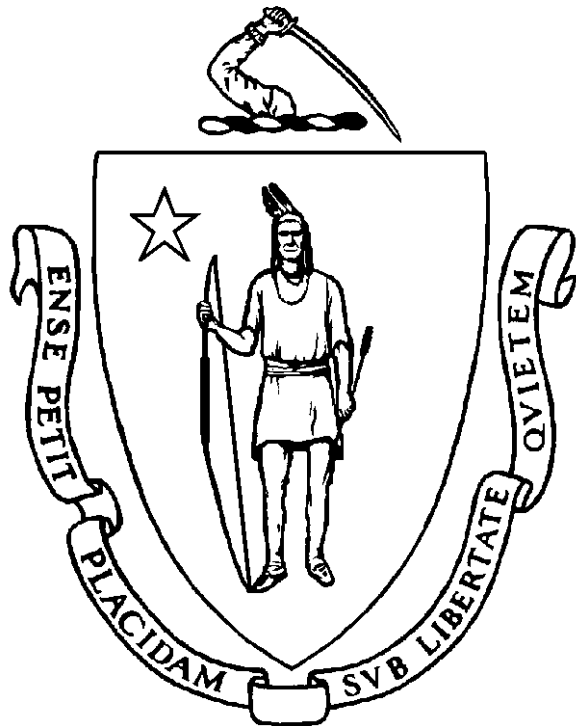


DIVISION OF OCCUPATIONAL LICENSURE



ANNUAL REPORT

FISCAL YEAR 2022

*Division of Occupational Licensure
Office of Consumer Affairs and Business Regulation
Executive Office of Housing and Economic Development
Commonwealth of Massachusetts
www.mass.gov/dpl*

I. MESSAGE FROM THE COMMISSIONER

His Excellency Charles D. Baker
Governor of the Commonwealth

The Honorable Karyn E. Polito
Lieutenant Governor of the Commonwealth

Mike Kennealy, Secretary
Executive Office of Housing and Economic Development

Edward A. Palleschi, Undersecretary
Office of Consumer Affairs and Business Regulation

Karen E. Spilka, Senate President
Massachusetts State Senate

Ronald J. Mariano, Speaker
Massachusetts House of Representatives

Honorable Members of the General Court:

The Division of Occupational Licensure (DOL) is pleased to present to you with this report summarizing the Agency's accomplishments and initiatives undertaken during Fiscal Year 2022 (FY2022), spanning July 1, 2021, to June 30, 2022.

In May 2021, Governor Baker introduced H. 3774, *An Act Reorganizing Certain Licensing Agencies of the Executive Department*, pursuant to Article 87 of the Massachusetts Constitution. Under the proposal, DPL name would change to the Division of Occupational Licensure and 13 health licensing boards will transfer to the Department of Public Health. The primary rationale for the transfer of these boards is that DPH is better suited to serve this population of licensees, since the public health mission of that Agency is more appropriately aligned with their respective areas of expertise. More specifically, licensed health professionals will directly benefit from DPH oversight, which is staffed by many public health experts and licensed health professionals who regularly work with the myriad of state and federal laws and regulations. This will foster more collaboration and coordination between DPH, the boards, and licensed health professionals. The Article 87 law went into effect on August 5, 2021. The law allowed for the transition to occur upon the execution of a transfer agreement between DOL and DPH, but no later than 18 months after the effective date of the law.

In FY2022 and the end of the declaration of the COVID-19 State of Emergency and the re-opening of state offices on June 15, 2021, the Agency and its operations adjusted back to the office space and in-person customer service business model while balancing the new hybrid teleworking model.

MESSAGE FROM THE COMMISSIONER (CONT.)

The Agency has adjusted well in the balance of the hybrid model. The Agency has developed new electronic processes and policies to facilitate virtual transactions and other customer service functions which continues to enable the Agency to continue to perform our consumer and customer service functions, as well as, our critical public safety functions. By the end of the fiscal year, DOL continued to be radically transformed, but admirably continued to meet its public safety and consumer protection missions.

I am proud not only of the work accomplished by our leadership team during the first year emerging from the pandemic, but also the determination and hard work of the Agency's managers to open us back up to the consumers of the Commonwealth.

On behalf of DOL's board members and employees, I thank both the Administration and the Legislature for their continued support of our Agency, particularly during such an unprecedented fiscal year. I look forward to continuing our mission of protecting the health, safety, and welfare of the citizens of the Commonwealth, in the fiscal year ahead.

Sincerely,

A handwritten signature in cursive script that reads "Layla R. D'Emilia".

Layla R. D'Emilia, Commissioner
Division of Occupational Licensure

II. DIVISION OF PROFESSIONAL LICENSURE (DOL): AGENCY OVERVIEW

About DOL

The Division of Occupational Licensure (DOL) is an Agency within the Office of Consumer Affairs and Business Regulation. DOL oversees 28 boards of registration and offices, which license and regulate more than 580,000 individuals and businesses to practice some 167 trades and professions in the Commonwealth of Massachusetts. DOL also licenses and regulates Private Occupational Schools, and oversees the Office of Public Safety and Inspections.

Mission

DOL's mission is to protect the public health, safety and welfare by licensing qualified individuals and businesses to provide services to consumers, while ensuring the fair and consistent enforcement of licensing laws and regulations. DOL also seeks to promote consumer protection, a fair and competitive marketplace, and engage in education and outreach events.

Boards, Offices and Units

Introduction

DOL is organized into two core units: Boards of Registration; and the Office of Public Safety and Inspections. These two units perform the core licensing and regulatory functions of the Agency. Through a shared-services operational model, these units are supported by several other offices including the Office of Investigations, Office of Legal Counsel, Office of Prosecutions, and the Accounting and Electronic Data Processing Unit.

Boards of Registration

DOL's 28 boards of registration carry out the Agency's mission by licensing individuals and businesses in more than 50 trades and professions. Board members include licensed professionals, as well as members of the public, who serve on their respective boards on a voluntary basis. In addition to licensing qualified individuals, DOL boards of registration investigate and resolve consumer complaints with the assistance of the Agency's enforcement units.

In FY2022, the boards of registration overseen by the DOL included the following:

- Board of Allied Health Professions
- Board of Registration of Allied Mental Health and Human Services Professions
- Board of Registration of Architects
- Board of Certification of Health Officers
- Board of Registration of Chiropractors
- Board of Registration of Cosmetology and Barbering

- Board of Registration of Dietitians and Nutritionists
- Board of Registration of Dispensing Opticians
- Board of State Examiners of Electricians
- Board of Registration in Embalming and Funeral Directing
- Board of Registration of Hearing Instrument Specialists
- Board of Registration of Home Inspectors
- Board of Registration of Landscape Architects
- Board of Registration of Massage Therapy
- Board of Certification of Operators of Drinking Water Supply Facilities
- Board of Registration in Optometry
- Board of State Examiners of Plumbers and Gas Fitters
- Board of Registration in Podiatry
- Board of Registration of Professional Engineers and of Professional Land Surveyors
- Board of Public Accountancy
- Board of Registration of Psychologists
- Board of Registration of Real Estate Appraisers
- Board of Registration of Real Estate Brokers and Salespersons
- Board of Registration of Sanitarians
- Board of Examiners of Sheet Metal Workers
- Board of Registration of Social Workers
- Board of Registration in Speech-Language Pathology and Audiology
- Board of Registration in Veterinary Medicine

In addition to the boards of registration listed above, DOL also manages the Office of Private Occupational School Education (OS). OS is responsible for the licensure and oversight of private occupational schools operating in Massachusetts. Occupational schools are institutions that offer courses, for profit or by charging tuition, for the purpose of educating and preparing individuals for a business, trade, technical or industrial occupation, or any other vocational purpose. OS is supported by a 12-member Advisory Council, consisting of representatives from other state agencies, consumer advocacy organizations, and the occupational school industry. The Advisory Council is chaired by the Undersecretary of Consumer Affairs and Business Regulation (OCABR), DOL's parent agency.

Office of Public Safety and Inspections

DOL's Office of Public Safety and Inspections (OPSI) is responsible for the oversight of certain infrastructure safety standards and the regulation of select entertainment industries in Massachusetts. It assists DOL in achieving the Agency's mission of protecting the public health, safety, and welfare through the inspection, investigation, and sanctioning of the activities and industries that it regulates. In FY2022, OPSI consisted of the following boards and divisions:

- Architectural Access Board
- Building and Engineering Division
- Elevator Division

- Massachusetts State Athletic Commission
- Regulated Activities Division

Office of Investigations

The Office of Investigations (OI) serves as DOL's front line of consumer protection. The formal consumer complaint process is initiated when a consumer contacts or files a complaint with OI. OI staff conduct investigations into allegations of unlicensed practice or professional misconduct and inspects certain types of business establishments.

Office of Prosecutions

The Office of Prosecutions (OP) prosecutes complaints filed against licensed individuals and businesses, as well as individuals and businesses engaged in the unlicensed practice of a trade or profession falling under DOL's jurisdiction. OP also includes a Health Care Fraud Unit (HCFU), which prosecutes licensees for health care related misconduct and participates in a referral network with law enforcement agencies and private insurance companies.

Office of Legal Counsel

The Office of Legal Counsel (OLC) consists of three units: Board Counsel; Hearing Counsel; and Public Records. Board Counsels provide legal advice to their assigned boards, offices and units as it relates to the performance of their day-to-day responsibilities, including the issuance of licenses, the disciplinary process, and the conduct of board meetings. Hearings Counsel, also known as Hearing Officers, generally conduct adjudicatory hearings between licensees or unlicensed individuals and businesses alleged to have violated licensing statutes and regulations, and the relevant board of registration. The Public Records Unit consists of two Records Access Officers and other staff who process, review, and distribute records pursuant to requests from the public.

Accounting and Electronic Data Processing Unit

The Accounting and Electronic Data Processing Unit (EDP) handles all fiscal matters on behalf of DOL, with a focus on collecting and managing all revenue generated by the Agency. EDP processes paper and electronic payments for licensing applications, civil administrative penalties, and all other transactions associated with the services provided by the Agency.

III. AGENCY ACCOMPLISHMENTS AND ACTIVITIES DURING FISCAL YEAR 2022

FY2022 Notable Accomplishments and Initiatives

- **Welcome Center:** The Welcome Center assisted 8,989 walk-in visitors with basic customer service transactions, such as license renewals, verifications, or name and address changes.
- **Licensing Platform Unification and Modernization Project:** DOL currently operates on three different software platforms in support of Agency programs. These three platforms perform similar functions but cannot be cohesively integrated. DOL secured capital funding to develop a target Business Capability Model (BCM) that represents DOL's core capabilities and identifies DOL's differentiated capabilities when compared against market offerings readily available in the industry. The Agency's contracted vendor for this initiative, Gartner, conducted a holistic, independent Current State Assessment of DOL's people, process and technology for a technology modernization effort and provide recommendations to address current key risks, opportunities, and pain points. Gartner developed a Strategy and Transformation Roadmap that defines the procurement and readiness activities that DOL should undertake to set the stage for a successful modernization effort.

Board of Registration Consumer Complaints Investigated: DOL's Office of Investigations (OI) investigated approximately 340 new complaints on behalf the Agency's 28 boards of registration and the Office of Private Occupational School Education. These complaints included consumer complaints, referrals from other federal and state agencies, and complaints opened by a board of registration to investigate potential wrongdoing. The top five boards of registration with the most complaints investigated by OI included:

- Board of Registration of Massage Therapy: 51 complaints
- Board of Registration of Social Work: 42 complaints
- Board of Registration of State Examiners of Electricians: 28 complaints
- Board of Registration of Real Estate Brokers and Salespersons: 33 complaints
- Board of State Examiners of Plumbers and Gas Fitters: 25 complaints

Board of Registration Consumer Complaints Resolved: With the input and assistance of other DOL boards, offices, and units, OI also helped to resolve over 1,336 complaints during this same period. The top 5 boards of registration with the most complaints closed included:

- Board of Registration of Massage Therapy: 255 complaints
- Board of Registration of Real Estate Brokers and Salespersons: 180 complaints
- Board of Registration of Social Workers: 99 complaints
- Board of Registration in Veterinary Medicine: 75 complaints
- Board of State Examiners of Plumbers and Gas Fitters: 77 complaints

Board of Registration Consumer Disciplinary Actions: DOL’s Office of Prosecutions (OP) assisted DOL boards of registration in prosecuting and resolving 401 complaints, through the prosecution and issuance of various disciplinary actions against both licensed and unlicensed, individuals and businesses. These disciplinary actions included:

- Fines Assessed: 289
- License Revocations: 90
- License Voluntary Surrender: 136
- License Stayed Suspensions: 7
- License Reprimand: 22
- License Suspensions: 32
- License Probation: 54

The top five boards of registration with the most disciplinary actions issued were:

1. Board of Registration of Massage Therapy: 102 disciplinary actions
2. Board of State Examiners of Electricians: 35 disciplinary actions
3. Board of Registration of Plumbers and Gasfitters: 27 disciplinary actions
4. Board of Registration of Architects: 24 disciplinary actions
5. Board of Registration of Allied Mental Health: 23 disciplinary actions

IV. DATA TABLES

The following data tables show key statistics about different aspects of DOL’s operations and the professions that it licenses or oversees. The data represents a snapshot of this information, which is dynamic and changes daily. DOL is including this information to better inform readers of this report and help illustrate the scope of the Agency’s impact on the Commonwealth and its workforce. For more up-to-date information, please contact the Agency.

TABLE 1: NUMBER OF LICENSEES & NUMBER OF NEW LICENSES ISSUED, FY2022

BOARD OF REGISTRATION OR DIVISION	NUMBER OF LICENSEES	NUMBER OF NEW LICENSES ISSUED
Board of Allied Health Professions	25,909	1,537
Board of Registration of Allied Mental Health and Human Services Professions	13,013	1,386
Board of Registration of Architects	8,159	393
Board of Registration of Chiropractors	2,024	94
Board of Registration of Cosmetology and Barbering	89,585	5,393
Board of Registration of Dietitians and Nutritionists	3,126	293
Board of Registration of Dispensing Opticians	1,456	24
Board of Certification of Operators of Drinking Water Supply Facilities	5,608	706
Board of State Examiners of Electricians	43,652	1,941
Board of Registration in Embalming and Funeral Directing	2,844	201
Board of Certification of Health Officers	73	2

TABLE 1: NUMBER OF LICENSEES & NUMBER OF NEW LICENSES ISSUED, FY2022		
BOARD OF REGISTRATION OR DIVISION	NUMBER OF LICENSEES	NUMBER OF NEW LICENSES ISSUED
Board of Registration of Hearing Instrument Specialists	233	23
Board of Registration of Home Inspectors	590	76
Board of Registration of Landscape Architects	802	32
Board of Registration of Massage Therapy	9,853	654
Board of Registration in Optometry	1,467	80
Board of State Examiners of Plumbers and Gas Fitters	24,777	1,598
Board of Registration in Podiatry	686	35
Board of Registration of Professional Engineers and of Land Surveyors	28,554	1,146
Board of Public Accountancy	20,092	746
Board of Registration of Psychologists	5,997	314
Board of Registration of Real Estate Appraisers	4,470	279

TABLE 1: NUMBER OF LICENSEES & NUMBER OF NEW LICENSES ISSUED, FY2022		
BOARD OF REGISTRATION OR DIVISION	NUMBER OF LICENSEES	NUMBER OF NEW LICENSES ISSUED
Board of Registration of Real Estate Brokers and Salespersons	78,150	5,685
Board of Registration of Sanitarians	295	2
Board of Examiners of Sheet Metal Workers	10,838	325
Board of Registration of Social Workers	28,576	2,966
Board of Registration for Speech-Language Pathology and Audiology	7,997	601
Board of Registration in Veterinary Medicine	4,208	300
Office of Private Occupational School Education	109	13
OPSI - Elevator Division	N/A	N/A
OPSI - Building & Engineering Division	N/A	N/A
OPSI – Regulated Activities Division	N/A	N/A
OPSI - Massachusetts Athletic Commissioner	N/A	N/A

TABLE 2: NUMBER OF COMPLAINTS OPENED/RECEIVED & NUMBER OF COMPLAINTS CLOSED, FY2022

BOARD OF REGISTRATION OR DIVISION	NUMBER OF COMPLAINTS OPENED/RECEIVED	NUMBER OF COMPLAINTS CLOSED
Board of Allied Health Professions	10	21
Board of Registration of Allied Mental Health and Human Services Professions	24	66
Board of Registration of Architects	13	31
Board of Registration of Chiropractors	8	37
Board of Registration of Cosmetology and Barbering	5	70
Board of Registration of Dietitians and Nutritionists	0	2
Board of Registration of Dispensing Opticians	1	4
Board of Certification of Operators of Drinking Water Supply Facilities	0	8
Board of State Examiners of Electricians	32	66

TABLE 2: NUMBER OF COMPLAINTS OPENED/RECEIVED & NUMBER OF COMPLAINTS CLOSED, FY2022

BOARD OF REGISTRATION OR DIVISION	NUMBER OF COMPLAINTS OPENED/RECEIVED	NUMBER OF COMPLAINTS CLOSED
Board of Registration in Embalming and Funeral Directing	4	25
Board of Certification of Health Officers	0	2
Board of Registration of Hearing Instrument Specialists	0	3
Board of Registration of Home Inspectors	0	24
Board of Registration of Landscape Architects	0	3
Board of Registration of Massage Therapy	51	255
Board of Registration in Optometry	2	8
Board of State Examiners of Plumbers and Gas Fitters	25	77
Board of Registration in Podiatry	4	7
Board of Registration of Professional Engineers and of Land Surveyors	24	23

TABLE 2: NUMBER OF COMPLAINTS OPENED/RECEIVED & NUMBER OF COMPLAINTS CLOSED, FY2022

BOARD OF REGISTRATION OR DIVISION	NUMBER OF COMPLAINTS OPENED/RECEIVED	NUMBER OF COMPLAINTS CLOSED
Board of Public Accountancy	7	26
Board of Registration of Psychologists	14	48
Board of Registration of Real Estate Appraisers	6	17
Board of Registration of Real Estate Brokers and Salespersons	33	180
Board of Registration of Sanitarians	2	0
Board of Examiners of Sheet Metal Workers	18	30
Board of Registration of Social Workers	42	99
Board of Registration for Speech-Language Pathology and Audiology	0	5
Board of Registration in Veterinary Medicine	13	75
Office of Private Occupational School Education	2	3

TABLE 2: NUMBER OF COMPLAINTS OPENED/RECEIVED & NUMBER OF COMPLAINTS CLOSED, FY2022

BOARD OF REGISTRATION OR DIVISION	NUMBER OF COMPLAINTS OPENED/RECEIVED	NUMBER OF COMPLAINTS CLOSED
OPSI - Elevator Division	N/A	N/A
OPSI - Building Division	N/A	N/A
OPSI - Engineering & Engineering	N/A	N/A
OPSI - Regulated Activities Division	N/A	N/A
OPSI – Architectural Access Board	N/A	N/A

TABLE 3: NUMBER OF DISCIPLINARY ACTIONS ISSUED, FY2022

BOARD OF REGISTRATION OR DIVISION	NUMBER OF DISCIPLINARY ACTIONS ISSUED
Board of Allied Health Professions	14
Board of Registration of Allied Mental Health and Human Services Professions	23
Board of Registration of Architects	24
Board of Registration of Chiropractors	16
Board of Registration of Cosmetology and Barbering	21
Board of Registration of Dietitians and Nutritionists	0
Board of Registration of Dispensing Opticians	2
Board of Certification of Operators of Drinking Water Supply Facilities	2
Board of State Examiners of Electricians	35
Board of Registration in Embalming and Funeral Directing	13
Board of Certification of Health Officers	0

TABLE 3: NUMBER OF DISCIPLINARY ACTIONS ISSUED, FY2022

BOARD OF REGISTRATION OR DIVISION	NUMBER OF DISCIPLINARY ACTIONS ISSUED
Board of Registration of Hearing Instrument Specialists	0
Board of Registration of Home Inspectors	4
Board of Registration of Landscape Architects	0
Board of Registration of Massage Therapy	102
Board of Registration in Optometry	0
Board of State Examiners of Plumbers and Gas Fitters	27
Board of Registration in Podiatry	0
Board of Registration of Professional Engineers and of Land Surveyors	8
Board of Public Accountancy	10
Board of Registration of Psychologists	7
Board of Registration of Real Estate Appraisers	6

TABLE 3: NUMBER OF DISCIPLINARY ACTIONS ISSUED, FY2022	
BOARD OF REGISTRATION OR DIVISION	NUMBER OF DISCIPLINARY ACTIONS ISSUED
Board of Registration of Real Estate Brokers and Salespersons	18
Board of Registration of Sanitarians	0
Board of Examiners of Sheet Metal Workers	9
Board of Registration of Social Workers	20
Board of Registration for Speech-Language Pathology and Audiology	1
Board of Registration in Veterinary Medicine	16
Office of Private Occupational School Education	0
OPSI - Elevator Division	N/A
OPSI - Building Division	N/A
OPSI - Engineering Division	N/A
OPSI - Regulated Activities Division	N/A

V. DISCLAIMER

The information contained herein is general information about the operations of the Division of Occupational Licensure (DOL), the boards of registration, the Office of Private Occupational School Education, and the Office of Public Safety and Inspections, who operate under the supervision of the Agency, and their respective licensing and enforcement activities. It does not reflect the policies, laws or rules of any particular board, office, or person. All data and statistics in this document are intended only as a summary of the operations and activities of DOL during Fiscal Year 2022, and are subject to change.

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