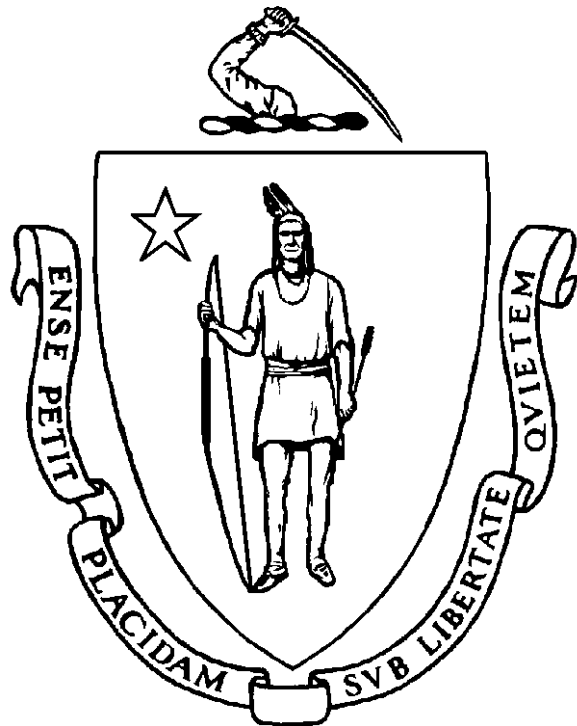


DIVISION OF PROFESSIONAL LICENSURE



ANNUAL REPORT

FISCAL YEAR 2019

*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 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

Robert A. DeLeo, Speaker
Massachusetts House of Representatives

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 2019 (FY2019), spanning July 1, 2018 to June 30, 2019.

FY2019 was a year of significant change for the Agency. Following the merger of DPL and the Department of Public Safety (DPS) during the prior fiscal year, the Agency began the hard work of more fully integrating the two Agencies into a cohesive and unified operation. In furtherance of that goal, DPL consolidated its office space, with most DPS employees—now part of DPL's Office of Public Safety and Inspections (OPSI)—moving from 1 Ashburton Place to DPL's headquarters at 1000 Washington Street in Boston. The Agency also undertook a number of new performance initiatives, including the implementation of a new case management system to help ensure the timely resolution of consumer complaints filed with the Agency, and improvements to the Office of Public Safety and Inspection's annual elevator inspection procedures, thereby ensuring the continued safety of the Commonwealth's more than 40,000 registered elevators.

The fiscal year ended with significant leadership changes, following the departure of Commissioner Charles Borstel, who had held that role since 2015. We thank Commissioner Borstel for his service to the Agency, and look forward to working with him in his new role at the Office of Consumer Affairs and Business Regulations in the year ahead.

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

Sincerely,

Diane M. Symonds, 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 560,000 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 Inspections.

Mission

DPL'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. DPL also seeks to promote consumer protection, a fair and competitive marketplace, and engage in education and outreach events.

Boards, Offices and Units

Introduction

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. Through a shared-services operational model, 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 FY2019, 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 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), 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 FY2019, 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 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 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 DPL, 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 2019

FY2019 Notable Accomplishments and Initiatives

- **Board of Registration Consumer Complaints Investigated:** DPL's Office of Investigations (OI) investigated approximately 1,605 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: 106 complaints
 2. Board of Registration of Cosmetology and Barbering: 84 complaints
 3. Board of State Examiners of Plumbers and Gas Fitters: 68 complaints
 4. Board of State Examiners of Electricians: 44 complaints
 5. Board of Registration of Massage Therapy: 36 complaints
- **Board of Registration Consumer Complaints Resolved:** With the input and assistance of other DPL boards, offices, and units, OI also helped to resolve over 1,721 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: 311 complaints
 2. Board of Registration of Cosmetology and Barbering: 267 complaints
 3. Board of State Examiners of Plumbers and Gas Fitters: 100 complaints
 4. Board of Registration of Social Workers: 94 complaints
 5. Board of Registration in Veterinary Medicine: 89 complaints
 - **Board of Registration Consumer Disciplinary Actions:** DPL's Office of Prosecutions (OP) assisted DPL boards of registration in prosecuting and resolving 785 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: 455
 2. License Revocations: 145
 3. License Suspensions: 33
 4. License Probation: 39
 5. License Reprimand: 21
 6. License Stayed Suspensions: 12
 7. License Voluntary Surrender: 49
 8. Continuing Education: 31

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

1. Board of State Examiners of Electricians: 95 disciplinary actions
 2. Board of Registration of Real Estate Brokers and Salespersons: 79 disciplinary actions
 3. Board of Registration of Dispensing Opticians: 75 disciplinary actions
 4. Board of State Examiners of Plumbers and Gas Fitters: 71
 5. Board of Registration of Massage Therapy: 66
- **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 10,083 field inspections. The following is a breakdown by business type:

1. Allied Health Facilities: 156
2. Chiropractic Offices: 351
3. Dispensing Optician Offices: 413
4. Funeral Establishments: 129
5. Barber/Cosmetology/Electrology Salons or Shops: 7,159
6. Massage Therapy Establishments: 1,216
7. Optometry Practices: 281
8. Real Estate Businesses: 279
9. Veterinary Facilities: 99

- **Board of Registration of Cosmetology and Barbering Regulation Improvements:** Effective June 1, 2019, the Board of Registration of Cosmetology and Barbering adopted new regulations that significantly changed the way the cosmetology and barbering professions are practiced. These changes included: the elimination of a two-tier licensing system across the Board's licensed professions, creating single levels of licensure where possible (ex. consolidation of the master barber and apprentice barber licenses into a single license); relaxing of supervisory requirements in conjunction with the aforementioned elimination of two-tier licensing; the elimination of certain shop license types, including booth shops and both renter licenses to permit more flexible business models within the industry; and a new requirement that all licensees display their respective personal licenses in a location visible to the consumer in the shop in which they work. The Board is hopeful that these changes will eliminate barriers to entry and growth within the cosmetology and barbering industries, while also maintaining and in some cases, strengthen consumer protections.
- **Board of State Examiners of Electricians Transition to a Paperless Renewal System:** In conjunction with its triennial license renewal cycle, the Board of State of Examiners of Electricians worked closely with the Agency's IT and eLicensing staff to transition the license renewal process to a paperless system. As part of these efforts, the Board and its staff conducted close to a dozen outreach events around the Commonwealth to educate licensees about the new paperless renewal system and to help them get registered. As of the end of the fiscal year, June 30, 2019, the Board was experiencing strong participation in the paperless renewal system and was on track to have the majority of licensees registered and renewed well ahead of the July 31, 2019 renewal deadline.
- **Online License Application and Renewal Transition:** In addition to efforts by the Board of State Examiners of Electricians to transition to a paperless renewal process, the Agency continued to work towards transition all licensing board transactions to paperless processes. Both the Board of Registration of Real Estate Brokers and Salespersons and the Board of Public Accountancy completed this process, and were completely paperless by the end of the fiscal year. Further reflecting this progress, the more than 140,000 transactions were completed online through the Agency's eLicensing system during FY2019, significantly outpacing paper-based transactions.

- **Public Record Requests:** DPL received and successfully responded to a total of 2,263 public record requests. This included 1,813 requests for DPL boards of registration and offices, and 450 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 \$53 million in revenue for the Commonwealth. This included revenue from license application fees, renewals, and other associated services, as well as approximately \$390,000 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, 521 Code of Massachusetts Regulations, appears to be impracticable—technologically infeasible or will result in excessive and unreasonable costs without any substantial benefit to persons with disabilities—the Board will work with property owners to grant variances from the requirements of the regulations. During FY2019, the Board received 347 individual requests for variances and granted 336 variances.
- **Elevator Inspections:** The Elevator Division, housed within OPSI, is responsible for conducting annual inspections of all register elevators, escalators, wheelchair lifts, and other assorted devices in the Commonwealth. During FY2019, the Elevator Division conducted 34,026 annual inspections, and also oversaw the installation, inspection, and registration of 1,157 new devices across the state. As of the end of the FY2019, the Elevator Division began working to more strategically use its inspection data to streamline operations, and was also in the process of hiring additional inspectors to keep up with the increased demand for inspections.
- **Bureau of Pipefitters, Refrigeration Technicians and Sprinklerfitters Regulation Updates:** During FY2019, the Bureau worked diligently with licensees, industry representatives, consumers and other stakeholders to update the regulations applicable to pipefitters, refrigeration technicians, and sprinklerfitters, 528 Code of Massachusetts Regulations. Following a public listening session in February 2019, the Bureau and its staff work to draft amendments to the regulations intended to simplify the work and schooling requirements for licensure, and thereby make it easier to enter the workforce. A final draft was approved in May of 2019, and was making its way through the approval and promulgation process as of the end of FY2019. The Bureau also worked closely with Massachusetts vocational high schools to re-approve the curriculum standards for its licensees, and helped to facilitate the creation of programs at five vocational schools that did not previously have such programs.

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, FY2019		
BOARD OF REGISTRATION OR DIVISION	NUMBER OF LICENSEES	NUMBER OF NEW LICENSES ISSUED
Board of Allied Health Professions	25,107	1,714
Board of Registration of Allied Mental Health and Human Services Professions	11,113	1,175
Board of Registration of Architects	7,886	553
Board of Registration of Chiropractors	2,083	80
Board of Registration of Cosmetology and Barbering	90,042	5,988
Board of Registration of Dietitians and Nutritionists	2,889	253
Board of Registration of Dispensing Opticians	1,529	68
Board of Certification of Operators of Drinking Water Supply Facilities	5,932	726
Board of State Examiners of Electricians	39,011	1,221
Board of Registration in Embalming and Funeral Directing	2,447	247
Board of Certification of Health Officers	90	1

TABLE 1: NUMBER OF LICENSEES & NUMBER OF NEW LICENSES ISSUED, FY2019

BOARD OF REGISTRATION OR DIVISION	NUMBER OF LICENSEES	NUMBER OF NEW LICENSES ISSUED
Board of Registration of Hearing Instrument Specialists	480	41
Board of Registration of Home Inspectors	588	87
Board of Registration of Landscape Architects	876	45
Board of Registration of Massage Therapy	11,088	1,292
Board of Registration in Optometry	1,511	73
Board of State Examiners of Plumbers and Gas Fitters	27,184	1,292
Board of Registration in Podiatry	554	63
Board of Registration of Professional Engineers and of Land Surveyors	28,195	1,056
Board of Public Accountancy	19,634	1,025
Board of Registration of Psychologists	5,975	238
Board of Registration of Real Estate Appraisers	4,137	192

TABLE 1: NUMBER OF LICENSEES & NUMBER OF NEW LICENSES ISSUED, FY2019		
BOARD OF REGISTRATION OR DIVISION	NUMBER OF LICENSEES	NUMBER OF NEW LICENSES ISSUED
Board of Registration of Real Estate Brokers and Salespersons	68,108	4,796
Board of Registration of Sanitarians	341	3
Board of Examiners of Sheet Metal Workers	12,103	501
Board of Registration of Social Workers	26,317	2,250
Board of Registration for Speech-Language Pathology and Audiology	7,743	550
Board of Registration in Veterinary Medicine	3,446	275
Office of Private Occupational School Education	222	35
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, FY2019

BOARD OF REGISTRATION OR DIVISION	NUMBER OF COMPLAINTS OPENED/RECEIVED	NUMBER OF COMPLAINTS CLOSED
Board of Allied Health Professions	14	61
Board of Registration of Allied Mental Health and Human Services Professions	28	54
Board of Registration of Architects	11	32
Board of Registration of Chiropractors	16	24
Board of Registration of Cosmetology and Barbering	42	166
Board of Registration of Dietitians and Nutritionists	0	0
Board of Registration of Dispensing Opticians	3	85
Board of Certification of Operators of Drinking Water Supply Facilities	3	7
Board of State Examiners of Electricians	44	139

TABLE 2: NUMBER OF COMPLAINTS OPENED/RECEIVED & NUMBER OF COMPLAINTS CLOSED, FY2019

BOARD OF REGISTRATION OR DIVISION	NUMBER OF COMPLAINTS OPENED/RECEIVED	NUMBER OF COMPLAINTS CLOSED
Board of Registration in Embalming and Funeral Directing	8	56
Board of Certification of Health Officers	1	0
Board of Registration of Hearing Instrument Specialists	1	5
Board of Registration of Home Inspectors	9	25
Board of Registration of Landscape Architects	0	2
Board of Registration of Massage Therapy	36	92
Board of Registration in Optometry	2	19
Board of State Examiners of Plumbers and Gas Fitters	68	103
Board of Registration in Podiatry	40	10
Board of Registration of Professional Engineers and of Land Surveyors	23	43

TABLE 2: NUMBER OF COMPLAINTS OPENED/RECEIVED & NUMBER OF COMPLAINTS CLOSED, FY2019

BOARD OF REGISTRATION OR DIVISION	NUMBER OF COMPLAINTS OPENED/RECEIVED	NUMBER OF COMPLAINTS CLOSED
Board of Public Accountancy	24	58
Board of Registration of Psychologists	22	37
Board of Registration of Real Estate Appraisers	15	33
Board of Registration of Real Estate Brokers and Salespersons	106	311
Board of Registration of Sanitarians	2	1
Board of Examiners of Sheet Metal Workers	15	27
Board of Registration of Social Workers	39	94
Board of Registration for Speech-Language Pathology and Audiology	2	10
Board of Registration in Veterinary Medicine	32	89
Office of Private Occupational School Education	9	22

TABLE 2: NUMBER OF COMPLAINTS OPENED/RECEIVED & NUMBER OF COMPLAINTS CLOSED, FY2019

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, FY2019

BOARD OF REGISTRATION OR DIVISION	NUMBER OF DISCIPLINARY ACTIONS ISSUED
Board of Allied Health Professions	34
Board of Registration of Allied Mental Health and Human Services Professions	15
Board of Registration of Architects	13
Board of Registration of Chiropractors	13
Board of Registration of Cosmetology and Barbering	94
Board of Registration of Dietitians and Nutritionists	0
Board of Registration of Dispensing Opticians	75
Board of Certification of Operators of Drinking Water Supply Facilities	2
Board of State Examiners of Electricians	95
Board of Registration in Embalming and Funeral Directing	25
Board of Certification of Health Officers	0

TABLE 3: NUMBER OF DISCIPLINARY ACTIONS ISSUED, FY2019

BOARD OF REGISTRATION OR DIVISION	NUMBER OF DISCIPLINARY ACTIONS ISSUED
Board of Registration of Hearing Instrument Specialists	3
Board of Registration of Home Inspectors	16
Board of Registration of Landscape Architects	0
Board of Registration of Massage Therapy	66
Board of Registration in Optometry	2
Board of State Examiners of Plumbers and Gas Fitters	73
Board of Registration in Podiatry	1
Board of Registration of Professional Engineers and of Land Surveyors	15
Board of Public Accountancy	24
Board of Registration of Psychologists	12
Board of Registration of Real Estate Appraisers	14

TABLE 3: NUMBER OF DISCIPLINARY ACTIONS ISSUED, FY2019

BOARD OF REGISTRATION OR DIVISION	NUMBER OF DISCIPLINARY ACTIONS ISSUED
Board of Registration of Real Estate Brokers and Salespersons	79
Board of Registration of Sanitarians	0
Board of Examiners of Sheet Metal Workers	22
Board of Registration of Social Workers	36
Board of Registration for Speech-Language Pathology and Audiology	9
Board of Registration in Veterinary Medicine	26
Office of Private Occupational School Education	4
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 2019, and are subject to change.

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