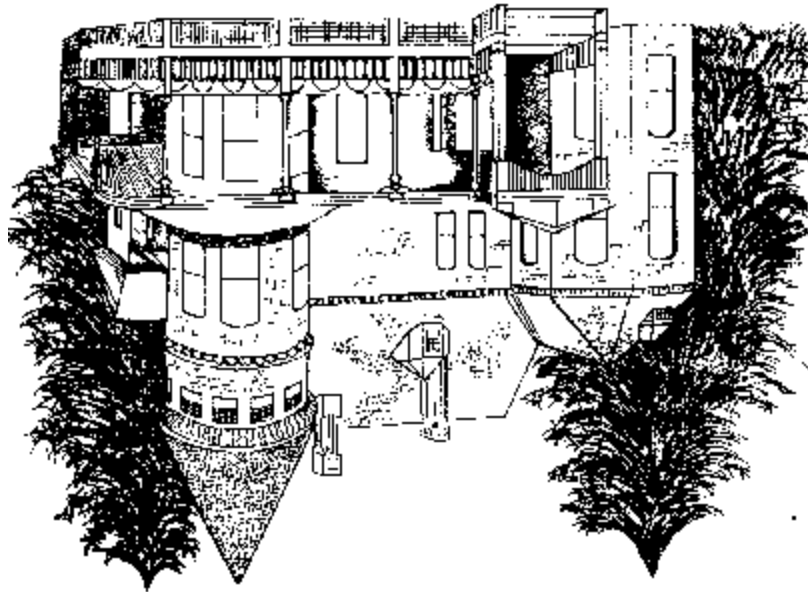


**Vermont Secretary of State  
Office of Professional Regulation**

**Twenty-First Annual Report  
on  
Professional Licensing**



**Deborah L. Markowitz, Secretary of State**

**Jessica G. Porter, Director**

**November 2002**

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

**Twenty-First Annual Report  
on  
Professional Licensing**

**Published by:**

**Deborah L. Markowitz, Secretary of State**

**Jessica G. Porter, Director**

**November 2002**

**A note to the reader:**

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 Twenty-First Annual Report, providing information on regulatory programs for 39 professions and occupations administered under the Secretary of State and for the fiscal year ending June 30, 2002. Information relating to specific professions can be accessed via our web page: [www.vtprofessionals.org](http://www.vtprofessionals.org) 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 *opr@sec.state.vt.us*.

# TABLE OF CONTENTS

Director's Report . . . . .	1
Statutory Changes Adopted in FY02 Legislative Session . . . . .	2
Statutory Revisions Identified in FY02 for Consideration in FY03 . . . . .	10
Review of Specific Activity of Professions . . . . .	12

## **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
Appendix G: History of OPR	
Appendix H: Overview of the duties of the Office	

This report contains information regarding the following professions:

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

## **Director's Report Fiscal Year 2002**

This Director's Annual Report for the Office of Professional Regulation (OPR, Office) covers Fiscal Year 2002 - July 1, 2001 through June 30, 2002. 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 2002, regulatory programs for 39 professions and occupations were supported and managed by the Office.

The Office created a new mentoring program for new board members and advisors, and has put together a manual to assist new, and current, members in carrying out their duties. The manual is designed as a resource to give members of regulatory boards and advisory committees a head start to understanding the regulation of professions and their obligation to protect the health, welfare and safety of the public. We hope that this manual will answer many of the questions which arise during the course of their service.

We look at this manual as the first step in our efforts to support their work to guarantee the health and safety of the people of the State of Vermont. A summary of the information in the manual follows.

\*\*\*\*\*

### **Part 1. The Purpose of Regulation**

The primary purpose of regulatory oversight is to protect the public's health, safety and welfare from unqualified or unprofessional practitioners. A regulatory body's purpose is different from the purpose of the professional association, which promotes the welfare of its members. This is done by assuring that applicants are qualified, complainants of unprofessional conduct are investigated, and standards of practice are defined. Both Boards and Advisory groups do this by:

- Adopting rules regarding the practice of the profession
- Interpreting the laws and rules as they apply to questions that are submitted to the board
- Reviewing applications for licensure, and registration, when needed
- Hearing evidence against a practitioner charged with unprofessional conduct and deciding

discipline. In the case of advisory groups they share their expertise at the investigatory and charging phases, but an Administrative Law Officer (ALO) serves as the fact finder and decider of discipline.

## Part 2. General Information

### A. Members

Advisory groups are usually made up of two members of the profession. On occasion there is a third member who is, either a public member or a member in a related profession. (e.g. The licensed midwife advisory group has two licensed midwives, and one medical doctor.)

Board makeup varies from as few as three, to as many as nine members. In general, two members of any board are public members. For your board's specific makeup, and quorum requirements, go to your statutes (Appendix C). By law, a member is appointed for a five year term.

### B. Meetings

**i. Times & Dates:** Meetings are usually held on a regular basis. Some meet monthly, some every other month, and a few quarterly. Meetings are open to the public, except for executive or deliberative sessions. When interested people attend, they are allowed to comment when it is appropriate, and when recognized by the Chair.

**ii Agendas & Minutes:** Agendas for meetings are generally mailed out 7 to 10 ten days prior to the meeting. Minutes from the previous meeting are mailed with the agenda for your review and approval. Board members are encouraged to begin the thought process for issues noted on the agenda.

**ii Applicants:** Individuals seeking to be licensed apply on forms provided by the Office.

**iv Per Diems & Reimbursements:** Members are reimbursed a nominal sum for participating on the board (\$ 50.00 per diem). In addition, there is a small amount for meals and travel.

### C. Staff Support

The Office of Professional Regulation provides approximately 40 professions with administrative, secretarial, financial, investigatory, inspection and legal services. There are usually three primary people that assist the board, a licensing board administrative assistant, the unit administrator, and general counsel. All staff are state employees.

## Part 3. Applications

The Staff reviews and processes applications to ensure that all required documentation has been submitted, and determines whether or not the applications are ready for board review.

## **Part 4. Complaints of Unprofessional Conduct**

The Board accepts complaints from any source, and may investigate a licensee even without receiving a complaint.

### **A. Screening Process For Complaints**

i. Any complaints received are forwarded to the Unit Administrator (UA) for review. They will immediately read all complaints received to identify emergencies and will fully review and handle all complaints within 10 days of receipt of each complaint. If the administrative review identifies a complaint that might be closed without a formal investigation, the UA will send a copy of the complaint to a member of the board.

ii. The board member, within 14 days, will review the complaint, and based on the documentation received will notify the UA of their recommendation to:

a. screen out, no action

b. open for further investigation (the results of the investigation will determine whether or not action would be taken)

iii. The screened cases will be mentioned to the board at its next meeting, but will not require action by the board. In the case of advisory groups, the Director will review the screened case. (Approved: March 13, 2002)

### **B. Cases Opened for Further Investigation**

When a formal investigation is necessary, the UA will assign the complaint a case file #, and notify the complainant and respondent (the licensee) of receipt of the complaint. They will then send a copy of the complaint to the assigned board member (or to the advisors), and to the investigative division. This begins the investigative process, and creates the Investigating Team (I-Team). During the entire investigation, and after closure unless action is taken, the board member/advisor assigned to the I-Team is not to discuss the case with the public or other board members.

The I-Team includes the UA, the board member, and an investigator, and may also include an assistant attorney general (AAG) if needed. The investigator interviews the complainant and respondent, and any other persons with knowledge of the complaint that the investigator determines appropriate. The investigator also gathers documentation, and/or records relating to the complaint. The investigator prepares an investigative report summarizing the case, which is then forwarded to the board member on the I-Team who reviews the information.

The board member/advisor should examine the information and if more detail is needed, the board member/advisor should request the information. *It is important to ask if there has been a previous history of complaints in the files concerning the person in question.* The board member/advisor should then

communicate with UA any conclusions that can be drawn from the information provided.

If the UA, the board member/advisor, investigator, and when assigned, AAG, agree that the case should be concluded without disciplinary action, the UA will draft a closing report (a very brief summary of the investigations findings) for the I-Team to review. If the I-Team concurs with the report it will be presented to the Board, or the Director for Advisory groups, at its next meeting for consideration. A member of the Team who does not feel the I-Team is making the right decision can ask the supervising AAG or the Director to review the case before, a final closing report goes to the board. The Board, or the Director, can accept or reject the I-Team's recommendation to close the investigation. If the UA, the Board member, and the Investigator feel that disciplinary action may be warranted, the UA will schedule an I-Team meeting, including an AAG to discuss sanctions.

Once a decision has been made that disciplinary action is warranted, the AAG prepares formal charges and is responsible to present the evidence to the Board or ALO, who make the findings and issue an order for any sanctions. Board decisions can be appealed by the AAG or the licensee to the Appellate Officer (AO) and then to Superior Court and possibly the State Supreme Court, if so desired. Advisor professions have their decisions made by the Administrative Law Officer (ALO.) Those decisions also can be appealed by the AAG or the licensee to the Appellate Office (AO) and then to Superior Court and possibly the State Supreme Court, if so desired.

\*\*\*\*\*

We would like to acknowledge the dedication of Office staff who handle the daily work of processing initial license and renewal applications, administering examinations, answering questions from applicants and licensees, and providing staff support to licensing boards and advisors. Without their hard work, the Office could not function. In alphabetical order, these staff members are: Bob Ashford, Peggy Atkins, Judith Churchill, Janice Hatch, Diane Lafaille, Carla Preston, Trish Rocque, Patty Sartelle, Kara Sanborn, and Pat Skinner.

It is also important to acknowledge those who volunteer their time in service as board members or advisors to the Director. Their contributions are critical to the success of Vermont's professional regulatory programs. The management and staff of OPR will continue efforts to improve professional regulation in Vermont. In FY 2003, the Office will continue broad distribution of public information on the complaint process, continue to improve the automated case tracking system used by the Office, and implement any new regulatory programs enacted during the legislative session.

.....  
.....  
.....  
..... Respectfully submitted,  
.....  
.....  
.....

..... Jessica G. Porter, Director  
.....  
.....  
.....  
..... Office of Professional Regulation

## **Statutory Changes Adopted in FY02 Legislative Session**

During the FY02 Legislative Session, a number of proposals for statutory changes were discussed with the House and Senate Committees on Government Operations as part of the Office's annual review of professional regulation programs. This year the following changes were made to:

### **I. Changes in Professional Regulation general statutes created by H.501**

- 3 V.S.A. § 128 Expand and strengthen the mandatory reporting requirements for health care institutions.
- 3 V.S.A. § Ensure that professional licensing boards are made aware if a hospital takes action against licensed employees.
- Allow Director of OPR to issue subpoenas as well as board chairs and attorneys in disciplinary cases.
- Add veterinarians to the list of emergency temporary licenses if the Governor declares a state of emergency.
- Clarify the current practice of having the Attorney General participate in licensing application cases where misconduct is the basis of a license denial.
- Authorize the chair of each board to grant continuances of scheduled hearings.

### **II. Modifications of Specific Licensing Statutes by H.501**

#### **Accountancy:**

- Rewrite of the accountancy statutes based on the Uniform Accountancy Act. Updates language and removes outdated language not reviewed since 1995.
- Better define "attest services" to make clear the scope of practice and those services requiring a license.
- Add newly defined "attest services" as something requiring a license.
- Provide a better understanding of what may or may not be used in firm titles and what is misleading.
- Delete a provision allowing for unlicensed practice by an applicant while waiting for the Board to act on an application.
- Allow other professionals practicing within their own professions to not be in violation of the

## Accountancy Act.

- Changes to the makeup of the Board to make it consistent with the provisions of 3 V.S.A. § 129b and to account for the difficulty in finding an Registered Public Accountant member of the Board.
- Changed statutory reference within general powers and duties section; delete language to reflect current practices of OPR and Board of Accountancy.
- Discontinued the apprenticeship program for CPA licenses.
- Discontinue apprenticeship program for RPA licenses and allows time to phase out the RPA license.
- Removed or modified outdated language clarifying requirements for out-of-state applicants.
- Removed the requirement for “direct” (on-site) supervision of staff. The public is still protected because the responsible licensee is held accountable for the firm’s actions, whether or not the licensee is present.
- Require registration of the firm itself and a list of employees temporarily practicing within the state rather than individual registration of each CPA.
- Repeal statute regarding registration of nonresident firms by combining two into one simpler statute.
- Change from triennial license renewal period to biennial renewal to conform to terms of all of the other OPR professions. Also make clear that licenses lapsed for over 10 years without practice will be subject to initial licensing requirements.
- Remove duplicative unprofessional conduct language; add or keep language specifically applicable to the profession.
- Change disciplinary matters to reflect the Board’s authority under Title 3 to issue a variety of sanctions and to clarify the appeals process.
- Clarify that client-provided documents are the property of the client and must be returned on request.
- Provide that confidential documents may be disclosed for peer review.

**Medical Practice:**

- Changed terms put in last session from “managed care plan” to “HMO” as defined by BISHCA, so as not to encompass every insurer or the self-insured.
- Adds a licensed podiatrist to the Board and gives the physician assistant member full voting rights. Makes Board appointments five years in length like all other boards.
- Regarding HMO’s and medical directors, changes “managed care plan” to “HMO.”

**Osteopaths:**

- Change definitions from “managed care plan” to “HMO.” . . . . .
- Establish a limited osteopathic license for an osteopathic physician as a medical director of a managed health care plan.

**Opticians:**

- Change the name of the professional society to correctly reflect the current name. Brings Board appointments in line with the term of office requirements of 3 V.S.A. § 129b for all OPR professions.

**Radiologic Technology:**

- Allow for a temporary license pending application approval if the applicant, licensed in another state, has applied for license by endorsement.

**Marriage and Family Therapists:**

- Add licensed “clinical social worker” to the list of approved supervisors for work experience before licensure.

**Dietitians:**

- Allow temporary certification of dietitians while they are applying for permanent certification.

**Tattooing and Body Piercing:**

- Create licensure for body piercers by adding it to the existing law regulating tattooists. Regulation needed because of danger of infectious disease spread and blood- borne pathogens through this invasive procedure.

- Include authorization for rules to be adopted after consultation with the Department of Health, concerning sterilization, infection, and use of ear piercing guns.

**Naturopaths :**

- Add definition of uncomplicated natural childbirth assisted by the naturopathic physician and expand medicines naturopathic physicians may give to their patients.
- Allow certain surgeries associated with childbirth (not cesarian sections).
- Add requirement to report births and complete birth certificates.
- Authorize Director to adopt rules on naturopathic childbirth which specifically address scope and practice standards, risk assessment criteria, informed consent, education requirements, peer review, and practice records.
- Require each naturopathic physician to have a written plan for consultation, emergency transfer and transport.
- Require the Department of Health to have a formulary of approved naturopathic medicines, to be reviewed and updated annually.
- Make clear that a naturopathic physician still must not practice in areas where the licensee is not trained (e.g., childbirth).

**Electrology:**

- Change term “shop” to “office” in definitions section.
- Allow the grand parenting of persons who possess three years’ work experience prior to July 1, 2001.
- Change terms from “shop” to “office” in office registration section.
- Correct a reference to a fee section overlooked last year; makes fees the standard fees found in Section 125(b) of Title 3.

**III. Changes in Professional Regulation general statutes created by H.761**

- Amend 3 V.S.A. § 129(a)(6) (powers of boards; discipline process) to permit discipline of licensees who have been disciplined in other jurisdictions.
- Amend 3 V.S.A. 129a by adding to definition of unprofessional conduct, “**Failure to practice**

**competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct.”** and additional definition including, “performance of unsafe or unacceptable patient or client care, or failure to conform to the essential standards of acceptable and prevailing practice.”

- Amend 3 V.S.A. 129a giving boards or ALO’s authority to impose an administrative penalty of not more than \$1,000.00 for each unprofessional conduct violation.
- Amend 3 V.S.A. 131 to permit disclosure of information regarding disciplinary complaints to state or federal law enforcement.
- Amend 3 V.S.A. § 814(d) to remove the requirement that professional misconduct occur during the time a Vermont license is operative.

#### **IV. Modifications of specific Licensing statutes by H.761**

##### **Barbers & Cosmetologists:**

- Amend 26 V.S.A. §§ 277(a), 278, and 279 to add high school or GED diploma as prerequisite to licensure. § 279 Raised esthetics course study to 600 hours, § 280 manicurist: raised school hours to 400

##### **Chiropractic:**

- Change license by endorsement to require continuing education, and active practice for those applicants applying based on their license in another jurisdiction.

##### **Dentists:**

- Add to 26 V.S.A. § 805 to permit pro bono Vermont practice of dentistry to qualified applicants.

##### **Funeral Services:**

- Add to definitions of 26 V.S.A. § 1211, “crematory establishment,” redefines “funeral director,” add “practice of funeral service” with description of activities covered.”
- Add to 26 V.S.A. § 1212(b) directing OPR and advisory appointees to adopt rules for crematory establishments and related practices, provide information to applicants for licensure.
- Add to 26 V.S.A. § 1213 “crematory” establishments authorized to be inspected.
- Creation of Crematory Advisory Board

- Amend 26 V.S.A. § 1251 to mandate license from OPR before opening or operating a crematory establishment.
- Amend 26 V.S.A. § 1252 deleting citizenship, Vermont residency, and good moral character from application requirements for funeral director. Adds requirement of high school diploma or GED. § c sets prerequisites for operation of crematory establishment. (d) requires registration for “removal personnel.”
- Amend 26 V.S.A. § 1254 deletes “good moral character” from license prerequisites. Mandates issuance of license upon examination finding that applicant possesses sufficient skill and knowledge of the business.
- Amend 26 V.S.A. § 1256 to permit OPR or the board to notify of upcoming license or registration renewal.
- Amend 26 V.S.A. §1257 to clarify funeral director and crematory establishment application of “unprofessional conduct” definitions. Permits the board or OPR to take disciplinary action against licensees.
- Amend 26 V.S.A. §1272 to require that the Board, with the assistance of OPR adopt rules pertaining to prepaid funeral agreements.

**Nursing:**

- Add 26 V.S.A. § 1576(e) to permit voluntary practice of nursing by holders of unrestricted licenses from outside Vermont.

**Pharmacy:**

- Repeal 26 V.S.A. § 1897 (posting of prescription prices by agency of human services)

**Real Estate Brokers and Sales persons:**

- Delete course equivalent to experience as substitute for experience necessary for license eligibility.

**Veterinary Medicine:**

- 26 V.S.A. § 2403 Exempt “floating”from practices requiring licensure.
- 26 V.S.A. § 2405 Clarify Good Samaritan statute, noting that practice within ordinary course of practice remains unaffected under existing tort law.
- 26 V.S.A. § 2424(c) add to accrediting bodies list.

### **Radiologic Technology:**

- 26 V.S.A. § 2811 Membership of the board. Change from two to one public member, required that one member be a representative from department of health.
- 26 V.S.A. § 2825 temporary permits, amend practice requirements pending the applicant's next examination results. Applicants limited to taking examination four times.

### **Private Investigative and Security Services:**

- 26 V.S.A. § 3162 Amend to permit board to adopt rules for establishing a security guard or private investigator training program as a prerequisite to registration
- 26 V.S.A. § 3175a Amend to require "armed services" applicants to demonstrate competence through a firearms training program, guard dog users must show guard dog training program, board given authority to license instructors and courses, their fees set.
- 26 V.S.A. § 3181(e) Add to require investigative and security employees to complete a board approved training program before registration.

### **Occupational Therapists:**

- 26 V.S.A. § 3351(5) redefine "occupational therapy."
- 26 V.S.A. § 3352 Amend to prohibit practice or holding out as occupational therapist without a license.
- 26 V.S.A. § 3353(a) change certification to licensure. This change reflected throughout chapter.
- 26 V.S.A. § 3355 change educational and field work requirements for licensure.
- 26 V.S.A. § 3357 define type of examination required.
- 26 V.S.A. § 3358a Add temporary licensure without examination and requirements
- 26 6 V.S.A. § 3359 Renewals, change "continuing education" to "competence requirements."

### **Auctioneers: . . . . . New Chapter 89 Licensure of Auctioneers (repeals Chapter 203)**

- Chapter permits Secretary of State to revoke or discipline auctioneers when the public good requires, Defined "director" and "disciplinary action,." prohibits holding out as a licensed auctioneer, sets application procedure, sets final accounting deadline, and creates advisory board.

## **Speech-Language Pathologists and Audiologists: New Chapter**

- Require license for speech-language pathologists and audiologists, define the practices and exemptions, define unprofessional conduct. Secretary, with advisory board, to handle disciplinary matters. State Board of Education to retain authority to set qualifications and discipline those within its jurisdiction.
- Commissioner of Education duty to administer application and renewals of all licensees. Board of Education to set renewal standards.
- Private practitioner's record keeping requirements set, price's to be disclosed, sale of equipment 45 day trial period set, maintenance of business address, display of license required, unprofessional conduct defined.
- Effective date: July 1, 2002 except prohibitions and penalties for unauthorized practice and use of title for speech pathologists and audiologists becomes effective July 1, 2003.
- Commissioner of Education to study and evaluate potential impacts which this act may have on schools by January 15, 2003.

## **Statutory Revisions Identified in FY02 For Consideration in FY03**

**Athletic Trainers** - Seek licensure, dependent upon the outcome of the sunrise process.

**Funeral Directors and Embalmers** - Address continuing education and modify requirements that holders of dual licenses (funeral director and embalmer) can use some funeral director education credits toward their embalmer license. (Embalming changes very little and credits are hard to obtain).

**Land Surveyors** - Still working on their definition of Land Surveying, will propose another version this year after working with the opposition over the last year.

**Mental Health Counselors / Marriage and Family Therapists** - Broaden language to simplify applications for persons coming from other jurisdictions. Currently reads that the requirements in the other state must be “at least equal”. Broaden to “essentially equivalent”.

**Motor Vehicle Racing** - Address fee issues for semi-annual events vs. seasonal race tracks. Make licensing fees more equitable. Modify the statute to make it clear to include other dangerous forms of racing such as with monster trucks and snowmobiles.

**Naturopaths** - Modify the drug formulary section to make clear that naturopaths are not required to come up with protocols for use of the drugs on the formulary, once added to the list.

**Pharmacists** - Seek authority to license pharmacy techs, those who assist the pharmacist. Consider a fee for the pharmaceutical representative disclosure law (H.31).

**Psychotherapists** - Eliminate 26 V.S.A. § 4087(c) which gives persons engaged in unauthorized practice 30 days to get licensed once discovered to be practicing without a license.

**Tattooists and body piercers** - Add an apprenticeship program and require a blood-borne pathogen and universal precautions course as a prerequisite to registration.

**Veterinarians** - Revisit proposal to make veterinarians immune from liability when reporting in good faith, cases of suspected animal cruelty.

### **General**

- Consider a modification for a consistent way of dealing with patient / client records across all professions. Number of years, confidentiality, ownership.

- Possible modification of the mandatory reporting law to clarify when a mandatory report must be filed in an attempt to eliminate frivolous matters frequently submitted to the Office.

- Possible modification of annual report requirement to allow for internet publication by the Office of Professional Regulation and a less restrictive deadline for publication.

## **Review of Specific Activity of Professions**

### **Accountancy**

The Board has been reviewing and revising their rules to parallel the statutory changes that went into affect on July 1, 2002. The profession of accountancy has been changing rapidly and Vermont needs to be pro-active in order to protect the public. . The Board has spent considerable time reviewing current trends in the accounting profession and planning on how to better protect the public. The changes in the laws and rules should address the nationwide practice issues. The Board has been working with the national organization on the implementation of computerized examination which will go into effect in May of 2004.

### **Barbers and Cosmetologists**

The Board has been working on revisions to their rules to parallel the statutory changes that went into effect on July 1, 2002. The Board has been doing random inspections on barber and cosmetology shops and has found a number of unlicensed shops and unlicensed employees plus numerous sanitation violations. The Board has seen a large increase in unlicensed practice in shops. The Board would like to see legislation enacted that would give authority to the Board or Office to issue citations to shop owners who employ unlicensed persons because the Board realizes that the Attorney General's Office does not have time to prosecute unlicensed practice.

### **Boxing Control**

The first professional boxing match in over 5 years was held in Rutland. The advisors did a great job of overseeing the boxing match. The advisors will be reviewing and revising the rules governing professional boxing.

### **Chiropractic**

The Board went through its first round of inspections for practitioners utilizing ionizing radiation. Generally, inspections went well. Some areas of concern were found, however, the practitioners worked with the Office to correct any deficiencies.

### **Dental**

The Board spent considerable amount of time and effort to bring practitioners into compliance in the registration of their dental assistants. The Board registered over 150 assistants that were currently in practice, but had failed to register in the past. This undertaking was time consuming for the Board, however, it was educational for the licensees.

### **Dietitians**

The legislation that would allow applicants to receive a temporary license went into affect on July 1, 2002. The Advisors will be meeting to discuss proposed changes to the rules.

### **Electrologists**

The Advisors will be working on draft rules as rules have not been done since the law was passed.

## **Engineers**

The Boards of Professional Engineering and Land Surveyors hosted the 2002 NCEES Northeast Zone meeting in May. Topics covered included examination security issues, disciplinary matters, application procedures, etc. Due to the increased problems and costs associated with exam security, the boards are researching the possibility of having the NCEES Administer the examinations.

The Board created an expedited application review process for applicants currently licensed in another state holding a National Council of Examiners for Engineering and Surveying Record who met model law criteria for licensure.

The Board has been involved in discussions with the Agency of Natural Resources concerning new legislation and rules pertaining to Wastewater System and Potable Water Supply.

## **Funeral Service**

The Board had a productive year developing new legislation. Primary areas of interest concerned legislation to regulate crematories and license removal personnel. Both these areas were passed by the Vermont Legislature and went into effect July 1, 2002. Crematories will now be licensed and inspected as a result of these efforts. The Crematories will be the responsibility of an Advisory Board and not the jurisdiction of the Funeral Service Board. The Board continues to review existing rules and develop new rules to implement the legislation.

## **Hearing Aid Dispensers**

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

## **Land Surveyors**

The Board continued its efforts to develop a new definition for the profession. A considerable amount of time and effort went into this project and it remains an important objective of the Board. The National Council of Examiners for Engineering and Surveying (NCEES) selected long time Board member Robert Krebs as their president elect to become national president in August 2002. Congratulations to Bob for his many years of service to the Board.

## **Mental Health Counselors**

The Board adopted rules relating to the eligibility of applicants for licensure. The two primary changes related to the 60 credit graduate degree, and the internship hours. The Board clarified that the 60 credit degree allows for certain courses to be supplemental rather than core degree coursework. The internship requirements increased to require a minimum of 1,000 hours.

## **Motor Vehicle Racing**

The Commission is working on proposed legislation for the 2003 legislative session. The Commission has been inspecting racing facilities and fairs to insure that the public is being protected.

## **Naturopathic Physicians**

The Advisors are working on draft rules to parallel the statutory changes that went into effect on July 1, 2002. These changes defined naturopathic childbirth and also outlined guidelines for rules relating to a special license endorsement to practice naturopathic childbirth. The Advisors are also working with the Health Department to revise the formulary for Naturopathic Physicians.

## **Nursing**

The Board of Nursing regulates and licenses registered nurses (RNs) practical nurses (LPNs) and nursing assistants (LNAs) and endorses Advanced Practice (APRNs). The Board is also responsible for approving all nursing education programs in Vermont, and examining all nurse and nursing assistant graduates. In the last 2 years the Board of Nursing was engaged in the following activities:

### Education:

- The Baccalaureate Nursing Program at Norwich University was surveyed and granted a 2 year approval with a report due in November 2002.
- The Associate Degree and Baccalaureate Degree Nursing Programs at Southern Vermont College were surveyed and placed on conditional approval.
- The Vermont Technical College Practical and Associate Degree Program were surveyed and granted full approval.
- Dartmouth Hitchcock Medical Center was approved for their re-entry nursing program.

Practice: the Executive Director presented information at meetings and conferences on delegation, triaging, mandatory reporting and NCLEX examinations.

Advisory Opinions: The Board issued opinions on triaging, dermatological laser therapy and administration of homeopathic/nutritional supplements, and also the role of the nurse in the care of a pregnant woman receiving anesthesia through epidural catheters.

Advanced practice: The Board convened an Ad Hoc Committee to study the Psychiatric Clinical Specialist role in caring for clients in various age groups.

Administrative Rules: The Board is in the process of revising the Administrative Rules particularly as they relate to nursing educational programs.

Discipline: Action on disciplinary matters absorbed the majority of the Board's time and effort. Statistical data has been compiled on violations and disciplinary action taken on RNs and LPNs

Liaison: Selected Board members and the Executive Director conferred with and offered guidance to the School Nurse Association, Sexual Assault Nurse Examiners (SANE) Vermont Organization of Nurse Leaders (VONL) Dept. of Developmental Disabilities, Occupational Health Nurses, Dept. of Aging and Disabilities, Adult Protective Services, and In service Education (VICE)

Other: The Board participated in efforts to study and provide recommendations to combat the nursing shortage through the Nursing Blue Ribbon Commission established by the Agency of Human Service in partnership with the Association of Hospitals and Health Systems (VAHHS) and the Vermont Organization of Nursing (VONL).

Surveys were sent to RNs, LPNs, LNAs and with cooperation from the Vermont Health Department nurse employment data was analyzed.

A Board retreat was held in the spring to discuss disciplinary stipulation language and the concept of an alternative disciplinary program.

### **Nursing Home Administrators**

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 for applications submitted for CEU credit.

This year the Board renewed 86 nursing home administrators licenses and issued licenses to 12 new individuals. This renewal period reflected an increase in renewal fees. The Board also issued its second edition of their newsletter to all its licensees as well as reviewing deficiency reports from the Department of Licensing and Protection as part of their on-going quality assurance measures.

### **Opticians**

The Board met quarterly during the year to review licensing applications and complaints. The Board is reviewing their rules for changes that need to be made to the apprenticeship program.

### **Optometrists**

Applications are available on-line. The Board made a policy on the "Use of therapeutic Pharmaceutical Agents (TPA); Licensure by Endorsement". The Board will issue a TPA certificate by endorsement to applicants applying for licensure from another jurisdiction. Applicants must meet eligibility requirements under §1716 (licensure without examination).

Applicants must also possess a current, active TPA license or certificate in good standing from another jurisdiction.

The Board made another policy regarding Practice Management. The Board will allow licensees to obtain, during a renewal period, 1 hour per year or 2 hours per 2 years of continuing education credit for a State and Federal Proper Coding Guidelines course under Medicare/Medicaid. The Board also added new drugs to the optometry drug list.

## **Pharmacy**

The Board met with prescribers, investigators, and drug manufacturers to develop safety protocols regarding narcotic drugs. A task form was formed to continue the effort to reduce diversion and misuse of prescription drugs.

The Board held two public hearings via Vermont Interactive Television to gather input on its draft rules. The Board has considered those comments and continues to prepare a draft for submission to legislative committees.

The Board adopted a Policy to allow graduates from Canadian colleges of pharmacy to apply for licensure examinations without evaluation of their “foreign” education.

## **Private Investigative and Security Services**

The Board is reviewing and revising their rules to parallel the law that went into effect on July 1, 2002 which mandates training for initial and renewal of private investigator and security guard licenses and mandated licenses for firearms instructors. The Office staff has been doing the criminal record checks rather than sending the information to VCIC to do the checks. This process better protects the public because the record checks are done before the applicants can be issued temporary licenses.

## **Psychology**

The Board no longer administers the EPPP examination. The national exam is now a computer-based examination. The Board is considering changing how continuing education credits are currently submitted to the Board.

## **Radiologic Technology**

The Board is researching the increased use of fluoroscopy in Vermont and will be sending notices to hospitals, clinics, physicians, etc. stating its findings. The Board is evaluating new equipment and advanced uses of existing equipment, such as Computerized Tomography (CT) and Positron Emission Tomography (PET). The Board is researching persons permitted to operate such equipment. The Board amended its statute to clarify and strengthen provisions for temporary permits.

## **Real Estate Appraisers**

The Board had a successful year with a primary emphasis on approving continuing education and taking disciplinary action against the few appraisers found guilty of unprofessional conduct.

## **Real Estate**

The Commission implemented new rules April 2002. The most significant change involved the length of time required for the brokers to place the deposit check in the bank. The other rules changes were mostly administrative corrections. The Commission continued hearing disciplinary cases and resolved a large backlog. The year saw the lowest number of new complaints opened in recent years.

## **Tattooist**

The Advisors are reviewing and revising their rules to parallel the legislation that went into effect on July 1, 2002. These changes included the registering of body piercers and body piercing shops.

## **Veterinary**

As a result of several public meetings, the Board amended its statute with regard to floating horses' teeth. Floating horses' teeth is now considered an accepted livestock management practice. The Board submitted other legislation for consideration as well. The Board further clarified requirements for approving continuing education programs.

## Glossary of Relevant Terms

**Adjudication** a judgment by a court or authorized body, based on evidence presented, which decides a controversy.

**Administrative agency** any official entity that carries out the law; includes all agencies within the executive branch of government.

**Administrative rule** a statement issued by an administrative agency to implement a statute; it in some way controls the activities of a specified group; it has the force of law.

**Annotated Code** all the rules made by administrative agencies of the state, brought together in one unit.

**Administrative Procedure Act** statutory process for adopting rules and hearing contested cases 3 V.S.A. *Ch.25*.

**Certification** a voluntary process by which an agency of government grants to an individual, who meets certain minimum educational and testing standards established by the law, the right to use the title of that profession or occupation. Unlike licensure, a certification law or “title act” does not prohibit individuals from engaging in the regulated profession. However, it is unlawful for a person who is not certified to use a given title or to hold himself or herself out to the public as being “certified” to practice a regulated profession.

**Chapter** the law for each board has its own chapter. Chapters are found in Title 26 of the Vermont Statutes Annotated.

**Consent order** a formal agreement of the parties, made under the sanction of the court or an administrative agency, that some step (such as ceasing an activity, correcting a practice, or paying a fine) will be taken to resolve a complaint.

**Consumer member** a public member on a board who represents the interest of those who are actual or possible purchasers, leases, or recipients of consumer goods, consumer services, consumer realty, or consumer credit.

**Continuing competence** maintained knowledge and skills, and demonstrated current competence.

**Continuing education** educational opportunities beyond formal education and initial entry level into a profession to enable practitioners to maintain competence, to become aware of new developments and to provide responsible, quality services.

**Hearing** a proceeding in which evidence is taken in order to determine an issue of fact. Boards may hold either disciplinary or proposed rules hearings. A disciplinary hearing is a formal, trial-type proceeding that results in “action” for or against the subject of the complaint. A proposed rules hearing is an opportunity for interested parties to address the board regarding changes they are proposing to the boards rules.

**Indemnification** the act of securing a party who acts for the benefit or at the request of another party against

future hurt, loss, or damage; the second party promises to compensate the first in such event.

**Law** .statutes, rules, decisions of a court.

**License** .a personal right granted to the holder by an authorized body. It allows the licensee to do something which he could not legally do without such permission. Applicants for a license must conform to criteria and fulfill other requirements (such as a qualifying examination) before being able to practice that profession or occupation.

**Licensing:**

of establishments .a right to operate an establishment conforming to certain standards set down by an administrative agency; the person in charge of that establishment is then responsible for the work of others there.

of individuals .a right conferred in order to practice a specific profession or engage in a listed occupation; the practitioner must qualify according to criteria (such as testing) established by the board governing that profession.

**Oversight** .the periodic review of agencies (boards) by a legislative committee or by an internal audit by the division in charge of the agency.

**Petition** .a formal request for action from an individual, a group, or a board.

**Practitioner** .a person who practices a specific occupation or profession.

**Public comment** .comments concerning an issue which are gathered by holding hearings, and/or inviting written public response.

**Public record** .any documents which are required by law to be made, maintained, or kept on file by any public body. Agency or board documents which pertain to an investigation in progress are not part of the public record; access to them may be denied or allowed (unless allowing access is otherwise prohibited by law)

**Quasi-judicial** - “like a court”; the kind of activity in which an agency (board) acts like a court, making judgments on a contested matter and issuing decisions that affect the right and obligations of the parties.

**Quorum** .the number of members of a body that, when assembled, is legally competent to conduct business, usually a majority of the body.

**Registration** .a formal listing; a legal procedure which involves sending to a designated agency an applicant’s name, address, and a set fee in order to practice a profession.

**Regulatory board** .a government body which is responsible for regulating a profession or activity.

**Reliability** .the consistence of results of an assessment device across different administrations.

**Re-certification** .a subsystem of credentialing designed to provide assurance that the skills and knowledge of the practitioner are sufficiently up-to-date.

**Restitution** .the act of making good, or of giving the equivalent for any loss, damage, or injury.

**Recusal** the process by which a person removes him or herself from a particular case or decision due to a conflict of interest.

**Rule** .a statement of general applicability that interprets or implements law or policy that; it has the force of law; it is written by an administrative agency and adopted after publication for public comment and review by a legislative committee.

**Section** .rules of the board are divided by sections, each section has its own number. The sign § is commonly used instead of the word Section. Two of the signs together §~ more than one section is being stated.

**Self-assessment** .voluntary measurement of one's knowledge, skills or attitudes in a given area.

**Statute** .a law enacted by the legislature.

**Statutory authority** .boundaries of a board's lawful responsibility as laid out by the statute which created it.

**Stem** The component of a multiple choice question which states the problem and sets the frame of reference (focus) for an individual to select a correct response.

**Stipulation** .a condition, requirement, or item of an agreement, specified in an instrument.

**Subpoena** .literally, "under penalty." It is a legally enforceable writ commanding the appearance of a witness at a judicial or other proceeding; the witness may be subjected to penalties if he fails to attend or to produce documents, if so directed.

**Unfair or deceptive trade practice** .any practice used by merchants or tradespeople which misleads or cheats consumers.

**Validity** .the degree to which an examination measures what it is intended to measure

**Credit:** The Glossary is adapted from Effective Consumer Representation: An Orientation Manual for Board Members prepared by the Maryland Consumer Council and the Maryland Citizens Consumer Foundation (1979) and A Manual for Members of Professional and Occupational Licensing Boards of the State of New Jersey prepared by the New Jersey Department of Law and Public Safety (1981)

<b>APPENDIX A: RECEIPTS AND EXPENDITURES BY PROFESSION - for Fiscal Years 1999 through 2002</b>								
<b>Profession</b>	<b>Fiscal Year 99</b>		<b>Fiscal Year 00</b>		<b>Fiscal Year 01</b>		<b>Fiscal Year 02</b>	
	<b>Receipts</b>	<b>Expenditures</b>	<b>Receipts</b>	<b>Expenditures</b>	<b>Receipts</b>	<b>Expenditures</b>	<b>Receipts</b>	<b>Expenditures</b>
Acupuncture	1,922	10,705	8,065	11,307	1,830	11,376	12,445	11,266
Athletic Trainers	5,600	7,100	640	7,876	7,475	7,700	1,260	8,376
Dietitian	7,095	10,046	6,395	11,019	3,970	11,205	10,890	8,209
Electrolysis	NR	NR	NR	NR	600	30,280	2,120	7,057
Hearing Aid	1,325	12,985	7,140	13,950	3,170	14,535	6,660	8,430
Midwife, Licensed	NR	NR	NR	NR	1,600	31,443	360	11,731
Naturopathic Physician	7,065	7,804	1,240	8,570	11,276	9,431	2,435	8,952
Occupational Therapy	17,034	12,974	29,130	17,488	15,540	13,396	42,305	15,337
Physical Therapy	120,860	32,552	8,800	34,135	82,165	36,067	11,605	39,075
Psychoanalyst	13,060	11,732	4,728	12,078	17,375	12,386	1,128	10,076
Social Workers	6,100	27,323	76,596	32,391	6,165	30,801	83,917	29,805
Tattooist	4,465	7,536	3,015	14,384	6,680	14,122	3,380	21,548
<b>Subtotal -Advisor Groups</b>	<b>184,526</b>	<b>140,757</b>	<b>145,749</b>	<b>163,198</b>	<b>157,846</b>	<b>222,742</b>	<b>178,505</b>	<b>179,862</b>
Accountancy	15,610	40,039	87,307	43,783	27,670	47,466	126,620	73,202
Architect	55,330	37,967	6,280	36,106	91,273	47,009	14,840	58,916
Auctioneer	32,511	26,478	1,985	28,982	38,000	30,104	3,230	30,022
Boxing	1,277	1,454	498	6,025	1,383	1,089	1,150	6,825
Chiropractic	42,235	24,975	4,300	25,354	52,590	30,037	6,695	37,740
Barber/Cosmetology	27,775	117,480	175,277	128,733	40,649	114,722	211,802	178,008
Dental	4,615	66,800	153,748	77,109	9,865	82,262	160,525	135,416
Engineer	207,615	92,297	15,615	104,375	264,784	101,115	87,545	136,976
Funeral Service	42,194	47,958	69,687	40,527	7,270	37,726	74,426	52,751
Land Surveyor	44,673	29,919	785	28,979	56,575	34,016	2,570	35,526
Mental Health, Allied*	102,602	51,088	5,710	60,183	90,160	68,558	23,553	64,711
Motor Vehicle Racing	3,100	3,935	10,330	3,718	4,950	3,313	15,150	14,443
Nursing	666,500	455,786	287,874	496,940	702,996	507,976	363,338	736,720
Nursing Home Admin	460	13,302	8,525	17,868	14,141	16,804	27,280	19,684
Optician	28,768	13,127	1,315	12,927	30,020	12,827	7,160	16,620
Optometry	32,855	12,465	6,165	14,124	27,335	13,088	14,340	16,537
Osteopath	32,735	17,217	2,030	17,667	32,265	18,540	3,760	24,826
Pharmacy	45,905	71,347	132,424	80,571	85,694	82,879	155,120	87,011
Private Detective	70,665	44,086	16,792	42,497	77,140	49,504	24,065	55,218
Psychology	6,353	59,126	144,770	59,560	7,030	73,566	152,028	52,390
Radiologic Tech.	48,494	23,460	7,736	30,861	56,606	32,904	15,735	30,489
Real Estate Appraiser	66,994	21,707	8,215	27,687	73,877	27,660	19,562	46,149
Real Estate Comm.	113,195	172,617	356,775	188,668	50,200	183,217	378,923	177,268
Veterinary	88,564	30,566	14,591	32,986	89,061	32,413	14,210	43,107
<b>Subtotal - Boards/Comm.</b>	<b>1,781,025</b>	<b>1,475,196</b>	<b>1,518,734</b>	<b>1,606,230</b>	<b>1,931,534</b>	<b>1,648,795</b>	<b>1,903,627</b>	<b>2,130,555</b>
<b>GRAND TOTAL</b>	<b>1,965,551</b>	<b>1,615,953</b>	<b>1,664,483</b>	<b>1,769,428</b>	<b>2,089,380</b>	<b>1,871,537</b>	<b>2,082,132</b>	<b>2,310,417</b>

NR = Not Regulated

\* = Allied Mental Health includes: Marriage & Family Therapy, Psychotherapy & Mental Health Counselors

FY02 numbers are a result of a refined tracking system, and more detailed receipt and expense allocation process.

**APPENDIX C: EXAMINATION AND NEW LICENSE/REGISTRATION ACTIVITY DATA**  
**July 1, 2001 - June 30, 2002**

Type of License	# Taking Exam	# Passing	Percent Pass Rate	Newly Licensed* by Examination	Newly Licensed* by Endorsement	Registered
<b>Accountancy</b>						
CPA	**	**	**	44	21	-
RPA	**	**	**	-	-	-
Firms	n/a	n/a	n/a	-	-	17
<b>Acupuncturist</b>				15	5	-
<b>Architect</b>	**	**	**	11	67	-
<b>Athletic Trainers</b>	**	**	**	5	6	-
<b>Auctioneers</b>	n/a	n/a	n/a	-	-	9
<b>Barber</b>						
Master	**	**	**	1	2	-
Shops	n/a	n/a	n/a	-	-	6
<b>Boxing</b>						
Professional Promoter	n/a	n/a	n/a	-	-	1
Professional Referee	n/a	n/a	n/a	-	-	1
Professional Judge	n/a	n/a	n/a	-	-	3
Professional Seconds	n/a	n/a	n/a	-	-	6
Professional Boxer	n/a	n/a	n/a	-	-	10
Professional Manager	n/a	n/a	n/a	-	-	1
<b>Chiropractic</b>	**	**	**	21	-	-
<b>Cosmetology</b>						
Cosmetologist	**	**	**	55	55	-
Esthetician	**	**	**	8	4	-
Manicurist	**	**	**	18	34	-
Shop	n/a	n/a	n/a	-	-	68
Schools	n/a	n/a	n/a	-	-	-
<b>Dental</b>						
Dentist	14	14	100	10	4	-
Hygienist	30	30	100	21	9	-
Assistants-Certified	n/a	n/a	n/a	-	-	19
Assistant-Traditional	n/a	n/a	n/a	-	-	165
<b>Dietitians</b>	**	**	**	5	8	-
<b>Electrolysis</b>						
Electrologist	n/a	n/a	n/a	-	-	12
Electrolysis Shops	n/a	n/a	n/a	-	-	18
<b>Engineers</b>						
Engineers	75	32	42	29	171	-
Engineer Intern	123	73	59	73	-	-
<b>Funeral Service</b>						
Director	**	**	**	1	2	-
Embalmers	**	**	**	1	3	-
Establishment	n/a	n/a	n/a	-	-	-
<b>Hearing Aid Dispenser</b>				1	6	-
<b>Land Surveyor</b>	9	7	78	2	2	-
<b>Marriage &amp; Family Therapist</b>	n/a	n/a	n/a	-	4	-
<b>Mental Health Counselor</b>	43	36	78	41	-	-
<b>Midwife, Licensed</b>	**	**	**	20	-	-
<b>Motor Vehicle Racing</b>				-	-	-
<b>Naturopathic Physician</b>	**	**	**	11	7	-
<b>Nursing</b>						
RN's	326	245	75	245	553	-

**APPENDIX C: EXAMINATION AND NEW LICENSE/REGISTRATION ACTIVITY DATA**  
**July 1, 2001 - June 30, 2002**

Type of License	# Taking Exam	# Passing	Percent Pass Rate	Newly Licensed* by Examination	Newly Licensed* by Endorsement	Registered
LPN's	66	61	92	61	64	-
LNA's	860	847	98	757	112	-
Nursing Home Admin.	8	8	100	8	4	-
<b>Occupational Therapy</b>						
Occupational Therapist	**	**	**	14	19	-
Occupational Therapy Assistant	**	**	**	16	4	-
<b>Optician</b>						
Optician	**	**	**	4	3	-
Optician Trainee	n/a	n/a	n/a	-	-	8
Optometry	-	-	-	3	5	-
Osteopaths	-	-	-	2	4	-
<b>Pharmacy</b>						
Pharmacists	**	**	**	25	26	-
Institutional Outlet	n/a	n/a	n/a	-	-	-
Institutional Pharmacy	n/a	n/a	n/a	-	-	-
Retail Pharmacy	n/a	n/a	n/a	-	-	0
Wholesale Drug	n/a	n/a	n/a	-	-	0
Drug Research	n/a	n/a	n/a	-	-	-
<b>Physical Therapy</b>						
Physical Therapist	27	21	78	22	35	-
Physical Therapy Assistant	11	8	73	10	5	-
<b>Private Detective</b>						
Detective Agency	5	5	100	5	-	-
Security Agency	1	1	100	1	-	-
Combination Agency	2	2	100	2	-	-
Guard/Detective Employee	n/a	n/a	n/a	-	-	539
Psychoanalyst	n/a	n/a	n/a	6	6	-
<b>Psychology</b>						
Doctorate				9	15	-
Master				4	-	-
Psychotherapist, Non-licensed	n/a	n/a	n/a	-	-	58
<b>Radiologic Technology</b>						
Radiography	**	**	**	13	63	-
Radiation Therapy	**	**	**	-	-	-
Nuclear Medicine	**	**	**	-	5	-
Limited Licensure	-	-	-	1	-	-
<b>Real Estate Appraiser</b>						
State Licensed	1	1	100	3	-	-
Cert. Residential	2	1	50	2	-	-
Cert. General	1	1	100	1	4	-
<b>Real Estate</b>						
Brokers	79	47	60	29	10	-
Salespersons	374	211	56	106	10	-
Offices	n/a	n/a	n/a	-	-	-
Social Worker, Clinical	27	24	89	23	24	-
<b>Tattooist</b>						
Tattooist	n/a	n/a	n/a	-	-	15
Tattooist Shop	n/a	n/a	n/a	-	-	12
Veterinary	**	**	**	23	13	-
<b>TOTALS</b>	<b>1,618</b>	<b>1,407</b>		<b>1,788</b>	<b>1,394</b>	<b>968</b>

\* = The term "licensed" refers to persons who received either licenses or certification. \*\*These professionals have a national exam.- Denotes no exam activity for fiscal year  
n/a Denotes no exam required

<b>APPENDIX B: LICENSEES BY PROFESSION</b>						
<b>As of July 1, 2002</b>						
<b>Profession</b>	<b>Resident</b>	<b>Non-Resident</b>	<b>Total FY02</b>	<b>Total FY01</b>	<b>Total FY00</b>	<b>Total FY99</b>
Accountancy						
CPA's	683	305	988	971	929	964
RPA's	11	0	11	10	12	15
Firms	201	70	271	275	267	291
Acupuncturist	57	31	88	93	62	59
Architects	271	715	986	846	1,133	1,026
Athletic Trainers	60	7	67	58	62	56
Auctioneers	173	100	273	256	342	317
Barbers						
Masters	163	10	173	170	197	192
Shops	87	0	87	81	95	92
Boxing				1	1	1
Chiropractic	161	91	252	214	252	222
Cosmetology						
Cosmetologists	2,555	285	2,840	2,992	2,840	3,047
Shops	727	0	727	775	706	736
Schools	5	0	5	5	5	6
Manicurists	172	24	196	180	142	37
Estheticians	43	8	51	43	32	25
Dental						
Dentists	359	151	510	549	524	569
Hygienists	489	113	602	276	586	598
Assistants - Certified	78	3	81	66	59	55
Assistants - Traditional	541	48	589	415	399	403
Dietitians	74	5	79	81	66	86
Electrolysis						
Electrologist	12	0	12	0	NR	NR
Electrolysis Shops	17	0	17	0	NR	NR
Engineers						
Professional Engineers	742	2,399	3,141	3,418	3,098	3,299
Engineering Interns	610	691	1,301	1,558	1,154	1,008
Funeral						
Funeral Directors	126	10	136	149	149	164
Establishments	68	0	68	66	66	67
Embalmers	91	10	101	106	108	123
Hearing Aid Dispensers	49	9	58	60	51	71
Land Surveyors	168	93	261	253	279	273
Marriage & Family Therapists	21	8	29	25	21	15
Mental Health Counselor, Clinical	428	40	468	413	398	340
Midwife, Licensed	15	5	20	16	NR	NR
Motor Vehicle Racing	11	0	11	11	11	12
Naturopathic Physician	17	84	101	86	66	45
Nursing						
RN's	5,929	2,039	7,968	7,028	7,800	7,071
LPN's	1,549	290	1,839	2,057	1,884	2,136
Nurse Assistants	4,437	572	5,009	3,996	5,022	4,191
Nurse Practitioner	396	105	501	451	448	409
Nursing Home Administrator	65	19	84	95	82	98

<b>APPENDIX B: LICENSEES BY PROFESSION</b>						
<b>As of July 1, 2002</b>						
<b>Profession</b>	<b>Resident</b>	<b>Non-Resident</b>	<b>Total FY02</b>	<b>Total FY01</b>	<b>Total FY00</b>	<b>Total FY99</b>
Occupational Therapy						
Occupational Therapists	178	36	214	235	192	216
Occupational Therapist Assistants	65	14	79	81	59	61
Opticians						
Opticians	75	15	90	89	103	95
Optician Trainee	33	3	36	30	38	30
Optometry	79	31	110	107	106	106
Osteopathy						
Osteopaths	45	59	104	97	115	104
Limited Temporary	10	1	11	2	4	2
Pharmacy						
Pharmacists	414	410	824	821	793	831
Institutional Pharmacy	17	-	17	17	17	17
Retail Pharmacy	138	-	138	137	137	138
Wholesale Drug Outlet	2	393	395	390	324	339
Drug Research Programs	3	-	3	4	4	4
Physical Therapy						
Physical Therapists	595	300	895	295	850	757
Physical Therapists Assistants	101	75	176	161	165	146
Private Detectives						
Private Detective Agency	19	43	62	56	65	58
Security Guard Agency	2	11	13	13	16	14
Combination Agency	10	19	29	28	35	31
Guard/Detective Employees	638	300	938	657	1,004	1,176
Psychoanalysts	17	121	138	129	126	113
Psychology						
Psychologist - M.A.	193	10	203	214	212	220
Psychologist - Ph.D.	269	74	343	350	322	336
Psychotherapists	293	14	307	240	345	275
Radiologic Technology						
Radiography	408	150	558	457	509	426
Radiation Therapy	23	5	28	22	27	22
Nuclear Medicine	33	15	48	41	45	37
Limited Licensure	20	-	20	13	13	15
Real Estate Appraisers						
State Licensed	42	4	46	42	49	42
Certified Residential	85	15	100	98	104	100
Certified General	76	39	115	108	123	118
Real Estate						
Brokers	1,020	141	1,161	1,274	1,211	1,460
Salespersons	785	66	851	898	805	955
Offices	310	33	343	375	356	397
Clinical Social Workers	523	90	613	648	576	592
Tattooist						37
Tattooists	58	5	63	44	50	220
Tattooist Shops	26	0	26	16	13	81
Veterinarians	297	235	532	498	531	466
<b>TOTALS</b>	<b>28,561</b>	<b>11,069</b>	<b>39,630</b>	<b>36,832</b>	<b>38,792</b>	<b>38,156</b>

RR= Regulation Repealed 6/30/97  
 \*\* Regulation no longer required

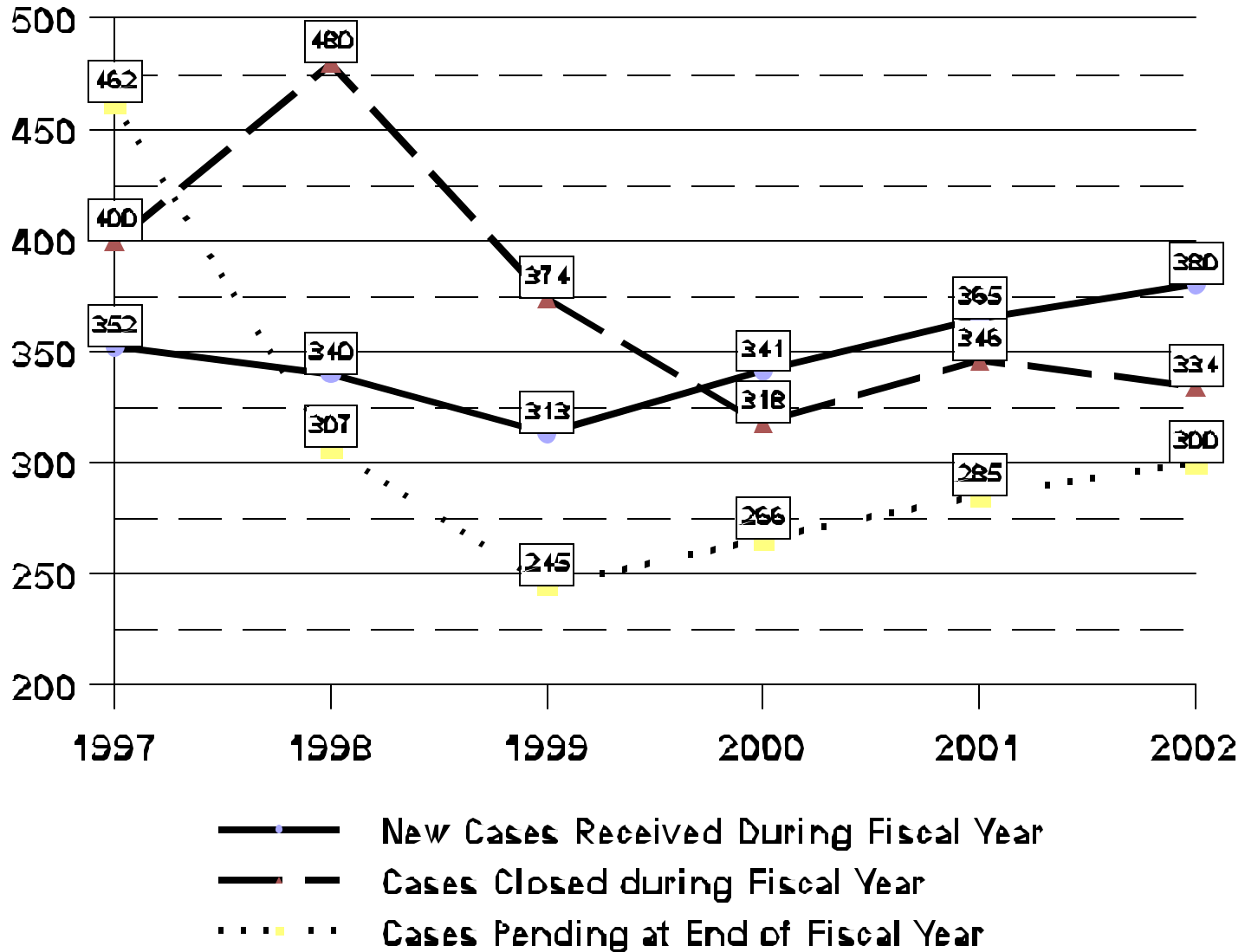
APPENDIX D: ANALYSIS OF COMPLAINT ACTIVITY* -- for Fiscal Years 1997 through 2002																										
Profession	Open Cases at the Beginning of Fiscal Year							New Cases Received During Fiscal Year						Cases						Cases Closed With Disciplinary Action						
	1997	1998	1999	2000	2001	2002	2003	1997	1998	1999	2000	2001	2002	1997	1998	1999	2000	2001	2002	1997	1998	1999	2000	2001	2002	
Accountancy	7	5	4	1	4	4	14	3	3	2	6	3	10	4	4	5	3	--	1	1	--	--	--	3	-	
Acupuncture	-	1	--	--	--	--	-	1	--	--	--	1	-	-	1	--	--	1	-	--	--	--	--	--	-	
Alcohol/Drug Coun.	NR	NR	NR	NR	1	4	10	NR	NR	NR	NR	4	8	NR	NR	NR	NR	1	1	NR	NR	NR		--	-	
Architect	7	8	3	--	1	--	-	2	--	-	--	1	4	-	5	3	--	1	-	1	--	--	--	1	-	
Athletic Trainers	NR	NR	NR	--	--	--	1	NR	NR	--	--	--	1	NR	NR	--	--	--	-	NR	NR	--	--	--	-	
Auctioneer	11	7	1	3	1	4	3	2	5	7	2	6	4	4	8	3	2	2	1	2	1	2	2	1	1	
Barber	2	3	1	--	--	1	-	1	1	--	--	1	1	-	3	1	--	--	-	-	--	--	--	--	-	
Boxing	--	--	--	--	--	--	-	--	--	--	--	--	-	--	--	--	--	--	-	-	--	--	--	--	-	
Chiropractic	12	14	8	5	4	7	4	5	4	6	4	5	3	3	9	5	3	2	2	-	1	4	2	--	3	
Cosmetology	16	9	9	4	2	5	9	1	8	8	6	7	25	6	7	13	3	1	3	2	1	--	1	3	18	
Dental	30	31	26	21	10	31	34	29	17	15	21	42	26	26	17	16	27	18	14	2	5	4	5	3	4	
Dietitian	--	--	--	--	--	--	-	--	--	--	--	--	-	--	--	--	--	--	-	-	--	--	--	--	-	
Electrolysis	NR	NR	NR	NR	NR	--	-	NR	NR	NR	NR	--	-	NR	NR	NR	NR	--	-	NR	NR	NR	NR	--	-	
Engineer	18	20	15	7	8	6	6	6	7	2	6	2	6	4	6	10	5	2	2	-	3	--	--	2	-	
Funeral Service	9	15	5	7	5	1	5	12	3	9	6	5	8	6	12	5	4	4	1	-	1	2	4	5	-	
Hearing Aid	22	5	--	2	2	2	1	1	2	4	2	1	0	18	7	2	2	--	1	-	--	--	--	1	1	
Land Surveyor	11	10	6	8	8	9	4	13	5	8	7	7	3	10	7	4	7	4	7	4	2	2	--	2	1	
Marriage & Family	--	1	1	1	1	1	1	1	--	1	--	--	0	--	--	1	--	--	-	-	--	--	--	--	-	
Mental Health Coun.	9	11	10	3	4	1	5	3	5	2	6	6	5	1	6	6	2	9	-	-	--	3	3	--	1	
Midwife, Licensed	NR	NR	NR	NR	--	--	1	NR	NR	NR		1	1	NR	NR	NR		--	-	NR	NR	NR	--	1	-	
Motor Vehicle	--	-	--	--	--	--	-	-	--	--	1	--	-	--	--	--	1	--	-	-	--	--	--	--	-	
Naturopathic Phy.	--	3	--	1	--	--	-	3	--	1	2	--	-	-	3	--	2	--	-	-	--	--	1	--	-	
Nursing	142	152	91	73	103	101	120	151	146	127	125	147	168	88	112	61	41	53	43	53	88	84	54	96	98	
Nursing Home Adm.	8	5	4	5	4	1	-	--	2	4	3	--	-	3	1	1	1	1	1	--	1	2	3	2	1	
Occupational Ther.	1	1	--	--	--	1	1	--	--	--	--	1	-	--	1	--	--	--	1	-	--	--	--	--	-	
Optician	1	1	2	--	--	--	-	2	2	1	--	--	-	2	1	2	--	--	-	-	--	1	--	--	-	
Optometry	1	1	2	4	1	1	1	--	2	4	1	--	1	--	--	1	4	--	1	-	1	1	--	--	-	
Osteopath	6	6	2	3	5	4	5	4	4	4	8	5	5	3	8	3	5	4	3	1	--	--	1	2	1	
Pharmacy	18	14	16	8	8	13	9	10	18	9	10	17	14	9	17	10	7	8	11	5	1	7	3	4	11	
Physical Therapy	3	2	--	3	1	2	2	2	--	4	--	1	3	2	2	1	1	--	-	1	--	--	1	--	-	
Private Detective	17	20	16	10	8	9	6	7	9	11	12	7	4	3	11	10	6	4	4	1	2	7	8	2	1	
Psychoanalyst	--	--	--	--	--	--	1	--	--	--	--	--	1	--	--	--	--	--	-	-	--	--	--	--	-	
Psychology	28	17	21	14	8	3	6	6	15	12	13	7	8	15	11	16	18	11	5	2	--	3	1	1	-	
Psychotherapist	3	3	6	1	7	3	2	2	5	3	8	3	1	1	2	5	2	5	2	1	-	2	--	2	1	
Radiologic Tech.	2	2	1	--	1	--	-	1	4	--	1	1	-	1	4	--	--	1	1	-	1	1	--	1	-	
Real Estate Appr.	13	12	5	4	2	5	4	2	1	6	5	5	5	2	8	6	6	2	3	1	1	1	1	--	3	
Real Estate Comm.	85	60	38	48	51	52	27	66	58	50	66	62	44	77	60	32	49	34	47	14	18	8	14	27	16	
Social Workers	11	8	7	4	5	2	3	2	8	5	7	4	5	3	6	6	2	4	4	2	1	2	4	3	-	
Tattooist	--	2	2	1	1	1	6	2	1	3	2	2	6	--	1	4	2	1	-	-	--	--	--	1	2	
Veterinary	17	13	5	4	10	11	9	12	5	5	11	11	10	14	11	5	3	9	11	2	1	1	2	1	1	

<b>APPENDIX D: ANALYSIS OF COMPLAINT ACTIVITY* -- for Fiscal Years 1997 through 2002</b>																									
<b>Profession</b>	<b>Open Cases at the Beginning of Fiscal Year</b>							<b>New Cases Received During Fiscal Year</b>						<b>Cases</b>					<b>Cases Closed With Disciplinary Action</b>						
<b>TOTAL</b>	<b>510</b>	<b>462</b>	<b>307</b>	<b>245</b>	<b>266</b>	<b>285</b>	<b>300</b>	<b>352</b>	<b>340</b>	<b>313</b>	<b>341</b>	<b>365</b>	<b>380</b>	<b>305</b>	<b>351</b>	<b>237</b>	<b>208</b>	<b>182</b>	<b>167</b>	<b>95</b>	<b>129</b>	<b>137</b>	<b>110</b>	<b>164</b>	<b>167</b>

NR = Not a Regulated profession at that time

\*includes both disciplinary and unauthorized practice cases

## Appendix E: Complaint Activity



**APPENDIX F:****ROSTER OF BOARD/COMMISSION/ADVISOR MEMBERS**

As of June 30, 2002

**Board of Public Accountancy**

Jeffrey Graham, CPA, Chair  
Lee Spivey, Jr., CPA  
Claire Lavoie, CPA  
Pamela Douglass, CPA  
Cairn G. Cross, Public Member

**Acupuncture Advisors**

Glynn Pellagrino  
Alexander Johnston

**Board of Architects**

Christopher Liddle, Chair  
Edward Wolfstein  
Rebecca Arnold  
Arnold Aho  
Robert Meyer, Secretary  
Janet Stackpole  
Paula Sagerman

**Athletic Trainer Advisors**

Leo LaBonte  
Denise Alosa

**Board of Barbers and Cosmetology**

Gregory Josselyn  
Janice Crossan  
Madeline Roy, Chair  
Dolores Martineau  
Josephine Thomas

**Boxing Control Advisors**

Ed Paterson  
Richard H. Bernstein, M.D.

**Board of Chiropractic**

Julia McDaniel, DC, Chair  
Sean Mahoney, DC, Vice-Chair  
Denise Natale, DC  
Philippa Maloney  
Father Raymond Giroux

**Board of Dental Examiners**

David Averill, DDS, Chairperson  
Katherine Silloway, D.D.S.  
Randall Miller, DDS  
James Wright, D.D.S.  
Linda Retchin, RDH  
Dorothy Wootton, RDH  
Gertrude Hodge  
Charles Bowen, DMD

**Dietitians Advisors**

Priscilla Roberts Carpenter  
Barbara Smith

**Electrologists**

Nancy Cameron, RN  
Margaret McGoff

**Board of Professional Engineering**

Colin B. Taylor, P.E., Chair  
Daniel W. Dupras, P.E.  
Lance A. Llewellyn, P.E., Secretary  
Anthony Collier  
Thomas F. O'Connor, P.E.

**Board of Funeral Service**

William J. Hurley, Jr., Chair  
Paul Guare, Vice-Chair  
David Grundy  
John T. Coffin  
Mary Botter, Secretary

**Hearing Aid Dispensers Advisors**

Marcel Ruel  
David Charnock, M.D.  
Sandra Duncan Farnum

**APPENDIX F:****ROSTER OF BOARD/COMMISSION/ADVISOR MEMBERS**

As of June 30, 2002

**Board of Land Surveyors**

Patricia H. Meredith, LS, Chair  
Terry Harris, LS  
Justin hart  
Malcolm Moore  
Blake Thomsen  
Larry Walter, LS, Vice Chair  
Clifford O. Morrie, Secretary

**Board of Allied Mental Health Practitioners**

Kevin P. Gallagher, LCMHC, Chairperson  
Leora D. Black, LMFT  
Philippa Maloney  
Marilyn Turcotte, LCMHC  
Lauren Berrizbeitia, Psychotherapist

**Midwife Advisors**

Mary Lawlor, Licensed Midwife  
Vacant M.D. Member  
Carol Gibson Warnock, Licensed Midwife

**Motor Vehicle Racing Commission**

Wayne Demar, Chair  
Bernard Champney  
Stephen Craddock, Esq.

**Naturopathic Physicians Advisors**

Mary Bove, ND  
Bill Warnock, ND

**Board of Nursing**

Susan Farrell, RN, Chair  
Alan H. Weiss, Public Member  
Elaine Clift, Public Member  
Laurey M. Tyo, RN  
Sandra Norton, NA  
Patricia Rock, RN  
Susan Cota, RN  
De-Ann Welch, LPN  
Linda Rice, APRN, Vice Chair  
Larry Kingsbury, LPN, Secretary

**Board of Examiners For Nursing Home****Administrators**

Effie Chamberlin, NHA  
Tressa Condon, RN, NHA  
Catherine McGee, Public Member  
Maureen Bertrand, NHA, Chair  
Lorraine Welch, R.N.  
Walter Griffiths, M.D.

**Occupational Therapy Advisors**

Deborah G. Hartenstein  
Nancy Lepsic

**Board of Examiners of Opticians**

Sally Elkins, Chair  
Robert E. Kinsey  
Dale R. Davenport  
Joan Wagner  
Nicole Perreault

**Board of Optometry**

John Duff, OD, Chairperson  
Thomas Terry, O.D.  
Jon Eriksson, O.D.  
Teresa Randall

**Board of Osteopathic Physicians & Surgeons**

Howard Jonas, D.O., Chairperson  
Paul Donovan, D.O.  
William Cove, D.O.  
Mary Mazzariello  
John Welch, Esq.

**Board of Pharmacy**

John W. Vincent, R.Ph., Chairperson  
John Dorvee, R.Ph.  
Andrea MacLauchlan, R.Ph., Vice-Chair  
Ellen Huntley, Secretary  
Jill Donahue, R.Ph.  
Douglas Schoolcraft, R. Ph.  
Keith P. Ribnick

**APPENDIX F:****ROSTER OF BOARD/COMMISSION/ADVISOR MEMBERS**

As of June 30, 2002

**Physical Therapy Advisors**Leonie Nelson  
Sandra A. Ladd**Board of Private Investigative & Security Services**Danny Coane, Chair  
Todd Lemieux  
Richard Walton  
Christine Schlegel-Brown  
Leo Blais**Psychoanalyst Advisors**Michael Conforti  
Lorraine Smithberg**Board of Psychological Examiners**Barbara VanDrimmelen, Psy.D., Chairperson  
William Cunningham, Ph.D.  
Steve Lewis, Psy.D.  
Maxie S. Ewins, Vice-chair  
Kathleen Smith**Board of Radiologic Technology**Kathy J. Whiting, RTR, RDMS, Chairperson  
Robert M. Naylor, M.D.  
Joseph M. Phillips, CNMT,RT(N)  
William A. Fyfe**Board of Real Estate Appraisers**William Scranton, Chair  
Karen Williams, Vice-chair  
Donna D. Stratton  
Lloyd Potter  
Lawrence Martin, Secretary**Real Estate Commission**Martin Nitka, Chairperson  
Elizabeth Merrill, Vice-chair  
C. Jay Hooper  
John E. Bernasconi  
Stuart Baraw  
Tara Dowden  
Susan Matthews**Clinical Social Worker Advisors**Kathleen A. Judge  
Gary Chaudoir**Tattooist Advisors**Anita Licata, M.D.  
Walter Henshaw  
Kenneth A. Saxe**Board of Veterinary**David T. Lamb, D.V.M., Chairperson  
Ronald S. Svec, D.V.M.  
Michele R. Tulis, D.V.M., Secretary  
Mark Basol, D.V.M.  
Nancy Carey, Vice-chair  
Heather Hoisington