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OSBEELS Presentation to the 2019 General Government Subcommittee of the Joint Committee on Ways and Means

Presentation Outline

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Slide 1 – Introductions

Jenn Gilbert

Interim Board Administrator

Eric Engelson

Communications Coordinator

Daren Cone, PE, PLS

Board member

State of Oregon – Department of Forestry

State Forests Engineer

Slide 2 – Agency Mission

The mission of the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) is to regulate the practices of engineering, land surveying, photogrammetric mapping, and water right examination in the State as they relate to the welfare of the public in safeguarding life, health and property.

Examples of How Board Accomplishes this Mission:

1. The Board's approach to accomplishing this mission is comprised of regulating the state's professional registrants, ensuring only qualified candidates become licensed, and informing the public.
 - i. **Regulation of professional registrants** – investigate instances of negligence and unlicensed professional practices
 - i. Oregon PE performing structural engineering work on buildings on the OSU campus
 - ii. Negligent surveying being performed in rural Oregon affecting property ownership
 - iii. Unlicensed individual designing fire escapes on buildings, specifically sorority houses at UofO
 - ii. **Ensuring Qualified Candidates become licensed** – Clearly defined qualifications and processes, routinely work with National Council of Examiners for Engineering and Surveying, and investing in exam team development.
 - iii. **Informing the public** – Sharing information about the type of work in Oregon that requires professional licensure, provide an online license look up (name, location, discipline, current license status) on the OSBEELS website, and educating students about career opportunities in these fields.

Section 3 – Board Member Roster

BOARD MEMBERS

Shelly MC Duquette, PE, SE, *President*

Christopher D. Aldridge, RPP, *Vice President*

Daren L. Cone, PE, PLS

Jason J. Kent, PE

Logan T. Miles, PLS

Dr. Sean W. St.Clair, PE

Eric Austin, Esq.

Paul Gribbon, PE

Ron Stillmaker, PE

Amin Wahab

(PLS vacancy)

Slide 4 – Brief History of the Board and Composition

- Established in 1919
- Began Licensing PLS in 1944
- Agency staff departments includes; Registration, Regulation, Accounts, Public Relations, and Operations

Active Licensed Professionals

- 16,251 Professional Engineers
- 1,195 Professional Land Surveyors
- 392 Certified Water Right Examiners
- 45 Professional Photogrammetrists

Slide 5 – Board Meetings and Committees

- Board meetings are held each odd-numbered month
- Committee meetings are held each even-numbered month
- Special Board meetings are held on an as-needed basis

Special Board Meetings

Special Board meetings are scheduled when decisions need to be made sooner than the next scheduled Board meeting. Special Board meetings are noticed as required under state public meetings laws and have a limited agenda.

Committees & Task Forces

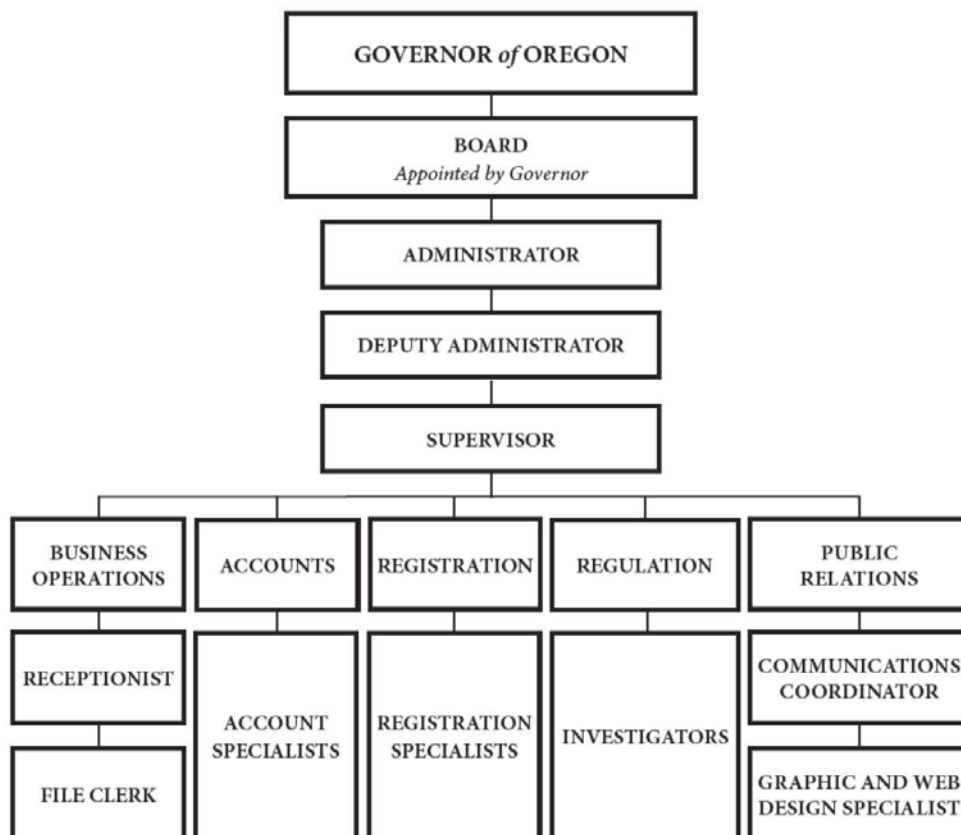
The Board discharges its responsibilities through a committee structure, each Committee works with agency staff to handle a specific area of responsibility and provides the Board with concise options for action. Committees of the Board are not empowered to make decisions for the Board; they simply provide recommendations. The Committees meet every even month. The standing Committees of the Board are:

- Examinations and Qualifications Committee
- External Relations Committee
- Finance Committee
- Law Enforcement Committee
- Professional Practices Committee
- Rules and Regulations Committee

Special Committees and Task Forces may be assigned by the President from time to time as deemed necessary or prudent. Such a Committee or Task Force shall be assigned a specific charge or charges and a deadline for completion of its work. Examples of recent and recurring Committees and Task Forces include:

- Customer Service and Communications Standards Task Force
- Oregon Specific Examination Task Force
- Photogrammetric and Remote Sensing Task Force

Slide 6 – Agency Organizational Chart



Slide 7 – Overview of Agency Performance

**Information in this section was pulled from our 2018 Semi-Independent Agency report to the Governor's office*

Financial Data

2015-2017 Biennium Budget vs Actual

Limit for Expenditures (adopted by rule in OAR 820-080-1000)

- Budgeted Expenditures: \$3,250,000
- Actual Expenditures: \$3,072,423 – 5.5% less than budgeted

Revenue Generated: \$2,976,623

2017-2019 Biennium Budget vs To-date

- Budgeted Expenditures: \$3,230,000
- As of March 31, 2019, Actual Expenditures are trending +4.5%
- As of March 31, 2019, Revenue Generated is on track as forecasted.

Budget Risks

The agency has two primary risk factors concerning its budget. The first are legal fees associated with litigations and Board-generated investigations. The second risk factor is due to transition of enterprise technology services to the Department of Administrative Services. This move caused an increase in expenses associated with enterprise security services, which has now been accounted for in the proposed 2019-2021 biennial budget.

Slide 8 – Board Fees

The Board's rules pertaining to fees are found in ORS 672.155, OAR 820-010-0505, and OAR 820-080-0010.

Applications

Professional Engineer, Land Survey, or Professional Photogrammetrist Registration - \$400.00

Additional Branch Fee - \$35.00

Certified Water Right Examiner Examinations and Certification - \$200.00

Examinations

Oregon-Specific Acoustical Examination - \$55.00

Oregon-Specific Forest Examination - \$55.00

Oregon-Specific 4-hour Land Surveying Examination - \$55.00

Oregon-Specific Photogrammetry Examination - \$55.00

Renewals

Professional Engineer, Land Surveyor, or Professional Photogrammetrist Biennial Registration Renewal - \$190.00

Certified Water Right Examiner Biennial Registration Renewal - \$40.00

Delinquency Renewal (For any part of each biennial registration renewal period during delinquency) - \$80.00

Other Fees

Re-issuance of Professional Wall Certificate - \$35.00

Re-issuance of Pocket Card - \$10.00

Verification of Certification(s) and/or Registration(s) - \$15.00

Reinstatement for Inactive Registration or Certificate Holder - \$50.00

Reinstatement for Retired Registrant or Certificate Holder - \$225.00

Re-score of an Oregon-Specific Examination Item - \$50.00

Public Records Request - Varying

Slide 9 – Board Fees Continued...

Most Recent Registration Fee Increase

In September 2017, the Board approved proposed increases to the application for registration and biennial renewal fees for professional engineers, professional land surveyors and registered professional photogrammetrists, which became effective December 2017.

Application Fees before increase: \$360

Application Fees after increase: \$400

Biennial Renewal fees before increase: \$150

Biennial Renewal fees after increase: \$190

Prior to 2017, the Board last adjusted renewal fees in June 2012, *decreasing* them from \$180 to \$150.

Slides 10/11 – Summary of Programs

- Registration
- Accounts
- Public Relations
- Regulation

Summary of Registration Department: The Registration Department of OSBEELS is responsible for determining eligibility of all individuals seeking a professional license in Oregon for any of the professions regulated by OSBEELS. Upon receipt of an application for registration, the Registration Department staff performs an in-depth review to ensure all the necessary documentation is provided to determine if the applicant meets the minimum qualifications for licensure. The review is directly correlated to the approval or denial of the application based on analysis of documentation submitted and comparison to the rules and statutes.

| Registration | June 2005 | June 2007 | % Change | June 2009 | % Change | June 2011 | % Change | June 2013 | % Change | June 2015 | % Change | June 2017 | % Change |
|---|----------------|----------------|----------|-----------------|----------|----------------|----------|----------------|----------|----------------|----------|----------------|----------|
| (a) The number of registration applications; | 2602 | 2456 | -6% | 3244 | 32% | 2874 | -11% | 2544 | -22% | 2374 | -7% | 2528 | 6% |
| Application by first licensure | N/A | 32 | | 32 | | 134 | | 176 | | 230 | | 2052 | |
| Applications by comity | 1200 | 1225 | | 1492 | | 1329 | | 1463 | | 1274 | | 214 | |
| Applications by exam | 1293 | 1104 | | 1519 | | 1143 | | 905 | | 870 | | 262 | |
| Applications by prior practice | 109 | 95 | | 201 | | 268 | | 0 | | 0 | | 0 | |
| The number of certification applications; | 2312 | 1884 | -19% | 2804 | 49% | 1705 | -39% | 1900 | -32% | 1401 | -26% | 705 | -50% |
| Applications for Engineering Intern | 2176 | 1738 | | 2709 | | 1615 | | 1818 | | 1330 | | 639 | |
| Applications for Land Surveying Intern | 106 | 124 | | 62 | | 70 | | 49 | | 44 | | 34 | |
| Applications for Certified Water Right Examiners | 30 | 22 | | 33 | | 20 | | 33 | | 27 | | 32 | |
| (b) The number of registrations issued; | 1517 | 1433 | -6% | 1702 | 19% | 1632 | -4% | 1495 | -12% | 1501 | 0% | 1717 | 14% |
| Professional registered Engineers | 1465 | 1374 | | 1535 | | 1530 | | 1396 | | 1414 | | 1641 | |
| Professional registered Land Surveyors | 52 | 40 | | 80 | | 102 | | 99 | | 87 | | 76 | |
| Professional registered Photogrammetrists | 0 | 19 | | 87 | | 0 | | 0 | | 0 | | 0 | |
| The number of certifications issued; | 1061 | 870 | -18% | 1082 | 24% | 823 | -24% | 1023 | -5% | 535 | -48% | 639 | 19% |
| Engineering Intern certification | 996 | 815 | | 1028 | | 769 | | 972 | | 497 | | 586 | |
| Land Surveying Intern certification | 44 | 40 | | 27 | | 35 | | 25 | | 16 | | 31 | |
| Certified Water Right Examiner certification | 21 | 15 | | 27 | | 19 | | 26 | | 22 | | 22 | |
| (c) The number of registration examinations conducted; | 1127 | 1012 | -10% | 1275 | 26% | 784 | -39% | 593 | -53% | 620 | 5% | 179 | -71% |
| The number of certification examinations conducted; | 2154 | 1737 | -19% | 2486 | 43% | 1062 | -57% | 1235 | -50% | 1188 | -4% | 692 | -42% |
| (d) The average time between application for and issuance of registration; | 84 days | 83 days | | 101 days | | 79 days | | 78 days | | 75 days | | 43 days | |

Summary of Accounts Department: The Accounts Department of OSBEELS is responsible for the processing of all payments made to the Board office and overseeing the continuing professional education audit program. A minimum of 30 hours of continuing education is required at the time of registration renewal.

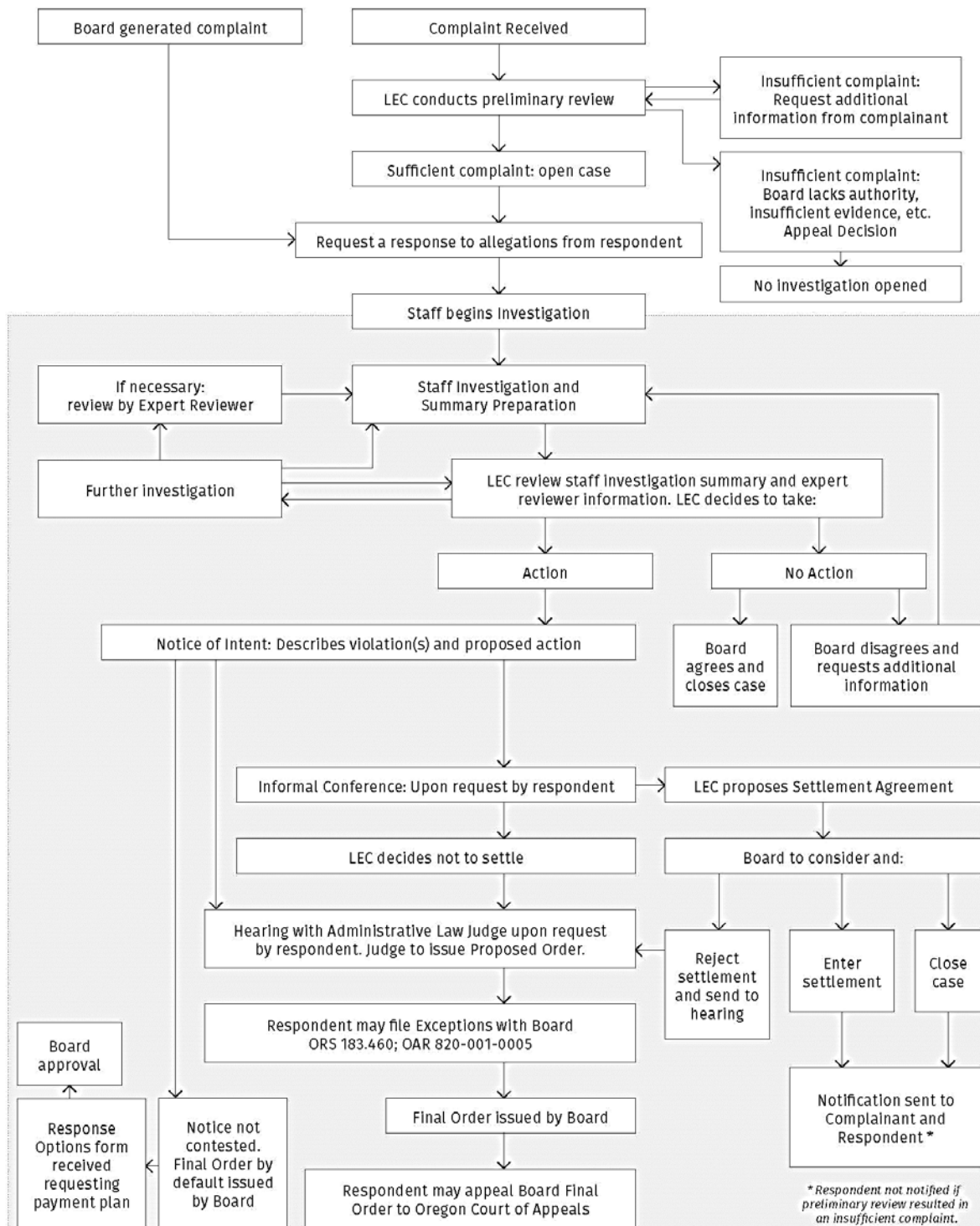
Controls for Accounts Department – internal controls are in place to separate duties. A different staff person receives, processes, verifies, deposits, and subsequently reconciles financial records. A request has been with DAS Shared Financial Services CFO for assistance with reviewing existing procedures, and subsequently developing additional procedures and policies, if necessary.

Summary of Public Relations Department: The Public Relations Department is comprised of a Communications Coordinator and Web Specialist/Graphic Designer. The department's primary focuses are to actively communicate Board news to members of the public and professional communities and to manage the Board various communication channels (website, social media, and publications). The department also oversees the agency's Records Management Program and planning of Board events, such as the annual OSBEELS Symposium for state registrants.

Slide 12/13 – Regulation Data

Summary of Regulation Department: The Regulation Department of OSBEELS receives, tracks, and investigates complaints and presents findings to the Law Enforcement Committee (LEC) for review and to make recommendations to the Board. Staff investigators work with both parties involved to retrieve all applicable information to the case and in some cases may consult with a Board member or an expert reviewer who has experience in the field of question, as well as refer to the Board's assigned Assistant Attorney General for additional legal review. The cases are then reviewed and discussed by the LEC to either close the case or make a recommended disciplinary action to the Board.

Law Enforcement Committee (LEC) Complaint Process Flow Chart



Law Enforcement Cases by the Numbers

Length of Case

(Avg. # of days between when a case was opened and when a resolution was reached)

2013: 512 days

2015: 525 days

2017: 382 days

of Complaints Received

2013: 117

2015: 157

2017: 170

of Cases Resulting in Disciplinary Action(s)

2013: 80

2015: 125

2017: 40

Regulation

(e) The number and types of complaints received about persons holding registrations; (total)

| June 2005 | June 2007 | % Change | June 2009 | % Change | June 2011 | % Change | June 2013 | % Change | June 2015 | % Change | June 2017 | % Change |
|--------------------------------|-----------|----------|-----------|----------|-----------|----------|-----------|----------|-----------|----------|-----------|----------|
| 42 | 98 | 133% | 98 | 0% | 152* | 55% | 117 | -23% | 157 | 34% | 170 | 8% |
| Professional engineers | 12 | 35 | 22 | | 86 | | 57 | | 93 | | 39 | |
| Professional land surveyors | 17 | 28 | 20 | | 28 | | 9 | | 18 | | 40 | |
| Professional Photogrammetrists | 0 | 0 | 0 | | 1 | | 2 | | 2 | | 0 | |
| Non-registrants | 13 | 35 | 56 | | 37 | | 49 | | 44 | | 88 | |

(f) The number and types of all investigations conducted by allegation† category;

| June 2005 | June 2007 | % Change | June 2009 | % Change | June 2011 | % Change | June 2013 | % Change | June 2015 | % Change | June 2017 | % Change |
|--|-----------|----------|-----------|----------|-----------|----------|-----------|----------|-----------|----------|-----------|----------|
| 120 | 185 | 54% | 157 | -15% | 150 | -4% | 129 | -18% | 191 | 48% | 196 | 3% |
| Engineering w/out a license | 12 | 27 | 28 | | 28 | | 26 | | 48 | | 67 | |
| Failure to file a map of survey | 10 | 10 | 4 | | 4 | | 2 | | 1 | | 6 | |
| Incompetence in the practice of land surveying | 7 | 3 | 5 | | 6 | | 4 | | 4 | | 10 | |
| Incompetence in the practice of engineering | 9 | 3 | 3 | | 6 | | 1 | | 4 | | 4 | |
| Negligence in the practice of land surveying | 23 | 10 | 10 | | 8 | | 5 | | 4 | | 11 | |
| Negligence in the practice of engineering | 4 | 17 | 11 | | 8 | | 3 | | 4 | | 3 | |
| ORS 209 violations | 8 | 13 | 7 | | 6 | | 2 | | 1 | | 11 | |
| Plan stamping | 0 | 16 | 0 | | 3 | | 1 | | 0 | | 4 | |
| Professional conduct violation | 13 | 57 | 53 | | 1 | | 1 | | 26 | | 27 | |
| Resident engineer/surveyor rule | 9 | 2 | 8 | | 20 | | 23 | | 0 | | 3 | |
| Right of entry violations | 12 | 16 | 11 | | 7 | | 6 | | 5 | | 9 | |
| Surveying without a license | 6 | 9 | 14 | | 15 | | 3 | | 9 | | 12 | |
| Noncompliance with CPD | | | | | 37 | | 51 | | 76 | | 8 | |
| Using stamp of another | 1 | 2 | 3 | | 0 | | 1 | | 2 | | 1 | |
| Other | 6 | 0 | 0 | | 1 | | 0 | | 7 | | 20 | |

(g) The number and types of resolutions of complaints;

| June 2005 | June 2007 | % Change | June 2009 | % Change | June 2011 | % Change | June 2013 | % Change | June 2015 | % Change | June 2017 | % Change |
|--|-----------|----------|-----------|----------|-----------|----------|-----------|----------|-----------|----------|-----------|----------|
| 75 | 120 | 60% | 49 | -59% | 135 | 176% | 110 | 124% | 165 | 50% | 113 | -32% |
| Allegations unfounded | 20 | 44 | 15 | | 37 | | 12 | | 20 | | 32 | |
| Allegations withdrawn | | | | | 1 | | 2 | | 3 | | 0 | |
| Board lacks jurisdiction | 2 | 12 | 1 | | 6 | | 0 | | 0 | | 2 | |
| Compliance met | 6 | 15 | 1 | | 8 | | 12 | | 29 | | 13 | |
| Deceased | 0 | 0 | 1 | | 2 | | 1 | | 2 | | 2 | |
| Final order issued | 5 | 4 | 5 | | 11 | | 16 | | 65 | | 28 | |
| Insufficient evidence | 5 | 7 | 3 | | 2 | | 0 | | 1 | | 3 | |
| Letter of concern issued | 8 | 9 | 8 | | 22 | | 20 | | 9 | | 20 | |
| Respondent unreachable | | | | | 2 | | 0 | | 0 | | 0 | |
| Other | 6 | N/A | 1 | | 0 | | 2 | | 2 | | 5 | |
| Pending action of another jurisdiction | 1 | 4 | 1 | | 0 | | 0 | | 0 | | 0 | |
| Settlement agreement | 22 | 22 | 12 | | 43 | | 43 | | 29 | | 6 | |
| Notice of intent withdrawn | 0 | 3 | 1 | | 1 | | 2 | | 5 | | 2 | |

(h) Number of Cases with Disciplinary Action(s) & Type(s);

| June 2005 | June 2007 | % Change | June 2009 | % Change | June 2011 | % Change | June 2013 | % Change | June 2015 | % Change | June 2017 | % Change |
|--------------------------------------|-----------|----------|-----------|----------|-----------|----------|-----------|----------|-----------|----------|-----------|----------|
| 40 | 34 | -15% | 20 | -41% | 61 | 205% | 80± | 31% | 125 | 56% | 40 | -68% |
| Revoked licenses | 4 | 1 | 3 | | 1 | | 1 | | 2 | | 8 | |
| Surrendered licenses | 1 | 2 | 0 | | 4 | | 1 | | 1 | | 0 | |
| Permanently retired | 0 | 3 | 0 | | 2 | | 9 | | 11 | | 0 | |
| Suspended | 4 | 3 | 3 | | 5 | | 12 | | 23 | | 5 | |
| Coursework | 4 | 1 | 1 | | 0 | | 0 | | 0 | | 1 | |
| Respondent action in lieu of penalty | 10 | 6 | 1 | | 4 | | 2 | | 1 | | 0 | |
| Review of future work | 2 | 1 | 0 | | 0 | | 0 | | 0 | | 0 | |
| Reprimand | 0 | 1 | 0 | | 0 | | 0 | | 1 | | 0 | |
| Civil penalty | 15 | 16 | 12 | | 45 | | 55 | | 86 | | 26 | |

(i) The number of days between beginning an investigation and reaching a resolution

| June 2005 | June 2007 | % Change | June 2009 | % Change | June 2011 | % Change | June 2013 | % Change | June 2015 | % Change | June 2017 | % Change |
|-----------|-----------|----------|-----------|----------|-----------|----------|-----------|----------|-----------|----------|-----------|----------|
| 441 | 371 | -16% | 556 | 50% | 485 | -13% | 512 | -8% | 525 | 3% | 382 | -27% |

Slide 14/15 – Summary of Proposed Legislation

House Bill 3143

House Bill (HB) 4143 revises definitions regarding activities and oral representations constituting practice of engineering, professional engineering or land surveying.

This legislation is the result of the Board's recent litigation involving Mr. Mats Jarlstrom and is intended to act a resolution for the order issued by U.S. Magistrate Judge Stacie F. Beckerman.

Fiscal Impact: There should be no fiscal impact to this proposed legislation.

Senate Bill 39

Senate Bill (SB) 39 proposes to revise the language in ORS 672.060, which is the section of OSBEELS's statutes containing exemptions from licensure. SB 39 does not change the activities that are exempt from licensure.

Fiscal Impact: There should be no fiscal impact to this proposed legislation.

House Bill 2454

HB 2454 proposes to allow out-of-state applicants seeking occupational license in Oregon more time to meet Oregon standards if applicant is already licensed in another state and is seeking to work in Eastern Oregon Border Economic Development Region.

Fiscal Impact: May have fiscal impact, but no statement yet issued.

Senate Bill 896

SB 896 proposes to authorize issuance of certificate of restricted registration as professional engineer. Describes scope of restricted registration. Sets forth qualifications for restricted registration. Identifies grounds for refusal of restricted registration and for disciplinary action against holder of restricted registration. Makes educational and technical qualifications for renewal of registration as professional engineer applicable for renewal of restricted registration. Authorizes fee for restricted registration.

Reduces out-of-state registration or licensing period necessary to qualify for waiver of fundamentals of engineering examination. Requires that applicant for waiver not have record of discipline for negligence or incompetence in practice of engineering.

Fiscal Impact: May have fiscal impact, but no statement yet issued.

House Bill 3030

HB 3030 proposes to allow professional licensing boards the ability to issue temporary authorization to spouses of members of Armed Forces of United States stationed in Oregon and who holds out-of-state authorization to provide occupational or professional service.

Fiscal Impact: May have fiscal impact, but no statement yet issued.

Slide 16/17/18/19/20 – Description of Board Activities to Promote Consumer Protection

Professional Development Programs

Registrants are required to complete 30 professional development hours (PDH) each biennium as a condition of renewal of their registration. Continuing professional development allows professionals to maintain their competency as techniques and technologies steadily advance and change. The Board is committed to not only offering cost-effective PDH opportunities to registrants but also participating at professional development events throughout the state. OSBEELS hosts an annual Symposium that welcomes professional registrants from across the Northwest to a one day educational conference. The presentations are delivered by state registrants and subject matter experts on topics most relevant to engineering, land surveying, photogrammetry and water rights examination. The one-day conference has begun attracting nearly 300 attendees from across the Pacific Northwest.

Organizations that OSBEELS most commonly works with includes the Professional Engineers of Oregon (PEO), the Professional Land Surveyors of Oregon (PLSO), and the Oregon Association of County Engineers and Surveyors (OACES), the American Council of Engineering Companies of Oregon (ACEC), and the National Council of Examiners for Engineering and Surveying (NCEES). Through these partnerships, OSBEELS has had the opportunity to present at annual conferences for PEO, PLSO, and NCEES. Presentation topics have included new rules and changes to be aware of, general overview of OSBEELS services, and digital signatures. These presentations serve as great opportunities for a large group of professionals to hear directly from Board members on topics related to their professions and learn about the services available to them as registrants.

Board Publications

OSBEELS's approach to public outreach involves proactive and reactive communication tactics. Proactive communication strategies target three primary audiences, these audiences are; professional registrants, students of all levels, and members of the public. OSBEELS has developed various materials and publications to educate professionals about agency processes, state rules, and inform students about careers in engineering and land surveying. Publications developed and distributed includes; application for licensure flow chart, Law Enforcement Committee investigation process, UA and Land Surveying Regulations brochure, and the Reference Manual for Building officials.

Topics commonly covered in OSBEELS's quarterly newsletter, The Oregon Examiner, range from summaries of OSBEELS rules and statutes, investigations and enforcement actions handled through the Board's Law Enforcement Committee, and any new information pertaining to licensure at the state and national level. Specialty topics covered in the Oregon Examiner in the previous biennium include retirement information, annual symposium advertising and summaries, new Board member introductions, historical interests, educational awards received by state college ABET-accredited programs, and more.

Student and Educational Activities

OSBEELS has seen a lot of great work in the state of Oregon by individuals and organizations committed to promoting STEM awareness and careers in STEM industries. OSBEELS has had the opportunity to work with STEM-Oregon, Oregon Robotics and Tournaments, and also schools and universities throughout the state to engage with students of all levels. It has been a privilege to participate at events that help introduce kids to engineering and land surveying, host activities at STEM fairs, and also present to students at career nights or in college engineering programs.

Professional and Public Surveys

OSBEELS understands the significance of delivering services to members of the professional and public communities in a manner that promotes efficiency and accuracy. As an agency composed of 15 staff members that serves over 29,000 registrants and certificate holders, and operates within a state that boasts a population of over 4 million people, our approach to agency processes is critical to meeting the volume of requests our agency receives and ongoing registrant processes. Additionally, in order to continue to improve our service and processes, OSBEELS recognizes the importance of not only receiving feedback but also taking the time to address concerns and make the necessary improvements.

OSBEELS develops and distributes several surveys to registrants on an annual basis in order to gather feedback on perceptions, events, and customer service. Feedback from these surveys is reviewed by Board members and staff, and necessary changes to agency services, process, and events are considered at this time.

In 2017 & 2018, OSBEELS distributed the Customer Service survey to state registrants. Service areas put forth in the survey include overall customer service experience, the registration and license renewal process, agency communications, and professional regulation processes. The Customer Service survey has provided the Board an opportunity to receive direct feedback from registrants. Responses have generally fallen within the ‘Acceptable’ and ‘Exceptional’ range on the feedback scale, which ranges from ‘Unacceptable’ to ‘Exceptional’.

Other Activities:

Process or Service Delivery Improvements

Addressing Questions Submitted to the Board

Contained on the OSBEELS website is the “Submit a question or concern to the Board” form. This form allows members of the public, organizations, and state registrants to complete and submit questions or concerns to the Board regarding rules, professional conduct, licensure, and more. Once submitted, Board members and staff review to determine the appropriate action or response to take. This form provides a direct channel for our customers to submit information to the Board for consideration and, in some cases, leads to process or customer service improvements.