

TEXAS COMMISSION OF LICENSING AND REGULATION

Meeting of May 19, 2020
Twin Towers Office Center
1st Floor Public Meeting Room
Austin, Texas

S u m m a r y o f M i n u t e s

Chairman Figueroa called the meeting of the Texas Commission of Licensing and Regulation to order at 10:02 a.m., May 19, 2020. Members present were: Chairman Rick Figueroa, Commissioners Thomas Butler, Helen Callier, Dr. Ray Callas, Dr. Gary Wesson, Joel Garza and Nora Castañeda. A roll call verified that a quorum was present. This meeting was held by videoconference under procedures approved by the Office of the Governor and the Office of Attorney General.

Staff present included: Brian Francis, Executive Director; Christina Kaiser, Deputy Executive Director; Mike Arismendez, Deputy Executive Director; David Gonzales, Deputy Executive Director; Brad Bowman, General Counsel; Della Lindquist, Deputy General Counsel; Jodi Ashlock, Chief Information Officer and Brandy Corrales, Director Financial Services.

Chairman Figueroa moved to agenda item C, Honoring Fallen Officer Jason Knox of the Houston Police Department. Officer Knox served on the Houston Police Department since 2012 and appeared in the Department's Senate Bill 30 video, which will be edited to include an end of watch announcement. Officer Knox was honored with a moment of silence.

Chairman Figueroa moved to agenda item D, Recognition of Agency Staff for their Service at the Texas Division of Emergency Management in Response to the COVID-19 Crisis. Special recognition was given to Stewart Myrick, Program Specialist and Steve Uecker, Program Specialist for their passion, commitment and extraordinary work during the Covid-19 crisis. Mr. Myrick and Mr. Uecker serve on the Texas Division of Emergency Management and State Operations Center.

Chairman Figueroa moved to agenda item E, Approval of Minutes – Meeting of February 18, 2020. Commissioner Callas, seconded by Commissioner Castañeda, moved to adopt the minutes as presented. Motion passed by unanimous vote.

Commissioner Figueroa moved to agenda item F, Meeting Policies and Procedures. Brad Bowman, General Counsel, provided an overview of Meeting Conduct, Public Comments and Public Participation.

Chairman Figueroa moved to agenda items G and H, Executive Session and Action on items discussed in Executive Session. There was no action on these agenda items.

Chairman Figueroa moved to agenda item I, Discussion and Possible Action on Licensing System Contract Award/Vendor Selection. Brandy Corrales, Director of Financial Services provided an overview of the bidding process, where the funds came from, the requisition procurement process for the acquisition and a timeline of the events. Ms. Corrales reported, per the Texas Government Code, contracts awarded over \$1,000,000.00 require Commissioner's approval. Jodi Ashlock, Chief

Information Officer of Information Technology Division provided an overview of technical information for putting the Statement of Work in place and information on the potential company to award the contract to. The vote was six (6) to one (1) in favor of awarding contract 452-20-A001 to Red River Consulting Services LLC., to develop a new agency licensing system and delegate the Executive Director authority to sign the contract, with Commissioner Helen Callier casting the dissenting vote.

Chairman Figueroa moved to agenda item J, Discussion and possible action of agency's Strategic Plan for Fiscal years 2021-2025. Commissioner Callier, seconded by Commissioner Wesson, moved to approve the Strategic Plan with the allowance of staff to make any technical changes to content, formatting and grammatical errors. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item K, Discussion and possible action on the proposed **amendments** to existing rules at 16 Texas Administrative Code (TAC), Chapter 65, Subchapter A, §65.2; Subchapter C, §65.13; Subchapter N, §65.206 and §65.214; Subchapter O, §65.300; and Subchapter R, §65.603 and §65.607, regarding the **Boilers** program. The proposed amendments require a boiler room carbon monoxide detection and interlock system for future boiler installations and make additional clarifications for consistency. General Counsel staff recommended adopting the rules as proposed with a Department-recommended change to §65.206 regarding the carbon monoxide detection and interlock system, to extend the effective date of that section to September 1, 2020. Commissioner Callas moved to adopt the rules as published with an effective date of the rule of June 15, 2020 with the recommended change to the effective date specifically for §65.206 of September 1, 2020. Commissioner Callier seconded. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item L, Discussion and possible action on the proposed **amendments** to existing rules at 16 Texas Administrative Code (TAC), Chapter 130, Subchapter D, §§130.42, 130.44, and 130.45; Subchapter E, §§130.53, 130.56, and 130.58; Subchapter F, §130.60; and Subchapter G, §130.72; and proposed **new rule** Subchapter E, §130.59, regarding the **Podiatry** program to implement House Bills 1899, 2059, 2174, 2847, 3284, and 3285, 86th Legislature, Regular Session (2019). Specifically, the amendments and new rule require practitioners to complete human trafficking prevention training; establish limits on prescribing opioids for acute pain, address electronic prescribing, and require continuing education on prescribing and monitoring controlled substances; clarify the scope of delegation permitted, provide for the regulation of podiatric medical radiological technicians and establish a license fee; update administrative penalties and sanctions for podiatrists and penalties for improperly accessing the Texas Prescription Monitoring Program; and provide for the orderly transition of assessing continuing medical education hours as the Department transitions to two-year podiatric license terms. General Counsel staff recommended adopting the rules as proposed with the Department-recommended changes to Subchapter D, §130.44(o), to create consistency of the usage of the word "licensee", and to remove proposed subsection (c) to Subchapter E, §130.59 based on public comment, with an effective date of June 15, 2020. Commissioner Wesson moved to adopt the rules with the recommended changes. Commissioner Butler seconded and the motion passed by unanimous vote.

Chairman Figueroa moved to agenda item M, Commission Work Groups including update from work groups discussion, and possible action on items discussed. Sunset/Strategic Plan – Legislative Appropriations Request Work Group. Update on activities related to TDLR's Sunset Advisory Commission review, Evaluation of the type of personal information license holders

available on TDLR's website and possible direction to staff; Update and Review of the agencies Strategic Plan document for Fiscal Years 2021-2025; Audit Finance Work Group, Update on Licensing System Contract Award/Vendor Selection. Eric Beverly, Government Relations Officer provided an update and reported the Work Group evaluated work completed by TDLR staff during its evaluation in 2018. The Work Group found two programs were not included in that review because TDLR did not yet have responsibility for those programs. The programs are the Motor Fuel Metering and Quality Program; and the Motorcycle ATV Safety Program. The Work Group recommends that the Commission direct staff to review licensee personal information for these two new programs as outlined in Senate Bill 237. TDLR began operating the Motor Fuel Program on September 1, 2019. TDLR will begin operating the Motorcycle ATV Safety Program on September 1, 2020. Jodi Ashlock, Chief Information Officer, reported the Audit Finance Work Group previously met and did not have any additional information to provide.

Chairman Figueroa moved to agenda item N, Briefing from agency staff on monthly activities, statistical data, personnel changes, communications and public outreach. May include discussion of the following topics: Executive Office, Office of General Counsel, Human Resources Division, Office of Strategic Communications, Anti-Trafficking Unit and Office of Project and Transformation Management; COVID-19 Response; Agency Reports, Statistics and Trends. Brian Francis, Executive Director gave a brief update on each of the items, focusing on the agency's response to Covid-19, Licensing (applications) and Renewals numbers, Customer Service statistics, Information Technology's efforts on making work from home a success, Anti-Human Trafficking Units efforts and training while working from home, and the Office of Strategic Communication responses.

Chairman Figueroa moved to agenda item O, Public Comment. Written public comments were received from: Donna Martinez, Courtney McClurkin, Cathy Nutt, Jessica Davis, Osama Y Rabbani, Jennifer Hurst, Chris Van Rite, Daniel Key, Montana Pineyro, Gina Kilgus, Leatine Fitzgerald, Julie Jackson, Marni M., Lilly Blade, Susan Hargenrater, Lou Oliva, Chasidy Criswell, Kara Kelley, Taylor Love, Julie Holt, Danielle Omo, Michael Corley, Amber Bailey and Michael Parrish. Phone-in public comments were received from: Larry Cernosek, Alex Hughes and Amanda Hughes.

Chairman Figueroa moved to agenda item P, Agenda items for future Commission Meetings
There was no discussion on this item.

Chairman Figueroa moved to agenda item Q, Discussion of date, time, and location of future Commission Meetings. Future meeting date will be set at a later time.

Commissioner Callas seconded by Commissioner Callier moved to adjourn the meeting. Motion passed by unanimous vote. Chairman Figueroa adjourned the meeting at 12:07 p.m.

Rick Figueroa, Chairman
Texas Commission of Licensing and Regulation