



**TEXAS DEPARTMENT OF
LICENSING & REGULATION**

HEALTH OCCUPATIONS ANNUAL REPORT FOR FISCAL YEAR 2022

House Licensing and Administrative Procedures Committee – Rep. Ken King, Chair

House Public Health Committee – Rep. Stephanie Klick, Chair

Senate Committee on Business and Commerce – Sen. Charles Schwertner, Chair

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

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Guiding Principles



VISION

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

MISSION

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

GOALS

- 1: Fully implement the recommendations resulting from the Sunset review process and House Bill 1560 (87-R), TDLR's Sunset bill.
- 2: Focus the agency's regulatory and outreach efforts on protecting public health and safety, combating human trafficking, and preventing consumer harm.
- 3: Implement modern technology solutions to improve TDLR's mission-critical licensing and regulatory services.

TDLR

Mike Arismendez, Executive Director
Christina Kaiser, Senior Deputy Executive Director
Hemant Makan, 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.

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 38 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. 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 recently worked with DSHS to include reporting of Behavior Analyst data. We are happy to report that it is now included.

Revenue and Expenses Related to Health Care Practitioners

Total fees collected by the agency for Chapter 114 health occupations programs during FY 2022:	\$5,246,386
Total agency expenses for Chapter 114 health occupations programs during FY 2022:	\$5,137,391

Like all agencies, TDLR operates on a two-year budget; comparing program fees and expenditures like the numbers listed above based solely on a one-year look can lead to inaccurate assumptions. Additional factors such as number of licenses issued and two-year license terms also vary fee and expenditure amounts over a one-year period.

TDLR’s functional alignment model creates efficiencies and savings by distributing work by purpose, not program. TDLR reviews licensing fees in comparison to program administration costs to ensure they are in balance and proposes fee reductions whenever warranted. With four years of revenue and expense data to use for budget projections, we will now begin applying revenue-neutral budget adjustment principles to licensing fee amounts in the health professions programs.

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 \$6.1 million in their pockets through FY 2022.

Unfunded Needs of the Agency

TDLR does not have any unfunded needs.

Licensing and Complaint Data by Program: FY 2022

** Note: The number of total alleged violations may not match the number of opened complaints if multiple alleged violations are included in a single complaint.*

ATHLETIC TRAINERS	
Total Number of Licensees	4,395
Athletic Trainer	4,382
Temporary Athletic Trainer	13
New Athletic Trainer	375
New Temporary Athletic Trainer	19
Athletic Trainer Renewed	1,695
Temporary Athletic Trainer Renewed	0
Complaint Resolution	
Cases Opened	14
Cases Closed	13
Average Time for Complaint Resolution	102 days
Percent of Cases Closed in Under Six Months	85%
Percent of Complaints Resulting in Disciplinary Action	15%
Total Alleged Violations*	16
Unlicensed Activity	7
Code of Ethics	4
Failed to Pay Dishonored Check	2
Sexual Contact or Behavior	2
Criminal History	1
Case Outcomes and Penalties	
Commission Orders	0
Default Orders	0
Agreed Orders	2
Penalties Assessed	\$600
Penalties Collected	\$600
Licenses Revoked (Disciplinary)	0
Licenses Suspended	0
Licenses Denied, Suspended, or Revoked Based on Criminal History	0
Warning Letters	0
Other Informal Resolutions	11

BEHAVIOR ANALYSTS	
Total Number of Licensees	3,823
Behavior Analyst	3,662
Assistant Behavior Analyst	161
New Behavior Analyst	880
New Assistant Behavior Analyst	37
Behavior Analyst Licenses Renewed	1580
Assistant Behavior Analyst Licenses Renewed	43
Complaint Resolution	
Cases Opened	49
Cases Closed	62
Average Time for Complaint Resolution	211 days
Percent of Cases Closed in Under Six Months	60%
Percent of Complaints Resulting in Disciplinary Action	6%
Total Alleged Violations*	49
Code of Ethics	46
Criminal History	2
Unlicensed Activity	1
Case Outcomes and Penalties	
Commission Orders	0
Default Orders	1
Agreed Orders	2
Penalties Assessed	\$7500
Penalties Collected	\$2500
Licenses Revoked (Disciplinary)	1
Licenses Suspended	0
Licenses Denied, Suspended, or Revoked Based on Criminal History	1
Warning Letters	4
Other Informal Resolutions	54

DIETITIANS	
Total Number of Licensees	7,051
Dietitian	7,051
Provisional Dietitian	0
New Dietitian	757
New Provisional Dietitian	0
Dietitian Renewed	2,691
Provisional Dietitian Renewed	0
Complaint Resolution	
Cases Opened	12
Cases Closed	15
Average Time for Complaint Resolution	154 days
Percent of Cases Closed in Under Six Months	67%
Percent of Complaints Resulting in Disciplinary Action	7%
Total Alleged Violations*	15
False, Misleading, or Deceptive Advertising	4
Code of Ethics	4
Criminal History	3
Expired License	2
Unlicensed Activity	1
Alcohol or Drug Abuse	1
Case Outcomes and Penalties	
Commission Orders	0
Agreed Orders	1
Default Orders	0
Penalties Assessed	\$1500
Penalties Collected	\$1500
Licenses Revoked (Disciplinary)	0
Licenses Suspended	0
Licenses Denied, Suspended, or Revoked Based on Criminal History	0
Cease and Desist Orders	0
Other Informal Resolutions	13
Warning Letters	1

DYSLEXIA THERAPY	
Total Number of Licensees	1,055
Dyslexia Therapist	988
Dyslexia Practitioner	67
New Dyslexia Therapist	107
New Dyslexia Practitioner	20
Dyslexia Therapist Renewed	347
Dyslexia Practitioner Renewed	19
Complaint Resolution	
Cases Opened	0
Cases Closed	0
Average Time for Complaint Resolution	0 days
Percent of Cases Closed in Under Six Months	0%
Percent of Complaints Resulting in Disciplinary Action	0%
Total Alleged Violations*	0
Case Outcomes and Penalties	
Commission Orders	0
Default Orders	0
Agreed Orders	0
Penalties Assessed	\$0
Penalties Collected	\$0
Licenses Revoked (Disciplinary)	0
Licenses Suspended	0

HEARING INSTRUMENT FITTERS AND DISPENSERS	
Total Number of Licensees	873
Hearing Instrument Fitter/Dispenser	693
Apprentice Permit	61
Temporary Training Permit	100
Approved Continuing Education Providers	19
New Hearing Instrument Fitter/Dispenser	43
New Apprentice Permit	60
New Temporary Training Permit	90
New Continuing Education Providers Approved	1
Hearing Instrument Fitter/Dispenser Renewed	264
Apprentice Permit Renewed	8
Temporary Training Permit Renewed	33
Continuing Education Provider Approvals Renewed	22
Complaint Resolution	
Cases Opened	16
Cases Closed	18
Average Time for Complaint Resolution	125 days
Percent of Cases Closed in Under Six Months	78%
Percent of Complaints Resulting in Disciplinary Action	0%
Total Alleged Violations*	18
Criminal History	4
False, Misleading, and Deceptive Advertising	4
Unprofessional Conduct	3
Records Violation	2
Unethical Conduct	1
Unlicensed Activity	1
Employed Unlicensed Individual or Person with Expired License	1
Failed to Pay Dishonored Check	1
Late, Incorrect, or No Refund	1
Case Outcomes and Penalties	
Commission Orders	0
Default Orders	0
Agreed Orders	0
Penalties Assessed	\$0
Penalties Collected	\$0
Licenses Denied, Suspended, or Revoked Based on Criminal History	0

HEARING INSTRUMENT FITTERS AND DISPENSERS cont.	
Warning Letters	2
Other Informal Resolutions	16
Consumer Restitution	\$0

MASSAGE THERAPY	
Total Number of Licensees	36,268
Massage Therapist	26,882
Massage Therapy Instructor	1,483
Massage Therapy Student	4,860
Massage Establishment	2,621
Massage School	60
Approved Continuing Education Providers	362
New Massage Therapist	1,641
New Massage Therapy Instructor	203
New Massage Therapy Student	518
New Massage Establishment	803
New Massage School	5
New Continuing Education Providers Approved	32
Massage Therapist Renewed	13,310
Massage Therapy Instructor Renewed	641
Massage Establishment Renewed	848
Massage School Renewed	28
Continuing Education Provider Approvals Renewed	131
Complaint Resolution	
Cases Opened	1,145
Cases Closed	1,031
Average Time for Complaint Resolution	184 days
Percent of Cases Closed in Under Six Months	66%
Percent of Complaints Resulting in Disciplinary Action	16%
Total Alleged Violations*	1,647
Consultation Document	264
Unlicensed Establishment	218
Unlicensed Massage Therapist	195
Criminal History	147
Allowed Unlicensed Person or Person with Expired License to Work	127
Sexual Misconduct	113
Failed to Separate Residential or Sleep Area	102
Failed to Maintain Employee Records	71
Expired Establishment License	67
Sexual Assault	56
Allowed Person to Reside on Premises	43
Practiced in Unlicensed Facility	40
Failed to Cooperate with Department	28
Sanitation	22

MASSAGE THERAPY cont.	
School Failed to Maintain Records	18
Expired Massage Therapist License	15
Improper Technique	15
Code of Ethics	11
School Attendance	10
Failed to Pay Dishonored Check	9
Allowed Nude or Inappropriate Clothes	9
Fraud, Deceit, Negligence, or Incompetence	9
School-Student Grievance	8
Failure to Display License	6
Advertising Violation	6
Failed to Drape	6
Failed to Honor Gift Certificate	5
School Curriculum	5
Exceeded Scope of License	5
Unlicensed School	4
School Internship	3
Failed to Terminate Absentee Student	3
Inadequate Ventilation	1
Does Not Meet Minimum Requirements	1
Did Not Have Suitable Plumbing	1
Failed to Notify Ownership Change	1
School No Instructor Present	1
Student Received Compensation	1
Terminated Student Early Reentry	1
Case Outcomes and Penalties	
Commission Orders	6
Default Orders	34
Agreed Orders	105
Penalties Assessed	\$504,375
Penalties Collected	\$247,823
Licenses Revoked (Disciplinary)	26
Licenses Suspended	0
Licenses Denied, Suspended, or Revoked Based on Criminal History	35
Cease and Desist	10
Warning Letters	499
Other Informal Resolutions	359
Consumer Restitution	\$167,430.73

MIDWIVES	
Total Number of Licensees	343
Midwife	341
Retired Midwife	0
Midwifery School	2
New Midwife	43
New Retired Midwife	0
New Midwifery School	0
Midwife Renewed	142
Retired Midwife Renewed	0
Midwifery School Renewed	0
Complaint Resolution	
Cases Opened	17
Cases Closed	18
Average Time for Complaint Resolution	352 days
Percent of Cases Closed in Under Six Months	33%
Percent of Complaints Resulting in Disciplinary Action	28%
Total Alleged Violations at Opening*	24
Unlicensed Practice	7
No, Incomplete, or Wrong Records	6
Failed to Follow Instruction or Emergency Protocol	4
Lack of Personal/Professional Character	2
Transfer Violation	1
Failed to Pay Dishonored Check	1
Failed to Provide Information to Client	1
Expired License	1
Referral Violation	1
Case Outcomes and Penalties	
Commission Orders	0
Default Orders	3
Agreed Orders	3
Penalties Assessed	\$26,2500
Penalties Collected	\$6,250
Licenses Revoked (Disciplinary)	1
Licenses Suspended	0

Licenses Denied, Suspended, or Revoked Based on Criminal History	0
MIDWIVES cont.	
Cease & Desist Orders	0
Other Informal Resolutions	12
Warning Letters	0

ORTHOTISTS AND PROSTHETISTS	
Total Number of Licensees	922
Orthotist	102
Prosthetist	92
Orthotist and Prosthetist	324
Orthotic Student	14
Prosthetic Student	15
Orthotic and Prosthetic Student	54
Temporary Orthotist	1
Temporary Prosthetist	0
Temporary Orthotist and Prosthetist	0
Orthotist Assistant	28
Prosthetist Assistant	9
Orthotist and Prosthetist Assistant	25
Orthotic Facility	14
Prosthetic Facility	27
Orthotic and Prosthetic Facility	217
New Orthotist	6
New Prosthetist	3
New Orthotist and Prosthetist	19
New Orthotic Student	4
New Prosthetic Student	5
New Orthotic and Prosthetic Student	23
New Temporary Orthotist	1
New Temporary Prosthetist	0
New Temporary Orthotist and Prosthetist	0
New Orthotist Assistant	5
New Prosthetist Assistant	0
New Orthotist and Prosthetist Assistant	3
New Orthotic Facility	1
New Prosthetic Facility	2
New Orthotic and Prosthetic Facility	19
Orthotist Renewed	25
Prosthetist Renewed	33
Orthotists and Prosthetist Renewed	121
Orthotic Student Renewed	0
Prosthetic Student Renewed	1
Orthotic and Prosthetic Student Renewed	3
Temporary Orthotist Renewed	0
Temporary Prosthetist Renewed	0

ORTHOTISTS AND PROSTHETISTS cont.	
Temporary Orthotist and Prosthetist Renewed	0
Orthotist Assistant Renewed	10
Prosthetist Assistant Renewed	4
Orthotist and Prosthetist Assistant Renewed	8
Orthotic Facility Renewed	2
Prosthetic Facility Renewed	13
Orthotic and Prosthetic Facility	77
Complaint Resolution	
Cases Opened	6
Cases Closed	10
Average Time for Complaint Resolution	127 days
Percent of Cases Closed in Under Six Months	80%
Percent of Complaints Resulting in Disciplinary Action	30%
Total Alleged Violations*	
Operating Without a License	3
Unprofessional or Unethical Conduct	1
Criminal History	1
Expired License	1
Case Outcomes and Penalties	
Commission Orders	0
Default Orders	0
Agreed Orders	3
Penalties Assessed	\$3,750
Penalties Collected	\$3,750
Licenses Revoked (Disciplinary)	0
Licenses Suspended	0
Licenses Denied, Suspended, or Revoked Based on Criminal History	0
Cease and Desist Orders	0
Warning Letters	3
Other Informal Resolutions	4

PODIATRISTS	
Total Number of Licensees	1,503
Doctor of Podiatric Medicine	1,214
Radiological Technician	289
New Doctor of Podiatric Medicine	67
New Radiological Technician	86
Doctor of Podiatric Medicine Renewed	606
Radiological Technician Renewed	183
Complaint Resolution	
Cases Opened	57
Cases Closed	61
Average Time for Complaint Resolution	238 days
Percent of Cases Closed in Under Six Months	52%
Percent of Complaints Resulting in Disciplinary Action	0%
Total Alleged Violations*	62
Gross Negligence or Malpractice	36
Unprofessional/Unethical Conduct	18
Fraud/Deceit in Services Provided	7
Sexual Misconduct with Patient/Client	1
Case Outcomes and Penalties	
Commission Orders	0
Default Orders	0
Agreed Orders	0
Penalties Assessed	\$0.00
Penalties Collected	\$0.00
Licenses Revoked (Disciplinary)	0
Licenses Suspended	0
Licenses Denied, Suspended, or Revoked Based on Criminal History	0
Warning Letters	4
Other Informal Resolutions	57

SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS	
Total Number of Licensees	24,918
Speech-Language Pathologist	17,625
Speech-Language Pathologist Intern	955
Speech-Language Pathologist Assistant	4,653
Audiologist	1,578
Audiologist Intern	56
Audiologist Assistant	51
New Speech-Language Pathologist	1,406
New Speech-Language Pathologist Intern	876
New Speech-Language Pathologist Assistant	644
New Audiologist	133
New Audiologist Intern	56
New Audiologist Assistant	20
Speech-Language Pathologist Renewed	7,113
Speech-Language Pathologist Intern Renewed	228
Speech-Language Pathologist Assistant Renewed	1,651
Audiologist Renewed	631
Audiologist Intern Renewed	12
Audiologist Assistant Renewed	18
Complaint Resolution	
Cases Opened	69
Cases Closed	90
Average Time for Complaint Resolution	181 days
Percent of Cases Closed in Under Six Months	63%
Percent of Complaints Resulting in Disciplinary Action	14%
Total Alleged Violations*	85
Code of Ethics	38
Falsified Records	11
Billed for Services Not Provided	8
Criminal History	8
Supervision Violation	7
Failed to Pay Dishonored Check	3
Medical Evaluation and Waiver Violation	3
Failed to Maintain Records	3
Practicing Without a License	2
Allowed Other Practice out of Scope	1
Failed to Comply with an Order	1

SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS cont.	
Case Outcomes and Penalties	
Commission Orders	0
Default Orders	2
Agreed Orders	11
Penalties Assessed	\$49,200
Penalties Collected	\$24,700
Licenses Revoked (Disciplinary)	0
Licenses Suspended	0
Licenses Denied, Suspended, or Revoked Based on Criminal History	0
Cease and Desist Orders	0
Warning Letters	4
Other Informal Resolutions	73