

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

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



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

**Christopher D. Winters, Director**

**November 2005**

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**Published by:**

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**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-Fourth Annual Report, providing information on regulatory programs for 44 professions and occupations administered under the Secretary of State and for the fiscal year ending June 30, 2005. Information relating to specific professions can be accessed via our web page: <http://www.vtprofessionals.org> Comments and suggestions are welcome. Write or call the Director, Office of Professional Regulation, c/o Secretary of State, 26 Terrace Street, Montpelier, Vermont 05609-1101, (802) 828-2363 or e-mail to *opr@sec.state.vt.us*.

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This report contains information regarding the following professions:

Accountants Acupuncturists Alcohol & Drug Counselors Architects Athletic Trainers Audiologists Auctioneers Barbers & Cosmetologists Body Piercers Boxing Chiropractors Crematoriums Dental Examiners Dietitians Electrologists	Professional Engineers Funeral Service Hearing Aid Dispensers Land Surveyors Marriage & Family Therapists Clinical Mental Health Counselors Midwives, Licensed Motor Vehicle Racing Naturopaths Nursing Nursing Home Administrators Occupational Therapists Opticians Optometrist Osteopathic Physicians and Surgeons	Pharmacists Physical Therapists Private Investigative/Security Services Psychoanalysts Psychologists Psychotherapists, Non-licensed Radiologic Technologists Real Estate Appraisers Real Estate, Brokers & Salespersons Respiratory Care Practitioners Social Workers, Clinical Speech Language Pathologists Tattooists Veterinarians
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## **Director's Report Fiscal Year 2005**

This Director's Annual Report for the Office of Professional Regulation (OPR, Office) covers Fiscal Year 2005 - July 1, 2004 through June 30, 2005. 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 2005, regulatory programs for 44 professions and occupations were supported and managed by the Office.

Having been newly appointed to the position of Director after the close of FY 2005, I did not have much influence on the overall direction of the Office. However, as Board Counsel for several years before becoming Director, I am well aware of the many new challenges we face as an Office, the areas in which we have made great strides, and those services we can continue to improve. One area in which we have improved is the way we handle unprofessional conduct complaints. Bringing the prosecution of unprofessional conduct cases in-house and combining the investigators and prosecutors in one unit, housed together, has been a tremendous success and has made for a much more responsive, efficient and effective complaint process.

Former Director Jessica Porter deserves the credit for making this happen. Jessica's years' of dedicated service to OPR has left it in very good shape and I am grateful for her leadership these past several years. She will be missed by all of us and deserves our thanks.

With the improvements in the disciplinary function, I plan to focus much more in future months on the service aspect of OPR. I will continue to explore better ways to serve the public, including the 45,000 or so professionals we license. There are many exciting new technologies on the market which may allow us to do a better job for the public. Online applications, electronic scanning and storage of documents, and increasingly specialized licensing software may allow us to provide more services without increasing staff. I will also be focusing on better communications between the Office and the boards and advisors we work with regarding legislation, budgets and how to give them the tools they need to do their jobs more effectively.

I look forward to continuing and upholding this Office's reputation as a responsive, dedicated, and well-run agency doing its very best to serve Vermont. I particularly wish to thank Secretary of State Deb Markowitz, Deputy Secretary Bill Dalton, and Director of Administrative Services Paul Daley for their continuing consultation and support of the Office during this transition period. I would also be remiss not to acknowledge and express appreciation for Senator Jim Condos and Representative Donna Sweaney, along with their respective committees on Government Operations, for the work they do in making professional regulation a success in Vermont.

Respectfully submitted,

Christopher D. Winters, Director  
Office of Professional Regulation

## *Dedication*

This annual report is dedicated to two long term, highly valued and well loved OPR employees, Sienna Walton and Ronald West, who both died from cancer in the past year. Sienna and Ron in large part made OPR what it is today.

### **Sienna Walton**

Sienna served as board counsel for approximately twenty of the professions regulated by OPR for over ten years, nearly since the inception of the office. Sienna worked tirelessly to serve those boards and the members for whom she had so much affection. She was constantly thinking of different ways to improve the system and was never satisfied to remain complacent in her job. From the Medical Practice Board, to Dental to Veterinary to Pharmacy, Sienna's diverse knowledge of the legal issues for each profession was impressive. But perhaps among her greatest assets were Sienna's smile and sense of humor.

Sienna's presence is still felt throughout the office and influences much of what we do every day here. The way in which she faced her illness was an inspiration to us all, and she will not soon be forgotten.

### **Ron West**

Ron started as an investigator in 1987 and was appointed Chief Investigator in 1998. Ron brought a strong sense of professionalism and public service to that position and infused the investigative staff with those virtues. Ron's service to the people of Vermont was acknowledged by a joint resolution of the House and Senate on March 25, 2005. This resolution noted that he had been a leader in Law Enforcement in this state serving in the Barre Police department, as Washington County Sheriff and finally in the Office of Professional Regulation.

Ron's commitment to the people of Vermont, to those who served under him and along side him, and his bravery in his final difficult years will be long remembered by those of us who had the privilege to know him as we attempt to carry those values into the future.

## Review of Specific Activity of Professions

### Introduction

It is important to note that the Boards, Commissions, and Advisory Committees spend tremendous amounts of time dealing with new applications, complaints of unprofessional conduct, requests for review of continuing education programs, and requests for information regarding laws and rules, etc. These are areas which the regulatory profession considers as its “business as usual” work. What follows below are some specific areas of interest that were in addition to the last fiscal year’s considerable work load.

#### **Board of Public Accountancy:**

The Board of Public Accountancy amended its rules, which became effective in August 2003. Upon receipt of the renewal notices, which were sent in early June of 2005, the Board received many questions from licensees with regard to the new requirements for continuing professional education, peer reviews, etc. Although the Board took several steps to notify its licensees of the new changes, which included public hearings, written notices, newsletter, and postings on its Web site, etc., many licensees were unprepared or confused. The Board plans to perform its first audit of CPE for compliance purposes.

#### **Acupuncture:**

The office is reviewing the licensing statutes. The Director, in consultation with the advisors, is considering a change in the licensing statutes to permit students in acupuncture schools to practice as part of their supervised curriculum. The office may suggest some changes in licensing requirements to clarify the role of the office and to reflect national licensing trends.

#### **Allied Mental Health Practitioners Board:**

The Board devotes a large portion of its meeting time to reviewing applications for licensure. During the past fiscal year the Board reviewed ninety-three applications to determine whether the education, examination, and/or experience would be acceptable towards licensure. The Board also spent a great deal of time on redrafting the rules and plans to adopt new rules in fiscal year 2006.

#### **Board of Architects:**

The Board continues to review its requirements for licensure and seeks to standardize the process for applicants. The Board spent considerable time drafting a policy to clarify what is needed to reinstate a license which has lapsed for a period of three or more years. The policy detailed the procedures for reinstatement and the documents needed to demonstrate competency.

#### **Athletic Trainers:**

Advisors are still working on revisions to their rules. The revisions are mostly in response to the legislative change from certification to licensure. Additionally, the Director, with the advice of the athletic trainer advisors, has promulgated rules regarding temporary permits.

**Auctioneers:**

Apprenticeship requirements were modified, and the professions' first set of administrative rules are being drafted and revised.

**Board of Barbers & Cosmetologists:**

The Board continued its efforts in drafting changes to its rules which were in response to legislative changes that went into effect on July 1, 2002. Due to many changes in technology and procedures which include microderm abrasion and the use of lasers, the Board has added several definitions and further clarified qualifications. The Board held several public hearings and gathered input from its licensees, schools and instructors, shop owners and other interested persons. The Board anticipates the effective date of the rules to be in late fall of 2005.

**Board of Chiropractic:**

The Board took testimony relating to the use of the nasium view as an opposing view to a neutral lateral cervical view. The Executive Committee of the American Chiropractic College of Radiology, the Vermont Board of Radiologic Technology, 16 colleges of chiropractic who responded to inquiries from the Board's Inspector, and the witnesses who testified before the Board were all in agreement regard this issue. Based on the written literature reviewed, and the testimonies, the Board adopted a policy that the nasium view cannot substitute for the AP lower cervical and AP open mouth views.

**Crematory Establishments:**

Legislation consolidated two regulatory programs. Crematories are now regulated, along with funeral establishments, by the Funeral Board rather than as a separate advisory profession.

**Board of Dental Examiners:**

As with all professions regulated under the Secretary of State's Office the profession's license fees must fund all operations of the Board. In 2004 the Board was faced with a deficit of \$136,758 and raised the licensing fees. This increase was enough to cover operating expenses for the period but only pay down a small portion of the deficit. It is estimated the deficit will be \$87,470 by the end of fiscal year 2005. To fund these expenses and pay off the deficit fees have been increased for license renewals in 2005.

The Board has spent considerable time revising its rules which are expected to go into effect late 2005 or early 2006.

**Electrologists:**

There was a legislative change made to the laws governing Electrologists which went into effect on July 1, 2005. Electrologists are now licensed instead of certified. An electrology office cannot operate in this state without applying for an electrology office license and having an inspection. Each electrologist office shall have a designated licensed electrologist responsible for overall cleanliness and sanitation.

**Board of Professional Engineers:**

The Board of Professional Engineering dealt with a number of issues including the use of engineering drawings in the place of land surveys. The Board in conjunction with the Board of Land Surveyors agreed on a statement that should be put on engineering drawings to preclude the inappropriate use of the engineering drawings. The Board also introduced legislation to eliminate the problems associated with transient or temporary practice of engineering in Vermont. The legislation was passed and became effective July 1, 2005.

**Funeral Service Board:**

The Board of Funeral Service saw the responsibility of crematory licensing added to their workload with the passage of legislation effective July 1, 2005. Prior to this change the crematory licensing function was administered by an advisory group.

**Board of Land Surveyors:**

The Board of Land Surveyors met with the Board of Professional Engineering to help resolve the issue of the inappropriate use of engineering drawings. The Board also discussed their policy on responsible charge which will be incorporated in the next rule change. The current land surveyor training program continues to be an item of discussion for possible rule change.

**Midwives, Licensed:**

Advisors continue to work on revising forms for renewal applications and peer reviews, and reviewing the research on birth in the home following a previous caesarean.

**Motor Vehicle Racing:**

Moved from Title 31 to Title 26, The Commission changed to an advisor group. They are working on rules for snowmobile racing.

**Naturopathic Physician:**

Advisors continue to work with the Department of Health to revise the formulary for Naturopathic Physicians. The proposal is to create a special license endorsement for pharmacy similar to the midwifery endorsement. A person would be able to become licensed as a naturopathic physician in Vermont without the endorsement but would not be able to write prescriptions or give IV or other injections. The endorsement would be by exam every six years and by biannual continuing education requirements.

**Board of Nursing:**

The nursing shortage continues to impact the health care of Vermonters. Nursing schools have increased their enrollments but the increases have led to faculty shortages and limited health care facilities that are needed for clinical experiences. The Board continues to be inundated with international applications for nurses. These nurses do not plan to work in Vermont but the Board feels that by processing these applications it is contributing to decreasing the shortages in other states.

The nursing shortage also results in an increase in practice issues as facilities are coping with decreased staffing yet must utilize nurses within their scope of practice.

An ad hoc Nurse Practice Committee aided the Board in formulating the following opinions:

- The Role of the Nurse in the Administration and Monitoring of Moderate Sedation;
- The Role of the LPN in IV Therapy (revised);
- Delegation of Administration of Medications to LNA/Dialysis Technicians;
- The Role of Emergency Medical Personnel in Acute Care Facilities; and
- Adult and Family Nurse Practitioners Working in Acute Care Facilities.

All advisory opinions are available on the web site [www.vtprofessionals.org](http://www.vtprofessionals.org). The Board surveyed and approved University of Vermont's Baccalaureate and Master's Degree Nursing Programs for an eight year period.

**Board of Examiners for Nursing Home Administrators:**

The Board met three times during this fiscal year. Board responsibilities include regulating the practice of Nursing Home Administrators, administration of the state examination, and approval of continuing education credits which are required for license renewal. There are currently 87 licensed Nursing Home Administrators in Vermont. Five cases were reviewed for disciplinary action or closure. Updates to the statutes pertinent to NHA were passed by the legislature, including a change from seven to six members of the Board.

**Occupational Therapists:**

Continue to explore the newly enacted continuing competency requirements and changes in supervision requirements to determine if they are achieving their intended purposes.

**Board of Opticians:**

The Board updated its application and clarified the process for applicants.

**Board of Optometry:**

Pursuant to the legislative authority for optometrists to treat glaucoma, Optometrists in Vermont took the required course with regard to the treatment of the eye and adnexa and were issued an Endorsement on their license. The Board also reviewed several requests to determine equivalency to Vermont's requirements from licensees who are also licensed in other states and had the authority to treat glaucoma.

The Board submitted a request to the Optometric Formulary Committee for the use of oral therapeutic pharmaceutical agents. The request was rather broad and included several classes of drugs. The Formulary Committee considered the broad classes of drugs requested by the Board and in the end approved specific drugs currently available within those classes of drugs. The Formulary Committee posted its findings on the Board of Optometry's Web page with the Office of Professional Regulation.

**Board of Osteopathic Physicians:**

The Board processed 12 new applications for licensure, reviewed complaints of unprofessional

conduct, and took disciplinary action when appropriate. The Board participated in national meetings including the Federation of State Medical Boards of the United States, Inc. and the American Association of Osteopathic Examiners. The Board submitted a Resolution to the FSMB for consideration with regard to health care reform.

### **Board of Pharmacy:**

The Board held joint meetings with other state agencies and interested persons to discuss common concerns which included prescription monitoring program, pain management, DEA regulations, robotic units, and so on. The Board has been actively involved in providing testimony on proposed legislation affecting the profession. The Inspector for OPR inspected several pharmacies, some of which had not been inspected in several years. Several inspections revealed many discrepancies, required further investigation and resulted in disciplinary action.

The Board spent considerable time on disciplinary matters and took action against several licensees for a variety of activities that proved to be unprofessional conduct.

The Board participates with the National Association of Boards of Pharmacy's quarterly Newsletter where it kept licensees apprised of pending legislation to require the registration of pharmacy interns and the status of the draft and proposed rules. The Newsletter also included a question and answer section, updated licensees as to changes in staff at the Office of Professional Regulation, and so on. The Board finds its Newsletter a great tool to make licensees aware of changes that affect their license and the practice of pharmacy in Vermont.

The Board actively participated in national meetings including the National Association of Boards of Pharmacy and regional meetings.

### **Physical Therapists:**

There was a legislative change made to the laws governing Physical Therapy which went into effect on July 1, 2005. Changes were made to the eligibility for licensure; examination; and establishing continuing competence requirements by rule as a condition of renewal. The advisors are currently working with other professions and the Vermont Physical Therapy Association on proposed changes to the definition of physical therapy, assistive personnel, and supervision.

### **Board of Private Investigative & Security Services:**

Pursuant to legislation enacted in 2002, the Board developed rules with regard to training requirements for security guards and private investigators, which became effective on July 1, 2005. It held several public meetings and gathered input from the industry as well as other states that have similar requirements. The Board reviewed and approved several training programs, some of which will act as schools to train potential registrants.

The Board prepared and sent a Newsletter to all licensees along with their renewal notices. The Newsletter outlined recent legislative changes specific to the profession and legislation affecting all professions. The Newsletter also highlighted the proposed rule changes, included a course/training outline, and included disciplinary actions taken by the Board. The Board finds its

Newsletter a great tool to make licensees aware of changes that affect their license or registration and the practice of security and private investigative services in Vermont.

### **Board of Psychological Examiners:**

The Board participated in a Retreat along with the Allied Mental Health Practitioners Board, the Clinical Social Worker Advisors, and the Alcohol and Drug Abuse Counselors. At the retreat the participants discussed matters of common interest, including verifying licensing qualifications and standards and continuing education. They also discussed how to let the public know what the regulatory agencies are doing.

In September 2004, Dr. Van Drimmelen completed her second term on the Board. During her years on the Board, she served as a member, vice chair and most recently as chair. On her watch and with her guidance, the Board was able to create and administer a jurisprudence exam, launch a newsletter, provide training for VPA members, develop guidelines for supervision of conditional licensees, revise continuing education assessment, streamline the process for reviewing applications, and significantly reduce the turnaround time for closing cases.

The Board addressed issues within the profession. Some of those issues were:

- \* considerations pertaining to terminating one's psychology practice, either temporarily or permanently, and either voluntarily or involuntarily, and to have a directive to protect the ongoing welfare of patients via an "organized plan to ensure that the termination of services does not create patient/client harm".
- \* the development of guidelines for supervision of those practitioners found to have committed unprofessional conduct, where supervision was required as a part of the disciplinary sanction

In addition, for the first time, for the licensing cycle that ended in December, 2003, the Board used an audit system to check documentation for continuing education credits. 10% of all licensed psychologists in Vermont were audited (45 individuals). All Licensees responded to the Board's request for documentation. Upon review, some cases required more clarification and specific documentation was requested. Ultimately, all licensees passed the audit process. The most common areas of concern were lack of certificates of workshop attendance and lack of documentation pertaining to supervision and ongoing care consultation, such as the names of participants and other pertinent information.

**Board of Radiologic Technologists:**

The Board submitted legislation concerning a new modality being introduced to the profession, Positron Emission Tomography/Computerized Tomography (PET-CT). It also created a Policy to clarify procedures until the new legislation was in place. The Board continues to look at new specialties being introduced (i.e., radiologist assistant), which are related to the profession. The Board is researching the need for competency requirements for among others, Magnetic Resonance Imaging (MRI) operators, and Diagnostic Medical Sonographers. It is also monitoring the results of a task force researching new specialty equipment such as Scanner and a CT Simulator, as well as who is authorized to operate this equipment.

**Board of Real Estate Appraisers:**

The Board of Real Estate Appraisers continues to improve its oversight of the appraiser trainee program. There have been a number of instances identified where trainees were getting less than adequate training. The Board's policy is that trainees must do the inspection and be accompanied by their supervisor. The Board is also preparing for changes to the qualification education and academic education requirements for licensing to be effective January 1, 2008.

**Real Estate Commission:**

The Real Estate Commission's proposed legislation was enacted to take effect July 1, 2005. Changes include increased pre-licensing requirements for salespersons and brokers. Experience qualifications were increased for salespersons upgrading to brokers. In addition licensees who have not had an active license for more than five years are now required to complete the pre-licensing education and testing requirements. The Commission feels these changes will ensure a better qualified licensee and provide increased public protection.

**Respiratory Care Practitioners:**

Advisors have completed rule changes which will become effective on September 1, 2005. These rules are the first for the respiratory care practitioner profession. These rules will implement the application process, temporary licenses, continuing education credits, and disciplinary procedures for this newly licensed profession.

**Clinical Social Workers:**

The Advisors clarified that the ethics requirement for continuing education was intended to be taken in a formalized setting, and that on-line courses would not be accepted.

**Tattooists and Body Piercers:**

Modified the apprenticeship requirements, and explored ways to better inspect shops and address unlicensed practice.

**Board of Veterinary Medicine:**

The Board evaluated its requirement for new applicants to attend a meeting for an interview as a condition of licensure (jurisprudence examination). After much consideration, the Board concluded that although some benefit to the applicant was apparent, it was not necessary and would alleviate additional steps and expense for applicants.

## **Report of the Prosecutorial Unit**

The primary charge of this unit is to prosecute unprofessional conduct cases. The unit consists of three full-time prosecutors. The prosecution of unprofessional conduct cases can help protect the citizens of Vermont by creating accountability and fostering an awareness of the need to adhere to professional standards.

### **Prosecutorial Unit**

The three prosecutors in this division are responsible for determining which investigations should lead to charges of unprofessional conduct and for the presentation of those charges to the appropriate hearing officer or board. They also handle the division's lively motion and appellate practices.

A team approach is used to help decide which investigations have uncovered evidence of unprofessional conduct and should be charged. The team consists of the investigator, a Board/Advisory Panel member (who acts as an expert advisor, but does not otherwise participate in the case), the Unit Administrator who supports the profession, and a prosecuting attorney. While the attorney has the ultimate responsibility for any prosecution, the team approach contributes to better informed decisions by integrating the knowledge of the investigator, the expert, the support staff and the attorney into the process. This approach has been successful in protecting the public without placing an undue burden on licensees.

The number of cases handled by the prosecutors continues to increase and requires careful monitoring to assure that appropriate levels of service are provided to the public and the professions.

Respectfully Submitted,

Robert Backus, Senior Prosecuting Attorney

## **Report of the Investigative Unit**

The primary charge of this unit is to investigate unprofessional conduct cases. The unit also carries responsibilities for inspecting certain businesses and can be involved in investigating the fitness of applicants for licensure. The unit consists of six full-time experienced investigators.

### **Investigative Unit**

This year the investigative unit saw an 8% increase in the number of complaints handled by the investigative staff. The total number of complaints handled was 444, up from 411 handled for the FY 2004.

The staff has had many changes during this past year not the least of which was the loss of our Chief Investigator, Ron West. Ron succumbed to cancer in February of 2005. Ron's passing and the retirement of other investigators left a void in the number of investigators to handle the increase in case load. Fortunately they were able to step up to the plate and did a superb job of handling the extra cases.

I am happy to say that at this time we are up to a full staff of investigators which include: Amy Carlson, Investigative Coordinator, and Investigators: Steve Kennedy, Brenda Tetrault, Karl Packer, and Derek Everett.

Respectfully Submitted,

Michael Colgan, Chief Investigator

## Statutory Changes Adopted in FY05 Legislative Session

### Summary of 2005 OPR Bill Summary (H.199)

#### **General amendments relative to all professions:**

3 V.S.A. § 123(a) clarifies that the director and administrative law officers have the power in appropriate situations to order the office or professional regulation to issue and record and reinstate licenses.

3 V.S.A. § 125(a) makes clear that the payment of a late renewal penalty does not preclude disciplinary action for practicing without a license.

3 V.S.A. §§ 127(b) and 129a(d) puts civil penalties assessed by Boards or Administrative Law Officers (advisor professions) into the professional regulatory fund “for the purpose of providing education and training for board members.” The Director of OPR is to detail in an annual report all receipts and expenses.

3 V.S.A. § 129. provides for a new sanction option. In a disciplinary case where the unprofessional conduct proved involves administrative duties not related to patient, client or customer care, a board or hearing officer may impose a civil penalty and make a specific finding that the violation does not constitute “unprofessional conduct.”

3 V.S.A. § 129(e) clarifies prior practice and specifically says that after a license has been preliminarily denied, the burden of proving entitlement is on the applicant.

3 V.S.A. § 129(k) before the amendment, called for licensees who were not able to meet their continuing education requirements to correct or make a plan for correction before renewal. Since most boards now audit continuing education after renewal, this was revised. Licensees now must fix continuing education deficiencies within 90 days of a board’s order to do so.

3 V.S.A. § 129a deletes language which became obsolete when amendments were made to the statute several years ago. Gross negligence does not need to be proved in order to impose a disciplinary sanction. § (b) of the statute makes clear that actual injury to a client, patient or customer does not need to occur before discipline may be imposed.

3 V.S.A. § 129b makes clear that advisors who are appointed by the Secretary of State are to serve the same terms as board members.

3 V.S.A. § 132 standardizes board quorums. A quorum is a majority of the Board. It takes a majority of that group to take any action. Note: an abstention is the equivalent of an absence and can deprive a board of its quorum.

## **Legislation specific to the various OPR professions:**

18 V.S.A. § 2051 et seq. **Nursing Home Administrators.** Amendments clarify the composition of the Board and eliminate the need for an educator member. The Board's powers and procedures are revised substantially to conform to modern regulatory practice.

3 V.S.A. § 122(c). **Architects.** Injunctions to restrain illegal practice are now made to be filed in the Superior Court of Washington County only.

3 V.S.A. § 271 et seq. **Barbers and Cosmetologists.** The term manicurist has been replaced by the term "nail technician" (which includes pedicure) to mirror the use of this term in schools and training materials of the profession. An out-dated provision for people who are not barbers being allowed to practice as long as they don't call themselves barbers is deleted. The apprenticeship requirements for barbers, cosmetologists, estheticians and nail technicians are now more specific. They set a minimum and maximum number of hours that a person can work during training without being licensed, but only under the supervision of a licensee. Shop registration is changed to shop license. People whose licenses have lapsed more than three years must meet competency requirements. Nail technician renewal fees were raised from \$60 to \$80 dollars every two years. New provision requiring licensees to make sure they have proper training and education before undertaking professional tasks.

3 V.S.A. § 812 et seq. **Board of Dental Examiners.** The 90 grace period for people who do not renew on time was eliminated to make renewal provisions consistent with other professions. Two members or the chair can call meetings of the board.

3 V.S.A. § 1212. **Professional Engineers.** No more transient practice licenses. This section was repealed. Note: the section requiring a public member to be on the board was repealed in error and will be submitted in next year's OPR bill.

26 V.S.A. § 1212 **Funeral Directors.** Adds crematories to board authority. Any disciplinary action against an independent crematory may, upon petition of the independent crematory, be heard by an administrative law officer rather than the funeral board to address any concerns of bias by funeral directors against non-funeral directors. New amendments strengthen the requirements around funeral service trust accounts. Prepaid funeral monies must now be paid directly to the escrow agent and not to the trustee, along with more specific record-keeping requirements. It also makes clear that the Office of Professional Regulation has the authority to conduct audits of funeral homes when financial irregularities are suspected.

3 V.S.A. § 1707(b). **Optometrists.** Eliminates the provision which required that the public member had to participate in all decisions except drafting and grading examinations. The formulary committee was extended to July 1, 2006. Next year the legislature will consider whether the committee should be eliminated, renewed or modified.

26 V.S.A. § 2031 et seq. **Pharmacists.** Pharmacy technicians may practice for up to thirty days while their applications are pending. Practice is always under the direct supervision of a pharmacist. The Board may recoup some of the costs of a re-inspection where deficiencies in a pharmacy were noted and need to be followed up. The reinspection fee is \$100.00. The Board will now have discretion to allow a licensee to continue as a manager of a pharmacy after minor disciplinary action.

3 V.S.A. § 2081 et seq. **Physical Therapists.** Rewrites outdated language, amendments include updated language, much of it gleaned from the Model Practice Act produced by the Federation of State Boards of Physical Therapy. The amendments include authority for the director to implement continuing competence requirements by rule. Exemptions from licensing requirements are clarified.

3 V.S.A. § 2251 **Real Estate Commission.** Training and experience requirements are increased. Reinstatement provisions are amended. These sections increase the level of education and experience required for brokers and salespeople in Vermont. It adds a 40 hour course for salespeople where currently no education is required. The broker course is increased from 8 hours to 40 hours. A sales person will now need not one year, but two years experience before becoming a broker. The real estate transactions requirement goes from 6 transactions to 8. Continuing education is increased from 8 to 16 hours every two years for salespeople and from 12 to 16 hours every two years for brokers.

26 V.S.A. § 2411 et seq. **Veterinarians.** Amended to ensure that those who have been out of practice for five years or more show competency to re-enter the profession.

26 V.S.A. § 2661 et seq. **Opticians.** The term “optician trainee” replaces “trainee.” Licensees who have been out of practice more than five years must show competency to resume practice in Vermont via licensed practice elsewhere or passing the national licensing examination.

26 V.S.A. § 2821 et seq. **Radiologic Technologists.** Joint PET/CT licensing requirements.

26 V.S.A. § 3003(b) et seq. **Psychologists.** Injunctions to restrain illegal practice are now made to be filed in the Superior Court of Washington County only. “Conduct hearings” is now added to the board’s enumerated powers. Licensure by endorsement is for licensees from states with “substantially” (no longer “essentially”) equivalent licensing statutes.

26 V.S.A. § 3161 et seq. **Private Investigators and Security Guards.** Part-time employees have up to 180 days or 500 hours, whichever comes first, to obtain their full training, but does require an initial 8 hours of training prior to working.

26 V.S.A. § 32039(b) **Clinical Social Workers.** Gives the director of OPR the administrative responsibilities, not the secretary of state, for this advisor group.

26 V.S.A. § 3262 et seq. **Board of Allied Mental Health Practitioners.** Clarification of degree requirements, requirement of entering the roster of nonlicensed noncertified psychotherapists for

supervised practice. Deleted the word “respectively” in the board member statute 26 V.S.A. § 3262a so that a board member may remain on the board when he or she “graduates” from being a psychotherapist to become a clinical mental health counselor.

26 V.S.A. § 3133 et seq. **Real Estate Appraisers.** A supervisor must now have at least two years experience prior to supervising a trainee.

26 V.S.A. § 4037 **Marriage and Family Therapists.** The amendment makes it clear that the Board of Allied Mental Health Practitioners has authority to define, through formal rulemaking, a definition of the type of degree and course work necessary for licensure. 26 V.S.A. § 4082(2) Allows discretion to roster people with past unprofessional conduct violations.

26 V.S.A. § 4105(b) **Tattooists and Body Piercers.** A one year apprenticeship is required for entry into this profession. A supervisor must hold a current unencumbered license. A previously disciplined licensee may act as a supervisor as long as his or her license is not revoked or suspended. If the license is subject to any conditions on practice, supervision permission may be granted for “good cause shown.”

26 V.S.A. § 4401 et seq. **Electrologists.** The profession graduates from certification to licensure. The legislation contains a grandfather clause in § 4406 to permit easy licensure for experienced practitioners with no record of discipline. The biennial office licensing renewal fee is reduced to \$50.00. Reinstatement after more than five years lapse requires 10 hours continuing education and successful completion of the licensing examination to show competence to resume practice.

26 V.S.A. § 4602(2) **Auctioneers.** The hourly apprenticeship requirement decreases from 1,000 hours to 250, to include active participation, including bid calling, in at least 6 auctions.

26 V.S.A. § 4705(a) **Respiratory Care Practitioners.** Provides four ways a licensee can demonstrate competency and become relicensed after a license has lapsed for five years or more.

26 V.S.A. § 4801 **Motor Vehicle Racing.** Commission changed to advisor model. The statutes are moved from title 31 to title 26 to join the other OPR regulated professions.

**Miscellaneous housekeeping changes:** Throughout title 3 and title 26 changes to the statutes were made to ensure uniformity of practice, quorum requirements, to accurately reflect current OPR practice, to eliminate conflicts between statutes, and to clarify the difference between renewal and reinstatement. Definitions were clarified as needed. Quite a few out of date or duplicative statutes were deleted.

To see the bill as it was signed into law, see:

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2006/acts/ACT027.HTM>

<p style="text-align: center;"><b>Statutory Revisions Identified in FY05 For Consideration in FY06</b></p>
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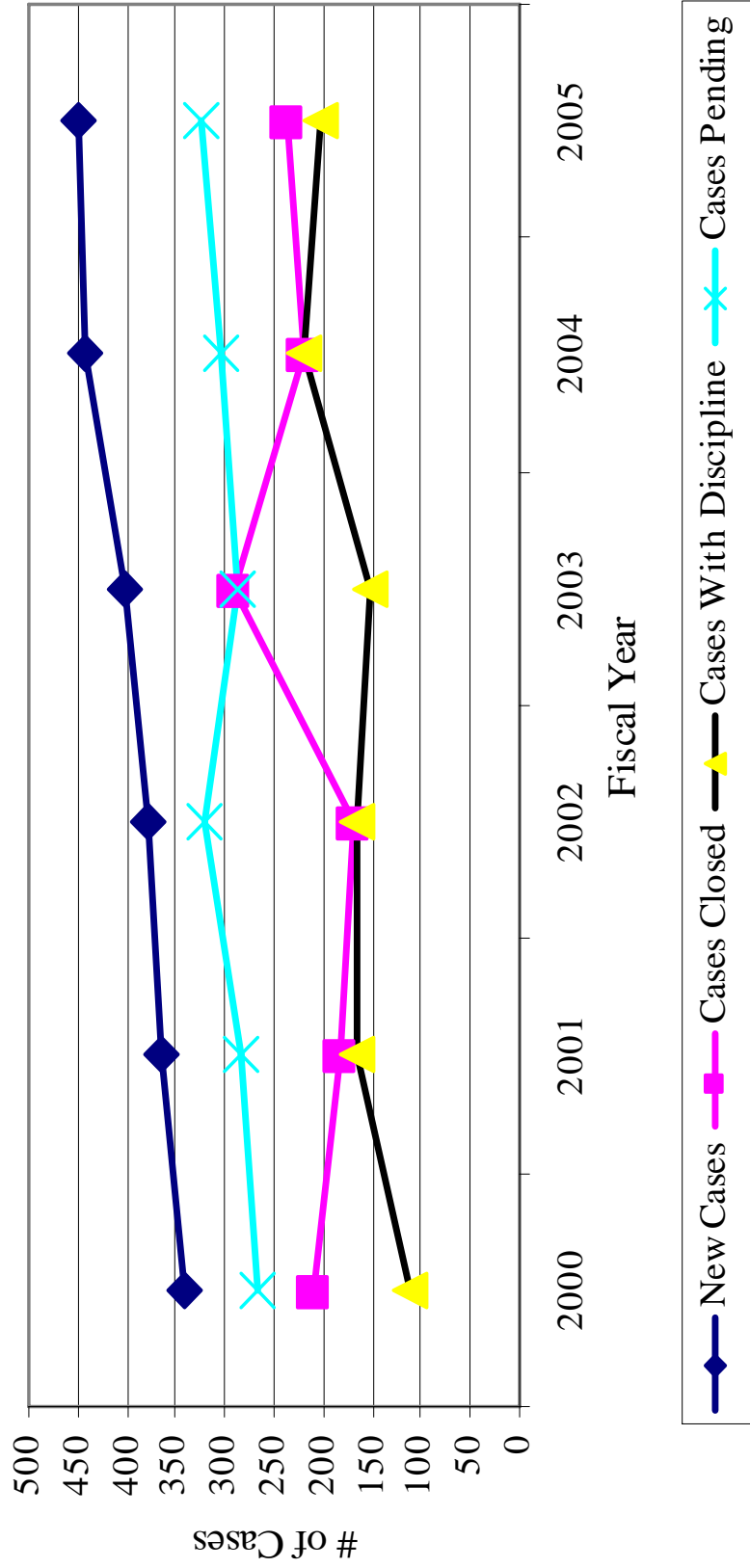
**Proposed Legislation for 2006, exclusive of fee proposals.**

No significant statutory revisions have been identified as of the writing of this report. However, several professions are likely to be involved in the legislative process before the session ends:

**Optometrists** will be considering changes to continue the implementation of the optometric formulary. **Athletic Trainers** and **Physical Therapists** will be pursuing clarification of their clinical roles as they relate to each other and billing practices. Physical Therapists may also seek a more specific definition of the practice of physical therapy. **Professional Engineers** will likely testify on the landscape architect effort to become a licensed profession, while the **Real Estate Commission** will be a part of the continuing discussion on broker and salesperson qualifications after a license has lapsed for more than five years. **Funeral Directors** are exploring continuing education for removal personnel and **Tattooists and Body Piercers** will also seek continuing education on blood-borne pathogens and infectious diseases. **Pharmacists** expect to be consulted on a variety of initiatives aimed at improving the health care system and **Real Estate Appraisers** will seek clarification of trainee requirements.

Several other professions will seek out “housekeeping” revisions to statute to keep up with existing practices and outdated language.

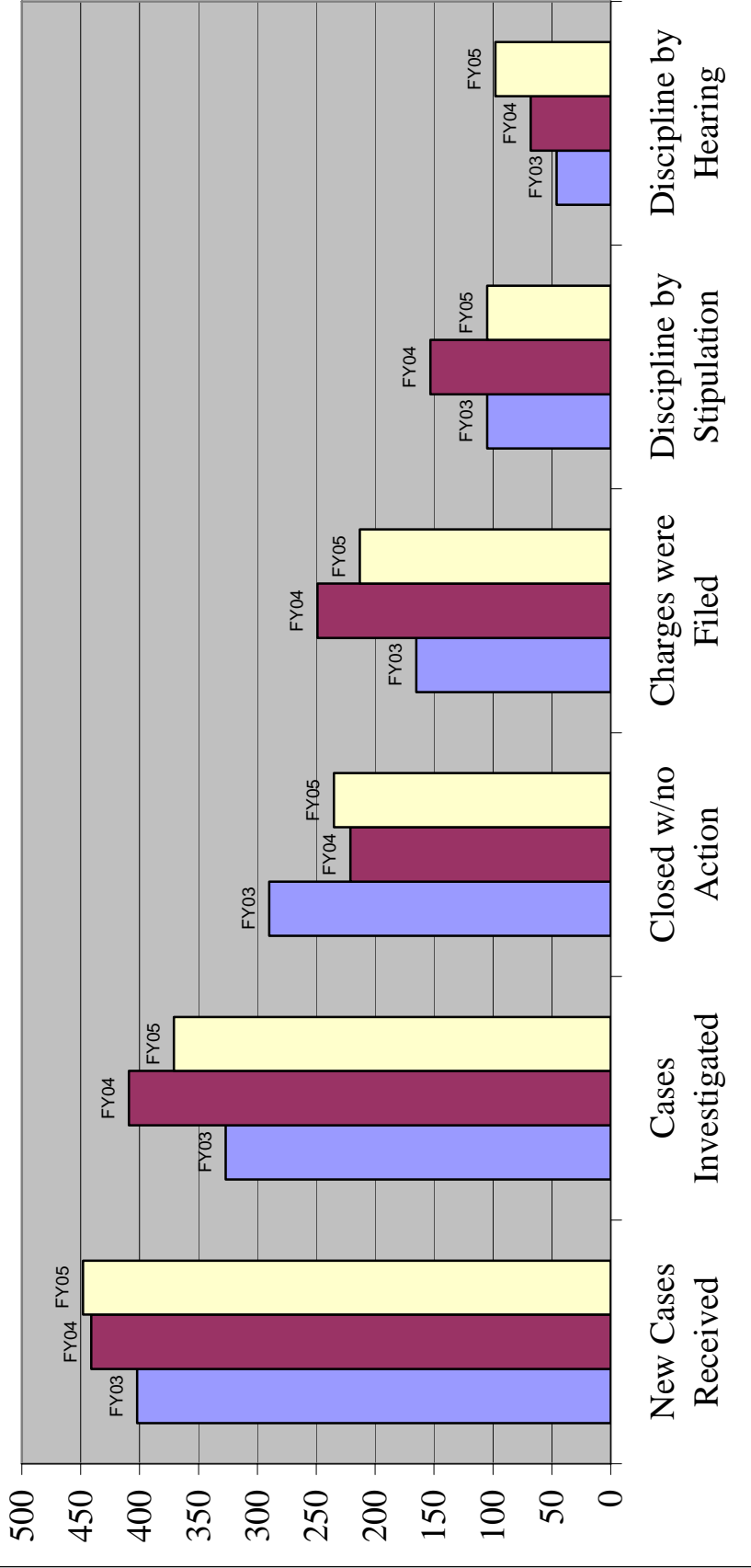
Appendix A: Complaint Activity Overview  
 For Fiscal Years 2000 through 2005



### Appendix B: Detail of Complaint Activity

for Fiscal Year 2005	New Cases Received	Cases Investigated	Closed w/no Action	Charges were Filed	Discipline by Stipulation	Discipline by Hearing
Accountancy	8	5	1	1	0	4
Acupuncture	5	1	1	1	0	0
Alcohol/Drug Counselor	4	6	5	3	1	1
Architect	6	5	3	1	1	0
Athletic Trainer	0	0	0	0	0	0
Auctioneer	3	2	2	1	0	0
Audiologist	1	0	1	0	0	0
Barber	0	0	0	0	0	0
Body Piercing	2	2	0	1	1	0
Boxing Control	0	0	0	0	0	0
Chiropractic	6	4	1	3	0	1
Cosmetology	12	13	11	3	3	0
Crematory	0	0	0	0	0	0
Dental	32	25	20	15	6	2
Dietitian	0	0	0	0	0	0
Electrology	0	0	0	0	0	0
Engineering	7	7	4	3	1	0
Funeral Service	2	3	2	2	1	1
Hearing Aid Dispenser	1	1	0	1	0	0
Land Surveyor	9	4	3	2	1	2
Marriage/Family Therapist	0	1	0	0	0	0
Mental Health Counselor	5	3	1	3	1	0
Midwife, Licensed	1	3	3	0	0	0
Motor Vehicle Racing	0	0	0	0	0	0
Naturopaths	0	0	1	0	0	0
Nursing	139	117	32	105	48	67
Nursing Home Admin.	3	5	2	2	3	0
Occupational Therapy	1	2	1	1	1	0
Optician	0	0	1	0	0	0
Optometry	3	1	1	0	0	0
Osteopath	9	7	7	2	1	0
Pharmacy	57	34	23	20	15	5
Physical Therapist	3	5	1	2	2	0
Private Detective	8	12	3	6	7	7
Psychanalyst	0	0	0	0	0	0
Psychology	8	8	7	3	1	0
Psychotherapist	3	2	0	0	0	0
Radiologic Technician	9	5	0	4	3	0
Real Estate Appraiser	9	7	7	4	2	2
Real Estate Commission	69	61	67	22	6	3
Respiratory Care Therapist	4	0	1	0	0	0
Social Work	2	3	5	0	0	1
Tattooist	2	2	2	1	0	1
Veterinary	15	15	16	1	0	1
<b>TOTALS</b>	<b>448</b>	<b>371</b>	<b>235</b>	<b>213</b>	<b>105</b>	<b>98</b>

**Appendix C: Historical Data  
Detail of Complaint Activity for Fiscal Years 2003 through 2005**

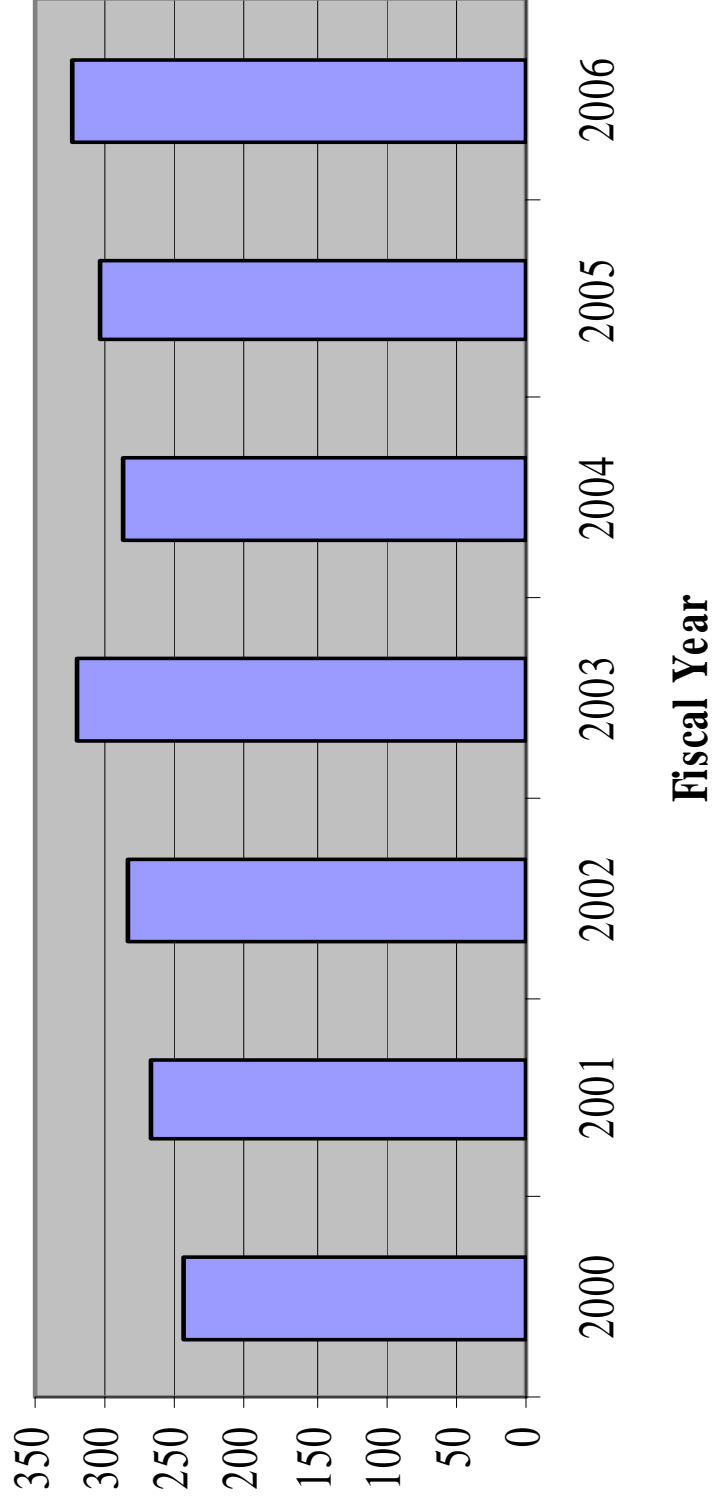


**Appendix D: Historical Data of Pending Cases at the Start of the Fiscal Year**

	2000	2001	2002	2003	2004	2005	2006
Accountancy	1	4	4	13	10	1	4
Acupuncture	0	0	0	-	0	0	4
Alcohol/Drug Coun.	NR	1	4	10	4	5	2
Architect	0	1	0	4	4	1	3
Athletic Trainers	0	0	0	1	0	0	0
Auctioneer	3	1	4	6	3	1	2
Audiologist	NR	NR	NR	NR	NR	NR	0
Barber	0	0	1	-	1	0	0
Body Piercing	NR	NR	NR	NR	1	0	1
Boxing	0	0	0	-	0	0	0
Chiropractic	5	4	7	8	7	0	4
Cosmetology	4	2	5	18	10	6	4
Crematory Est.	NR	NR	NR	NR	NR	NR	0
Dental	21	10	31	34	37	25	29
Dietitian	0	0	0	-	0	0	0
Electrolysis	NR	NR	0	-	0	0	0
Engineer	7	8	6	6	6	2	6
Funeral Service	7	5	1	5	8	8	7
Hearing Aid	2	2	2	1	0	0	1
Land Surveyor	8	8	9	4	2	1	2
Marriage & Family	1	1	1	1	1	2	2
Mental Health Coun.	3	4	1	5	3	3	6
Midwife, Licensed	NR	0	0	1	2	5	3
Motor Vehicle	0	0	0	-	0	0	0
Naturopathic Phy.	1	0	0	-	0	0	0
Nursing	73	103	101	120	99	102	94
Nursing Home Adm.	5	4	1	1	3	4	2
Occupational Ther.	0	0	1	0	1	1	0
Optician	0	0	0	-	1	0	0
Optometry	4	1	1	2	2	1	3
Osteopath	3	5	4	5	3	5	6
Pharmacy	8	8	13	10	12	25	39
Physical Therapy	3	1	2	2	0	0	0
Private Detective	10	8	9	6	3	20	11
Psychoanalyst	0	0	0	1	1	1	1
Psychology	14	8	3	6	6	4	4
Psychotherapist	1	7	3	2	1	0	3
Radiologic Tech.	0	1	0	-	1	2	8
Real Estate Appr.	4	2	5	5	13	15	15
Real Estate Comm.	48	51	52	27	28	51	49
Respiratory Care Ther.	NR	NR	NR	NR	NR	0	3
Social Workers	4	5	2	3	4	5	1
Tattooist	1	1	1	5	2	2	1
Veterinary	4	10	11	9	9	6	4
<b>TOTAL</b>	<b>245</b>	<b>266</b>	<b>285</b>	<b>321</b>	<b>288</b>	<b>304</b>	<b>324</b>

NR = Not a Regulated profession at that time

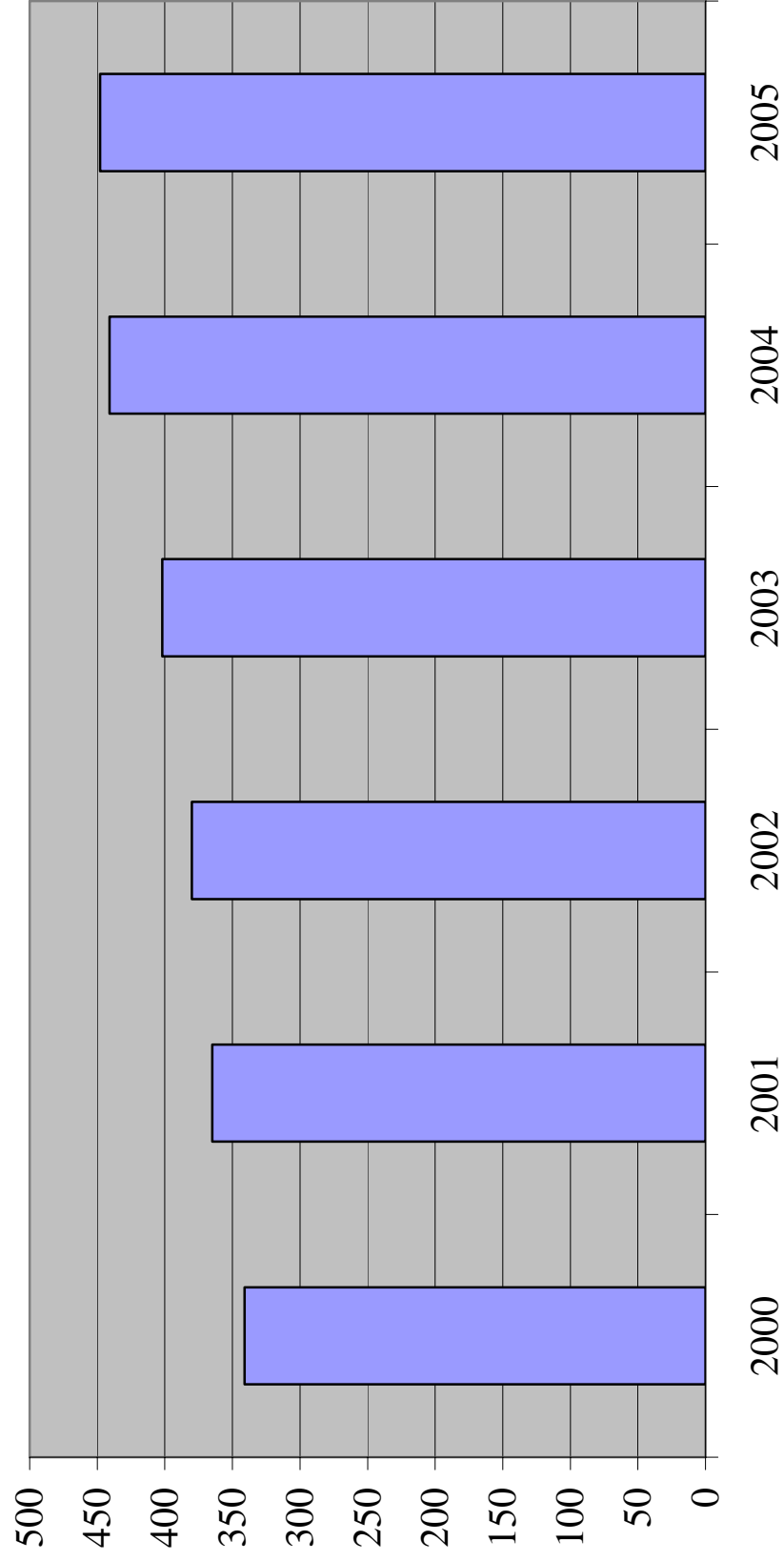
**Appendix E: Historical Data  
Pending Cases at the Start of the Fiscal Year**



### Appendix F: Historical Data of New Cases Received During the Fiscal Year

	2000	2001	2002	2003	2004	2005
Accountancy	6	3	10	10	0	8
Acupuncture	0	1	-	0	0	5
Alcohol/Drug Coun.	NR	4	8	0	6	4
Architect	0	1	4	3	1	6
Athletic Trainers	0	0	1	0	0	0
Auctioneer	2	6	4	3	3	3
Audiologist	NR	NR	NR	NR	NR	1
Barber	0	1	1	1	0	0
Body Piercing	NR	NR	NR	1	0	2
Boxing	0	0	-	0	0	0
Chiropractic	4	5	3	7	3	6
Cosmetology	6	7	25	11	23	12
Crematory Est.	NR	NR	NR	NR	NR	0
Dental	21	42	26	33	29	32
Dietitian	0	0	-	0	0	0
Electrolysis	NR	0	-	0	0	0
Engineer	6	2	6	8	4	7
Funeral Service	6	5	8	8	5	2
Hearing Aid	2	1	0	0	0	1
Land Surveyor	7	7	3	6	4	9
Marriage & Family	0	0	0	0	1	0
Mental Health Coun.	6	6	5	4	5	5
Midwife, Licensed		1	1	1	4	1
Motor Vehicle	1	0	-	0	0	0
Naturopathic Phy.	2	0	-	1	1	0
Nursing	125	147	168	148	174	139
Nursing Home Adm.	3	0	-	3	5	3
Occupational Ther.	0	1	-	1	1	1
Optician	0	0	-	3	2	0
Optometry	1	0	1	2	3	3
Osteopath	8	5	5	4	5	9
Pharmacy	10	17	14	24	27	57
Physical Therapy	0	1	3	2	1	3
Private Detective	12	7	4	3	25	8
Psychoanalyst	0	0	1	0	0	0
Psychology	13	7	8	6	10	8
Psychotherapist	8	3	1	1	1	3
Radiologic Tech.	1	1	-	1	2	9
Real Estate Appr.	5	5	5	18	15	9
Real Estate Comm.	66	62	44	55	56	69
Respiratory Care Ther.	NR	NR	NR	NR	NR	4
Social Workers	7	4	5	5	6	2
Tattooist	2	2	6	7	3	2
Veterinary	11	11	10	22	16	15
<b>TOTAL</b>	<b>341</b>	<b>365</b>	<b>380</b>	<b>402</b>	<b>441</b>	<b>448</b>

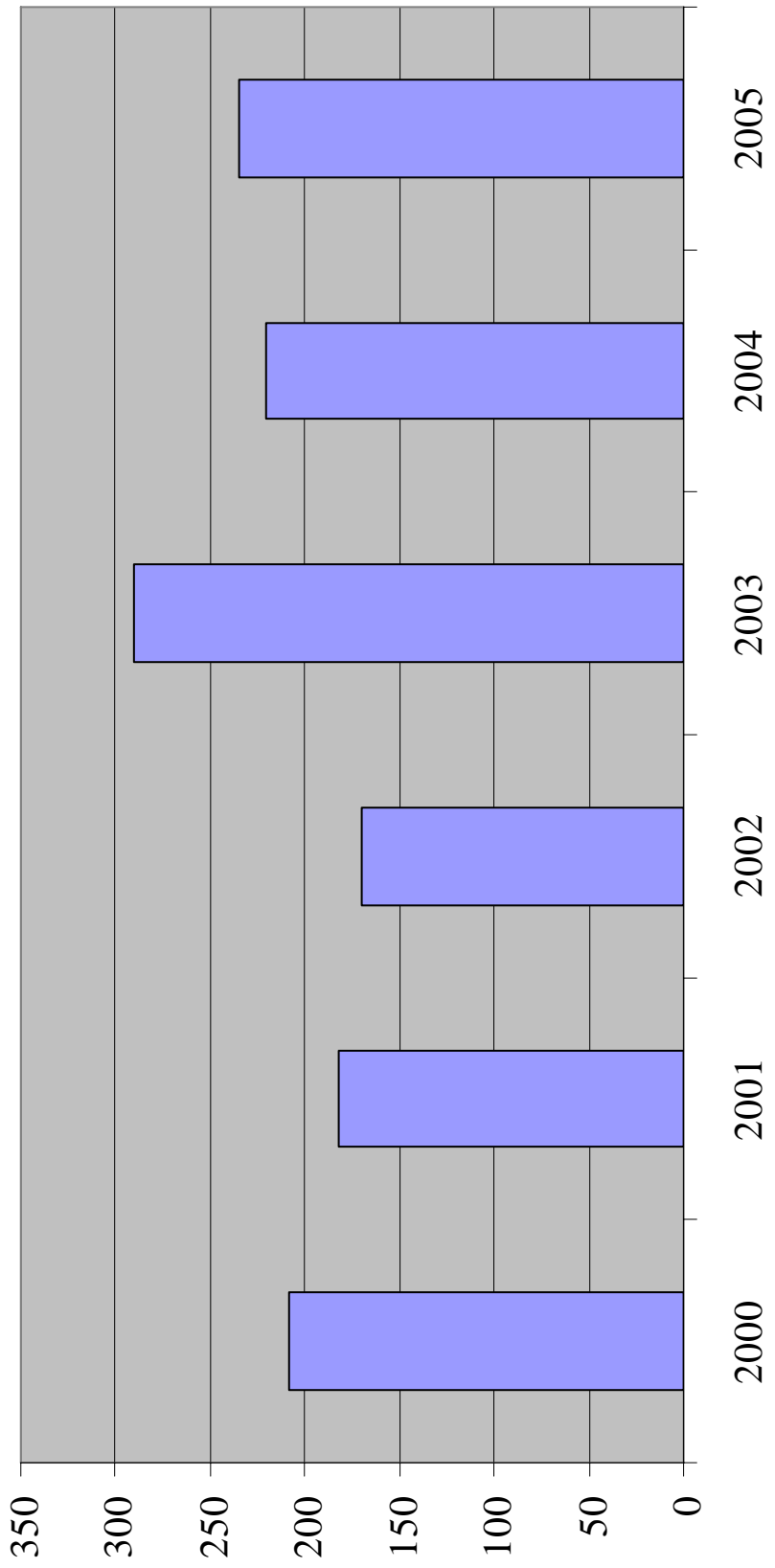
**Appendix G: Historical Data  
New Cases Received During the Fiscal Year**



## Appendix H: Historical Data - Conduct Cases Concluded

Without Discipline for Fiscal Years 2000 through 2005	2000	2001	2002	2003	2004	2005
Accountancy	3	0	1	8	8	1
Acupuncture	0	1	-	-	0	1
Alcohol/Drug Coun.	NR	1	1	4	4	5
Architect	0	1	-	3	4	3
Athletic Trainer	0	0	-	-	0	0
Auctioneer	2	2	1	5	3	2
Audiologist	NR	NR	NR	NR	NR	1
Barber	0	0	-	-	0	0
Boxing	0	0	-	-	0	0
Body Piercing	NR	NR	NR	-	0	0
Chiropractic	3	2	2	5	5	1
Cosmetology	3	1	3	7	16	11
Crematory	NR	NR	NR	NR	NR	0
Dental	27	18	14	26	19	20
Dietitian	0	0	-	-	0	0
Electrolysis	NR	0	-	-	0	0
Engineer	5	2	2	7	4	4
Funeral Service	4	4	1	11	4	2
Hearing Aid	2	0	1	1	0	0
Land Surveyor	7	4	7	7	5	3
Marriage & Family	0	0	-	-	0	0
Mental Health Coun.	2	9	-	4	3	1
Midwife, Licensed		0	-	-	0	3
Motor Vehicle	1	0	-	-	0	0
Naturopathic Physician	2	0	-	1	1	1
Nursing	41	53	43	74	44	32
Nursing Home Adm.	1	1	1	1	3	2
Occupational Therapy	0	0	1	-	0	1
Optician	0	0	-	3	3	1
Optometry	4	0	1	2	4	1
Osteopath	5	4	3	4	3	7
Pharmacy	7	8	11	16	14	23
Physical Therapy	1	0	-	3	1	1
Private Detective	6	4	4	4	6	3
Psychoanalyst	0	0	-	-	0	0
Psychology	18	11	5	5	9	7
Psychotherapist	2	5	2	2	1	0
Radiologic Tech.	0	1	1	-	1	0
Real Estate Appraiser	6	2	3	9	14	7
Real Estate Comm.	49	34	47	43	20	67
Respiratory Care Prac.	NR	NR	NR	NR	NR	1
Social Worker	2	4	4	4	3	5
Tattooist	2	1	-	9	2	2
Veterinary	3	9	11	22	17	16
<b>TOTAL</b>	<b>208</b>	<b>182</b>	<b>170</b>	<b>290</b>	<b>221</b>	<b>235</b>

**Appendix I: Historical Data - Conduct Cases Concluded Without Discipline For Fiscal Years 2000 through 2005**

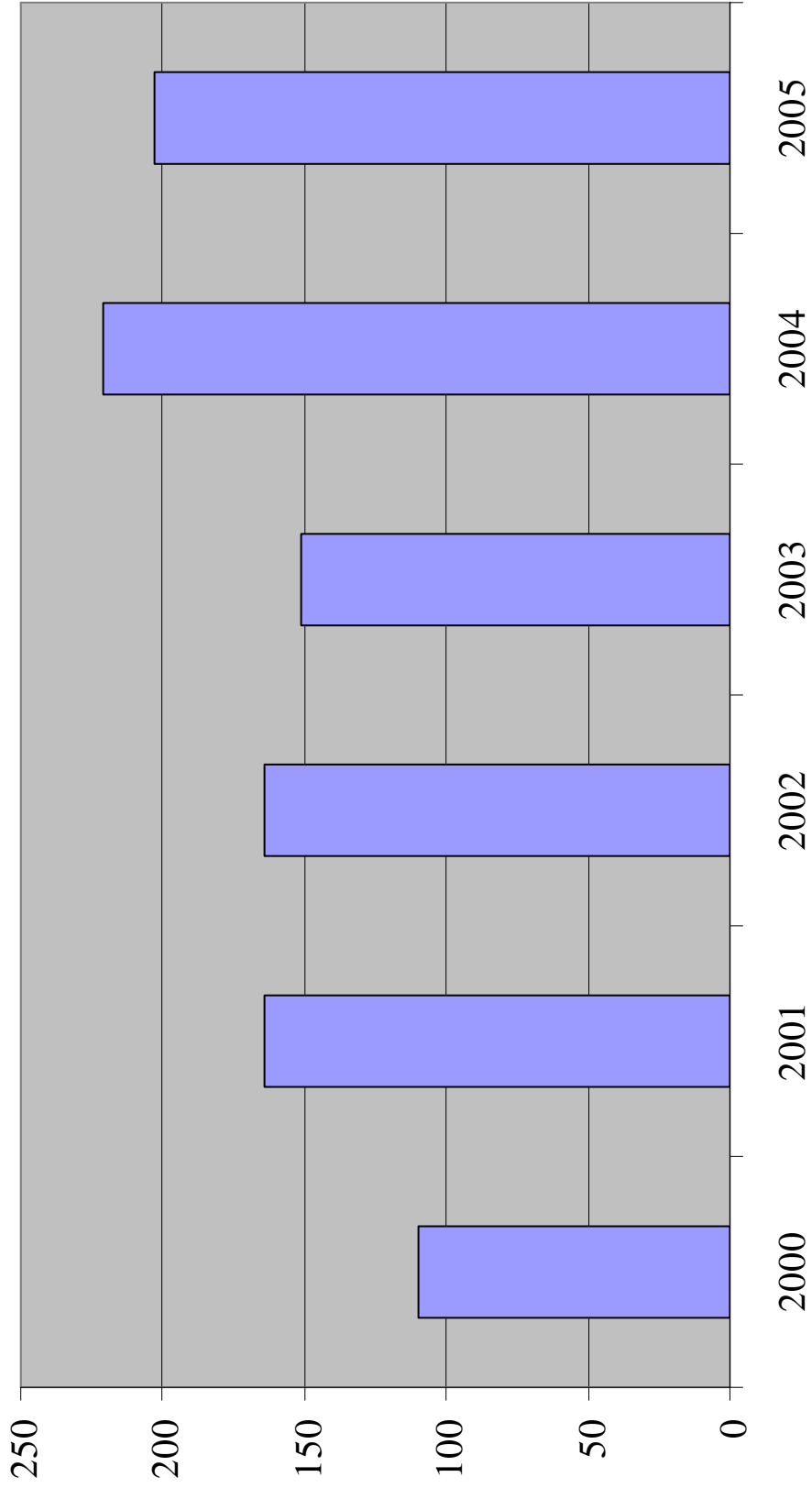


**Appendix J: Historical Data - Conduct Cases Concluded With Disciplinary Action for  
Fiscal Years 2000 through 2005**

	2000	2001	2002	2003	2004	2005
Accountancy	0	3	-	5	1	4
Acupuncture	0	0	-	-	0	0
Alcohol/Drug Coun.		0	-	2	1	2
Architect	0	1	-	-	0	1
Athletic Trainer	0	0	-	1	0	0
Auctioneer	2	1	1	1	2	0
Audiologist	NR	NR	NR	NR	NR	0
Barber	0	0	-	-	1	0
Boxing	0	0	-	-	0	1
Body Piercing	NR	NR	NR	-	1	0
Chiropractic	2	0	3	1	5	1
Cosmetology	1	3	18	12	11	3
Crematory	NR	NR	NR	NR	NR	0
Dental	5	3	4	4	22	8
Dietitian	0	0	-	-	0	0
Electrolysis	NR	0	-	-	0	0
Engineer	0	2	-	1	4	1
Funeral Service	4	5	-	2	1	2
Hearing Aid	0	1	1	-	0	0
Land Surveyor	0	2	1	1	0	3
Marriage & Family	0	0	-	-	0	0
Mental Health Coun.	3	0	1	2	2	1
Midwife, Licensed	0	1	-	-	1	0
Motor Vehicle	0	0	-	-	0	0
Naturopathic Physician	1	0	-	-	0	0
Nursing	54	96	98	95	127	115
Nursing Home Adm.	3	2	1	-	1	3
Occupational Therapy	0	0	-	-	1	1
Optician	0	0	-	-	0	0
Optometry	0	0	-	-	0	0
Osteopath	1	2	1	-	0	1
Pharmacy	3	4	11	6	12	20
Physical Therapy	1	0	-	1	0	2
Private Detective	8	2	1	2	2	14
Psychoanalyst	0	0	-	-	0	0
Psychology	1	1	-	1	3	1
Psychotherapist	0	2	1	-	1	0
Radiologic Tech.	0	1	-	-	0	3
Real Estate Appraiser	1	0	3	1	4	4
Real Estate Comm.	14	27	16	11	13	9
Respiratory Care Prac.	NR	NR	NR	NR	NR	0
Social Worker	4	3	0	0	2	1
Tattooist	0	1	2	2	1	1
Veterinary	2	1	1	-	2	1
<b>TOTAL</b>	<b>110</b>	<b>164</b>	<b>164</b>	<b>151</b>	<b>221</b>	<b>203</b>

NR = Not a Regulated profession at that time

Appendix K: Historical Data - Conduct Cases Concluded With  
Disciplinary Action for Fiscal Years 2000 through 2005



**Appendix L: Licensees By Profession For Fiscal Years 2003 through 2005**

	<b>Resident</b>	<b>Non-Resident</b>	<b>Total FY05</b>	<b>Total FY04</b>	<b>Total FY03</b>
Accountants, Certified Public	628	295	923	1,114	1,067
Accountants, Registered Public	7	1	8	9	11
Accountancy Firms	178	53	231	273	277
Acupuncturist	85	39	124	106	109
Architects	270	725	995	1,064	911
Athletic Trainers	82	5	87	88	72
Auctioneers	127	91	218	249	222
Barbers	145	11	156	149	164
Barber Shops	19	53	72	58	79
Boxing	0	0	0	20	22
Chiropractic	161	77	238	250	230
Cosmetologists	2,669	358	3,027	2,943	2,978
Cosmetology Shops	787	9	796	768	787
Cosmetology Schools	3	1	4	4	5
Crematory Establishments	10	0	10	5	PNR
Cosmetology - Manicurists	221	41	262	247	231
Cosmetology - Estheticians	73	18	91	78	65
Dentists	373	161	534	522	547
Dental Hygienists	546	122	668	627	640
Dental Assistants - Certified	108	5	113	103	92
Dental Assistants - Traditional	648	69	717	614	683
Dietitians	88	13	101	88	88
Electrologist	11	1	12	13	13
Electrolysis Shops	16	1	17	18	20
Engineers, Professional	838	2,723	3,561	3,145	3,447
Engineering Interns	718	828	1,546	1,460	1,387
Funeral Directors	116	9	125	132	135
Funeral Establishments	60	0	60	63	66
Funeral, Removal Personnel	75	0	75	58	PNR
Embalmers	85	21	106	99	101
Hearing Aid Dispensers	47	8	55	67	61
Land Surveyors	158	77	235	249	237
Marriage & Family Therapists	24	6	30	32	30
Mental Health Counselor, Clinical	436	40	476	499	461
Midwife, Licensed	12	5	17	18	15
Motor Vehicle Racing	11	1	12	11	12
Naturopathic Physician	23	80	103	101	85
Nurses, Registered	5,917	2,881	8,798	9,213	7,748
Nurses, Licensed practical	1,756	373	2,129	1,894	2,033
Nurse Assistants	4,122	444	4,566	5,341	4,309
Nurse Practitioner	387	77	464	475	426
Nursing Home Administrator	69	18	87	84	90
Occupational Therapists	199	75	274	241	254
Occupational Therapist Assistants	70	19	89	74	89
Opticians	88	14	102	92	96
Optician Trainee	33	1	34	29	35
Optometry	89	20	109	105	111

	28				
Profession	Resident	Non-Resident	Total FY05	Total FY04	Total FY03
Osteopaths	48	43	91	81	86
Osteopath Limited Temporary	3	2	5	7	11
Pharmacists	432	362	794	852	860
Pharmacy, Institutional	18	0	18	0	18
Pharmacy, Retail	133	0	133	142	138
Pharmacy, Wholesale Drug Outlet	1	395	396	486	461
Pharmacy, Drug Research Programs	1	0	1	0	2
Pharmacy, Non-Resident Pharmacy	0	136	136	75	PNR
Pharmacy Technicians	639	33	672	650	PNR
Physical Therapists	652	270	922	965	892
Physical Therapists Assistants	98	76	174	174	163
Private Detective Agency	9	29	38	70	59
Security Guard Agency	2	15	17	19	13
Detective/Security Agency	5	13	18	30	27
Guard/Detective Employees	585	231	816	969	398
Psychoanalysts	16	88	104	120	117
Psychologist - Master	193	12	205	201	209
Psychologist - Doctorate	272	94	366	348	362
Psychotherapists	260	6	266	309	250
Radiography	417	92	509	570	497
Radiation Therapy	30	5	35	39	29
Radiation, Nuclear Medicine	40	24	64	58	49
Radiation, Limited Licensure	17	0	17	14	18
Real Estate Appraiser-State Licensed	60	7	67	70	48
Real Estate Appraiser-Cert Residential	85	17	102	105	89
Real Estate Appraiser-Cert General	69	42	111	118	106
Real Estate Appraiser-Trainee	55	1	56	48	46
Real Estate Brokers	1,091	169	1,260	1,179	1,224
Real Estate Salespersons	1,204	140	1,344	1,039	1,027
Real Estate Offices	370	50	420	378	362
Respiratory Care Practitioner	182	28	210	PNR	PNR
Clinical Social Workers	626	126	752	705	694
Tattooist	33	2	35	48	38
Tattooist Shops	8	0	8	10	11
Body Piercing Operator	9	2	11	16	15
Body Piercing & Tattooist Operator	8	0	8	9	10
Body Piercing & Tattooist Shop	14	0	14	14	13
Body Piercing Shop	2	0	2	3	3
Veterinarians	295	198	493	530	466
<b>TOTALS</b>	<b>30,570</b>	<b>12,605</b>	<b>43,175</b>	<b>43,343</b>	<b>39,352</b>
		29			
<b>PNR = Previously Not Regulated</b>					

### Appendix M: New License/Certification/Registration Activity Data

Type of License	Fiscal Year 2005				Fiscal Year 2004				Fiscal Year 2003			
	Exam	Endorsed	Registered	Total	Exam	Endorsed	Registered	Total	Exam	Endorsed	Registered	Total
Accountant, Certified	34	28	0	62	36	59	-	95	35	31	-	66
Accountant, Registered				0	-	-	-	0	-	-	-	0
Accountancy Firm				0	-	-	-	0	-	-	5	5
Acupuncturist	8	10	-	18	9	7	-	16	14	7	-	21
Acupuncture Detox Tech.	7	0	-	7	1	0	-	1	1	-	-	1
Architect	6	72	-	78	9	77	-	86	13	56	-	69
Athletic Trainers	11	3	-	14	9	3	-	12		3	-	3
Auctioneers	8	10	-	18	8	7		15	-	-	10	10
Barber	0	3	0	3	1	2	-	3	2		-	2
Barber Shop	0	0	0	0	-	-	4	4	-	-	1	1
Boxing Promoter	-	-	-	0	-	-	-	0	-	-		0
Boxing Referee	-	-	-	0	-	-	-	0	-	-		0
Boxing Judge	-	-	-	0	-	-	-	0	-	-		0
Professional Seconds	-	-	-	0	-	-	-	0	-	-		0
Boxing Boxer	-	-	-	0	-	-	-	0	-	-		0
Boxing Manager	-	-	-	0	-	-	-	0	-	-		0
Chiropractic				0	8	2	-	10	12	4	-	16
Cosmetologist	98	44	0	142	58	38	-	96	79	41	-	120
Crematory Est.	0	0	2	2	2	0	-	2	NR	NR	NR	0
Esthetician	13	7	0	20	5	10	-	15	7	3	-	10
Manicurist	8	18	0	26	11	24	-	35	10	23	-	33
Cosmetology Shop	0	0	62	62	-	-	72	72	-	-	65	65
Cosmetology School	0	0	1	1	-	-	-	0	-	-	-	0
Dentist	10	4	-	14	11	16	-	27	14	5	-	19
Dental Hygienist	28	5	-	33	26	7	-	33	23	9	-	32
Dental Assistant-Certified	0	0	9	9	-	-	24	24	-	-	11	11
Dental Assistant-Traditional	0	0	85	85	-	-	94	94	-	-	91	91
Dietitians	2	8	-	10	-		-	0	-	8	-	8
Electrologist	2	2	-	4	-		-	0	-	3	-	3
Electrolysis Shops	0	0	3	3	-	-	1	1	-	-	3	3
Engineer, Professional	34	167	-	201	23	150	-	173	57	144	-	201
Engineer Intern	57	28	-	85	70	-	-	70	85	-	-	85
Funeral Director	2	1	-	3	4	-	-	4	5		-	5
Funeral Embalmers	1	1	-	2	4	-	-	4	1		-	1
Funeral, Removal Personnel	13	0	-	13	-	-	58	58	NR	NR	NR	0
Funeral Establishment	0	0	-	0	-	-	-	0	-	-	-	0
Hearing Aid Dispenser	4	0	-	4	2	2	-	4	1	1	-	2
Land Surveyor	5	3	-	8	3	1	-	4	3	2	-	5
Marriage & Family Therapist	0	2	-	2	2	0	-	2	2	3	-	5
Mental Health Counselor	16	1	-	17	30	1	-	31	29	-	-	29
Midwife, Licensed	5	0	-	5	0	0	-	0	2	-	-	2
Motor Vehicle Racing	0	0	-	0	-	-	-	0	-	-	-	0
Naturopathic Physician	12	10	-	22	8	7	-	15	9	9	-	18
Registered Nurse	848	731	0	1579	589	715	-	1,304	508	586	-	1,094
Licensed Practical Nurse	113	77	0	190	106	70	-	176	79	54	-	133
License Nurse Assistant	744	124	0	868	703	126	-	829	728	162	-	890
Nursing Home Admin.	2	4	0	6	2	1	-	3	1	3	-	4

Type of License	Fiscal Year 2005				Fiscal Year 2004				Fiscal Year 2003			
	Exam	Endo rsed	Regis tered	Total	Exam	Endo rsed	Regis tered	Total	Exam	Endo rsed	Regis tered	Total
Occupational Therapist	3	24	-	27	8	32	-	40	12	22	-	34
Occupational Therapy Assist	6	3	-	9	3	8	-	11	5	3	-	8
Optician	8	2	0	10	3	3	-	6	2	8	-	10
Optician Trainee	0	0	8	8	-	-	12	12	-	-	16	16
Optometry	0	5	0	5	6	1	-	7	3	4	-	7
Osteopaths	2	10	0	12	1	5	-	6	-	3	-	3
Pharmacists	15	30	-	45	19	38	-	57	16	26	-	42
Pharmacy-Institutional Outlet	-	-	-	0	-	-	-	0	-	-	-	0
Pharmacy - Institutional	-	-	-	0	-	-	-	0	-	-	-	0
Pharmacy - Retail	-	-	3	3	3	-	-	3	-	-	-	0
Wholesale Drug Distributor	-	-	62	62	-	113	-	113	-	-	-	0
Pharmacy - Drug Research	-	-	0	0	-	-	-	0	-	-	-	0
Pharmacy - Non-Resident	-	-	80	80	-	-	75	75	-	-	-	0
Pharmacy - Technician	-	-	184	184	-	-	650	650	-	-	-	0
Physical Therapist	13	35	0	48	16	34	-	50	27	35	-	62
Physical Therapy Assistant	2	17	0	19	1	6	-	7	4	3	-	7
Detective Agency, Private	5	0	0	5	8	-	-	8	1	-	-	1
Security Agency, Private	5	0	0	5	3	-	-	3	-	-	-	0
Combination Agency	1	0	0	1	0	-	-	0	-	-	-	0
Guard/Detective Employee	0	0	359	359	-	-	407	407	-	-	396	396
Psychoanalyst	0	6	-	6	-	8	-	8	-	10	-	10
Psychologists Doctorate	6	9	-	15	9	8	-	17	8	5	-	13
Psychologists Master	3	0	-	3	2	3	-	5	4	-	-	4
Psychotherapist, Non-licensed	0	0	74	74	-	-	54	54	-	-	-	0
Radiography	35	23	-	58	37	15	-	52	17	32	-	49
Radiation Therapy	4	4	-	8	5	1	-	6	2	3	-	5
Nuclear Medicine, Radiology	5	5	-	10	6	3	-	9	3	6	-	9
Limited Licensure, Radiology	0	1	-	1	-	1	-	1	1	-	-	1
Real Estate Appraiser, State	11	5	-	16	16	2	-	18	1	2	-	3
Real Estate Appraiser Residential	5	1	-	6	4	6	-	10	-	-	-	0
Real Estate Appraiser General	2	6	-	8	0	7	-	7	-	5	-	5
Real Estate Appraiser-Trainee	15	1	0	16	-	-	-	-	-	-	-	-
Real Estate Broker	47	13	-	60	51	15	-	66	25	12	-	37
Real Estate Salesperson	276	32	-	308	144	30	-	174	151	39	-	190
Real Estate Office	38	6	-	44	-	-	41	41	-	-	-	0
Respiratory Care Practitioner	112	93	0	205	NR	NR	NR	NR	NR	NR	NR	NR
Social Worker, Clinical	25	26	-	51	55	0	-	55	37	36	-	73
Tattooist Operator	-	-	1	1	-	-	7	7	-	-	7	7
Tattooist Shop	-	-	2	2	-	-	4	4	-	-	1	1
Body Piercing Operator	-	-	2	2	-	-	2	2	-	-	15	15
Body Piercing Shop	-	-	0	0	-	-	1	1	-	-	3	3
Body Piercing/Tattooist Opera	-	-	3	3	-	-	2	2	-	-	9	9
Body Piercing/Tattooist Shop	-	-	0	0	-	-	2	2	-	-	13	13
Veterinary	24	13	0	37	9	9	-	18	10	18	-	28
<b>TOTALS</b>	<b>2,759</b>	<b>1,733</b>	<b>940</b>	<b>5,432</b>	<b>2,149</b>	<b>1,673</b>	<b>1,510</b>	<b>5,332</b>	<b>2,049</b>	<b>1,429</b>	<b>555</b>	<b>4,033</b>

### Appendix N: Receipts/Expenditures By Profession

For Fiscal Years 2003 through 2005	Fiscal Year 03		Fiscal Year 04		Fiscal Year 05	
	Receipts	Expenditures	Receipts	Expenditures	Receipts	Expenditures
Accountancy	2,635	80,403	149,390	69,470	30,880	65,253
Architect	111,161	61,942	13,835	58,697	124,215	58,492
Boxing	0	7,008	25	7,486	0	200
Barber/Cosmetology	50,105	175,358	283,085	173,830	60,840	184,866
Chiropractic	67,760	33,033	5,320	41,115	68,210	31,682
Dental	11,675	148,361	270,110	149,410	33,900	130,421
Engineer	272,159	136,402	158,255	168,323	186,184	173,003
Funeral Service	10,065	43,265	70,460	35,085	4,030	33,590
Land Surveyor	72,995	33,081	1,755	31,873	70,320	33,165
Mental Health, Allied*	162,580	60,796	15,195	39,554	175,255	58,243
Motor Vehicle Racing	1,090	14,649	16,600	15,792	540	17,160
Nursing	998,097	737,395	525,896	739,577	1,179,889	894,016
Nursing Home Admin	1,770	18,193	32,485	24,310	3,265	22,918
Optician	25,600	16,983	3,660	17,384	33,045	19,776
Optometry	22,820	17,106	4,910	18,859	31,715	21,630
Osteopath	44,700	26,414	5,430	24,919	48,130	27,931
Pharmacy	81,625	91,759	204,690	121,744	107,390	150,755
Private Detective	112,685	55,992	34,005	40,365	134,820	96,909
Psychology	7,275	60,858	150,500	60,327	6,310	53,617
Radiologic Tech.	73,440	30,268	14,605	33,282	75,185	37,510
Real Estate Appraiser	78,850	40,230	31,155	68,725	93,735	64,500
Real Estate Comm.	33,705	171,133	409,750	202,639	46,528	194,010
Veterinary	97,525	42,292	12,320	63,941	94,620	56,012
Subtotal - Boards/Comm.	2,415,837	2,102,921	2,413,436	2,206,707	2,609,006	2,425,659
Advisor Groups Totals	215,875	212,402	193,250	236,985	244,765	285,448
<b>GRAND TOTAL</b>	<b>2,631,712</b>	<b>2,315,323</b>	<b>2,606,686</b>	<b>2,443,692</b>	<b>2,853,771</b>	<b>2,711,107</b>

\*Includes Mental Health Counselor, Marriage Family Therapist, Psychotherapist

Advisor Groups include the following professions: Acupuncturists, Athletic Trainers, Auctioneers, Crematories, Dietitians, Electrologists, Hearing Aid Dispensers, Midwives, Naturopathic Physicians, Occupational Therapists, Physical Therapists, Psychoanalysts, Respiratory Care Therapists, Social Workers, Tattooists, and Body Piercers. The operational costs of these professions is combined pursuant to Title 3, § 124.

**Appendix O: Roster of Board/Commission/Advisor Members As of June 30, 2005**

<i>Board of Public Accountancy</i>	Cairn G. Cross Claire LaVoie, CPA Jeffrey Graham, CPA Lee M. Spivey, Jr., CPA Pamela Douglass, CPA	Member Member Chair Member Member
<i>Acupuncture Advisors</i>	Bonnie Povolny Judith A. Music	Member Member
<i>Allied Mental Health Practitioners Board</i>	Pamela Mather, MFT Kathleen Coane Paul J. Sahba, LCMHC Lauren Berrizbeitia, Psychotherapist Marilyn Turcotte, LCMHC	Member Member Member Chair Member
<i>Athletic Trainer Advisor</i>	Todd M. Neuharth Zafir Bludevich	Member Member
<i>Auctioneer Advisor</i>	Duane E. Merrill Thomas Broughton	Member Member
<i>Board of Architects</i>	Arnold Aho Christopher Liddle Ed Wolfstein Janet Stackpole Paula Sagerman Rebecca Arnold Robert Meyer	Member Chair Member Member Member Member Member
<i>Board of Barbers and Cosmetologists</i>	Dolores Martineau Gregory Josselyn Janice Crossan, Secretary Josephine Thomas, Chair Madeline Roy, Vice-Chair	Member Member Member Member Chair
<i>Boxing Control Board</i>	Ed Patterson Richard H. Bernstein, M.D.	Member Member
<i>Board of Chiropractic</i>	Denise Natale, D.C. Charles Foster, D.C. Vacancy, Public Member Philippa Maloney Sean Mahoney, D.C.	Member Member Member Member Chair
<i>Crematory Advisors</i>	John Sanderson James J. Curley	Member Member

<i>Board of Dental Examiners</i>	Charles Bowen, D.M.D.	Chair
	Dorothy Wootton, R.D.H.	Member
	Gertrude Hodge	Member
	Raymond McCandless	Member
	Wesley Baker, D.M.D.	Member
	Linda Retchin, R.D.H.	Member
	Randall Miller, D.D.S.	Member
	Richard A. Dickinson, D.D.S.	Member
Thomas Opsahl, D.M.D.	Member	
<i>Dietitian Advisors</i>	Priscilla Roberts Carpenter	Member
	Mary Anne Kyburz-Ladue	Member
<i>Electrologists Advisors</i>	Margaret McGoff	Member
	Nancy Cameron, RN, CPE	Member
<i>Board of Professional Engineering</i>	Thomas F. O'Connor, P.E.	Chair
	Daniel W. Dupras, P.E.	Vice-Chair
	Michael H. Quaid, P.E.	Secretary
	Robert F. Kischko, P.E.	Member
	Bonnie Giuliani	Member
<i>Hearing Aid Dispensers Advisors</i>	David R. Charnock, M.D.	Member
	Marcel Ruel	Member
	Sandra Duncan Farnum	Member
<i>Board of Funeral Services</i>	David B. Grundy	Secretary
	John T. Coffin	Member
	Paul Guare	Vice Chair
	Stephen H. Russell	Member
	William J. Hurley, Jr.	Chair
<i>Board of Land Surveyors</i>	Albert (Terry) Harris, L.S.	Chair
	Timothy Ruggles	Member
	Blake Thomsen, L.S.	Member
	Shane B. Clark, L.S.	Member
	Larry Walter, L.S.	Vice Chair
	Malcolm Moore, L.S.	Member
	Dorothy Hayden	Member
<i>Midwife Advisors</i>	Carol Gibson Warnock	Member
	Mary Lawlor	Member
	Stephen H. Genereaux, M.D.	Member
<i>Motor Vehicle Racing Commission</i>	Bernard Champney	Member
	Stephen J. Craddock, Esq.	Member
	Wayne Demar	Chair

<i>Naturopathic Physician Advisors</i>	Mary Bove, N.D. William Warnock, N.D.	Member Member
<i>Board of Nursing</i>	Alan Weiss Deann Welch, LPN Donarae Metcalf, LPN Elayne Clift Laurey M. Tyo, RN Linda Rice, APRN Kenneth Bush, RN Sandra Norton, LNA Ellen Leff, RN Susan Farrell, RN	Member Member Member Member Secretary Vice Chair Member Member Member Chair
<i>Board of Examiners for Nursing Home Administrators</i>	Catherine McGee Dianna Peirce Mary Johnson, NHA Maureen Bertrand, RN, NHA Tressa Condon, RN, NHA Walter Griffiths, MD	Member Member Member Chair Member Member
<i>Occupational Therapy Advisors</i>	John J. Barry, O.T. Pauline Migneault, O.T.	Member Member
<i>Board of Opticians</i>	Dale R. Davenport Joan Wagner Donald L. Prim Robert E. Kinsey Vacancy	Member Member Secretary Member Member
<i>Board of Optometry</i>	Claudette Marinelli Jon Eriksson, O.D., Vice-Chair Lois Shiozawa, O.D. Teresa Randall - RESIGNED Thomas F. Terry, O.D., Chair	Member Member Member Member Member
<i>Board of Osteopathic Physicians &amp; Surgeons</i>	Howard Jonas, D.O. John Welch, Esq. Mary C. Mazzariello Paul Donovan, D.O. William Cove, D.O.	Chair Member Member Member Vice Chair

<i>Board of Pharmacy</i>	Steven M. Vincent, R.Ph.	Member
	Douglas K. Schoolcraft, R.Ph.	Vice-Chair
	Emma J. Pudvah	Member
	Julia Eaton, R.Ph.	Member
	John R. Dorvee, Jr., R.Ph.	Chair
	Earl W. Pease, R.Ph.	Member
	Keith P. Ribnick	Secretary
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<i>Physical Therapy Advisors</i>	Leonie B. Nelson, P.T.	Member
	Susan Arbogast, P.T.	Member
<i>Board of Private Investigative &amp; Security Services</i>	Vacancy	Member
	Daniel A. Coane	Chair
	Leo P. Blais	Member
	Robert Edwards	Member
<i>Psychoanalysts Advisors</i>	Lorraine Smithberg, PsyA	Member
	Michael Conforti, PsyA	Member
<i>Board of Psychological Examiners</i>	Barbara Van Drimmelen, Psy.D.	Chair
	Kathleen Smith	Secretary
	Maxie S. Ewins	Vice Chair
	Steve Lewis, Psy.D.	Member
	William L. Cunningham, Ph.D.	Member
<i>Board of Radiologic Technology</i>	Joseph Phillips, RT	Member
	Kathy Whiting, RTR, RDMS	Chair
	Robert Naylor, M.D.	Member
	William Fyfe	Member
<i>Board of Real Estate Appraisers</i>	Wayne Calderara	Member
	James Postma	Secretary
	Lawrence Martin	Vice Chair
	Kenneth P. Miner, Jr.	Member
	William Scranton	Chair
<i>Real Estate Commission</i>	C. Jay Hooper	Member
	Claire Porter	Member
	Gloria K. Rice	Member
	Stuart Baraw	Member
	Susan (Sam) Matthews	Vice Chair
	John F. Bernasconi	Member
	Tara Dowden	Secretary

<i>Respiratory Care Practitioner</i>	Jason Fahey, RCP Skip Bangle, RCP	Member Member
<i>Clinical Social Workers Advisors</i>	Gary Chaudoir Maureen C. Wilson, LICSW	Member Member
<i>Tattooists &amp; Body Piercers Advisors</i>	Anita L. Licata, M.D. Kenneth A. Saxe Walter William Henshaw	Member Member Member
<i>Veterinary Board</i>	Robert Bergman, V.M.D. . Eveleen Cecchini Heather Hoisington Mark Basol, D.V.M. Kristin Hass, D.V.M. Ronald Svec, D.V.M.	Member Member Member Chair Member Member