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# **Implementation Report Senate Bill 202, Article 1**

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**As Required By  
Senate Bill 202, Section 1.301, 84th Regular Session, 2015**



**Texas Department of Licensing and Regulation  
December 2016**

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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 S.B. 202, Article 1, 84th Regular Session of the Texas Legislature, 2015. S.B. 202, Article 1 implemented the Sunset Advisory Commission's recommendation to transfer 13 occupational licensing programs from the Department of State Health Services (DSHS) to TDLR. The recommendation was intended to reduce the regulatory responsibilities assigned to DSHS and result in more effective administration of the programs at TDLR.

S.B. 202 required the transfer of the programs to TDLR in two phases. The first seven programs were required to be transferred no later than August 31, 2017. The remaining six programs are required to be transferred no later than August 31, 2019.

As required by Sec. 1.300 of the bill, DSHS and TDLR adopted a transition plan in April 2016 to provide for the orderly transfer of powers, duties, functions, programs, and activities. Under the terms of the transition plan, the first seven programs were successfully transferred to TDLR on October 3, 2016, well in advance of the August 31, 2017 deadline. The remaining six programs are scheduled to transfer on November 1, 2017.

## **Legislative Requirements**

S.B. 202 (2015), Article 1, Sec. 1.301, requires the development and submission of this report.

“(a) The Texas Department of Licensing and Regulation shall, not later than December 1 of each year, submit a report regarding the implementation of this article with respect to that calendar year to:

(1) the Sunset Advisory Commission;

(2) each standing committee of the senate and house of representatives having primary jurisdiction over matters related to health and human services or the occupational licensing of health-related professions; and

(3) each advisory board or committee established to advise the Texas Department of Licensing and Regulation with regard to a program transferred to the department under this article.

(b) A report submitted under this section must include:

(1) detailed information regarding:

(A) the status of the implementation of the transition plan adopted under Section 1.300 of this Act, including an explanation of any delays or challenges in implementing the plan;

(B) appointments to each advisory board or committee established to advise the Texas Department of Licensing and Regulation with regard to a program transferred to the department under this article; and

(C) the establishment and operation of the health professions division of the Texas Department of Licensing and Regulation; and

(2) any other information the Texas Department of Licensing and Regulation considers relevant to the transfer of programs to the department under this article.

(c) In preparing a report required by this section, the Texas Department of Licensing and Regulation shall solicit input from the Department of State Health Services and each advisory

board or committee established to advise the Texas Department of Licensing and Regulation with regard to a program transferred to the department under this article.

(d) The Texas Department of Licensing and Regulation shall make each report submitted under this section available to the public on the department's Internet website.

(e) This section expires January 1, 2020.”

### **Status of Implementation of the S.B. 202 Transition Plan**

TDLR and DSHS adopted a detailed transition plan with a number of components:

- Summary of all transition and planning activities completed after the enactment of S.B. 202 and prior to the adoption of the transition plan;
- Summary of programs to be transferred, including current governance structure and projected transfer dates; and
- Specific activities to be accomplished in each phase of the transfers, with designation of the responsible agency and projected completion dates.

The transition plan projected the transfer date of the first seven programs to be October 1, 2016. Those programs include:

- Athletic trainers
- Dietitians
- Dyslexia therapists and practitioners
- Fitters and dispensers of hearing instruments
- Midwives
- Orthotists and prosthetists
- Speech-language pathologists and audiologists

These seven programs were successfully transferred to TDLR on October 3, 2016, and there were no delays or challenges associated with the transfers. The success of the transfer is due to the collaborative working relationship that exists between TDLR and DSHS, as well as extensive pre-transfer planning.

At the time of adoption of the transition plan, the projected transfer date of the remaining six programs could not be determined. Both agencies agreed that the transfer date for the second phase would be determined after completion of the first phase. TDLR and DSHS are currently holding discussions on the second phase transfer date, which is expected to be November 1, 2017. These programs include:

- Code enforcement officers
- Laser hair removal professionals and facilities
- Massage therapists, instructors, schools, and establishments
- Mold assessors and remediators
- Offender education providers
- Sanitarians

A copy of the transition plan is included with this report.

## **Abolishment of Existing Boards**

S.B. 202, Sec. 1.300(c) required that on the date specified in the transition plan for the transfer of a program to TDLR, the existing board associated with the program is abolished. In accordance with this provision, the following boards and committees were abolished on October 1, 2016:

- Advisory Board of Athletic Trainers
- Texas State Board of Examiners of Dietitians
- Dyslexia Therapists and Practitioners Advisory Committee
- State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments
- Texas Midwifery Board
- Texas Board of Orthotics and Prosthetics
- State Board of Examiners for Speech-Language Pathology and Audiology

## **TDLR Advisory Board and Advisory Committee Appointments**

On October 14, 2015, the Texas Commission of Licensing and Regulation established the new advisory boards and committees and began appointing members. TDLR hosted an Advisory Board Summit on October 28-29, 2015, and boards began meeting in early 2016.

The Advisory Board of Athletic Trainers consists of five members serving six year terms expiring on January 31 of each odd-numbered year. Members are David Weir, College Station, Presiding Officer; Darrell Ganus, Kilgore; Dr. David Schmidt, San Antonio; Brittney Webb, San Marcos; and Michael Fitch, Richardson.

The Dietitians Advisory Board consists of nine members serving staggered six-year terms expiring September 1 of each odd-numbered year. Members are Janet Suzanne Hall, Presiding Officer, Florence; Irma G. Gutierrez, Georgetown; Matilde Ladnier, Houston; Aida “Letty” Moreno-Brown, El Paso; LeAnne Skinner, Austin; Mary Kate “Suzy” Weems, Waco; and Cynthia J. Comparin, Dallas. Currently, the advisory board has two vacant public member positions.

The Dyslexia Therapists and Practitioners Advisory Committee consists of five members serving six year terms expiring on December 31 of each odd-numbered year. Members are Robin G. Cowsar, Presiding Officer, Fredericksburg; Misty Dempsey, Kingwood; Helen M. Macik, Dallas; Letricia L Niegos, Amarillo; and Beatriz Daniels, Brownsville.

The Hearing Instrument Fitters and Dispensers Advisory Board consists of nine members serving staggered six-year terms with the terms of three members expiring on February 1 of each odd-numbered year. Members are Benjamin Norris, Presiding Officer, Waco; Jackie Cooper, Spring; Richard Davila, Lubbock; Gary Haun, San Angelo; Jesus Rangel, Longview; and Amy Trost, Seguin. Currently, the advisory board has two public member vacancies and one vacancy for a Doctor of Otolaryngology.

The Midwives Advisory Board consists of nine members serving staggered six year terms with the terms of three members expiring on January 31 of each odd-numbered year. Members are Meredith Rentz Cook, Presiding Officer, Keller; Brenda Buffington, Livingston; Janet Dirmeyer, Comfort; Laurie Fremgen, Austin; Dr. Charleta Guillory, Houston; Linda Hart, Galveston; Victoria Meinhardt, Austin; Helen Nelson, Grand Prairie; and Dr. Michael Nix, Austin.

The Orthotists and Prosthetists Advisory Board consists of seven members serving staggered six-year terms with the terms of two or three members expiring on February 1 of each odd-numbered year. Members are Miguel Mojica, Presiding Officer, Dallas; David Ahrens, Denton; Randall Duncan, Sherman; Kevin C. Matthews, San Antonio; Catherine A. Mize, Double Oak; and Sterling Phillips, Lubbock. Currently, the advisory board has one vacancy for a public member who uses an orthosis.

The Speech-Language Pathologists and Audiologists Advisory Board consists of nine members serving six year terms with the terms of three members expiring September 1 of each odd numbered year. Members are Sherry Sancibrian, Presiding Officer, Lubbock; Emanuel Bodner, Houston; Patricia Brannon, San Antonio; Cheval Bryant, Houston; Dr. Tammy Camp, Shallowater; Michelle Tejada, San Antonio; Dr. Cristen Plummer-Culp, Austin; and Karl Hummel, Austin. Currently, the advisory board has one vacancy for an audiologist.

### **Implementation of Phase One Program Transfers**

TDLR issued a Statement of Work for vendors to bid on a licensing system for the new programs. The contract was awarded in March 2016 to Iron Data (Micropact) for the Versa product, the same system that is in use at DSHS. TDLR hired the necessary staff and formed a project team.

TDLR formed the Health Professions Consolidation Team in July 2016 to coordinate and facilitate internal activities and planning. Each functional area of the agency (licensing, customer service, enforcement, financial services, information technology, compliance, general counsel, strategic communications, innovation, web services) was represented at the team's weekly meetings. DSHS staff also participated as members of the team. The team coordinated the creation of new web content, the revision of forms and publications, and public outreach to license holders via e-mails and a mass mailing. The team analyzed and resolved challenges and concerns related to go-live, staff training, the transfer of records from DSHS to TDLR, and external inquiries.

For the first three business days after the program transfers, TDLR staffed a command center to monitor all aspects of the transfer, including information technology issues, the volume of customer contacts by telephone and e-mail, the timeliness of responses to customer contacts, and the processing of initial and renewal license applications. After analysis of TDLR's performance in these areas for the first three days, the command center was discontinued due to the overall success of the transfer operation.

Table 1- Licensing Statistics for Transfer Programs, October 2016

<b>Program</b>	<b>License Renewals</b>	<b>New License Applications</b>	<b>Total by Program</b>
Athletic Trainers	182	23	205
Dietitians	283	25	308
Dyslexia Therapists & Practitioners	82	4	86
Hearing Instrument Fitters & Dispensers	31	8	39
Licensed Prosthetists & Orthotists	38	3	41
Speech Language Pathologists & Audiologists	960	71	1,031
	<b>1,576</b>	<b>134</b>	<b>1,710</b>

Table 2 - Customer Service Statistics for Transfer Programs, October 2016

<b>Program</b>	<b>Phone Calls Answered</b>	<b>Email Response</b>
Athletic Trainers	283	248
Dietitians	423	310
Dyslexia Therapists & Practitioners	53	31
Hearing Instrument Fitters & Dispensers	157	115
Licensed Prosthetists & Orthotists	63	45
Midwives	18	15
Speech Language Pathologists & Audiologists	2138	1,734
	<b>3,135</b>	<b>2,498</b>

Table 3 - Jurisprudence Exams Administered, October 2016

<b>Program</b>	<b>Exams Administered</b>
Athletic Trainers	29
Dietitians	243
Dyslexia Therapists & Practitioners	*
Hearing Instrument Fitters & Dispensers	6
Licensed Prosthetists & Orthotists	2
Midwives	2
Speech Language Pathologists & Audiologists	96
	<b>378</b>

Table 4 - Web, Email and Social Media Outreach, October 2016

<b>Outreach</b>	
Welcome to TDLR emails delivered	8,292
Open rate	36% (2,954 unique)
Click rate	11% (921 unique)
TDLR Health Facebook page likes	283
Facebook reach	2,776
Twitter @TDLRHealth followers	16
Overall total website page views	+ 2%

## **Implementation of Phase Two Program Transfers**

TDLR plans to replicate the successful Phase One transfer during Phase Two under the continued guidance of the Health Professions Consolidation Team. Team members have evaluated various aspects of the Phase One transfer and proposed streamlining and improvements to the transfer process which will be of benefit in Phase Two.

The ultimate success of Phase Two is dependent on legislative approval of Exceptional Item One, described in TDLR's FY 2018-2019 Legislative Appropriations Request. TDLR Exceptional Item One requests twenty-five FTEs, and appropriations of \$2,334,072 in fiscal year 2018 and \$1,502,995 in fiscal year 2019.

Since Phase Two was not scheduled to occur within the FY 2016-2017 biennium, funding was not included in the 2015 General Appropriations Act. Successful program consolidation requires sufficient and timely funding to evaluate the programs, solicit and select information technology bids, streamline and adopt program rules, identify and select office locations, train existing staff, and hire and train new staff.

In addition, TDLR's 2017-2021 Strategic Plan proposes a number of statutory changes for programs transferred in Phases One and Two that would eliminate unneeded or redundant licenses and regulatory requirements, eliminate licensing impediments and other excessive requirements, and eliminate burdens and government interference with business practices. These recommendations, if adopted by the Legislature, would better align the transferring programs with TDLR's existing and successful regulatory model.

## **Stakeholder and Advisory Board Outreach**

TDLR believes that proactive communication with licensees and interested parties is essential to the ongoing successful operation of its licensing programs. Staff within the TDLR Compliance Division served as a point of contact for professional associations and advisory board chairs during the important post-transition period. Staff conducted approximately 30 telephone calls to share specific information regarding the status of the transition and to solicit input and concerns from the regulated community. Outreach telephone calls were conducted in mid-October 2016 (two weeks after the transition effective date) and were conducted again in early November 2016. TDLR received much useful information from stakeholders which allowed for improvements in service delivery. TDLR received significant positive feedback regarding the transition planning effort. Outreach included each of the seven advisory board chairs, as well as the following associations:

- Academic Language Therapy Association
- Texas State Athletic Trainers Association
- Texas Academy of Audiology
- Texas Speech-Hearing-Language Association
- Texas Academy of Nutrition and Dietetics
- Texas Hearing Aid Association



- Association of Texas Midwives
- Texas Association of Orthotists and Prosthetists
- American Academy of Orthotists and Prosthetists, Texas Chapter

### **Establishment and Operation of the TDLR Health Professions Division**

TDLR provides services to programs through its proven and successful model, consisting of major functional divisions, such as licensing, customer service, enforcement, compliance, and education/examinations. TDLR has staff within each functional division that are dedicated to serving the health professions programs. The Health Professions Section within the Compliance Division is the division identified in S.B. 202 with health related programs. For operational purposes, as described above, TDLR administers the health professions programs throughout its functional alignment.

**Transition Plan**  
**Transfer of Occupational Licensing Programs from DSHS to TDLR**  
**Senate Bill 202, Article 1**

**BACKGROUND**

Senate Bill 202, 84<sup>th</sup> Legislature, 2015, relates to the transfer of certain occupational regulatory programs and the deregulation of certain activities and occupations. Article 1 of the bill relates to transferring occupational regulatory programs from the Department of State Health Services (DSHS) to the Texas Department of Licensing and Regulation (TDLR):

- Part 1, Art. 1 transfers seven programs no later than August 31, 2017
- Part 2, Art. 1 transfers six programs no later than August 31, 2019
- Part 3, Art. 1 contains transition provisions for Parts 1 and 2

**STATUTORY AUTHORITY**

**Transition Provisions, SB 202, Art. 1, Part 3:**

**Section 1.299.** (a) A rule or fee of the Department of State Health Services that relates to a program transferred under this article and that is in effect on the effective date of the transfer remains in effect until changed by the Texas Commission of Licensing and Regulation.

(b) A license, permit, certificate of registration, or other authorization issued by the Department of State Health Services for a program transferred under this article is continued in effect as a license, permit, certificate, or other authorization of the Texas Department of Licensing and Regulation after the effective date of the transfer.

(c) A complaint, investigation, contested case, or other proceeding before the Department of State Health Services relating to a program transferred under this article that is pending on the effective date of the transfer is transferred without change in status to the Texas Commission of Licensing and Regulation or Texas Department of Licensing and Regulation, as appropriate.

**Section 1.300.** (a) As soon as practicable after the effective date of a transfer under this article, the Department of State Health Services and the Texas Department of Licensing and Regulation shall adopt a transition plan to provide for the orderly transfer of powers, duties, functions, programs, and activities under this article. The transition plan must provide for the transfer to be completed:

- (1) not later than August 31, 2017, for a program transferred under Part 1 of this article; or
- (2) not later than August 31, 2019, for a program transferred under Part 2 of this article.

(b) The Department of State Health Services shall provide the Texas Department of Licensing and Regulation with access to any systems or information necessary for the Texas Department of Licensing and Regulation to accept a program transferred under this article.

(c) On the date specified in the transition plan required under Subsection (a) of this section for the transfer of a particular program to the Texas Department of Licensing and Regulation, if applicable, the existing board associated with the program is abolished and the Texas Department of Licensing and Regulation shall, as soon as practicable after that date, appoint the advisory board for the program.

(d) On the date specified in the transition plan required under Subsection (a) of this section for the transfer of a particular program to the Texas Department of Licensing and Regulation, all full-time equivalent employee positions at the Department of State Health Services that primarily concern the administration or enforcement of the program being transferred become positions at the Texas Department of Licensing and Regulation. The Texas Department of Licensing and Regulation shall post the positions for hiring and, when filling the positions, shall give

consideration to, but is not required to hire, an applicant who, immediately before the date of the transfer, was an employee at the Department of State Health Services primarily involved in administering or enforcing the transferred program.

(e) Not later than August 31, 2017, the Texas Department of Licensing and Regulation shall create a health professions division to oversee programs transferred under this article and to ensure the department develops the necessary health-related expertise.

**SECTION 1.301.** (a) The Texas Department of Licensing and Regulation shall, not later than December 1 of each year, submit a report regarding the implementation of this article with respect to that calendar year to:

- (1) the Sunset Advisory Commission;
- (2) each standing committee of the senate and house of representatives having primary jurisdiction over matters related to health and human services or the occupational licensing of health-related professions; and
- (3) each advisory board or committee established to advise the Texas Department of Licensing and Regulation with regard to a program transferred to the department under this article.

(b) A report submitted under this section must include:

- (1) detailed information regarding:
  - (A) the status of the implementation of the transition plan adopted under Section 1.300 of this Act, including an explanation of any delays or challenges in implementing the plan;
  - (B) appointments to each advisory board or committee established to advise the Texas Department of Licensing and Regulation with regard to a program transferred to the department under this article; and
  - (C) the establishment and operation of the health professions division of the Texas Department of Licensing and Regulation; and
- (2) any other information the Texas Department of Licensing and Regulation considers relevant to the transfer of programs to the department under this article.

(c) In preparing a report required by this section, the Texas Department of Licensing and Regulation shall solicit input from the Department of State Health Services and each advisory board or committee established to advise the Texas Department of Licensing and Regulation with regard to a program transferred to the department under this article.

(d) The Texas Department of Licensing and Regulation shall make each report submitted under this section available to the public on the department's Internet website.

(e) This section expires January 1, 2020.

**SUMMARY**

PHASE 1

Seven programs transferring from DSHS to TDLR under SB 202, Art. 1, Part 1 not later than August 31, 2017:

Program	Current Governance Structure	Projected Transfer Date
Athletic Trainers	Governor-appointed board with independent licensing, rulemaking, and enforcement authority*	10/1/2016
Dietitians	Governor-appointed board with independent licensing, rulemaking, and enforcement authority*	10/1/2016
Dyslexia Therapists/Practitioners	DSHS Commissioner-appointed advisory committee that advises DSHS regarding rules and program administration	10/1/2016
Fitters/Dispensers of Hearing Instruments**	Governor-appointed board with independent licensing, rulemaking, and enforcement authority*	10/1/2016

Midwives**	DSHS Commissioner-appointed board with independent licensing, rulemaking, and enforcement authority*	10/1/2016
Orthotists and Prosthetists	Governor-appointed board with independent licensing, rulemaking, and enforcement authority*	10/1/2016
Speech-Language Pathologists and Audiologists	Governor-appointed board with independent licensing, rulemaking, and enforcement authority*	10/1/2016

\* Independent boards are abolished on the date of transfer as specified in this transition plan. See SB 202, Sec. 1.300(c).

\*\* Rules of these two boards are currently required to be approved by the Executive Commissioner, Health and Human Services Commission, after adoption by the boards.

## PHASE 2

Six programs transferring from DSHS to TDLR under SB 202, Art. 1, Part 2 not later than August 31, 2019:

Program	Current Governance Structure	Projected Transfer Date
Code Enforcement Officers	DSHS is the licensing and enforcement authority. Rules are adopted by the HHSC Executive Commissioner.	TBD
Laser Hair Removal Professionals and Facilities	DSHS is the licensing and enforcement authority. Rules are adopted by the HHSC Executive Commissioner.	TBD
Massage Therapists, Instructors, Schools, and Establishments	DSHS is the licensing and enforcement authority. Rules are adopted by the HHSC Executive Commissioner.	TBD
Mold Assessors and Remediators	DSHS is the licensing and enforcement authority. Rules are adopted by the HHSC Executive Commissioner.	TBD
Offender Education Providers	DSHS is the licensing and enforcement authority. Rules are adopted by the HHSC Executive Commissioner.	TBD
Sanitarians	DSHS is the licensing and enforcement authority. Rules are adopted by the HHSC Executive Commissioner.	TBD

## ACTIVITIES – PHASE 1

This transition plan is dynamic and many dates for transfer activities are still being determined. The following Part 1 and Part 2 sections reflect the ongoing plan as developed by the Department of State Health Services and the Department of Licensing and Regulation. Both Part 1 and Part 2 provide a comprehensive look at the key transition activities. Some activities are dependent on the completion of other activities. The plan will be updated as the transfer progresses.

### PART 1

Activity	Responsible Agency	Projected Completion Date
Held initial planning meetings.	Both	July 2015
DSHS provided comprehensive overview presentations for each program in Phase 1 to the TDLR Transition Team.	DSHS	7/15/2015 - 9/15/2015

Updated websites with current status of transfers	Both	9/1/2015 and ongoing
Provided information and status updates to existing boards and new advisory boards regarding program transfers.	Both	9/1/2015 and ongoing
TDLR provided comprehensive overview presentation to DSHS regarding the organization and operation of the agency.	TDLR	10/15/2015
Appointed and trained advisory boards for Phase 1 programs.	TDLR	11/5/2015
Published proposed rules for Phase 1 programs.	TDLR	12/15/2015
DSHS identified FTEs described by SB 202, §1.300(d).	DSHS	4/1/2016
DSHS will provide guidance to staff in preparing for interviews.	DSHS	4/1/2016
TDLR staff training to learn the DSHS Regulatory Automation System (Versa Regulation), licensing process and module, and complaint/enforcement process and module.	DSHS	4/1/2016 – 10/1/2016
Transfer funds via IAC to DSHS to support program operations in FY 2016.	Both	4/1/2016
Provide current contact information on all phase 1 licensees and applicants for correspondence purposes.	DSHS	6/1/2016
Discontinue sending renewal notices to license holders for license set to expire 10/30/2016 and after). Last notices to be sent will be for licenses set to expire on 9/30/2016.	DSHS	8/1/2016
Transfer test data from Versa Regulation (licensing database).	Both	8/15/2016
Inactivate online licensing transactions via Versa Online.	DSHS	9/15/2016
Remove downloadable applications from program websites.	DSHS	9/15/2016
Perform case closures for complaints and enforcement cases to the extent possible.	DSHS	9/15/2016
Coordinate transfer of open complaints and investigations in progress.	Both	9/15/2016
Coordinate transfer of enforcement cases in progress.	Both	9/15/2016
Coordinate transfer of staff with transfer of functions	Both	9/30/2016
Coordinate transfer of licensing transactions in progress.	Both	9/30/2016
Inventory and transfer paper records, both on-site and off-site. Obtain approval to transfer from Records Management.	DSHS	9/15/2016
Transfer final data from Versa Regulation (licensing database).	Both	9/28/2016
Inactivate web-based live search and license verification.	DSHS	9/30/2016
Existing licensing boards are abolished.	DSHS	10/1/2016
Operationalize program transfers.	TDLR	10/1/2016
Orient and train new staff.	TDLR	10/1/2016
Place recordings on DSHS phone lines directing callers to TDLR.	DSHS	10/1/2016
Provide sufficient telecommunications infrastructure to accommodate volume associated with new programs.	TDLR	10/1/2016
Discontinue receiving remittances for transferred programs. Return remittances to sender along with explanatory letter redirecting the remitter to TDLR.	DSHS	10/1/2016
Provide consultation, information, and support to TDLR as needed.	DSHS	10/1/2016 and ongoing
Amend DSHS Texas.gov custom agreement (responsible parties: DSHS, TDLR, texas.gov, DIR)	DSHS TDLR	10/1/2016
Update Texas.gov links (responsible parties: DSHS, TDLR, texas.gov service desk)	DSHS TDLR	10/1/2016

PART 2

**JUNE 2015**

**TDLR Review of Staff Support for Advisory Committee Functions**

3<sup>rd</sup> TDLR completed an assessment of staff support needed for TDLR's 19 advisory committees and made recommendations for adding more staff to support seven new advisory committees this biennium.

**DSHS-TDLR Staff Collaboration**

10<sup>th</sup> DSHS and TDLR executives held a meeting to discuss aspects of program transfers.

**TDLR's Program Integration Team (PIT)**

22<sup>nd</sup> TDLR established a Program Integration Team (PIT) to lead the agency in assimilating the Phase I licensing programs now at DSHS (Athletic Trainers, Dietitians, Dyslexia Therapists and Practitioners, Hearing Instrument Fitters and Dispensers, Midwives, Orthotists and Prosthetists, and Speech-Language Pathologists and Audiologists).

**Rule Reviews and Rule Drafting by TDLR Staff**

25<sup>th</sup> TDLR executives and PIT team lead met with Office of General Counsel (OGC) attorneys to discuss elements of a transition plan.

**JULY 2015**

**DSHS-TDLR Staff Collaboration**

1<sup>st</sup> TDLR staff provided DSHS with a proposed timeline to transfer the first seven DSHS programs to TDLR.

1<sup>st</sup> DSHS staff hosted the first work session to acquaint TDLR staff with the rules, policies, and procedures used by DSHS in the licensure of the seven programs coming to TDLR in 2016.

7<sup>th</sup> TDLR staff reviewed and provided input regarding a draft of a DSHS letter to its six governing boards. (Note: Dyslexia Therapists and Practitioners have no governing board.)

22<sup>nd</sup> DSHS staff hosted the second work session to acquaint TDLR staff with the rules, policies, and procedures used by DSHS in the licensure of the seven programs coming to TDLR in 2016.

**TDLR's Program Integration Team (PIT)**

27<sup>th</sup> TDLR team members met to discuss and draft proposed language for a web page informing our customers of the program transfers.

30<sup>th</sup> TDLR team members met to discuss and draft proposed language for a web page informing our customers of the program transfers.

**TDLR Advisory Board Implementation**

22<sup>nd</sup> Notice of vacancies for advisory board positions filed with the *Texas Register*.

31<sup>st</sup> Notice of vacancies for advisory board positions published in the *Texas Register*.

31<sup>st</sup> Advisory board applications made available on the TDLR website in PDF form.

**Rule Reviews and Rule Drafting by TDLR Staff**

20<sup>th</sup> TDLR Executives and the PIT team lead met with OGC attorneys to discuss elements of a transition plan.

27<sup>th</sup> TDLR staff met with OGC attorneys to discuss agency membership and/or affiliation with the Health Professions Council.

**TDLR Staff Participation in DSHS Board and Committee Proceedings**

16<sup>th</sup> TDLR staff attended Orthotics and Prosthetics rules work group. (TDLR staff participated in Q & A sessions, public meetings of the governing boards, and various committees and work groups supporting them.)

**AUGUST 2015**

**TDLR Advisory Board Implementation**

5<sup>th</sup> Online advisory board applications made available on TDLR website and posted on TDLR social media platforms.

12 <sup>th</sup>	Email notifications sent to existing DSHS email subscribers with links to apply for advisory board positions.
<b>DSHS-TDLR Staff Collaboration</b>	
24 <sup>th</sup>	DSHS staff hosted the third work session to acquaint TDLR staff with the rules, policies, and procedures used by DSHS in the licensure of the seven programs coming to TDLR in 2016.
<b>TDLR Staff Participation in DSHS Board and Committee Proceedings</b>	
28 <sup>th</sup>	TDLR staff attended Texas Board of Orthotics and Prosthetics meeting. (TDLR staff participated in Q & A sessions, public meetings of the governing boards, and various committees and work groups supporting them.)

**SEPTEMBER 2015**

<b>DSHS-TDLR Staff Collaboration</b>	
8 <sup>th</sup>	TDLR leaders met to discuss an IAC to transfer funds for ongoing operations at DSHS.
10 <sup>th</sup>	TDLR leaders met to discuss an IAC to transfer funds for ongoing operations at DSHS.
18 <sup>th</sup>	DSHS hosted TDLR staff for a demonstration of how Versa is used for licensure at DSHS.
18 <sup>th</sup>	TDLR staff attended a DSHS-hosted pre-examination orientation for the Fitting and Dispensing of Hearing Instruments exam.
21 <sup>st</sup>	TDLR hosted first work session for DSHS executives and key administrators to acquaint them with TDLR's functional alignment model.
24 <sup>th</sup>	TDLR staff observed the administering of a Fitting and Dispensing of Hearing Instrument examination at DSHS.
29 <sup>th</sup>	TDLR hosted second work session for DSHS executives and key administrators to acquaint them with TDLR's functional alignment model.

<b>TDLR's Program Integration Team (PIT)</b>	
2 <sup>nd</sup> - 30 <sup>th</sup>	TDLR PIT members reviewed existing DSHS rules and provided input to the rules-adoption process led by the OGC.
16 <sup>th</sup>	TDLR PIT members met to compose Power Point slides for use at work sessions with DSHS administrators.

<b>TDLR Advisory Board Implementation</b>	
15 <sup>th</sup> -18 <sup>th</sup>	Chairman Arismendez and TDLR executive staff complete initial review and vetting of advisory board applications.

<b>Rule Reviews and Rule Drafting by TDLR Staff</b>	
10 <sup>th</sup>	TDLR executives and PIT members met with OGC attorneys to discuss considerations for a thorough rule review of the programs being transferred.
17 <sup>th</sup>	TDLR executives and PIT members met with OGC attorneys to discuss considerations for a thorough rule review of the programs being transferred.
22 <sup>nd</sup>	TDLR executives and PIT members met with OGC attorneys to discuss considerations for a thorough rule review of the programs being transferred.
22 <sup>nd</sup> to present	TDLR OGC attorneys drafted new rules for the seven DSHS programs for advisory committee review (to take place in November).

<b>Advisory Committees and Summit</b>	
2 <sup>nd</sup>	TDLR PIT members made plans for a Summit to be hosted by TDLR for new advisory committee members. Team members proposed a Summit agenda.
16 <sup>th</sup>	TDLR PIT members met to revise the Summit agenda and discuss content.
18 <sup>th</sup>	TDLR executives met with DSHS leaders to discuss issues related to new advisory committees.

**TDLR Staff Participation in DSHS Board and Committee Proceedings**

14<sup>th</sup> TDLR staff attended Texas Midwifery Board meeting and the Board's Education Committee meeting. (TDLR staff participated in Q & A sessions, public meetings of the governing boards, and various committees and work groups supporting them.)

**TDLR Staff Interaction with Industry Stakeholders**

30<sup>th</sup> TDLR executives attended the Texas Academy of Nutrition and Dietitians meeting in Austin.

**TDLR Collaboration with Department of Information Resources (DIR) in Securing a Cloud Platform for Licensure of New Programs**

3<sup>rd</sup> TDLR staff met with DIR, a potential vendor (Iron Data), and other state agency personnel to explore accessing an Amazon cloud connection through its DCS program.

11<sup>th</sup> TDLR staff met with DIR, a potential vendor (Iron Data), and other state agency personnel to explore accessing an Amazon cloud connection through its DCS program.

**OCTOBER 2015****DSHS-TDLR Staff Collaboration**

6<sup>th</sup>-7<sup>th</sup> TDLR hosted work sessions with DSHS executive directors and TDLR OGC attorneys working on new rule drafting.

**Rule Reviews and Rule Drafting by TDLR Staff**

22<sup>nd</sup> Executives and PIT members met with OGC attorneys to discuss considerations for a thorough rule review of the programs being transferred.

**Advisory Committees and Summit**

13<sup>th</sup> TDLR advisory board support team met to finalize Summit agenda and content.

14<sup>th</sup> TDLR Commission established six new advisory committees and appointed members to each.

28<sup>th</sup>-29<sup>th</sup> TDLR hosted Advisory Board Summit.

**TDLR Staff Participation in DSHS Board and Committee Proceedings**

15<sup>th</sup>-16<sup>th</sup> TDLR staff attended the Texas Board of Speech-Language Pathologists and Audiologists meeting and the Board's Rules and Scope-of-Practice Committee meetings in San Antonio. (TDLR staff participated in Q & A sessions, public meetings of the governing boards, and various committees and work groups supporting them.)

**TDLR Staff Interaction with Industry Stakeholders**

1<sup>st</sup> TDLR hosted discussions with members of the Association of Texas Midwives.

8<sup>th</sup> TDLR executives attended the Texas Academy of Orthotics and Prosthetics conference in San Antonio.

23<sup>rd</sup>-24<sup>th</sup> TDLR executives attended the Texas Academy of Audiologists conference in Houston.

**NOVEMBER 2015****DSHS-TDLR Staff Collaboration**

20<sup>th</sup> TDLR staff observed examinations in the Athletic Trainers program conducted by the DSHS staff and provided staff to assist DSHS with other aspects of the program.

**Rule Reviews and Rule Drafting by TDLR Staff**

9<sup>th</sup>-30<sup>th</sup> TDLR staff prepared revised drafts of new rules for each of the programs for filing with the *Texas Register* in December (using input provided during initial meetings of new advisory committees).

**Advisory Committees**

14<sup>th</sup> TDLR Commission appointed members to fill vacancies on the Dietitians Advisory Board, Orthotists and Prosthetists Advisory Board, and Speech-Language Pathologists and Audiologists Advisory Board.

**Advisory Board Meetings**

9<sup>th</sup> Inaugural meeting of TDLR Athletic Trainers Advisory Board.



12 <sup>th</sup>	Inaugural meeting of TDLR Dietitians Advisory Board.
13 <sup>th</sup>	Inaugural meeting of TDLR Midwives Advisory Board.
16 <sup>th</sup>	Inaugural meeting of TDLR Orthotists and Prosthetists Advisory Board.
17 <sup>th</sup>	Inaugural meeting of TDLR Speech-Language Pathologists and Audiologists Advisory Board.
24 <sup>th</sup>	Inaugural meeting of TDLR Hearing Instrument Fitters and Dispensers Advisory Board.

**TDLR Staff Participation in DSHS Board and Committee Proceedings**

9 <sup>th</sup>	TDLR staff attended the Texas Board of Midwifery meeting in Austin. (TDLR staff participated in Q & A sessions and provided a status report to the Board on the transition of the program from DSHS to TDLR.)
13 <sup>th</sup>	TDLR staff attended the Texas Board of Orthotics and Prosthetics meeting in Austin. (TDLR staff participated in a Q & A session with DSHS staff, provided a status report to the Board on the transition of the program from DSHS to TDLR, and responded to questions during a meeting of the Board's Rules Committee.)

**DECEMBER 2015**

**Contingency Revenue Funding**

14 <sup>th</sup>	TDLR created and submitted Contingency Revenue Rider update.
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**Rule Reviews and Rule Drafting by TDLR Staff**

25 <sup>th</sup>	TDLR published proposed new rules to the Athletic Trainers program in the <i>Texas Register</i> .
25 <sup>th</sup>	TDLR published proposed new rules to the Licensed Dyslexia Therapists and Licensed Dyslexia Practitioners program in the <i>Texas Register</i> .

**JANUARY 2016**

**DSHS-TDLR Staff Collaboration**

22 <sup>nd</sup>	TDLR and DSHS staff met to finalize a new timeline for completion of Phase I programs (October 1, 2016).
27 <sup>th</sup>	TDLR and DSHS staff met to discuss how open enforcement cases will be handled when the programs are transferred.

**Contingency Revenue Funding**

14 <sup>th</sup>	TDLR received letter from Comptroller's Office advising of certification of partial appropriation of Senate Bill 202.
27 <sup>th</sup>	TDLR created and submitted Contingency Revenue Rider update.

**Rule Reviews and Rule Drafting by TDLR Staff**

1 <sup>st</sup>	TDLR published proposed new rules to the Dietitians program in the <i>Texas Register</i> .
1 <sup>st</sup>	TDLR published proposed new rules to the Midwives program in the <i>Texas Register</i> .
8 <sup>th</sup>	TDLR published proposed new rules to the Hearing Instrument Fitters and Dispensers program in the <i>Texas Register</i> .
8 <sup>th</sup>	TDLR published proposed new rules to the Orthotists and Prosthetists program in the <i>Texas Register</i> .
8 <sup>th</sup>	TDLR published proposed new rules to the Speech-Language Pathologists and Audiologists program in the <i>Texas Register</i> .
12 <sup>th</sup>	TDLR Public Hearing held on proposed new rules to the Licensed Dyslexia Therapists and Licensed Dyslexia Practitioners program.
25 <sup>th</sup>	Public comment period closed for proposed new rules to the Athletic Trainers program.
25 <sup>th</sup>	Public comment period closed for proposed new rules to the Licensed Dyslexia Therapists and Licensed Dyslexia Practitioners program.

**TDLR Staff Participation in DSHS Board and Committee Proceedings**

20 <sup>th</sup>	TDLR staff made a presentation to the Texas Board of Fitters and Dispensers of Hearing Instruments in Austin.
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**TDLR Staff Interaction with Industry Stakeholders**

9<sup>th</sup> TDLR staff attended Greater Houston Athletic Trainers Society workshop in Katy.

**FEBRUARY 2016****DSHS-TDLR Staff Collaboration**

5<sup>th</sup> TDLR and DSHS staff met to review and discuss a formal Transition Plan for the program transfers.

**Rule Reviews and Rule Drafting by TDLR Staff**

1<sup>st</sup> Public comment period closed for proposed new rules to the Dietitians program.

1<sup>st</sup> Public comment period closed for proposed new rules to the Midwives program.

5<sup>th</sup> TDLR staff reviewed with DSHS staff all public comments received in response to the proposed rules to the Athletic Trainers, Dietitians, and Midwives programs.

8<sup>th</sup> Public comment period closed for proposed new rules to the Hearing Instrument Fitters and Dispensers program.

8<sup>th</sup> Public comment period closed for proposed new rules to the Orthotists and Prosthetists program.

8<sup>th</sup> Public comment period closed for proposed new rules to the Speech-Language Pathologists and Audiologists program.

**Advisory Board Meetings**

9<sup>th</sup> TDLR Midwives Advisory Board met and recommended the TDLR Commission to adopt the initial set of rules.

18<sup>th</sup> TDLR Orthotists and Prosthetists Advisory Board scheduled to meet.

19<sup>th</sup> TDLR Dietitians Advisory Board scheduled to meet.

22<sup>nd</sup> TDLR Athletic Trainers Advisory Board scheduled to meet.

24<sup>th</sup> TDLR Speech-Language Pathologists and Audiologists Advisory Board scheduled to meet.

26<sup>th</sup> TDLR Hearing Instrument Fitters and Dispensers Advisory Board scheduled to meet.

**TDLR Staff Participation in DSHS Board and Committee Proceedings**

5<sup>th</sup> TDLR staff made a presentation to the State Board of Examiners for Speech-Language Pathology and Audiology in San Antonio.

8<sup>th</sup> TDLR staff made a presentation to the Texas Midwifery Board in Austin.

**MARCH 2016****Rule Reviews and Rule Drafting by TDLR Staff**

9<sup>th</sup> TDLR Commission adopted rule package for Dyslexia Therapists and Practitioners.

**APRIL 2016****Rule Reviews and Rule Drafting by TDLR Staff**

13<sup>th</sup> TDLR Commission, upon advisory board recommendation, to adopt rule package for Athletic Trainers, Dietitians, Hearing Instrument Fitters and Dispensers, Midwives, Orthotists and Prosthetists, Speech-Language Pathologists and Audiologists.

**ACTIVITIES – PHASE 2**

Activity	Responsible Agency	Projected Completion Date
Hold initial planning meetings.	Both	TBD
DSHS provides comprehensive overview presentations for each program in Phase 1 to the TDLR Transition Team.	DSHS	TBD
Update websites with current status of transfers	Both	TBD

TDLR will provide comprehensive overview presentation to DSHS regarding the organization and operation of the agency.	TDLR	TBD
Appoint and train advisory boards for Phase 2 programs.	TDLR	TBD
Publish proposed rules for Phase 2 programs.	TDLR	TBD
DSHS will identify FTEs described by SB 202, §1.300(d).	DSHS	TBD
DSHS will provide guidance to staff in preparing for interviews.	DSHS	TBD
Transfer funds via IAC to DSHS to support program operations, if necessary.	Both	TBD
Discontinue sending renewal notices to license holders for license set to expire 00/00/0000 and after). Last notices to be sent will be for licenses set to expire on 00/00/0000.	DSHS	TBD
Transfer test data from Versa Regulation (licensing database).	Both	TBD
Inactivate online licensing transactions via Versa Online.	DSHS	TBD
Remove downloadable applications from program websites.	DSHS	TBD
Perform case closures for complaints and enforcement cases to the extent possible.	DSHS	TBD
Coordinate transfer of open complaints and investigations in progress.	Both	TBD
Coordinate transfer of enforcement cases in progress.	Both	TBD
Coordinate transfer of staff with transfer of functions	Both	TBD
Coordinate transfer of licensing transactions in progress.	Both	TBD
Inventory and transfer paper records, both on-site and off-site. Obtain approval to transfer from Records Management.	DSHS	TBD
Transfer final data from Versa Regulation (licensing database).	Both	TBD
Inactivate web-based live search and license verification.	DSHS	TBD
Existing licensing boards are abolished.	DSHS	TBD
Operationalize program transfers.	TDLR	TBD
Orient and train new staff.	TDLR	TBD
Place recordings on DSHS phone lines directing callers to TDLR.	DSHS	TBD
Provide sufficient telecommunications infrastructure to accommodate volume associated with new programs.	TDLR	TBD
Discontinue receiving remittances for transferred programs. Return remittances to sender along with explanatory letter redirecting the remitter to TDLR.	DSHS	TBD
Provide consultation, information, and support to TDLR as needed.	DSHS	TBD

CERTIFICATION

DSHS and TDLR certify that the activities specified above are necessary to effectuate the requirements of S.B. 202, Article 1. The agencies also certify that this transition plan serves the interest of efficient and economical administration of state government.



Kathryn C. Perkins, RN, MBA  
Assistant Commissioner  
Division for Regulatory Services  
Texas Department of State Health Services

  
Date

William Kuntz  
Executive Director  
Texas Department of Licensing and Regulation

  
Date

**Compliance Division Staff Report**  
**Dietitians Advisory Board Meeting**  
May 18, 2017

Update and discussion regarding transition of the Dietitians Program from the Department of State Health Services (DSHS) to the Texas Department of Licensing and Regulation (TDLR) pursuant to Senate Bill 202, 84th Legislature, Regular Session (2015)

- The Dietitians Licensing Program transferred from DSHS to TDLR on October 1, along with six other health professions licensing programs. Since that date, the TDLR Health Professions Consolidation Team has met regularly to review different aspects of the transition, such as new web content, revision of application forms, staff training, IT topics, and other transition-related issues, and address/resolve any items that have arisen.
- Overall, the transition has been successful and has resulted in minimal disruption to the normal operation of the licensing programs.
- A Versa Improvement Team has begun meeting regularly to discuss and coordinate changes and improvements to the licensing database VR and the online licensing system VO.

#### Personnel Updates

- The Compliance Division put together its health professions team, under the direction of Stephen Mills. Yvonne Feinleib and Katie Brice, from DSHS, joined the team on September 1. Mary Hoffman, Heather Muehr, and Stewart Myrick, from DSHS, joined the team on October 17.

#### Public Outreach - Texas Academy of Nutrition and Dietetics

- Compliance staff conducted phone conferences in October and November with Debbie King, Texas Academy of Nutrition and Dietetics to update her on transition activities and gather feedback.
- Staff met with Linda Farr, Texas Academy of Nutrition and Dietetics, Speaker, House of Delegates on February 2, 2017 to discuss feedback on the transition.
- Staff attended the Texas Academy of Nutrition and Dietetics Annual Conference & Exhibition on March 30, 2017 in Georgetown, TX.

#### Health Professions Section Update

- The Health Professions Section remains focused on maintaining the successful operation of the Phase I programs.
- Section staff have also begun preparations for the SB 202, Phase II program transition, scheduled for 11/1/2017. In Phase II, 6 additional programs from DSHS will transfer to TDLR (massage therapy, sanitarians, code enforcement officers, offender education providers, mold assessors/remediators, and laser hair removal facilities/personnel). Because none of these programs had regulatory boards at DSHS, a series of public meetings are being held to provide information and gather feedback related to the transition.

# Dietitians Advisory Board



May 18, 2017

## Current Projects

### Relocation Update

We have settled into our new space at the North Campus, Suite 105W.

### Phase II – Transfer of the Health Services Programs

The following programs will come to TDLR from the Department of State Health Services (DSHS) as authorized by **Senate Bill 202**, 84th Regular Session, on November 1, 2017

- Code Enforcement Officers
- Laser Hair Removal
- Massage Therapy
- Mold Assessors and Remediators
- Offender Education Providers
- Sanitarians

Our staff is diligently working to become familiar with each new program.

## Education and School Services Section

### Continuing Education Audit

We have begun to conduct the Continuing Education Audits for Dietitians. We are auditing 5-10%, depending on the population.

Month	FY2017
February	11
March	11
April	10
May	20

### Continuing Education Course Completion Record Fees

- CE Completion Fees Totals Invoiced for fiscal year \$1,092,430.00
- Total Payments Received for fiscal year \$ 973,630.00
- **Current Balance Due** (as of March 31, 2017) \$ **118,800.00**

### E&E Workgroups

The workgroups have not met.

Total E-Mail Answered by Staff  
(as of March 31, 2017)

<b>MONTH</b>	<b>FY2017</b>	<b>FY 2016</b>	<b>FY 2015</b>
September	1,158	1,389	
October	1,263	1,060	
November	744	996	
December	653	760	
January	955	1,060	
February	974	1,047	
March	1,463	994	
<b>TOTAL</b>	<b>7,210</b>	<b>7,306</b>	<b>0</b>

**Driver Education & Safety Section Updates**

Community Outreach

- Ray Pizarro and Cari Hodges will travel to Lubbock to attend the Driver Education Workshop on May 2<sup>nd</sup>-3<sup>rd</sup>.

**School Inspections/Site Visits Section**

School Site Visit

- A school can request a School Site Visit when there is a new school director or instructor, if a school wants to know what to expect during a school inspection and/or if they have questions on curriculum development. We have conducted 13 School Site Visits and have 4 to be scheduled.

**Personnel Changes**

No changes

**Statistics and Trends**

Because Dietitians take a National Examination, we will not have statistics for examinations. We will perform random audits on Continue Education courses and will show those statistics and trends.

## **Dietitians Advisory Board**

### **Enforcement Division Staff Report**

**May 18, 2017**

#### **Recent Accomplishments and Current Projects**

- On November 8, the criminal conviction guidelines for the Dietitians program were published on the Department’s website. These guidelines were approved by the Commission on October 5, and were published in the Texas Register shortly thereafter.
- On November 10, met with the enforcement workgroup to work on a penalty matrix for the Dietitians program. We were able to complete the majority of the matrix during the meeting, and finalized the document through an exchange of emails. The advisory board members appointed to this workgroup are Mary Kate “Suzy” Weems, Irma Gutierrez, and LeAnne Skinner. This matrix is on the agenda today for your consideration.
- We have begun inviting selected members of the health profession advisory boards to serve as expert witnesses when needed in enforcement cases. Through individual email invitations, we are explaining the expectations of an expert witness, and requesting the candidates complete a questionnaire detailing their background and qualifications. We have already received several affirmative responses.

#### **Key Statistics**

Shown below are key statistics for the Dietitians program and for all TDLR programs combined through March of Fiscal Year 2017.

<b><u>Statistic</u></b>	<b><u>DTN</u></b>	<b><u>TDLR</u></b>
• Number of cases opened:	2	7,306
• Number of cases resolved:	1	6,786
• Number of Agreed Orders:	0	1,323
• Total amount of penalties assessed:	\$0	\$3,118,209
• Total amount of penalties collected:	\$0	\$1,340,228



# DIETITIANS

## Licensing Report

### May 18, 2017

#### DIETITIANS

01/01/2017 – 01/31/2017	<b>TOTAL Licensed Dietitian</b>
New Licenses Issued	39
Renewed Licenses Issued	270

#### DIETITIANS

02/01/2017 – 02/28/2017	<b>TOTAL Licensed Dietitian</b>
New Licenses Issued	29
Renewed Licenses Issued	200

#### DIETITIANS

03/01/2017 – 03/31/2017	<b>TOTAL Licensed Dietitian</b>
New Licenses Issued	67
Renewed Licenses Issued	264

#### DIETITIANS

04/01/2017 – 04/30/2017	<b>TOTAL Licensed Dietitian</b>
New Licenses Issued	19
Renewed Licenses Issued	200

**DIETITIANS**

	<b>TOTAL Licensed Dietitian</b>	<b>TOTAL Provisional Licensed Dietitian</b>
*Total Population	5546	7