

## **TEXAS COMMISSION OF LICENSING AND REGULATION**

Meeting of April 5, 2022  
Twin Towers Office Center  
1<sup>st</sup> Floor Public Meeting Room  
Austin, Texas

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

Chairman Rick Figueroa called the meeting of the Texas Commission of Licensing and Regulation to order at 8:42 a.m. Members present were Chairman Rick Figueroa, Commissioners Dr. Ray Callas, Dr. Gary Wesson, and Nora Castañeda. A quorum was present. Commissioner Callas, seconded by Commissioner Castaneda, made a motion to excuse the absence of Commissioners Helen Callier and Thomas Butler. Motion passed by unanimous vote.

Staff present included: Mike Arismendez, Executive Director; Christina Kaiser, Senior Deputy Executive Director; David Gonzales, Deputy Executive Director; Brad Bowman, General Counsel; and Della Lindquist, Deputy General Counsel.

Chairman Figueroa moved to agenda item C, Public Comment. Eight written public comments were received, six of those spoke virtually.

Chairman Figueroa moved to agenda items D and E, Executive Session. No action was taken on these items.

Chairman Figueroa moved to agenda items F, Discussion and possible action to authorize that Commissioners' electronic signatures be placed on written orders and decisions resulting from today's meeting. Commissioner Wesson, seconded by Commissioner Callas, made a motion to approve the use of electronic signatures. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda items G, Discussion and possible action on assignments of Commissioner liaisons to advisory boards. No action was taken on this agenda item.

Chairman Figueroa moved to agenda items H, Discussion on strategic planning process and possible appointment of Commission Strategic Planning Workgroup. Chairman Figueroa stated he would confirm workgroup assignments within the next week. Commissioner Wesson, seconded by Commissioner Callas, made a motion to approve Chairman's assignments as he chooses. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item I, Approval of Minutes – Meeting of January 25, 2022. Commissioner Callas, seconded by Commissioner Wesson, made a motion to approve the January 25, 2022, minutes as presented. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item J, Contested Cases - consideration and possible action on cases heard before State Office of Administrative Hearings:

Docket Number ELC20210008237 / 452-22-0086.ELC; Roberto Martinez Cid. Commissioner Wesson, seconded by Commissioner Callas, made a motion to adopt the PFD as written and revoke Mr. Cid's Apprentice Electrician License and deny the license renewal. Motion passed by unanimous vote.

Docket Number TOW20210010464 / 452-21-2312.TOW; Christopher G. Hermis. Commissioner Wesson, seconded by Commissioner Callas, made a motion to modify the PFD and deny Mr. Hermis' application for Incident Management Tow Operator license. 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 60**, Subchapter K, §§60.501, 60.510, 60.512, 60.514 and 60.518, and the proposed **new rule** at Subchapter K, §60.519, regarding the **Procedural Rules of the Commission and the Department**. The proposed rules implement House Bill (HB) 139, 87<sup>th</sup> Legislature, Regular Session (2021) by updating current rule definitions from Chapter 55, Occupations Code; providing for a procedure in rule to allow a non-resident military spouse to obtain eligibility for occupational licenses that require in-state residency; and correcting, updating and removing obsolete references to past bills no longer needed in the current rule subchapter. Commissioner Callas, seconded by Commissioner Wesson, made a motion to adopt the rules as published in the Texas Register with an effective date of May 1, 2022. 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, **Chapter 84**, Subchapter A, §84.3; and Subchapter M, §§84.500, 84.502 - 84.504, and 84.507, regarding the **Driver Education and Safety** program. The proposed rules are necessary to implement Senate Bill 1831, House Bill (HB) 3212, and HB 3319, 87<sup>th</sup> Legislature, Regular Session (2021), which amend Texas Education Code, Chapter 1001. The proposed rules implement these bills by updating the driver training curriculum requirements in the DES Program Guides which are adopted by reference in the rules. Commissioner Callas, seconded by Commissioner Castaneda, made a motion to adopt the rules as presented with two changes, both in the program of organization instruction of the Drivers Education Program Guide. The first change at module 11 classroom instruction - minimum timeframe chart in Section 11.1.4 anatomical gifts by correcting the lesson number from 20 to 29. The second change – correcting minutes for allocation to other topics applicable to module 11 was changed from 15 minutes to 25 minutes after the DES Advisory Board discussion. Thus, the sentence is: The remaining 25 minutes of instruction shall be allocated to the topics included in this module that satisfies the educational objectives of the course. The effective date will be May 1, 2022. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item M, **Discussion and possible action** on the proposed **new rule** at 16 Texas Administrative Code (TAC), **Chapter 94**, §94.60, regarding the **Property Tax Professionals** program. The proposed new rule implements Senate Bill 916, 87<sup>th</sup> Legislature, Regular Session (2021) which requires the Department to provide an electronic link on its website to provide users with access to appraisal district biennial performance review information from the State Comptrollers' Office. Commissioner Wesson, seconded by Commissioner Callas, made a motion to adopt the rules as published in the Texas Register with an effective date of May 1, 2022. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item N, **Discussion and possible action** on the proposed **amendments** to existing rules at 16 Texas Administrative Code (TAC), **Chapter 114**, §§114.20-114.22, 114.27, 114.29, 114.40, 114.50, 114.75, and 114.80, regarding the **Orthotists and Prosthetists** program. The proposed rules implement changes identified by the Department as a result of the four-year rule review process conducted under Texas Government Code §2001.39. The proposed rules update rule provisions to reflect current Department procedures, amend outdated rule language, and eliminate unnecessary fees. Commissioner Callas, seconded by Commissioner Wesson, made a motion to adopt the rules as published in the Texas Register with an effective date of May 1, 2022. Motion passed by unanimous vote.

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Chairman Figueroa moved to agenda item O, **Discussion and possible action** on the proposed **new rules** at 16 Texas Administrative Code (TAC), **Chapter 100**, §§100.1 - 100.3, 100.11, 100.60 - 100.65, and 100.70 - 100.73; the **repeal** of existing rules at §§100.1, 100.10, 100.31 and 100.50; **amendments** to existing rules at §§100.20, 100.30, and 100.40; and the addition of subchapter titles to an existing chapter, regarding **General Provisions for Health-Related Programs**. The proposed rules implement SB 40 and Tex. Occ. Code §51.501 by providing guidelines to health professionals for the use of telehealth and remote continuing education, update and amend outdated rule language, and relocate certain podiatry-specific provisions to the podiatry chapter. Commissioner Callas, seconded by Commissioner Castaneda, made a motion to adopt the rules as published in the Texas Register with an effective date of May 1, 2022. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item P, **Discussion and possible action** on the proposed **amendments** to an existing rule at 16 Texas Administrative Code (TAC), **Chapter 130**, Subchapter B, §130.27, and the proposed **new rule** at Subchapter G, §130.75, regarding the **Podiatry** program. The proposed rules relocate certain podiatry-specific provisions that implement Texas Occupations Code §51.2032 from their existing locations in 16 TAC Chapter 100 to the chapter of Department rules specifically regulating podiatry. Commissioner Wesson, seconded by Commissioner Castaneda, made a motion to adopt the rules as published in the Texas Register with an effective date of May 1, 2022. Motion passed by unanimous vote.

Chairman Figueroa moved to agenda item Q, Approval of appointments and or reappointment of members to Advisory Boards, including appointment of presiding officers. Commissioner Wesson, seconded by Commissioner Callas, made a motion to approve Chairman Figueroa’s Board Appointments recommendations. Motion passed by unanimous vote.

**APPOINTMENTS**

Board of Boiler Rules  
Kyle Stell, Houston, TX

Code Enforcement Officers Advisory Committee  
Kenneth Rocha, Austin, TX

Dyslexia Therapists and Practitioners Advisory Committee  
Hector Garcia, Abilene, TX

Electrical Safety and Licensing Advisory Board  
Kim Allen, Rockwall, TX

Elevator Advisory Board  
Brian P. Mitchell, Austin, TX

Licensed Breeders Advisory Committee  
Christena Stephens, Crowell, TX  
Kerbi Gagne, Lewisville, TX  
Valeri Davaney, Sugarland, TX

Registered Sanitarian Advisory Committee  
Terry Lynn Barber, Plano, TX

Speech-Language Pathologists and Audiologists Advisory Board  
Cherece N. Andrews, Houston, TX

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Texas Water Well Drillers Advisory Council

John “Mike” Pyburn, Manvel, TX  
Michael Becker, Marble Falls, TX  
Roger Russell, Nacogdoches, TX

**REAPPOINTMENTS**

Code Enforcement Officers Advisory Committee

Jyoti Naik, Port Lavaca, TX

Dietitians Advisory Board

Mary Kate “Suzy” Weems, Waco, TX

Elevator Advisory Board

John T. McGraw, Austin, TX  
Jerry A. Matheny, San Antonio, TX  
Sheila Swett, Houston, TX

**PRESIDING OFFICER APPOINTMENTS**

Air Conditioning and Refrigeration Contractors Advisory Board

Jerry Bitner, Round Rock, TX

Driver Training and Traffic Safety Advisory Committee

Carlos Reyna, Corpus Christi, TX

Elevator Advisory Board

Grayson Gill, Jr., Dallas, TX

Registered Sanitarian Advisory Committee

Stephen Kotsatos, McAllen, TX

Texas Water Well Drillers Advisory Council

Johnny L. “Rusty” Gilmore, Dalhart, TX

**PRESIDING OFFICER APPOINTMENTS**

Architectural Barriers Advisory Committee

John Rickard, Austin, TX

Auctioneer Advisory Board

Rick Stroud, Boerne, TX

Behavior Analyst Advisory Board

Dr. William “Gordon” Bourland, Arlington, TX

Code Enforcement Officers Advisory Committee

Teresa Adrian, Irving, TX

Combative Sports Advisory Board

Dr. Wayne Lee, San Antonio, TX

Electrical Safety and Licensing Advisory Board

Joseph Mark Roach, Portland, TX

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Hearing Instrument Fitters and Dispensers Advisory Board

Lance Brooks, Paris, TX

Massage Therapy Advisory Board

David Lauterstein, Austin, TX

Midwives Advisory Board

Laurie Fremgen, Austin, TX

Motorcycle Safety Advisory Board

Keith R. Rovell, Houston, TX

Property Tax Consultants Advisory Council

Steven G. Mills, Dallas, TX

Speech-Language Pathologists and Audiologists Advisory Board

Sherry Sancibrian, Lubbock, TX

Towing and Storage Advisory Board

Amy Milstead, Spring, TX

Weather Modification Advisory Committee

Frank Reilly, Horseshoe Bay, TX

Chairman Figueroa moved to agenda item R, Staff Reports: Briefing from agency staff on activities, statistical data, personnel changes, communications, and public outreach. May include discussion and update of the following topics: Agency Reports, Statistics, and Trends, and HUB Report and Mentor Protégé Program.

Chairman Figueroa moved to agenda item S, Agenda items for future commission meetings. No action was taken on this agenda item.

Chairman Figueroa moved to agenda item T, Discussion of date, time, and location of future commission meetings. No action was taken on this agenda item.

Chairman Figueroa adjourned the meeting at 10:20 a.m.

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Rick Figueroa, Chairman  
Texas Commission of Licensing and Regulation