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James C. Condos, Secretary of State
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MEMORANDUM

May 5, 2015

TO: Senate Finance Committee
Senator Tim Ashe, Chair
Senator Mark A. MacDonald, Vice Chair
Senator Ginny Lyons
Senator Kevin Mullin
Senator Claire Ayer
Senator Richard Westman
Senator Michael Sirotkin

FR: Jim Condos, Secretary of State *JC*

RE: H.282 - Professional Regulation Bill 2015

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 no impact on General Fund dollars**. This year, as you know, the Office is lowering fees for four professions and is adding one real estate course provider fee.

The OPR Bill (H.282) makes various changes to the statutes governing those 46 professions in Title 3 for all professions and in Title 26 for each specific profession. The vast majority of these changes are housekeeping in nature, removing obsolete language and also updating statutes to reflect current practices and public protection concerns.

Beyond housekeeping changes, in this OPR Bill the most significant substantive changes are regarding:

- **Clinical Social Work.** These changes are based on the recognition that there are two branches of social work. Most states now recognize and license separately those Social Workers who provide psychotherapy. There is a need in Vermont to distinguish between those who provide psychotherapy services and those who do not and to create different requirements for each. This bill accomplishes that by creating the categories of **Licensed Master's Social Workers** and **Licensed Clinical Social Workers**.

- Two other large sections of the bill facilitate the transfer of licensing for **Audiologists** and **Speech Language Pathologists** from the Agency of Education to the Office of Professional Regulation. Very few Audiologists work in the school setting and approximately half of the Speech Language Pathologists are in the clinical setting, not in schools, so licensure by OPR is more appropriate.
- In the Senate, the licensure of **Applied Behavior Analysts** was added to the bill, largely in response to the need to protect the vulnerable autistic and developmentally disabled clients of these practitioners.
- The Senate has also added two new authorized positions for OPR in this bill: a Research and Statistics Analyst and an Enforcement position.

Each new profession comes along with new special funds in the form of fees. The cost of regulating each profession is covered by the licensing fees and OPR presents proposals to raise and lower fees each year in response to its actual and projected budgets. Although the funding is there, the positions to do the work are not and must be authorized.

Over time, OPR has not asked for additional positions as new professions have been added. 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 currently operating efficiently.

However, with the legislature adding new professions, license application and complaint processing times will suffer if more positions are not authorized; and **public protection will be compromised on these important programs.**

The Administration's budget does include the addition of one position, an Assistant Director of OPR, which has been supported by the Appropriations committees. 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 and have asked that this position and an Enforcement position be added to fill these needs.

OPR is completely funded through Special Funds. Adding positions will have **no impact on the General Fund**. 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.

Deputy Secretary Chris Winters is happy to come testify to your committee, if necessary!