

Licensing Division

Staff Report for the Behavior Analyst Advisory Board February 26, 2020

Statistics

Behavior Analysts

Fiscal Year	New	New % Online	Renewals	Renewed % Online	Population
2020	583	98%	1226	100%	2326
2021 (QTR 1)	163	98%	131	99%	2451

Assistant Behavior Analysts

Fiscal Year	New	New % Online	Renewed	Renewed % Online	Population
2020	34	94%	49	100%	138
2021 (QTR 1)	15	100%	10	100%	136

Web Contacts (emails)

Month	Number of Web Contacts
January 2021	28

Current Projects

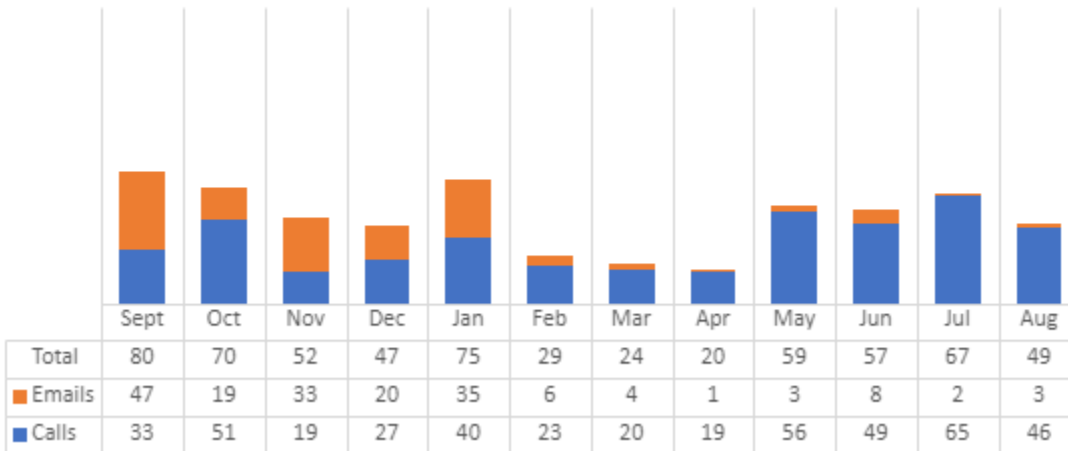
Developing statistics for the number of licensees not renewing for each license type.

Customer Service

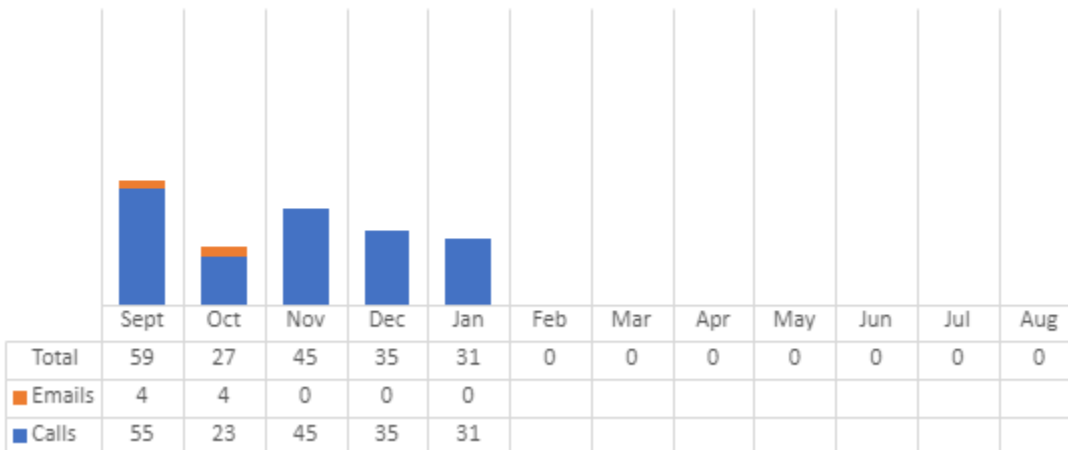
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Statistics

LICENSED BEHAVIOR ANALYSTS
CUSTOMER SERVICE CONTACTS
FISCAL YEAR 2020



LICENSED BEHAVIOR ANALYSTS
CUSTOMER SERVICE CONTACTS
FISCAL YEAR 2021



Enforcement Division

Staff Report for the Behavior Analyst Advisory Board

February 26, 2021

Personnel Updates:

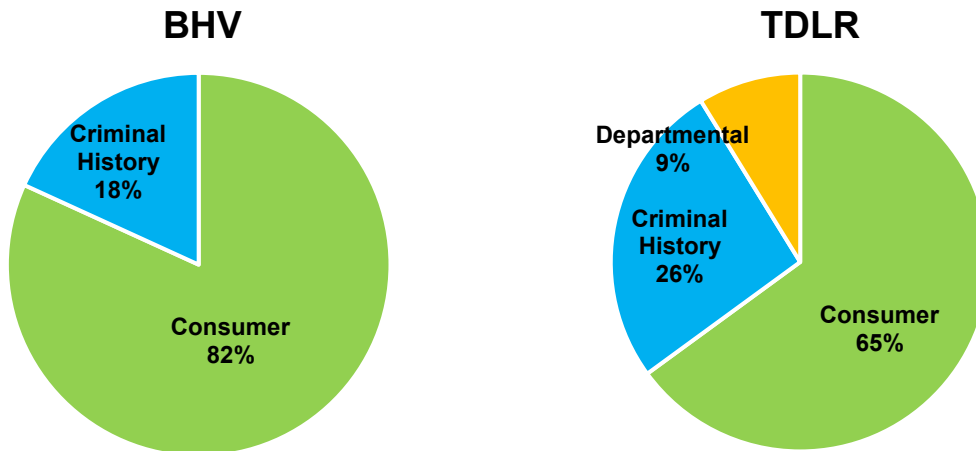
- On November 6, 2020, Prosecutor Ken Sharp retired after 7 years of service with TDLR and 13 years of total service to the citizens of Texas. During his tenure at TDLR Ken worked briefly on the Transportation team before joining the criminal history review team where he reviewed thousands of applications to see if the applicant's criminal records were serious enough to prevent them from being licensed. Ken was also very active in the Department's Veteran's Association, where he was both a cofounder of the organization and its first Commander.
- On December 4, 2020, Prosecutor Michael Shirk retired after 8 years of service with TDLR and nearly two decades of service to the citizens of Texas. Michael was a member of the Transportation team where his enthusiasm for public service and protecting the citizens of Texas was clearly evident. He was a joy to work with and served as a mentor for many of our attorneys on staff. He will be missed, but he left a legacy of public service that will be long remembered.
- Three Attorneys, Amanda Barrera, Aroosa Nizami and Natalie Olvera, were promoted to Attorney III positions to fill the vacancies that were created by the promotions and retirements in the Enforcement Division. Amanda's and Aroosa's promotions were effective December 15, 2020 and Natalie's promotion was effective January 1, 2021.
- On January 4th, 2021, Arthur Arevalo was hired to fill the Investigations Manager's position. Art retired from the Austin Police Department after nearly 26 years of service. Since then, he worked for the Travis County Sheriff's Office and more recently served as a Captain with the Texas State University Police Department. We look forward to his contribution to the success of our team as we continue to strengthen the Enforcement division with staff that embraces our mission and shares our dedication to make a positive impact serving the citizens of Texas.

Statistics:

Shown below are the Enforcement Performance Measures and key statistics for the Behavior Analyst (BHV) program and for all TDLR programs combined through December 2020 of **Fiscal Year 2021**:

Key Statistics:	BHV	TDLR
Cases opened	11	3,185
Cases closed	10	3,403
Average time to close (days)	186.90	199.89
% of cases resolved within 6 months	60.00%	61.53%
% of cases resulting in disciplinary action	0.00%	16.26%
Cases pending at end of December 2020	33	5,741

Source of Cases Opened for Fiscal Year 2021 through December 2020



Case Outcomes	BHV	TDLR
Commission Orders	0	10
Default Orders	0	228
Agreed Orders	0	306
Penalties Assessed	\$0.00	\$1,232,505.00
Penalties Collected	\$0.00	\$476,040.00
Licenses Revoked (Disciplinary)	0	50
Licenses Suspended	0	6
Licenses Denied/Revoked (Criminal History)	0	88
Cease & Desist Orders	0	7
Informally Resolved	10	2,796

BHV Cases closed and reasons through December 2020 of Fiscal Year 2021

Reason closed:	Count
Insufficient Evidence	8
Withdrawn by Complainant	1
Evaluation Letter Eligible	1

BHV Alleged Violations at Opening through December 2020 of Fiscal Year 2021

Alleged Violation:	Count
Code of ethics	9*
Criminal History	2
Unlicensed activity	1

BHV Violations Resulting in Disciplinary Action through December 2020 of Fiscal Year 2021

Violation:	Count
No violations resulting in Disciplinary Action for Fiscal Year 2021	N/A

BHV - Additional statistics through the end of December 2020

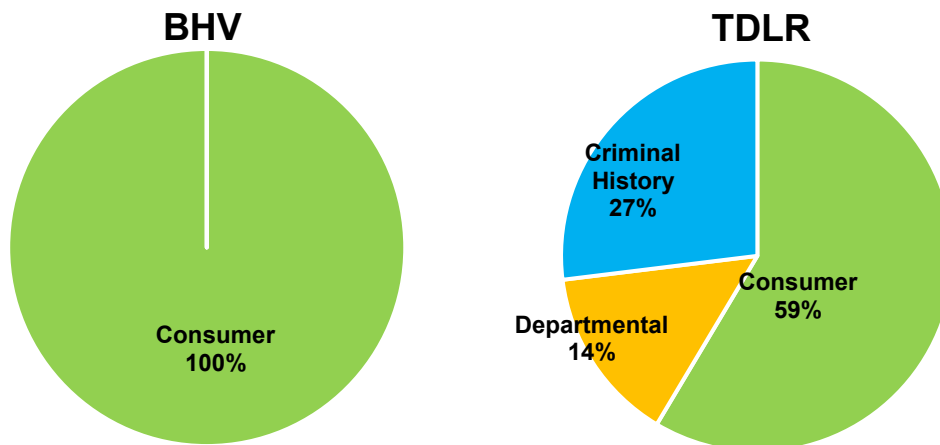
- The median age of the 33 pending cases at the end of December is 216 days.
- The oldest case had been opened for 819 days, and the newest had been open for 38 days.

*Alleged Code of Ethics Violation at opening	Count
Inappropriate multiple relationships	3
Physical abuse	2
Sexual misconduct	2
Practiced under the influence of drugs or alcohol	1
Recordkeeping	1
Total	9

Shown below are the Enforcement Performance Measures and key statistics for the Behavior Analyst (BHV) program and for all TDLR programs combined for **Fiscal Year 2020**:

Performance Measure	BHV	TDLR
Cases opened	35	10,465
Cases closed	10	9,763
Average time to close (days)	98.90	157.58
% of cases resolved within 6 months	90.00%	68.64%
% of cases resulting in disciplinary action	0.0%	13.48%
Cases Pending at end of FY 2020	30	5,850

Source of Cases Opened Fiscal Year 2020



Case Outcomes	BHV	TDLR
Commission Orders	0	28
Default Orders	0	339
Agreed Orders	0	853
Penalties Assessed	\$0	\$2,360,451.00
Penalties Collected	\$0	\$1,296,792.16
Licenses Revoked (Disciplinary)	0	62
Licenses Suspended	0	4
Licenses Denied/Revoked (Criminal History)	0	240
Cease & Desist Orders	0	46
Informally Resolved	10	8,365

BHV Alleged Violations at Opening for Fiscal Year 2020

Violation:	Count
Code of ethics	33
Unlicensed activity	2
Lacks honesty, trustworthiness and integrity	1

BHV Violations Resulting in Disciplinary Action for Fiscal Year 2020

No BHV violations resulting in Disciplinary Action for Fiscal Year 2020

BHV Cases closed and reasons for Fiscal Year 2020

Reason closed:	Count
Insufficient Evidence	9
Warning Letter	1

Regulatory Program Management

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Personnel Updates

The Medical and Health Professions Section has two new staff members. Angela Sanders and Shawn O’Neal joined our section on February 1, 2021. Angela has worked for TDLR since 2017 and Shawn has been with TDLR since 2005. We are happy to welcome them to our team and look forward to working with them.

Current Projects

Staff facilitated the Education and Examination Workgroup meeting to review and discuss HB 2059 from the 86th Regular Session, which requires licensees to take an approved human trafficking prevention training course for license renewal. The workgroup reviewed information to make a recommendation on whether the course should count for continuing education.

The TDLR Health Occupations Annual Report was submitted to the Chairs of the House Licensing and Administrative Procedures Committee, House Public Health Committee, Senate Business and Commerce Committee and Senate Health and Human Services Committee on Feb 1. The report is statutorily required and contains programmatic license and complaint data. The report was emailed to the members earlier in February. It is also available on the TDLR webpage under Agency Reports.

Staff have been working on rule review projects for six of the Medical and Health Profession programs. Program rule reviews occur every four years.

Staff have been working on draft emergency rules, to be enacted if a disaster declaration is issued from the Governor’s Office in the future.

Staff have been reviewing bills filed with the Texas Legislature, 87th Regular Session.

Staff have been involved in the development of the new Texas Licensing System.

Outreach

RPM staff attended the virtual Texas Association for Behavior Analysis (TxABA) Conference, which was held February 11-14.