



**TEXAS DEPARTMENT OF
LICENSING & REGULATION**

ANNUAL REPORT FOR FISCAL YEAR 2019

**Seeing a Brighter Future with
Common Sense Solutions**

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**



Goals

1. Continue to effectively consolidate and improve administration of and services for transferred programs
2. Improve efficiencies, lower fees, and eliminate bottlenecks throughout TDLR
3. Educate and empower consumers by providing them with the tools to make informed choices about the industries TDLR regulates
4. Prioritize enforcement personnel efforts to resolve complaints involving consumer harm or a threat to public safety
5. Decrease regulatory burdens by removing redundancies and impediments

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
Mike Arismendez, Deputy Executive Director
David Gonzales, Deputy Executive Director
Christina Kaiser, Deputy Executive Director

Texas Commission of Licensing & 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 Senate Bill 1058, Section 1, 81st Regular Session of the Texas Legislature, 2009. This is the second 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 is working with DSHS to include reporting of Behavior Analyst data beginning September 2020.

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 2019. The chart also includes the total number of out of state licensees through the end of fiscal year 2019.

LICENSED BEHAVIOR ANALYSTS & ASSISTANT BEHAVIOR ANALYSTS BY COUNTY, FY 2019					
County	Total	County	Total	County	Total
Angelina	9	Gregg	1	Orange	2
Aransas	1	Guadalupe	11	Out of State	234
Bandera	2	Hale	1	Parker	4
Bastrop	1	Harris	281	Polk	3
Bell	44	Hays	27	Potter	1
Bexar	161	Henderson	3	Randall	1
Brazoria	19	Hidalgo	22	Rockwall	12
Brazos	10	Hood	2	Runnels	1
Burnet	2	Hunt	2	Shelby	1
Caldwell	1	Jasper	1	Smith	10
Callahan	1	Jefferson	3	Sutton	1
Cameron	6	Johnson	2	Swisher	1
Chambers	1	Kaufman	5	Tarrant	121
Cherokee	1	Kendall	4	Taylor	18
Collin	99	Kerr	3	Titus	1
Colorado	1	Lampasas	1	Tom Green	14
Comal	9	Lavaca	1	Travis	253
Coryell	1	Lee	2	Trinity	1
Dallas	121	Liberty	1	Val Verde	1
Dawson	1	Limestone	2	Van Zandt	1
Denton	160	Lubbock	29	Victoria	2
El Paso	20	McLennan	28	Walker	1
Ellis	9	Medina	5	Waller	3
Erath	2	Midland	6	Washington	4
Falls	1	Milam	1	Webb	3
Fisher	1	Montague	1	Wharton	2
Fort Bend	75	Montgomery	55	Wichita	10
Freestone	1	Morris	1	Williamson	95
Gaines	1	Nacogdoches	7	Wilson	4
Galveston	11	Navarro	2	Wise	1
Grayson	4	Nueces	10	Wood	1

Revenue and Expenses Related to Health Care Practitioners

Total fees collected by the agency for Chapter 114 health occupations programs during FY 2019:	\$5,074,798
Total agency expenses for Chapter 114 health occupations programs during FY 2019:	\$3,818,329

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 \$2.2 million in their pockets through FY 2019.

Unfunded Needs of the Agency

TDLR does not currently have any unfunded needs.

Licensing and Complaint Data by Program: FY 2019

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

ATHLETIC TRAINERS	
Total Number of Licensees	3,974
Athletic Trainer	3,967
Temporary Athletic Trainer	7
New Athletic Trainer	367
New Temporary Athletic Trainer	6
Athletic Trainer Renewed	1,796
Temporary Athletic Trainer Renewed	N/A
Complaint Resolution	
Cases Opened	20
Cases Closed	22
Average Time for Complaint Resolution	71 days
Percent of Cases Closed Under 6 Months	90%
Percent of Complaints Resulting in Disciplinary Action	4%
Total Alleged Violations*	21
Unlicensed Activity	8
Code of Ethics	4
Working Outside of Scope	3
Criminal History	2
Sexual Contact/Behavior	2
Failure to Pay Dishonored Check	1
Expired License	1
Case Outcomes and Penalties	
Commission Orders	0
Agreed Orders	1
Default Orders	0
Penalties Assessed	\$750
Penalties Collected	\$750
Licenses Revoked (Disciplinary)	0
Licenses Suspended	0

BEHAVIOR ANALYSTS	
Total Number of Licensees	1,989
Behavior Analyst	1,846
Assistant Behavior Analyst	143
New Behavior Analyst	546
New Assistant Behavior Analyst	46
Licenses Renewed	N/A
Complaint Resolution	
Cases Opened	20
Cases Closed	16
Average Time for Complaint Resolution	38 days
Percent of Cases Closed in Under Six Months	100%
Percent of Complaints Resulting in Disciplinary Action	0%
Total Alleged Violations*	22
Code of Ethics	15
Criminal History	6
Unlicensed Activity	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
Licenses Denied/Revoked (Criminal History)	0

DIETITIANS	
Total Number of Licensees	6,134
Dietitian	6134
Provisional Dietitian	0
New Dietitian	548
New Provisional Dietitian	0
Dietitian Renewed	2,842
Provisional Dietitian Renewed	0
Complaint Resolution	
Cases Opened	8
Cases Closed	10
Average Time for Complaint Resolution	147 days
Percent of Cases Closed Under Six Months	70%
Percent of Complaints Resulting in Disciplinary Action	0%
Total Alleged Violations*	9
Criminal History	3
Code of Ethics	3
Unlicensed Activity	2
False, Misleading or Deceptive Advertising	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
Licenses Denied/Revoked (Criminal History)	0
Cease and Desist Orders	0

DYSLEXIA THERAPY	
Total Number of Licensees	964
Dyslexia Therapist	905
Dyslexia Practitioner	59
New Dyslexia Therapist	81
New Dyslexia Practitioner	17
Dyslexia Therapist Renewed	441
Dyslexia Practitioner Renewed	16
Complaint Resolution	
Cases Opened	1
Cases Closed	1
Average Time for Complaint Resolution	76 days
Percent of Cases Closed Under Six Months	100%
Percent of Complaints Resulting in Disciplinary Action	0%
Total Alleged Violations*	1
Code of Ethics	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

HEARING INSTRUMENT FITTERS AND DISPENSERS	
Total Number of Licensees	885
Hearing Instrument Fitter/Dispenser	675
Apprentice Permit	55
Temporary Training Permit	135
New Hearing Instrument Fitter/Dispenser	39
New Apprentice Permit	55
New Temporary Training Permit	120
Hearing Instrument Fitter/Dispenser Renewed	325
Apprentice Permit Renewed	2
Temporary Training Permit Renewed	30
Complaint Resolution	
Cases Opened	20
Cases Closed	25
Average Time for Complaint Resolution	113 days
Percent of Cases Closed in Under Six Months	88%
Percent of Complaints Resulting in Disciplinary Action	12%
Total Alleged Violations*	23
Criminal History	5
Unprofessional Conduct	5
Unethical Conduct	5
False, Misleading & Deceptive Advertising	3
Unlicensed Activity	3
Records Violation	1
Late, Incorrect or No Refund	1
Case Outcomes and Penalties	
Commission Orders	1
Agreed Orders	1
Default Orders	0
Penalties Assessed	\$0
Penalties Collected	\$0
Licenses Revoked (Disciplinary)	2
Licenses Suspended	0
Licenses Denied/Revoked (Criminal History)	1
Cease and Desist	0
Consumer Restitution	\$0

MASSAGE THERAPY	
Total Number of Licensees	33,986
Massage Therapist	29,582
Massage Therapy Instructor	1,399
Massage Establishment	2,499
Massage School	60
Approved Continuing Education Providers	446
New Massage Therapist	2,065
New Massage Therapy Instructor	206
New Massage Establishment	859
New Massage School	13
New Continuing Education Providers Approved	63
Massage Therapist Renewed	13,396
Massage Therapy Instructor Renewed	596
Massage Establishment Renewed	476
Massage School Renewed	13
Continuing Education Provider Approvals Renewed	147
Complaint Resolution	
Cases Opened	1250
Cases Closed	1263
Average Time for Complaint Resolution	171 days
Percent of Cases Closed in Under Six Months	58%
Percent of Complaints Resulting in Disciplinary Action	21%
Total Alleged Violations*	1,317
Unlicensed Establishment	353
Unlicensed Therapist	214
Sexual Contact/Behavior	179
Criminal History	172
Consultation Document	156
Allowed Unlicensed Therapist	87
Failed to Separate Residential/Sleeping Quarters	72
Failed to Maintain Employee Records	53
Sanitation Violation	46
Advertising Violation	31
No Complaint Sign Posted	30
Sexual Assault	28
Failure to Display License	27
Fraud/Deceit/Negligence/Incompetence	20

MASSAGE THERAPY cont.	
Improper Technique	20
Provided False Information to Department	20
Allowed Nude/Inappropriate Clothes	17
Ethics Violation	15
Does not Meet Minimum Requirements	12
Failed to Pay Dishonored Check	7
Failed to Notify Ownership Change	7
School Failed to Maintain Records	7
Practice in Unlicensed Facility	4
Obtained License by Fraud	3
Submitted False Documents with Application	3
School Attendance	3
School Curriculum	3
School Student Grievance	3
Unlicensed School	3
Failed to Cooperate with Department	2
Failed to Comply with an Order	1
Expired Establishment License	1
Expired Therapist License	1
Failed to Honor Gift Certificate	1
School Internship	1
No Instructor Present at School	1
Case Outcomes and Penalties	
Commission Orders	0
Agreed Orders	192
Default Orders	26
Penalties Assessed	\$386,325
Penalties Collected	\$311,371
Licenses Revoked (Disciplinary)	16
Licenses Suspended	0
Licenses Denied/Revoked (Criminal History)	53
Cease and Desist	0

MIDWIVES	
Total Number of Licensees	313
Midwife	309
Retired Midwife	0
Midwifery School	4
New Midwife	39
New Retired Midwife	0
New Midwifery School	0
Midwife Renewed	141
Retired Midwife Renewed	0
Midwifery School Renewed	0
Complaint Resolution	
Cases Opened	23
Cases Closed	27
Average Time for Complaint Resolution	264 days
Percent of Cases Closed in Under Six Months	55%
Percent of Complaints Resulting in Disciplinary Action	14%
Total Alleged Violations at Opening*	33
Lack of Personal/Professional Character	9
No/Incomplete/Wrong Protocols	8
Failed to Maintain Prescription Standing Order	3
Transfer Violation	2
Failed to Follow Emergency Protocol	2
Deceived or Defrauded the Public	2
Failed to Submit Records/Investigation	2
No/Incomplete/Wrong Records	2
Unlicensed Activity	1
Failed to Assess	1
False or Fraudulent Birth Certificate	1
Case Outcomes and Penalties	
Commission Orders	0
Agreed Orders	3
Default Orders	1
Penalties Assessed	\$5,800
Penalties Collected	\$1800

MIDWIVES cont.	
Licenses Revoked (Disciplinary)	0
Licenses Suspended	0
Licenses Denied/Revoked (Criminal History)	0
Cease & Desist Orders	0

ORTHOTISTS AND PROSTHETISTS	
Total Number of Licensees	912
Orthotist	124
Prosthetist	92
Orthotist and Prosthetist	260
Orthotic Student	14
Prosthetic Student	23
Orthotic and Prosthetic Student	62
Temporary Orthotist	0
Temporary Prosthetist	0
Temporary Orthotist and Prosthetist	0
Orthotic Technician	1
Prosthetic Technician	3
Orthotic and Prosthetic Technician	4
Orthotist Assistant	23
Prosthetist Assistant	11
Orthotist and Prosthetist Assistant	19
Orthotic Facility	22
Prosthetic Facility	31
Orthotic and Prosthetic Facility	223
New Orthotist	12
New Prosthetist	9
New Orthotist and Prosthetist	14
New Orthotic Student	2
New Prosthetic Student	5
New Orthotic and Prosthetic Student	31
New Temporary Orthotist	0
New Temporary Prosthetist	0
New Temporary Orthotist and Prosthetist	0
New Orthotic Technician	0
New Prosthetic Technician	1
New Orthotic and Prosthetic Technician	1
New Orthotist Assistant	0
New Prosthetist Assistant	2
New Orthotist and Prosthetist Assistant	1
New Orthotic Facility	1
New Prosthetic Facility	5
New Orthotic and Prosthetic Facility	23
Orthotist Renewed	75
Prosthetist Renewed	47

ORTHOTISTS AND PROSTHETISTS cont.	
Orthotic Student Renewed	1
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	0
Prosthetist Technician Licenses Renewed	1
Orthotist and Prosthetist Technician Renewed	3
Orthotist Assistant Renewed	16
Prosthetist Assistant Renewed	4
Orthotist and Prosthetist Assistant Renewed	10
Orthotic Facility Renewed	8
Prosthetic Facility Renewed	24
Orthotic and Prosthetic Facility	78
Complaint Resolution	
Cases Opened	11
Cases Closed	16
Average Time for Complaint Resolution	163 days
Percent of Cases Closed in Under Six Months	75%
Percent of Complaints Resulting in Disciplinary Action	12%
Total Alleged Violations*	18
Criminal History	4
Unprofessional/Unethical Conduct	4
Gross Negligence or Malpractice	2
Unlicensed Activity	2
Fraud/Deceit in Services Provided	1
Failed to Comply with an Order	1
Failed to Display Complaint Sign	1
Failed to Display Practitioner License	1
Expired License	1
Lacks Honesty/Trustworthiness/Integrity	1
Case Outcomes and Penalties	
Commission Orders	0
Agreed Orders	2
Default Orders	0
Penalties Assessed	\$2,500
Penalties Collected	\$2,500
Licenses Revoked (Disciplinary)	0

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

PODIATRISTS	
Total Number of Licensees	1,626
Doctor of Podiatric Medicine	1,205
Radiological Technician	421
New Doctor of Podiatric Medicine	161
New Radiological Technician	80
Doctor of Podiatric Medicine Renewed	1,096
Radiological Technician Renewed	346
Complaint Resolution	
Cases Opened	85
Cases Closed	104
Average Time for Complaint Resolution	248 days
Percent of Cases Closed in Under Six Months	35%
Percent of Complaints Resulting in Disciplinary Action	4%
Total Alleged Violations*	84
Gross Negligence or Malpractice	38
Unprofessional/Unethical Conduct	30
Fraud/Deceit in Services Provided	9
Criminal History	3
Sexual Contact/Behavior	2
False, Misleading or Deceptive Advertising	1
Unlicensed Practice	1
Lacks Honesty/Trustworthiness/Integrity	1
Case Outcomes and Penalties	
Commission Orders	0
Agreed Orders	5
Default Orders	0
Penalties Assessed	\$8,125
Penalties Collected	\$8,125
Licenses Revoked (Disciplinary)	0
Licenses Suspended	0
Licenses Denied/Revoked (Criminal History)	0

SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS	
Total Number of Licensees	21,692
Speech-Language Pathologist	15,196
Speech-Language Pathologist Intern	818
Speech-Language Pathologist Assistant	7,395
Audiologist	1,402
Audiologist Intern	48
Audiologist Assistant	29
New Speech-Language Pathologist	957
New Speech-Language Pathologist Intern	790
New Speech-Language Pathologist Assistant	438
New Audiologist	95
New Audiologist Intern	44
New Audiologist Assistant	11
Speech-Language Pathologist Renewed	7,479
Speech-Language Pathologist Intern Renewed	105
Speech-Language Pathologist Assistant Renewed	1,878
Audiologist Renewed	669
Audiologist Intern Renewed	20
Audiologist Assistant Renewed	9
Complaint Resolution	
Cases Opened	63
Cases Closed	65
Average Time for Complaint Resolution	86 days
Percent of Cases Closed in Under Six Months	83%
Percent of Complaints Resulting in Disciplinary Action	15%
Total Alleged Violations*	83
Code of Ethics	30
Criminal History	14
Billed for Services Not Provided	11
Falsified Records	9
Violation Involving Supervision	6
Practicing Without a License	4
Failed to Pay Dishonored Check	3
Medical Evaluation/Waiver Violation	3
Failed to Maintain Records	2
Allowed Other to Practice out of Scope	1
Case Outcomes and Penalties	
Commission Orders	0
Agreed Orders	9

SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS cont.	
Default Orders	1
Penalties Assessed	\$12,250
Penalties Collected	\$10,250
Licenses Revoked (Disciplinary)	1
Licenses Suspended	0
Licenses Denied/Revoked (Criminal History)	0
Cease and Desist Orders	0