



State of Vermont
Office of the Secretary of State
128 State Street
Montpelier, VT 05633-1101

[phone] 802-828-2363
[fax] 802-828-2496
www.sec.state.vt.us

James C. Condos, Secretary of State
Christopher D. Winters, Deputy Secretary

MEMORANDUM

May 8, 2015

TO: Senator Tim Ashe, Chair
Senate Finance Committee

Senator Jane Kitchel, Chair
Senate Appropriations Committee

FR: Chris Winters, Deputy Secretary of State

RE: H.282 - Professional Regulation Bill 2015 – OPR positions

The Secretary of State's Office of Professional Regulation (OPR) protects the public through licensing and enforcement programs for 46 professions and 60,000 licensees.

The OPR is efficiently funded through Special Fund dollars raised through reasonable licensing fees with zero impact on general fund dollars, even in retirement benefits. While the funding comes along with new professions and new fees, the positions do not and must be authorized.

Each year, the Legislature contemplates and occasionally adds more professions to OPR without additional staff needed to appropriately administer these programs.

Over time, OPR has used creative restructuring and advancements in technology to remain roughly the same size as it was 10 years ago, despite increasing the number of licensees by 50% from 40,000 to 60,000 and doubling the number of complaints it handles from 400 to 800 per year.

OPR is operating efficiently. In fact, we are lowering fees for four professions this year. However, license application and complaint processing times will suffer if more positions are not authorized. Public protection will be compromised on these important programs.

Taking on more and more professions at OPR without adding more staff, is not sustainable for the long term. We would not ask for these positions if they were not critical.

- Application processing times will suffer. Professional licensing needs to be done quickly but competently as a public protection issue and as an economic driver to get people to work in 46 different professions.
- Complaint processing times will suffer. The longer a case takes to investigate and prosecute, the longer a professional has this hanging over her head and more

importantly, the longer a dangerous professional may continue to practice and harm the public. At times, these are life-threatening situations (dentist, pharmacist, nurse, psychologist).

OPR is a small staff and is maxed out. Because we are so small and have such broad responsibilities, job duties are spread across individual employees and teamwork is key. In a way, it is critical just to have more bodies in the office to go with the revenue that is already there so that we can keep up with our public protection responsibilities.

These are the 9 professions slated for regulation by OPR, with the workload projections for each:

Profession	Number of Licensees	Application Complexity	Enforcement Issues
Property Inspectors (2014)	150-200	Medium	High
Speech Language Pathologists	525	High	Low
Audiologists	80	High	Low
Dental Therapists	20	Medium	High
Foresters	100 - 200	Medium	High
Behavior Analysts	60	Medium	Medium
Notaries	20,000	Low	Low
Massage Therapists	200-250	Unknown	Low
Alcohol/Drug Abuse Counselor	500	High	High

Both the enforcement position and the research analyst position will make a big difference to licensees and the public.

The Administration's budget does include the addition of one position, an **Assistant Director** of OPR, and we have also identified and discussed a second position, a **Research and Statistical Analyst**, with House and Senate Appropriations as an immediate need based on the current state of OPR.

The **Research and Statistical Analyst** position is a critical support position for all professions that is particularly helpful for onboarding new professions and getting new programs up and running while also supporting the sunrise review work we do every year to make sure that proposals for licensing are well vetted and consistent with the Legislature's established policies on when to regulate a profession. This is a support position that will free up legal counsel, administrators and licensing specialists to focus on their primary duties.

An **Enforcement position** is also necessary to maintain levels of service and public protection with increased enforcement activities from new licensees.

- Assistant Director (PG27) – currently in the Budget Bill
- Research and Statistical Analyst (PG19)
- Enforcement (PG TBD)

OPR is completely funded through Special Funds. Adding positions will have no impact on the general fund, including no impact in the long term for retirement benefits. Because they are funded with new licensing fees for new professions, there is no downside to adding these positions. As brand new positions, they do not come from the position pool.