
Implementation Report Senate Bill 202, Article 1

**As Required By
Senate Bill 202, Section 1.301, 84th Regular Session, 2015**



**Texas Department of Licensing and Regulation
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Executive Summary

This report is provided by the Texas Department of Licensing and Regulation (TDLR) in accordance with the requirements of S.B. 202, Article 1, 84th Regular Session of the Texas Legislature, 2015. S.B. 202, Article 1 implemented the Sunset Advisory Commission's recommendation to transfer 13 occupational licensing programs from the Department of State Health Services (DSHS) to TDLR. The recommendation was intended to reduce the regulatory responsibilities assigned to DSHS and result in more effective administration of the programs at TDLR.

S.B. 202 required the transfer of the programs to TDLR in two phases. The first seven programs were required to be transferred no later than August 31, 2017. The remaining six programs were required to be transferred no later than August 31, 2019.

As required by Sec. 1.300 of the bill, DSHS and TDLR adopted a transition plan in April 2016 to provide for the orderly transfer of powers, duties, functions, programs, and activities. Under the terms of the transition plan, the first seven programs were successfully transferred to TDLR on October 3, 2016. The remaining six programs were successfully transferred to TDLR on November 1, 2017. The transfers occurred well in advance of the deadlines established in the bill.

Legislative Requirements

S.B. 202 (2015), Article 1, Sec. 1.301, requires the development and submission of this report.

“(a) The Texas Department of Licensing and Regulation shall, not later than December 1 of each year, submit a report regarding the implementation of this article with respect to that calendar year to:

- (1) the Sunset Advisory Commission;
 - (2) each standing committee of the senate and house of representatives having primary jurisdiction over matters related to health and human services or the occupational licensing of health-related professions; and
 - (3) each advisory board or committee established to advise the Texas Department of Licensing and Regulation with regard to a program transferred to the department under this article.
- (b) A report submitted under this section must include:
- (1) detailed information regarding:
 - (A) the status of the implementation of the transition plan adopted under Section 1.300 of this Act, including an explanation of any delays or challenges in implementing the plan;
 - (B) appointments to each advisory board or committee established to advise the Texas Department of Licensing and Regulation with regard to a program transferred to the department under this article; and
 - (C) the establishment and operation of the health professions division of the Texas Department of Licensing and Regulation; and
 - (2) any other information the Texas Department of Licensing and Regulation considers relevant to the transfer of programs to the department under this article.
 - (c) In preparing a report required by this section, the Texas Department of Licensing and Regulation shall solicit input from the Department of State Health Services and each advisory

board or committee established to advise the Texas Department of Licensing and Regulation with regard to a program transferred to the department under this article.

(d) The Texas Department of Licensing and Regulation shall make each report submitted under this section available to the public on the department's Internet website.

(e) This section expires January 1, 2020.”

Status of Implementation of the S.B. 202 Transition Plan

TDLR and DSHS adopted a detailed transition plan with a number of components:

- Summary of all transition and planning activities completed after the enactment of S.B. 202 and prior to the adoption of the transition plan;
- Summary of programs to be transferred, including current governance structure and projected transfer dates; and
- Specific activities to be accomplished in each phase of the transfers, with designation of the responsible agency and projected completion dates.

The transition plan projected the transfer date of the first seven programs (Phase One) to be October 1, 2016. Those programs include:

- Athletic trainers
- Dietitians
- Dyslexia therapists and practitioners
- Fitters and dispensers of hearing instruments
- Midwives
- Orthotists and prosthetists
- Speech-language pathologists and audiologists

These seven programs were successfully transferred to TDLR on October 1, 2016, and there were no delays or challenges associated with the transfers. The success of the transfer was due to extensive pre-transfer planning, as well as the collaborative working relationship that exists between TDLR and DSHS.

Upon adoption of the transition plan in April 2016, the projected transfer date of the remaining six programs (Phase Two) could not be determined. Both agencies agreed that the transfer date for the second phase would be determined after completion of the first phase. TDLR and DSHS subsequently agreed that the remaining programs would transfer on November 1, 2017. These programs include:

- Code enforcement officers
- Laser hair removal professionals and facilities
- Massage therapists, instructors, schools, and establishments
- Mold assessors and remediators
- Offender education providers
- Sanitarians

Effective November 1, 2017, the transition plan is fully implemented.

Abolishment of Existing Boards

S.B. 202, Sec. 1.300(c) required that on the date specified in the transition plan for the transfer of a program to TDLR, the existing board associated with the program is abolished. In accordance with this provision, the following boards and committees were abolished on October 1, 2016:

- Advisory Board of Athletic Trainers
- Texas State Board of Examiners of Dietitians
- Dyslexia Therapists and Practitioners Advisory Committee
- State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments
- Texas Midwifery Board
- Texas Board of Orthotics and Prosthetics
- State Board of Examiners for Speech-Language Pathology and Audiology

TDLR Advisory Board and Advisory Committee Appointments

Phase One Programs

On October 14, 2015, the Texas Commission of Licensing and Regulation established the new advisory boards and committees and began appointing members. TDLR hosted an Advisory Board Summit on October 28-29, 2015, and boards began meeting in early 2016.

The Advisory Board of Athletic Trainers consists of five members serving six year terms expiring on January 31 of each odd-numbered year. Members are David Weir, Presiding Officer, College Station; Darrell Ganus, Kilgore; Dr. David Schmidt, San Antonio; Brittney Webb, San Marcos; and Michael Fitch, Richardson.

The Dietitians Advisory Board consists of nine members serving staggered six-year terms expiring September 1 of each odd-numbered year. Members are Janet Suzanne Hall, Presiding Officer, Georgetown; Irma G. Gutierrez, Georgetown; Matilde Ladnier, Houston; Aida “Letty” Moreno-Brown, El Paso; LeAnne Skinner, Austin; Mary Kate “Suzy” Weems, Waco; Cynthia J. Comparin, Dallas; and Grace E. White, Watauga. Currently, the advisory board has one vacant public member position.

The Dyslexia Therapists and Practitioners Advisory Committee consists of five members serving six year terms expiring on December 31 of each odd-numbered year. Members are Robin G. Cowsar, Presiding Officer, Fredericksburg; Misty Dempsey, Kingwood; Helen M. Macik, Dallas; Letricia L Niegos, Amarillo; and Beatriz Daniels, Brownsville.

The Hearing Instrument Fitters and Dispensers Advisory Board consists of nine members serving staggered six-year terms with the terms of three members expiring on February 1 of each odd-numbered year. Members are Benjamin Norris, Presiding Officer, Waco; Jackie Cooper, Spring; Richard Davila, Lubbock; Dr. James Fowler, Brownwood; Gary Haun, San Angelo; Jesus Rangel, Longview; and Amy Trost, Seguin. Currently, the advisory board has two public member vacancies.

The Midwives Advisory Board consists of nine members serving staggered six year terms with the terms of three members expiring on January 31 of each odd-numbered year. Members are Meredith Rentz Cook, Presiding Officer, Keller; Brenda Buffington, Livingston; Janet Dirmeyer, Comfort; Laurie Fremgen, Austin; Dr. Charleta Guillory, Houston; Destiny Hooper, Pearland; Victoria Meinhardt, Austin; Helen Nelson, Grand Prairie; and Dr. Michael Nix, Austin.

The Orthotists and Prosthetists Advisory Board consists of seven members serving staggered six-year terms with the terms of two or three members expiring on February 1 of each odd-numbered year. Members are Miguel Mojica, Presiding Officer, Dallas; David Ahrens, Denton; Randall Duncan, Sherman; Kevin C. Matthews, San Antonio; Catherine A. Mize, Double Oak; Kathryn Paszkowski, Houston; and Sterling Phillips, Lubbock.

The Speech-Language Pathologists and Audiologists Advisory Board consists of nine members serving six year terms with the terms of three members expiring September 1 of each odd numbered year. Members are Sherry Sancibrian, Presiding Officer, Lubbock; Emanuel Bodner, Houston; Patricia Brannon, San Antonio; Cheval Bryant, Houston; Dr. Tammy Camp, Shallowater; Michelle Tejada, San Antonio; Dr. Cristen Plummer-Culp, Austin; Elizabeth Sterling, Austin; and Kimberly Ringer, Pflugerville.

Phase Two Programs

On October 20, 2017, the Texas Commission of Licensing and Regulation established the new advisory boards and committees and began appointing members. TDLR hosted an Advisory Board Summit on November 8-9, 2017 and boards are scheduled to begin meeting in December 2017.

The Code Enforcement Officers Advisory Committee consists of nine members serving six year terms expiring on February 1 of each odd-numbered year. Members are Teresa Adrian, Presiding Officer, Irving; Richard Adams, El Paso; Jennifer Bernal, Kingsville; Matthew Christianson, College Station; Christylla Miles, Houston, and Stuart Walker, Lubbock. Currently, the advisory committee has three vacancies.

The Registered Sanitarian Advisory Committee consists of nine members serving six year terms expiring on February 1 of each odd-numbered year. Members are Jim Dingman, Presiding Officer, Plano; Dalton Knight, Tyler; Steven Kotsatos, Austin; Shaun May, Amarillo; Lisa Pomroy, Fort Worth, and Terry Ricks, San Antonio. Currently, the advisory committee has three vacancies.

The Massage Therapy Advisory Board consists of nine members serving six year terms expiring on September 1 of each odd-numbered year. Members are David Lauterstein, Presiding Officer, Austin; Caroline Guerin, Spring; Russell Rust, Dallas; Susan Sparks, Corpus Christi; Paul Stone, Tyler; Karen Vasquez, McKinney; and Carol Willess, Round Rock. Currently, the advisory board has two vacancies.

Laser Hair Removal, Mold Assessors and Remediators and Offender Education Programs have no legally-required advisory boards. Historically, these programs had no advisory committee roles and TDLR believes the programs will continue functioning well without advisory board requirements.

Implementation of Phase One Program Transfers

TDLR issued a Statement of Work for vendors to bid on a licensing system for the new programs. The contract was awarded in March 2016 to Iron Data (Micropact) for the Versa product, the same system that is in use at DSHS. TDLR hired the necessary staff and formed a project team.

TDLR formed the Health Professions Consolidation Team in July 2016 to coordinate and facilitate internal activities and planning. Each functional area of the agency (licensing, customer service, enforcement, financial services, information technology, compliance, general counsel, strategic communications, innovation, web services) was represented at the team's weekly meetings. DSHS staff also participated as members of the team. The team coordinated the creation of new web content, the revision of forms and publications, and public outreach to license holders via e-mails and a mass mailing. The team analyzed and resolved challenges and concerns related to go-live, staff training, the transfer of records from DSHS to TDLR, and external inquiries.

For the first three business days after the program transfers, TDLR staffed a command center to monitor all aspects of the transfer, including information technology issues, the volume of customer contacts by telephone and e-mail, the timeliness of responses to customer contacts, and the processing of initial and renewal license applications. After analysis of TDLR's performance in these areas for the first three days, the command center was discontinued due to the overall success of the transfer operation.

Implementation of Phase Two Program Transfers

Upon the conclusion of the Phase One program transfers, the TDLR Health Professions Consolidation Team performed a comprehensive evaluation of the transfer process. The team implemented streamlining and improvements to the process, resulting in the success of the Phase Two program transfers.

TDLR expanded the scope of the Phase One information technology project to include the Phase Two project. A Statement of Work was issued in January 2017 for vendors to bid on a licensing system for the Phase Two programs. The contract was awarded in April 2017 to Iron Data (Micropact) for the Versa product, the same system that is in use at DSHS and at TDLR for the Phase One programs. The Phase Two project was formally initiated on July 11, 2017 and consisted of four phases: Planning and Preparation, Requirements and Design, Build/Construction, and Acceptance/Go-Live. The project was completed on schedule and within budget.

In preparation for Phase Two, the TDLR Health Professions Consolidation Team continued its work of coordinating and facilitating internal activities and planning. Each functional area of the agency (licensing, customer service, enforcement, financial services, information technology, compliance, general counsel, strategic communications, innovation, web services) was represented at the team's weekly meetings. During Phase Two, the number of DSHS staff who participated as members of the team was increased to ensure representation and expertise from each transferring program area. The team coordinated the creation of new web content, the revision of forms and

publications, and public outreach to license holders. The team analyzed and resolved challenges and concerns related to go-live, staff training, the transfer of records from DSHS to TDLR, and external inquiries.

For the first three business days after the program transfers, TDLR staffed a command center to monitor all aspects of the transfer, including information technology issues, the volume of customer contacts by telephone and e-mail, the timeliness of responses to customer contacts, and the processing of initial and renewal license applications. Health Professions Consolidation Team members were assigned to the various functional areas to monitor the transfers and provide real-time training and support to front-line staff. After analysis of TDLR's performance for the first three days, the command center was discontinued due to the overall success of the transfer operation.

The ultimate success of Phase Two was due to legislative approval of Exceptional Item One, described in TDLR's FY 2018-2019 Legislative Appropriations Request. Since Phase Two was not scheduled to occur within the FY 2016-2017 biennium, funding was not included in the 2015 General Appropriations Act. Successful program consolidation requires sufficient and timely funding to evaluate the programs, solicit and select information technology bids, streamline and adopt program rules, identify and select office locations, train existing staff, and hire and train new staff.

In addition, TDLR's 2017-2021 Strategic Plan proposed a number of statutory changes for programs transferred in Phases One and Two to eliminate unneeded or redundant licenses and regulatory requirements, eliminate licensing impediments and other excessive requirements, and eliminate burdens and government interference with business practices. These recommendations were adopted by the Legislature to better align the transferring programs with TDLR's existing and successful regulatory model.

Stakeholder and Advisory Board Outreach

Phase One

TDLR believes that proactive communication with licensees and interested parties is essential to the ongoing successful operation of its licensing programs. E-mail subscribers of the transferred programs received a *Welcome to TDLR* notice on the morning of October 3, 2016. TDLR also posted information regarding the transfers on its Facebook and Twitter accounts.

Staff within the TDLR Compliance Division served as a point of contact for professional associations and advisory board chairs during the important post-transition period. Staff conducted approximately 30 telephone calls to share specific information regarding the status of the transition and to solicit input and concerns from the regulated community. Outreach telephone calls were conducted in mid-October 2016 (two weeks after the transition effective date) and were conducted again in early November 2016. TDLR received useful information from stakeholders, which allowed for improvements in service delivery. TDLR also received significant positive feedback regarding the transition planning effort. Outreach included each of the seven advisory board chairs, as well as the following associations:

- Academic Language Therapy Association
- Texas State Athletic Trainers Association
- Texas Academy of Audiology
- Texas Speech-Hearing-Language Association
- Texas Academy of Nutrition and Dietetics
- Texas Hearing Aid Association
- Association of Texas Midwives
- Texas Association of Orthotists and Prosthetists
- American Academy of Orthotists and Prosthetists, Texas Chapter

Phase Two

In January and March 2017, TDLR hosted information forums in Dallas, Houston, and Austin and invited licensees and stakeholders from the Phase Two programs. During the forums, TDLR staff presented information about TDLR, including regulatory philosophy, core values, agency organization and overview, and the rulemaking process. At the March 2017 forum, TDLR staff presented draft proposed rules for each program, soliciting and incorporating input on the rules prior to publication in the Texas Register.

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TDLR Compliance Division staff served as a point of contact for professional associations and advisory board chairs during the important post-transition period. Outreach telephone calls were conducted in November and December 2017. Staff shared specific information regarding the status of the transition and solicited input and concerns from the regulated community. TDLR received useful information from stakeholders which allowed for improvements in service delivery. TDLR also received significant positive feedback regarding the transition planning effort. Outreach included each of the three advisory board chairs, as well as the following associations:

- Texas Environmental Health Association
- Code Enforcement Officers Association of Texas
- American Massage Therapy Association – Texas Chapter
- Texas Coalition of Concerned Alcohol and Drug Interventionists

Establishment and Operation of the TDLR Health Professions Division

TDLR provides services to programs through its proven and successful model, consisting of major functional divisions, such as licensing, customer service, enforcement, compliance, and education/examinations. TDLR has staff within each functional division who are dedicated to serving the medical and health professions programs and who possess the necessary health-related expertise. The Medical and Health Professions Section within the Compliance Division is the division identified in S.B. 202, Sec. 1.299(e). For operational purposes, as described above, TDLR administers the medical and health professions programs throughout its functional alignment.

Licensing Statistics for Phase One Transfer Programs, FY 2017

Program	License Renewals	New Licenses	Total Population
Athletic Trainers	1,684	370	3,716
Dietitians	2,753	408	5,576
Dyslexia Therapists & Practitioners	450	53	895
Hearing Instrument Fitters & Dispensers	366	183	824
Midwives	122	25	268
Orthotists & Prosthetists	472	100	1,012
Speech Language Pathologists & Audiologists	9,652	2,152	20,837
TOTALS	15,499	3,291	33,128

Licensing Statistics for Phase Two Transfer Programs, November 2017

Program	License Renewals	New Licenses	Total Population
Code Enforcement Officers	8	42	2,467
Laser Hair Removal	78	210	3,164
Massage	193	245	33,865
Mold Assessors & Remediators	25	199	5,494
Offender Education Programs	14	14	4,719
Sanitarians	0	5	1,307
TOTALS	318	715	51,016

Customer Service Statistics for Phase One Transfer Programs, FY 2017

Program	Phone Calls Answered	Email Response
Athletic Trainers	2411	2530
Dietitians	3,215	3135
Dyslexia Therapists & Practitioners	308	255
Hearing Instrument Fitters & Dispensers	1,529	1059
Orthotists & Prosthetists	888	662
Midwives	388	334
Speech-Language Pathologists/Audiologists	17158	17748
TOTALS	25,897	25,723

Customer Service Statistics for Phase Two Transfer Programs, November 2017

Program	Phone Calls Answered	Email Response
Code Enforcement Officers	181	111
Laser Hair Removal	197	98
Massage	1,375	733
Mold Assessors & Remediators	403	240
Offender Education Programs	354	103
Sanitarians	95	59
TOTAL	2,605	1,344

Jurisprudence Exams Administered for Phase One Transfer Programs, FY 2017

Program	Exams Administered
Athletic Trainers	444
Dietitians	2,897
Dyslexia Therapists & Practitioners	No Exam Requirement
Hearing Instrument Fitters & Dispensers	70
Licensed Prosthetists & Orthotists	75
Midwives	86
Speech Language Pathologists & Audiologists	2,276
TOTAL	5,848

Jurisprudence Exams Administered for Phase Two Programs, November 2017

Program	Exams Administered
Code Enforcement Officers	15
Laser Hair Removal	No Exam Requirement
Massage Therapy	218
Mold Assessors and Remediators	3
Offender Education Programs	No Exam Requirement
Sanitarians	3
TOTAL	239

Outreach for Phase One Programs, October 2016

Welcome to TDLR emails delivered	8,292
Open rate	36% (2,954 unique)
Click rate	11% (921 unique)
TDLR Health Facebook page likes	283
Twitter @TDLRHealth followers	16
Phase One website page views	66,879

Outreach for Phase Two Programs, November 2017

Welcome to TDLR emails delivered	12,508
Open rate	27% (3,387 unique)
Click rate	10% (1,229 unique)
<i>TDLR Medical & Health</i> Facebook page likes	1,006
Twitter @ <i>TDLRHealth</i> followers	104
Overall total website page views	50,775