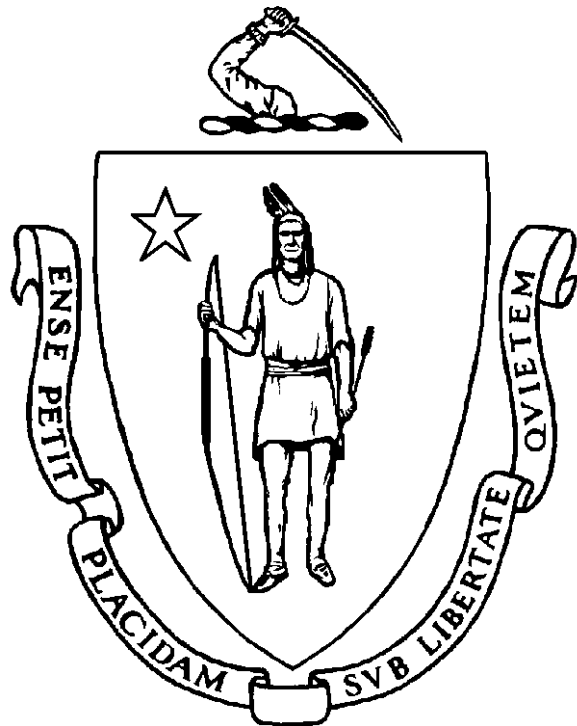


DIVISION OF PROFESSIONAL LICENSURE



ANNUAL REPORT

FISCAL YEAR 2018

*Division of Professional 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 DIRECTOR

His Excellency Charles D. Baker
Governor of the Commonwealth

The Honorable Karyn E. Polito
Lieutenant Governor of the Commonwealth

Jay Ash, Secretary
Executive Office of Housing and Economic Development

John C. Chapman, Undersecretary
Office of Consumer Affairs and Business Regulation

Honorable Members of the General Court:

The Division of Professional Licensure (DPL) is pleased to present to you with this report summarizing the agency's accomplishments and initiatives undertaken during Fiscal Year 2018 (FY2018), spanning July 1, 2017 to June 30, 2018.

FY2018 represented a year of change for DPL. In addition to our continued efforts to streamline and modernize agency operations, the agency completed the process of merging with the Department of Public Safety (DPS). Following the enactment of a legislation authorizing this change prior to the start of the FY2018, the agency focused on planning and executing a detailed merger plan for much of fiscal year. I am pleased to report that merger was largely complete by the end of FY2018, with staff from the newly created Office of Public Safety and Inspections (OPSI) scheduled to move into DPL's offices in June and July of 2018.

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

Sincerely,

Charles Borstel, Commissioner
Division of Professional Licensure

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

About DPL

The Division of Professional Licensure (DPL) is an agency within the Office of Consumer Affairs and Business Regulation. DPL oversees 38 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. DPL also licenses and regulates Private Occupational Schools, and oversees the Office of Public Safety and Inspection.

Mission

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

Boards, Offices and Units

Introduction

For purposes of carrying out its mission, DPL 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. These units are supported by a number of 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

DPL'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, DPL boards of registration investigate and resolve consumer complaints with the assistance of the agency's enforcement units. In FY2018, the boards of registration overseen by the DPL 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, DPL 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 training or 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), DPL's parent agency.

Office of Public Safety and Inspections

DPL'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 DPL 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 FY2018, OPSI consisted of the following boards and divisions:

- Architectural Access Board
- Building Division
- Elevators Division

- Engineering Division
- Regulated Activities Division

Office of Investigations

The Office of Investigations (OI) serves as DPL'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 also 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 DPL'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 a Records Access Officer and other staff who process, review and distribute records pursuant to requests for public records from the public.

Accounting and Electronic Data Processing Unit

The Accounting and Electronic Data Processing Unit (EDP) handles all fiscal matters on behalf of DPL. 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 2018

Summary of Agency Accomplishments and Activities

FY2018 was a year of significant change for DPL. Just prior to the start of the fiscal year, the Governor signed into law legislation merging the Department of Public Safety with DPL,

Chapter 6 of the Acts of 2017, *An Act to Reorganize the Department of Public Safety*. Accordingly, much of the agency's focus during FY2018 was on implementing this new law and combining, both programmatically and logistically, the resources of the two agencies. This process was drawing to a close as of the end of the fiscal year, culminating with the consolidation of office locations scheduled for early July 2018.

In addition to the merger, FY2018 was a busy year for DPL as it continued to execute its core functions with efficiency. The following is a summary of some of the agency's key accomplishments and initiatives that occurred during the fiscal year.

FY2018 Notable Accomplishments and Initiatives

- **Board of Registration Consumer Complaints Investigated:** DPL's Office of Investigations (OI) investigated approximately 1,414 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:
 1. Board of Registration of Real Estate Brokers and Salespersons: 261 complaints
 2. Board of Registration of Cosmetology and Barbering: 209 complaints
 3. Board of Registration of Social Workers: 134 complaints
 4. Board of State Examiners of Electricians: 119 complaints
 5. Board of State Examiners of Plumbers and Gas Fitters: 101 complaints

- **Board of Registration Consumer Complaints Resolved:** With the input and assistance of other DPL boards, offices, and units, OI also helped close or resolve over 2,071 complaints during this same time period. The top 5 boards of registration with the most complaints closed included:
 1. Board of Registration of Real Estate Brokers and Salespersons: 351 complaints
 2. Board of Registration of Cosmetology and Barbering: 292 complaints
 3. Board of Registration of Dispensing Opticians: 170 complaints
 4. Board of State Examiners of Plumbers and Gas Fitters: 165 complaints
 5. Board of Registration of Social Workers: 154 complaints

- **Board of Registration Consumer Disciplinary Actions:** DPL's Office of Prosecutions (OP) assisted DPL boards of registration in prosecuting and resolving 879 complaints, through the prosecution and issuance of various disciplinary actions against both licensed and unlicensed, individuals and businesses. These disciplinary actions included:
 1. Fines Assessed: 503
 2. License Revocations: 86
 3. License Suspensions: 51

4. License Probation: 96
5. License Reprimand: 135
6. License Stayed Suspensions: 9
7. License Voluntary Surrender: 241

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

1. Board of Registration of Dispensing Opticians: 147 disciplinary actions
 2. Board of Registration of Real Estate Brokers and Salespersons: 110 disciplinary actions
 3. Board of Registration of Cosmetology and Barbering: 94 disciplinary actions
 4. Board of Registration of Social Workers: 84 disciplinary actions
 5. Board of State Examiners of Electricians: 66 disciplinary actions
- **Inspections of Licensed Businesses:** As part of and in addition to investigating complaints filed by consumer against licensed and unlicensed professionals under the jurisdiction of the agency's boards of registration, DPL conducts field inspections of certain types of businesses licensed by its board of registration. Collectively, OI conducted 11,662 field inspections. The following is a breakdown by business type:

1. Allied Health Facilities: 187
2. Chiropractic Offices: 312
3. Dispensing Optician Offices: 447
4. Funeral Establishments: 473
5. Barber/Cosmetology/Electrology Salons or Shops: 6,275
6. Massage Therapy Establishments: 771
7. Optometry Practices: 82
8. Real Estate Businesses: 363
9. Veterinary Facilities: 133

In addition, DPL investigators also conduct inspections of plumbing, gas fitting, and sheet metal work performed on state-owned properties. The following is a breakdown of these inspections, by the type of work performed:

1. Plumbing or Gas Fitting: 1,367
 2. Sheet Metal: 1,252
- **Public Record Requests:** DPL received and successfully responded to a total of 1,801 public record requests. This included 1,364 requests for DPL boards of registration and offices, and 437 requests for OPSI's divisions. Examples of requested documents included copies of complaint case files, disciplinary documents, licensing status information, and copies of license applications.
 - **Revenue Generated by Boards of Registration:** DPL generated more than \$27 million in revenue for the Commonwealth. This included approximately \$26 million in revenue

from license application fees, renewals, and other associated services, as well as approximately \$332,000 in fines generated through agency enforcement activities.

- **Architectural Access Board Variances:** The Architectural Access Board (AAB) develops and enforces regulations designed to make public buildings accessible to, functional for, and safe for use by persons with disabilities. In instances where compliance with the AAB's regulations appears impracticable—technologically infeasible or would result in excessive and unreasonable costs without any substantial benefit to persons with disabilities—the Board will work to property owners to grant variances from requirements of the regulations. During FY2018, the Board granted 356 requests for variances from the regulations.
- **Elevator Division Fire Service & Generator Testing:** The Elevator Division added three inspectors to its roster, allowing the Division to significantly reduce its backlog of fire service and generator tests performed after normal business hours. With the addition of these new inspectors, the Division was able to cut the wait time for these types of inspections from three months to three weeks.
- **Building Division On-Boarding Training for Municipal and State Inspectors:** OPSI's Building Divisions conducts periodic trainings for municipal and state building inspectors on their obligations under the state building code. During FY2018, the Building Division staff held two trainings, with 122 inspectors attending. The Division has already scheduled additional trainings for FY2019.
- **Massachusetts State Athletic Commission Improvements:** The Massachusetts State Athletic Commission, housed within the Regulated Activities Division, is charged with the regulation of all professional and amateur boxing, mixed martial arts, and unarmed combatants and events held in Massachusetts. In FY2018, the Commission overhauled their application process in an effort to make it easier for applicants to understand and timely completed applications for licensures. In addition, the Commission held a refresher training event for its Deputy Commissioners who are tasked with overseeing the operation of sanctioned events and ensuring compliance with the Commission's rules and regulations. The Commission hopes to hold additional training events in the coming fiscal years.
- **Board of Registration Paperless Application and Renewal Initiative:** Following the full implementation of DPL's eLicensing system, ePLACE, in 2016, the agency has been steadily working towards eliminating its paper application forms and transitioning to an electronic submission process. As part of these efforts, several boards of registration implemented paperless application and renewal systems in FY2018. Specifically, all applications and license verification transactions for the Board of Registration in Veterinary have been moved online as of May 2018, while the 2019-2020 license renewal process will be conducted electronically as well. In addition, the Board of Registration of Real Estate Brokers and Salespersons has also transitioned number of its applications to a paperless system, including the applications for businesses and attorney brokers. DPL

anticipates that a number of additional boards of registration will transition their application and renewal processes in FY2019.

- **MOUs between DPL and the MBTA, MassDOT, and Municipalities:** DPL worked closely with the MBTA, MassDOT and a number of municipalities to create and enter MOUs aimed at clarifying jurisdictional issues that arise in the context of construction projects involving both state and local interests. The MOUs provide a roadmap for developers as they navigate these complex projects, providing definitive guidance on permitting and approvals for each portion of the work. DPL hopes to continue this initiative in the coming fiscal year and possibly enter into additional MOUs as needed.

IV. DATA TABLES

The following data tables show key statistics about different aspects of DPL's operations and the professions that it licenses or oversees. The data represents a snapshot of this information, which is dynamic and changes daily. DPL 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, FY2018		
BOARD OF REGISTRATION OR DIVISION	NUMBER OF LICENSEES	NUMBER OF NEW LICENSES ISSUED
Board of Allied Health Professions	24,467	1,775
Board of Registration of Allied Mental Health and Human Services Professions	9,958	787
Board of Registration of Architects	7,089	456
Board of Registration of Chiropractors	2,114	71
Board of Registration of Cosmetology and Barbering	89,031	7,058
Board of Registration of Dietitians and Nutritionists	2,740	255
Board of Registration of Dispensing Opticians	1,526	43
Board of Certification of Operators of Drinking Water Supply Facilities	5,267	599
Board of State Examiners of Electricians	37,851	1,106
Board of Registration in Embalming and Funeral Directing	2,393	194
Board of Certification of Health Officers	95	2

TABLE 1: NUMBER OF LICENSEES & NUMBER OF NEW LICENSES ISSUED, FY2018		
BOARD OF REGISTRATION OR DIVISION	NUMBER OF LICENSEES	NUMBER OF NEW LICENSES ISSUED
Board of Registration of Hearing Instrument Specialists	487	38
Board of Registration of Home Inspectors	549	95
Board of Registration of Landscape Architects	875	52
Board of Registration of Massage Therapy	10,624	1,373
Board of Registration in Optometry	1,539	77
Board of State Examiners of Plumbers and Gas Fitters	25,368	2,940
Board of Registration in Podiatry	554	16
Board of Registration of Professional Engineers and of Land Surveyors	27,037	1,215
Board of Public Accountancy	19,675	876
Board of Registration of Psychologists	5,735	236
Board of Registration of Real Estate Appraisers	4,028	245

TABLE 1: NUMBER OF LICENSEES & NUMBER OF NEW LICENSES ISSUED, FY2018		
BOARD OF REGISTRATION OR DIVISION	NUMBER OF LICENSEES	NUMBER OF NEW LICENSES ISSUED
Board of Registration of Real Estate Brokers and Salespersons	67,281	6,626
Board of Registration of Sanitarians	356	4
Board of Examiners of Sheet Metal Workers	12,085	586
Board of Registration of Social Workers	23,491	2,517
Board of Registration for Speech-Language Pathology and Audiology	7,337	622
Board of Registration in Veterinary Medicine	3,430	298
Office of Private Occupational School Education	233	53
OPSI - Elevator Division	1,754	211
OPSI - Building Division	41,782	1,327
OPSI - Engineering Division	100,501	15,234
OPSI – Regulated Activities Division	7,697	2,816

TABLE 2: NUMBER OF COMPLAINTS OPENED/RECEIVED & NUMBER OF COMPLAINTS CLOSED, FY2018

BOARD OF REGISTRATION OR DIVISION	NUMBER OF COMPLAINTS OPENED/RECEIVED	NUMBER OF COMPLAINTS CLOSED
Board of Allied Health Professions	31	35
Board of Registration of Allied Mental Health and Human Services Professions	43	49
Board of Registration of Architects	22	16
Board of Registration of Chiropractors	22	30
Board of Registration of Cosmetology and Barbering	207	289
Board of Registration of Dietitians and Nutritionists	6	8
Board of Registration of Dispensing Opticians	37	170
Board of Certification of Operators of Drinking Water Supply Facilities	5	18
Board of State Examiners of Electricians	119	126

TABLE 2: NUMBER OF COMPLAINTS OPENED/RECEIVED & NUMBER OF COMPLAINTS CLOSED, FY2018

BOARD OF REGISTRATION OR DIVISION	NUMBER OF COMPLAINTS OPENED/RECEIVED	NUMBER OF COMPLAINTS CLOSED
Board of Registration in Embalming and Funeral Directing	26	51
Board of Certification of Health Officers	1	1
Board of Registration of Hearing Instrument Specialists	1	7
Board of Registration of Home Inspectors	22	24
Board of Registration of Landscape Architects	3	7
Board of Registration of Massage Therapy	59	96
Board of Registration in Optometry	10	14
Board of State Examiners of Plumbers and Gas Fitters	101	166
Board of Registration in Podiatry	40	41
Board of Registration of Professional Engineers and of Land Surveyors	35	47

TABLE 2: NUMBER OF COMPLAINTS OPENED/RECEIVED & NUMBER OF COMPLAINTS CLOSED, FY2018

BOARD OF REGISTRATION OR DIVISION	NUMBER OF COMPLAINTS OPENED/RECEIVED	NUMBER OF COMPLAINTS CLOSED
Board of Public Accountancy	44	99
Board of Registration of Psychologists	39	54
Board of Registration of Real Estate Appraisers	28	51
Board of Registration of Real Estate Brokers and Salespersons	261	351
Board of Registration of Sanitarians	1	3
Board of Examiners of Sheet Metal Workers	25	38
Board of Registration of Social Workers	134	154
Board of Registration for Speech-Language Pathology and Audiology	4	12
Board of Registration in Veterinary Medicine	66	74
Office of Private Occupational School Education	9	23

TABLE 2: NUMBER OF COMPLAINTS OPENED/RECEIVED & NUMBER OF COMPLAINTS CLOSED, FY2018

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 Division	N/A	N/A
OPSI - Regulated Activities Division	N/A	N/A

TABLE 3: NUMBER OF DISCIPLINARY ACTIONS ISSUED

BOARD OF REGISTRATION OR DIVISION	NUMBER OF DISCIPLINARY ACTIONS ISSUED
Board of Allied Health Professions	13
Board of Registration of Allied Mental Health and Human Services Professions	7
Board of Registration of Architects	9
Board of Registration of Chiropractors	11
Board of Registration of Cosmetology and Barbering	328
Board of Registration of Dietitians and Nutritionists	0
Board of Registration of Dispensing Opticians	101
Board of Certification of Operators of Drinking Water Supply Facilities	0
Board of State Examiners of Electricians	48
Board of Registration in Embalming and Funeral Directing	7
Board of Certification of Health Officers	0

TABLE 3: NUMBER OF DISCIPLINARY ACTIONS ISSUED	
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	2
Board of Registration of Massage Therapy	51
Board of Registration in Optometry	1
Board of State Examiners of Plumbers and Gas Fitters	45
Board of Registration in Podiatry	1
Board of Registration of Professional Engineers and of Land Surveyors	15
Board of Public Accountancy	19
Board of Registration of Psychologists	9
Board of Registration of Real Estate Appraisers	25

TABLE 3: NUMBER OF DISCIPLINARY ACTIONS ISSUED	
BOARD OF REGISTRATION OR DIVISION	NUMBER OF DISCIPLINARY ACTIONS ISSUED
Board of Registration of Real Estate Brokers and Salespersons	67
Board of Registration of Sanitarians	1
Board of Examiners of Sheet Metal Workers	20
Board of Registration of Social Workers	71
Board of Registration for Speech-Language Pathology and Audiology	3
Board of Registration in Veterinary Medicine	12
Office of Private Occupational School Education	9
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 Professional Licensure (DPL), 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 DPL during Fiscal Year 2018, and are subject to change.

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