



TEXAS DEPARTMENT OF LICENSING & REGULATION

ANNUAL REPORT FOR FY 2018

Seeing a Brighter Future with Common-Sense Solutions

To the

House Licensing and Administrative Procedures Committee — Rep. Tracy King, Chair

House Public Health Committee — Rep. Senfronia Thompson, Chair

Senate Business and Commerce Committee — Sen. Kelly Hancock, Chair

Senate Health and Human Services Committee — Sen. Lois Kolkhorst, Chair





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Guiding Principles

Mission

To earn the trust of Texans every day by providing innovative regulatory solutions for our licensees and those they serve.

Core Values

- **Accountable** to Texans
- Create an exceptional **customer service** experience
- **Integrity** in all we do
- Lead through **innovation**
- Open and free **communication**
- **Respect** for all
- **Teamwork** built on individual strengths and ingenuity



Philosophy

To achieve smaller, smarter government, we:

- Honor the public by being fair, transparent, and efficient;
- Value our customers and coworkers by seeking and using their input;
- Foster innovation and change by challenging the status quo;
- Recruit, empower, and reward high-performing employees; and
- Transform programs and improve services for customers.

Vision

To be the best at creating 'next' practices that deliver low-cost licensing and regulatory services and an exceptional customer experience.

TDLR

Brian Francis, Executive Director
Carla James, Deputy Executive Director

Texas Commission of Licensing & Regulation

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	Gary Wesson, D.D.S., M.S.



Executive Summary

This report is provided by the Texas Department of Licensing and Regulation (TDLR) in accordance with the requirements of Senate Bill 1058, Section 1, 81st Regular Session of the Texas Legislature, 2009. This is the first Annual Report submission by TDLR.

In 2015, Senate Bill 202 transferred 13 Department of State Health Services (DSHS) licensing programs to TDLR — seven in the 2016-17 biennium and six in the 2018-19 biennium. In 2017, licensing and regulation of the practice of Podiatry transferred to TDLR from the Texas State Board of Podiatric Medical Examiners, with the passage of House Bill 3078 (85th Legislature). The 85th Legislature also created licensing and regulation requirements for Behavior Analysts, with the passage of Senate Bill 589.

TDLR’s successful implementation of our increasingly diverse responsibilities comes from our motivated and engaged workforce who embrace TDLR’s core values and dynamic change. We scale our work using a functionally aligned business model, which removes program silos to eliminate redundancies and achieve greater productivity. Aligning resources across programs requires agility and open communication at all levels of the agency, and the success of this functional model is measured in better service, lower costs, and reduced fees for Texans.

With the addition of health-related programs, TDLR became a health occupation regulatory agency that is subject to the reporting requirements found in Occupations Code, Chapter 114. TDLR currently regulates 39 programs; however, for the purposes of this report and in accordance with the statutory reporting requirements, we are providing data only on those health occupation programs found in Chapter 114 that are regulated by the agency.

Legislative Requirements

Occupations Code, Chapter 114, requires the development and submission of this annual report.

“(a) Not later than February 1 of each year, each health occupation regulatory agency shall file a report with the chairs of the house and senate committees with primary oversight over the agency that includes the following:

- (1) the number of persons regulated by the agency;
- (2) the number of persons who became subject to regulation by the agency in the previous year;
- (3) the number of persons regulated by the agency by county;
- (4) a description of any complaints reported to the agency or a description of the complaint categories used by the agency and the number of complaints in each category;
- (5) the number of complaints investigated by the agency and a description of the final resolution of the complaints;
- (6) the amount of fees collected by the agency each year;
- (7) the expenses of the agency; and
- (8) any unfunded needs of the agency.”



Number of Regulated Health Care Practitioners by County

TDLR provides licensee data to the Texas Department of State Health Services (DSHS) Health Professions Resource Center. Except for the newly created Behavior Analyst Program, the Resource Center has created supply and distribution tables for state-licensed health professions in Texas. That information is available here: <http://www.dshs.state.tx.us/chs/hprc/health.shtm>.

The data provided includes the county name, county population, number of licensees in the county, ratio of population to licensees, ratio of licensees per 100,000 population, and an overall rank by county for the licensee to population ratio. TDLR will begin reporting Behavior Analyst data to DSHS in September 2019.

Licensing for Behavior Analysts began at TDLR in June 2018. The chart on the following page lists the total number of Behavior Analysts and Assistant Behavior Analysts by county through the end of fiscal year 2018.



LICENSED BEHAVIOR ANALYSTS & ASSISTANT BEHAVIOR ANALYSTS BY COUNTY, FY 2018					
County	Total	County	Total	County	Total
Angelina	8	Grayson	5	Nacogdoches	6
Aransas	1	Gregg	1	Navarro	1
Bandera	2	Grimes	1	Nueces	11
Bell	33	Guadalupe	9	Orange	1
Bexar	112	Harris	214	Parker	2
Brazoria	16	Hays	17	Polk	2
Brazos	9	Henderson	3	Rains	1
Burnet	1	Hidalgo	13	Randall	2
Caldwell	1	Hood	2	Rockwall	8
Callahan	1	Hunt	1	Smith	7
Cameron	4	Jasper	1	Sutton	1
Chambers	1	Jefferson	3	Tarrant	90
Cherokee	2	Johnson	2	Taylor	16
Collin	74	Kaufman	3	Tom Green	9
Colorado	1	Kendall	3	Travis	173
Comal	7	Kerr	2	Trinity	1
Dallas	83	Lampasas	1	Van Zandt	1
Denton	92	Lavaca	1	Victoria	1
El Paso	15	Lee	2	Waller	4
Ellis	8	Limestone	1	Washington	4
Erath	2	Lubbock	19	Wichita	7
Falls	1	McLennan	24	Williamson	67
Fort Bend	51	Medina	2	Wilson	4
Gaines	1	Midland	1	Wise	1
Galveston	9	Montgomery	41	Wood	1



Revenue and Expenses Related to Health Care Practitioners

Total fees collected by the agency for Chapter 114 health occupations programs during FY 2018:	\$4,812,819
Total agency expenses for Chapter 114 health occupations programs during FY 2018:	\$2,992,582

TDLR’s functional alignment model creates efficiencies and savings by distributing work by purpose, not program. TDLR annually reviews licensing fees in comparison to program administration costs to ensure they are in balance and proposes fee reductions whenever warranted.

As part of TDLR’s mission to deliver improved service to Texans at a lower cost, TDLR reduced and eliminated numerous fees for many of the transferred health occupation programs. Thanks to these reductions, Texas health professionals at TDLR kept more than \$1.1 million in their pockets through FY 2018.

Unfunded Needs of the Agency

TDLR does not currently have any unfunded needs.

**Licensing and Complaint Data by Program: FY 2018**

ATHLETIC TRAINERS	
Total Number of Licensees	3,922
Athletic Trainer	3,915
Temporary Athletic Trainer	7
New Athletic Trainer	444
New Temporary Athletic Trainer	17
Athletic Trainer Renewed	1,479
Temporary Athletic Trainer Renewed	N/A
Complaint Resolution	
Cases Opened	17
Cases Closed	17
Average Time for Complaint Resolution	96 days
Percent of Cases Closed Under 6 Months	88%
Percent of Complaints Resulting in Disciplinary Action	0%
Total Alleged Violations*	19
Criminal History	3
Code of Ethics	2
Expired License	1
Provided False Information	2
Sexual Contact/Behavior	2
Unlicensed Activity	8
Working Outside of Scope	1
Case Outcomes and Penalties	
Commission Orders	0
Agreed Orders	0
Default Orders	0
Penalties Assessed	\$0
Penalties Collected	\$0
Licenses Revoked (Disciplinary)	0
Licenses Suspended	0



BEHAVIOR ANALYSTS	
Total Number of Licensees	1,398
Behavior Analyst	1,301
Assistant Behavior Analyst	97
New Behavior Analyst	1,301
New Assistant Behavior Analyst	97
Licenses Renewed	N/A
Complaint Resolution	
Cases Opened	3
Cases Closed	2
Average Time for Complaint Resolution	19 days
Percent of Cases Closed in Under Six Months	100%
Percent of Complaints Resulting in Disciplinary Action	0%
Total Alleged Violations*	3
Criminal History	3
Case Outcomes and Penalties	
Commission Orders	0
Agreed Orders	0
Default Orders	0
Penalties Assessed	\$0
Penalties Collected	\$0
Licenses Revoked (Disciplinary)	0
Licenses Suspended	0
Licenses Denied/Revoked (Criminal History)	0



DIETITIANS	
Total Number of Licensees	5,965
Dietitian	5,962
Provisional Dietitian	3
New Dietitian	641
New Provisional Dietitian	3
Dietitian Renewed	2,230
Provisional Dietitian Renewed	2
Complaint Resolution	
Cases Opened	7
Cases Closed	6
Average Time for Complaint Resolution	108 days
Percent of Cases Closed Under Six Months	83%
Percent of Complaints Resulting in Disciplinary Action	17%
Percent of Licensees with No Recent Violations	100%
Total Alleged Violations*	8
Criminal History	3
Fail to Pay Dishonored Check	1
Code of Ethics Violation	4
Case Outcomes and Penalties	
Commission Orders	0
Agreed Orders	0
Default Orders	1
Penalties Assessed	\$1,500
Penalties Collected	\$0
Licenses Revoked (Disciplinary)	0
Licenses Suspended	0
Licenses Denied/Revoked (Criminal History)	0
Cease and Desist Orders	0



DYSLEXIA THERAPY	
Total Number of Licensees	938
Dyslexia Therapist	886
Dyslexia Practitioner	52
New Dyslexia Therapist	72
New Dyslexia Practitioner	18
Dyslexia Therapist Renewed	320
Dyslexia Practitioner Renewed	12
Complaint Resolution	
Cases Opened	0
Cases Closed	0
Average Time for Complaint Resolution	N/A
Percent of Cases Closed Under Six Months	N/A
Percent of Complaints Resulting in Disciplinary Action	0%
Total Alleged Violations*	0
Criminal History	0
Code of Ethics	0
Expired License	0
Provided False Information	0
Sexual Contact/Behavior	0
Unlicensed Activity	0
Working Outside of Scope	0
Case Outcomes and Penalties	
Commission Orders	0
Agreed Orders	0
Default Orders	0
Penalties Assessed	\$0
Penalties Collected	\$0
Licenses Revoked (Disciplinary)	0
Licenses Suspended	0



HEARING INSTRUMENT FITTERS AND DISPENSERS	
Total Number of Licensees	858
Hearing Instrument Fitter/Dispenser	686
Apprentice Permit	36
Temporary Training Permit	112
New Hearing Instrument Fitter/Dispenser	66
New Apprentice Permit	34
New Temporary Training Permit	100
Hearing Instrument Fitter/Dispenser Renewed	252
Apprentice Permit Renewed	4
Temporary Training Permit Renewed	33
Complaint Resolution	
Cases Opened	27
Cases Closed	32
Average Time for Complaint Resolution	128 days
Percent of Cases Closed in Under Six Months	58.5%
Percent of Complaints Resulting in Disciplinary Action	0%
Total Alleged Violations*	26
Criminal History	10
Fail to Pay Dishonored Check	1
Contract Missing Required Information	1
False, Misleading & Deceptive Ads	2
Late, Incorrect or No Refund	1
Unethical Conduct	6
Unprofessional Conduct	5
Case Outcomes and Penalties	
Commission Orders	0
Agreed Orders	0
Default Orders	0
Penalties Assessed	\$0
Penalties Collected	\$0
Licenses Revoked (Disciplinary)	0
Licenses Suspended	0
Licenses Denied/Revoked (Criminal History)	1
Cease and Desist	0
Consumer Restitution	\$2,500



MASSAGE THERAPY	
Total Number of Licensees	34,540
Massage Therapist	30,535
Massage Therapy Instructor	1,378
Massage Establishment	2,100
Massage School	60
Approved Continuing Education Providers	467
New Massage Therapist	1,518
New Massage Therapy Instructor	150
New Massage Establishment	714
New Massage School	60
New Continuing Education Providers Approved	41
Massage Therapist Renewed	12,673
Massage Therapy Instructor Renewed	443
Massage Establishment Renewed	477
Massage School Renewed	7
Continuing Education Provider Approvals Renewed	171
Complaint Resolution	
Cases Opened	985
Cases Closed	418
Average Time for Complaint Resolution	69.2 days
Percent of Cases Closed in Under Six Months	94.7%
Percent of Complaints Resulting in Disciplinary Action	15.6%
Total Alleged Violations*	1,432
Criminal History	240
Fail to Pay Dishonored Check	7
Advertising Violation	38
Allowed therapist to practice in nude/inappropriate clothes	16
Allowed unlicensed therapist, with expired license	37
Consultation document	54
Does not meet minimum requirements	19
Ethics violation	47
Exceeded scope of license	1
Failed to notify ownership change	7
Failed to separate residential/sleeping quarters	1
Failure to display license	36
Fraud/Deceit/negligence/incompetence	32
Improper technique	14



MASSAGE THERAPY cont.	
Intern program exceeded 120 hours	1
No complaint sign posted	19
Practice in unlicensed facility	12
Sanitation	29
School Attendance	5
School Curriculum	2
School student grievance	8
Sexual Assault	37
Sexual Misconduct	305
Unlicensed Establishment	343
Unlicensed School	1
Unlicensed Therapist	121
Case Outcomes and Penalties	
Commission Orders	0
Agreed Orders	29
Default Orders	6
Penalties Assessed	\$65,650
Penalties Collected	\$36,525
Licenses Revoked (Disciplinary)	1
Licenses Suspended	1
Licenses Denied/Revoked (Criminal History)	24
Cease and Desist	0
Consumer Restitution	\$65



MIDWIVES	
Total Number of Licensees	294
Midwife	290
Retired Midwife	0
Midwifery School	4
New Midwife	46
New Retired Midwife	0
New Midwifery School	0
Midwife Renewed	106
Retired Midwife Renewed	0
Midwifery School Renewed	0
Complaint Resolution	
Cases Opened	11
Cases Closed	11
Average Time for Complaint Resolution	205 days
Percent of Cases Closed in Under Six Months	54.5%
Percent of Complaints Resulting in Disciplinary Action	18.2%
Total Alleged Violations at Opening*	11
Criminal History	3
Failed to follow emergency protocol	2
Lack of personal/professional character	3
No/incomplete/wrong protocols	1
Unlicensed Activity	2
Case Outcomes and Penalties	
Commission Orders	0
Agreed Orders	1
Default Orders	1
Penalties Assessed	\$2,500
Penalties Collected	\$500
Licenses Revoked (Disciplinary)	0
Licenses Suspended	0
Licenses Denied/Revoked (Criminal History)	0
Cease & Desist Orders	0
Consumer Restitution	\$1,330



ORTHOTISTS AND PROSTHETISTS	
Total Number of Licensees	912
Orthotist	128
Prosthetist	99
Orthotist and Prosthetist	250
Orthotic Student	10
Prosthetic Student	17
Orthotic and Prosthetic Student	63
Temporary Orthotist	1
Temporary Prosthetist	0
Temporary Orthotist and Prosthetist	1
Orthotic Technician	2
Prosthetic Technician	5
Orthotic and Prosthetic Technician	6
Orthotist Assistant	27
Prosthetist Assistant	9
Orthotist and Prosthetist Assistant	23
Orthotic Facility	22
Prosthetic Facility	29
Orthotic and Prosthetic Facility	220
New Orthotist	19
New Prosthetist	9
New Orthotist and Prosthetist	8
New Orthotic Student	1
New Prosthetic Student	4
New Orthotic and Prosthetic Student	29
New Temporary Orthotist	1
New Temporary Prosthetist	0
New Temporary Orthotist and Prosthetist	1
New Orthotic Technician	0
New Prosthetic Technician	0
New Orthotic and Prosthetic Technician	0
New Orthotist Assistant	1
New Prosthetist Assistant	3
New Orthotist and Prosthetist Assistant	2
New Orthotic Facility	3
New Prosthetic Facility	4
New Orthotic and Prosthetic Facility	18
Orthotist Renewed	31



ORTHOTISTS AND PROSTHETISTS cont.	
Prosthetist Renewed	35
Orthotist and Prosthetist Renewed	90
Orthotic Student Renewed	2
Prosthetic Student Renewed	3
Orthotic and Prosthetic Student Renewed	6
Temporary Orthotist Renewed	0
Temporary Prosthetist Renewed	0
Temporary Orthotist and Prosthetist Renewed	0
Orthotist Technician Renewed	1
Prosthetist Technician Licenses Renewed	1
Orthotist and Prosthetist Technician Renewed	0
Orthotist Assistant Renewed	9
Prosthetist Assistant Renewed	2
Orthotist and Prosthetist Assistant Renewed	6
Orthotic Facility Renewed	6
Prosthetic Facility Renewed	11
Orthotic and Prosthetic Facility	87
Complaint Resolution	
Cases Opened	25
Cases Closed	22
Average Time for Complaint Resolution	110 days
Percent of Cases Closed in Under Six Months	72.7%
Percent of Complaints Resulting in Disciplinary Action	18.2%
Total Alleged Violations*	
Criminal History	1
Fail to Pay Dishonored Check	1
Employed Unlicensed/Expired License	2
Expired License	5
Fraud/Deceit in Services Provided	2
Gross Negligence or Malpractice	6
Operating Without a License	3
Practicing Without a License	3
Unprofessional/Unethical Conduct	2
Case Outcomes and Penalties	
Commission Orders	0
Agreed Orders	3
Default Orders	1
Penalties Assessed	\$12,750
Penalties Collected	\$3,350



ORTHOTISTS AND PROSTHETISTS cont.	
Licenses Revoked (Disciplinary)	0
Licenses Suspended	0
Licenses Denied/Revoked (Criminal History)	0
Cease and Desist Orders	0



PODIATRISTS	
Total Number of Licensees	1,633
Doctor of Podiatric Medicine	1,191
Radiological Technician	442
New Doctor of Podiatric Medicine	109
New Radiological Technician	82
Doctor of Podiatric Medicine Renewed	1,083
Radiological Technician Renewed	353
Complaint Resolution	
Cases Opened	148
Cases Closed	65
Average Time for Complaint Resolution	128 days
Percent of Cases Closed in Under Six Months	58.5%
Percent of Complaints Resulting in Disciplinary Action	0%
Percent of Licensees with No Recent Violations	100%
Total Alleged Violations*	169
Criminal History	4
Fraud/Deceit in Services Provided	38
Gross Negligence or Malpractice	80
Illness/Mental/Use of Alcohol/Drugs	3
Sexual Misconduct w/Patient/Client	2
Unprofessional/Unethical Conduct	42
Case Outcomes and Penalties	
Commission Orders	0
Agreed Orders	0
Default Orders	0
Penalties Assessed	\$0
Penalties Collected	\$0
Licenses Revoked (Disciplinary)	0
Licenses Suspended	0
Licenses Denied/Revoked (Criminal History)	0



SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS	
Total Number of Licensees	24,319
Speech-Language Pathologist	14,765
Speech-Language Pathologist Intern	707
Speech-Language Pathologist Assistant	7,395
Audiologist	1,374
Audiologist Intern	54
Audiologist Assistant	24
New Speech-Language Pathologist	1,084
New Speech-Language Pathologist Intern	686
New Speech-Language Pathologist Assistant	416
New Audiologist	84
New Audiologist Intern	46
New Audiologist Assistant	8
Speech-Language Pathologist Renewed	5,784
Speech-Language Pathologist Intern Renewed	96
Speech-Language Pathologist Assistant Renewed	1,590
Audiologist Renewed	553
Audiologist Intern Renewed	18
Audiologist Assistant Renewed	2
Complaint Resolution	
Cases Opened	66
Cases Closed	95
Average Time for Complaint Resolution	153 days
Percent of Cases Closed in Under Six Months	62.1%
Percent of Complaints Resulting in Disciplinary Action	24.2%
Total Alleged Violations*	72
Criminal History	11
Fail to Pay Dishonored Check	1
Allowed Another to Practice Out of Scope	1
Billed for Services Not Provided	7
Code of Ethics Violation	26
Failed to Maintain Records	5
Falsified Records	14
Practicing Without a License	5
Violation Involving Supervision	2
Case Outcomes and Penalties	
Commission Orders	1
Agreed Orders	17
Default Orders	4



SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS cont.	
Penalties Assessed	\$33,250
Penalties Collected	\$16,500
Licenses Revoked (Disciplinary)	0
Licenses Suspended	2
Licenses Denied/Revoked (Criminal History)	2
Cease and Desist Orders	0

** The number of alleged violations may not match the number of opened complaints due to multiple alleged violations on a single complaint.*