

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

MINUTES

The Board for Professional and Occupational Regulation met on Monday, September 18, 2023, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia.

The following members were present for all or part of the meeting:

Laurence Benenson
Nil Eguz
Jemmalyn Hewlett (arrived 10:55 am)
Grace Flores-Hughes
Alice Kendrick
Charles Vaughters

Board members Enid Candelaria-Vega, H. Scott Johnson, and Gaby Rengifo were not present at the meeting.

The following agency staff was present for all or part of the meeting:

Demetrios J. Melis, Director
Kishore Thota, Chief Deputy Director
Tom Payne, Deputy Director of Compliance and Investigations
Joe Haughwout, Regulatory Affairs Manager
Jennifer Sayegh, Policy and Legislative Affairs Manager
Lata Gupta, OPI Manager
Amy Goobic, Executive Assistant

Elizabeth Peay, Assistant Attorney General, was present from the Office of the Attorney General.

Mr. Benenson called the meeting to order at 10:09 a.m.

Call to Order

Mr. Haughwout reviewed the emergency evacuation procedures.

**Emergency Evacuation
Procedures**

Mr. Benenson welcomed and introduced new Board member, Alice Kendrick. Board members and staff introduced themselves.

**Welcome and
Introductions**

Mr. Vaughters moved to approve the agenda. Ms. Eguz seconded the motion which was unanimously approved by members: Benenson, Eguz, Flores-Hughes, Kendrick, and Vaughters.

Approval of Agenda

Mr. Vaughters moved to approve the December 5, 2022, board meeting minutes. Ms. Kendrick seconded the motion which was unanimously approved by members: Benenson, Eguz, Flores-Hughes, Kendrick, and Vaughters.

Approval of Minutes

Mr. Haughwout presented the following resolutions for Kate Nosbisch, **Resolutions** former Executive Director for the Board, and for Joseph Montano, former Board member:

RESOLUTION TO
Kathleen R. Nosbisch

WHEREAS, **Kathleen R. Nosbisch**, did faithfully and diligently serve as Executive Director of the Board for Professional and Occupational Regulation from 2008 to 2023;

WHEREAS, **Kathleen R. Nosbisch**, did devote generously of her time, talent and leadership to the Board;

WHEREAS, **Kathleen R. Nosbisch**, did endeavor at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Board for Professional and Occupational Regulation wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Board for Professional and Occupational Regulation this eighteenth day of September 2023, that **Kathleen R. Nosbisch**, be given all honors and respect due her for outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held by this Board.

RESOLUTION TO
Joseph Montano

WHEREAS, **Joseph Montano**, did faithfully and diligently serve as a member of the Board for Professional and Occupational Regulation from 2019 to 2023;

WHEREAS, **Joseph Montano**, did devote generously of his time, talent and leadership to the Board;

WHEREAS, **Joseph Montano**, did endeavor at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Board for Professional and Occupational Regulation wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Board for Professional and Occupational Regulation this eighteenth day of September 2023, that **Joseph Montano**, be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

Ms. Eguz moved to accept the resolutions as presented. Ms. Flores-Hughes seconded the motion which was unanimously approved by members: Benenson, Eguz, Flores-Hughes, Kendrick, and Vaughters.

Board members reviewed correspondence received regarding issues with the complaint process, and also reviewed the response from Director Melis. Mr. Melis stated that the initial correspondence was copied to the BPOR Board, therefore it was provided for their review. No action was taken.

Board Communications

Board members also reviewed correspondence received during the public comment period for the periodic review of the regulations for certification of geologists. The commenter favors amending the law to require mandatory licensure for geologists instead of certification. The information was provided to the members, as the BPOR Board has the responsibility for studying and giving feedback for any new occupational licensing. No action was taken.

There were no public comments.

Public Comment

Mr. Melis provided a brief Director's report. Mr. Melis reported on the regulatory review process each board is undertaking, in compliance with the Governor's regulatory reduction initiative. He explained that each board, along with staff, is reviewing regulations line by line to ensure regulations are necessary for the health, safety and welfare of the citizens.

Director's Report

Mr. Melis provided staffing updates. Mr. Melis also reported on the technological advances throughout the agency.

In Mr. Kirschner's (Deputy Director of Licensing and Regulation) absence, Mr. Haughwout provided a Licensing and Regulatory Operations report. Mr. Kirschner sent his regards.

Licensing and Regulatory Operations Report

Mr. Haughwout provided an in-depth presentation on the regulatory

process and how it works within the agency and the various boards. He also reported on the current state of the regulatory review process with regards to the regulatory reduction in initiative.

Mr. Haughwout provided information on the Universal Licensing Recognition (ULR) that became effective July 1, 2023. ULR is a new pathway to licensure in Virginia. This new provision allows those licensed in another state to become licensed in Virginia, provided they meet certain criteria. It also allows for those practicing in states that do not require licensure of a Virginia-regulated profession, to become licensed in Virginia.

Ms. Hewlett arrived at 10:55 am.

Arrival of Board Member

Mr. Thota provided a report on technological advances at the agency. He informed the Board that DPOR is in the process of procuring a new licensing program. The Request for Proposal (RFP) was completed in nine months, something that typically can take up to two years. DPOR is currently negotiating with two vendors. Mr. Thota stated that the new program will replace three separate systems currently in use at the agency.

State of Technology Report

Tom Payne, Deputy Director of Compliance and Investigations, provided a presentation and update of the Compliance and Investigations division of the agency. Mr. Payne provided information and statistics from the different sections including: Complaint Analysis and Resolution, Adjudication, Investigations, Alternative Dispute and Resolution, Post-Adjudication Licensing, the CIC Ombudsman office, and the Fair Housing office.

Enforcement Update

Jen Sayegh, Policy and Legislative Affairs Manager, provided updates on the agency bills submitted in the 2023 General Assembly session. Ms. Sayegh also provided information on other legislative bills affecting DPOR professions.

2023 General Assembly Report

Mr. Melis informed the Board that Kerri O'Brien, Communications and Digital Media Manager, was unable to attend the meeting. In her absence, Mr. Melis reported that contractor applications and exams are now offered in Spanish, the agency is looking into offering additional exams and applications in other languages.

Consumer Outreach Report

Mr. Melis also advised the Board that DPOR was providing information on several social media apps.

Lata Gupta, Office of Performance and Innovation Manager, provided a presentation on the Office of Performance and Innovation (OPI). Ms. Gupta explained that the OPI team focuses on creating collaborative work environments, provides Agile project management methodologies, and optimizes operations to deliver efficient and effective services. The team assists in all sections of the agency helping to ‘work smarter not harder.’

Office of Performance and Innovation Report

Mr. Haughwout provided information on the liaison roles and responsibilities. Mr. Haughwout explained that each Board member will be assigned a portfolio of DPOR boards, that they should familiarize themselves with and, if feasible, attend the Board meetings. Board members are asked to provide a brief report at the following BPOR meeting.

BPOR Liaisons to DPOR Boards

Mr. Haughwout informed the Board that Chair and Vice-Chair would need to be elected. Mr. Haughwout opened the floor for nominations. Mr. Vaughters nominated Ms. Flores-Hughes as Chair. There were no other nominations for Chair. Ms. Flores-Hughes nominated Mr. Vaughters as Vice-Chair. There were no other nominations for Vice-Chair. The Board agreed by consensus for Ms. Flores-Hughes to serve as Board Chair and Mr. Vaughters to serve as Board Vice-Chair for the coming year.

Election of Chair and Vice-Chair

Board members considered the following meeting dates for 2024:

- March 18
- June 10
- September 16
- December 9

Consideration of 2024 Meeting Dates

Mr. Vaughters moved to accept the 2024 meeting dates as presented. Ms. Eguz seconded the motion which was unanimously approved by members: Benenson, Eguz, Flores-Hughes, Hewlett, Kendrick, and Vaughters.

There was no other business.

Other Business

Board members signed Conflict of Interest forms and travel vouchers.

Conflict of Interest Forms & Travel Vouchers

The meeting was adjourned at 12:08 pm.

Adjourn

Grace Flores-Hughes, Chair

Demetrios J. Melis, Director

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