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Office of Professional Regulation Overview for the Senate Committee on Government Operations

Presented by Christopher D. Winters, Director, 3/19/14

I. Introduction

The Office of Professional Regulation, commonly known as "OPR," is the largest division of the Secretary of State's Office and is responsible for providing support to the regulatory bodies for 45 different professions. OPR is headed by a Director who oversees a staff of approximately 32. The office administers a system of public protection for the 56,000 professionals it regulates.

II. Board and Advisor Models

Of the 45 professions, approximately half are regulated by the board model, a mix of licensed and public members appointed by the Governor to protect the public health, safety and welfare in the public's every day interactions with these professionals. The other half, consisting of the more recently licensed professions, are regulated under the advisor model, which allows the Director of OPR to regulate the profession with the assistance of 2-3 advisors to the profession, usually licensed members, appointed by the Secretary of State.

III. Creation of OPR

The Legislature created OPR in 1989 to provide boards and advisors administrative, secretarial, investigatory, and legal assistance. OPR is charged with issuing, receiving and processing all licenses, revoking and suspending licenses and maintaining a current register of all licenses as ordered by the boards. OPR keeps all files and records of the boards and collects and deposits all licensing fees into the specially created professional regulatory fee fund, paying all expenses incurred by the boards from those funds alone. OPR assists the boards in adopting, amending and repealing rules and presents requested statutory changes to the legislature. It also provides other administrative services necessary or desirable for the efficient operation of the boards.

IV. Goal of Licensure

The goal of licensure is to assure public protection from incompetent or unethical professionals. When professions are regulated, minimal competency is assured. The public is usually spared the distress and practical hazard of dealing with unqualified 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. This further safeguards the public, which often lacks a basis for judging what constitutes acceptable quality in service or conduct.

V. Unprofessional Conduct

The licensing system also allows for investigating charges of unprofessional conduct when complaints are received from the public, prosecuting those charges, and imposing discipline when warranted. Disciplinary action against a licensee can include sanctions such as a reprimand, restrictions on the ability to practice, a monetary penalty or even revocation of a professional's license. Such action helps to rid the profession of incompetent, unethical, and dishonest practitioners. It also serves notice on others that the professional board and regulatory agency will not tolerate practitioners whose activities are contrary to the public interest.

Most members of the public are unaware of the important public protection function OPR serves. We received a new high of 822 complaints in FY12 and received 739 in FY13 (see the OPR Annual Report). Every day, we investigate cases from the shocking to the mundane. We investigate and enforce laws about improper record-keeping one day, and find ourselves in the middle a sexual abuse case the next. From misleading advertising to prescription errors resulting in death, this office is involved if a licensed professional is involved.

VI. OPR Bill

Each year, OPR identifies necessary statutory changes for the various professions and makes recommendations to the House Committee on Government Operations to address these issues. I will summarize that bill as passed by the House.

VII. Fee Bill

OPR usually presents an annual Fee Bill to the money committees to make recommendations on adjustment of application fees so that the fees charged accurately reflect the cost of regulating a profession. I presented to the House Ways and Means Committee proposing to raise fees for four professions and lower fees for two professions. The fee bill is now with Senate Finance

VIII. Sunrise Reports

Additionally, any profession may apply to OPR for regulation as a profession through the sunrise process. OPR then gathers information and reports back to the House and Senate Committees on Government Operations with a recommendation for or against regulation. We received two requests for sunrise reviews this year: Dental Practitioners and Speech Language Pathology Assistants.

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