

Compliance Division Staff Report

Dietitians Advisory Board Meeting

September 15, 2016

Staff Updates

- We interviewed several applicants in July for the two Program Specialist VI positions to serve as program leads in the new Health Professions Section of the Compliance Division. We have selected Yvonne Feinleib and Katie Brice, both from the Department of State Health Services, to serve in these roles. Ms. Brice and Ms. Feinleib joined the TDLR Compliance Division team on September 1, 2016.
- We plan to conduct interviews for the remaining three program specialist positions in early September and those positions are expected to begin on October 1, 2016.

Health Professions Section Update

- Stephen Mills, Health Professions Section Manager, has been working with the TDLR Health Professions Consolidation Team to ensure we are prepared for the program transfers on 10/3/2016. The team is involved with new web content, revision of application forms, transfer of records from DSHS, staff training, IT topics, and other transition-related issues.

Dietitians Advisory Board



September 15, 2016

Current Projects

Preparing for Health Programs consolidation

Education and Examination Staff met with Licensing Staff to prepare processing procedures for Continuing Education Audits.

Training

- Health Programs System
Several of the E&E Staff are training for the implementation of the Versa System.
- HIPPA Training
General Counsel and Cynthia Dollar with DSHS provided medical records and information security training.

Personnel Updates

Please join us in welcoming Roy Cantu and Fernando Gaytan to the Education & Examination family. Roy and Fernando began training on August 1, 2016 as new Education Inspectors.



Roy has worked a number of years in a school environment. His most recent responsibilities were the oversight of a Cosmetology School as the Executive Director. Roy is bilingual and has an Instructor License in the Cosmetology industry. Roy will cover the Fort Worth-West Region.



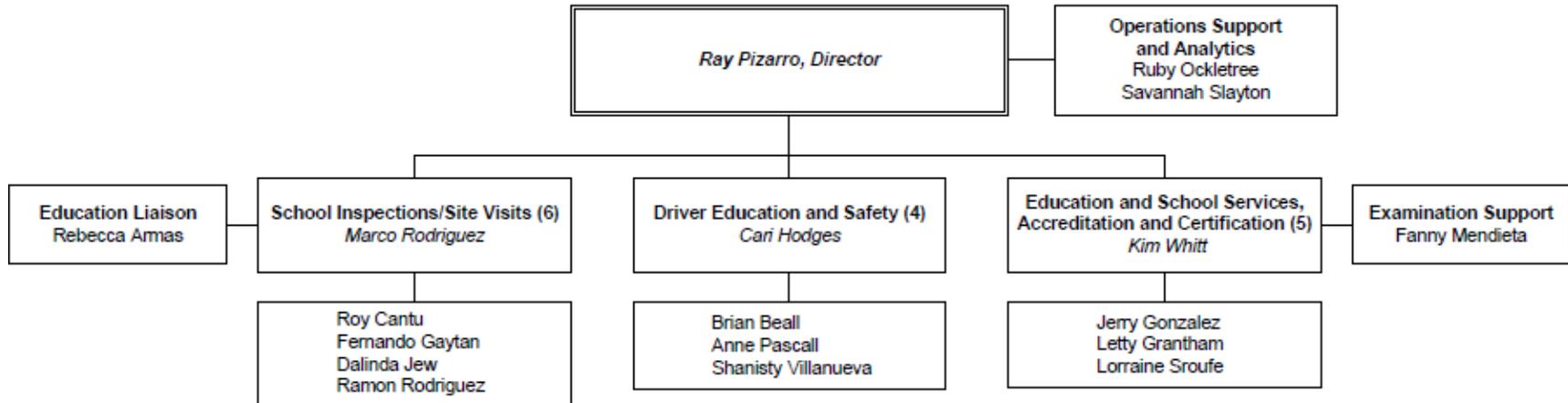
Fernando holds both a Barber and Cosmetology Instructor License. He also worked a number of years in the school environment. He was a former Director for Mel Academy where he was in charge of the day to day operations of 4 different campuses. Fernando will cover the Dallas-North Region.

NOTE:

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.

DIVISION CHART

Education and Examination (18)



Dietitians Advisory Board

September 15, 2016

Enforcement Division Staff Report

Introduction to the Enforcement Division

The Enforcement Division is responsible for investigating and resolving complaints against licensees and other regulated populations in all programs regulated by Texas Department of Licensing and Regulation (“TDLR” or “the Department”). The Enforcement Division consists primarily of investigators, attorneys and legal assistants. These employees are organized into three sections that reflect the life cycle of a complaint as it moves through the enforcement process.

- **Intake**: The Intake section substantiates the agency’s jurisdiction and performs initial research on each complaint filed, ultimately making the decision whether an investigation should be opened.
- **Investigations**: In each case opened for investigation, the assigned investigator develops a detailed account of the facts through witness interviews, collection of documents, and on-site inspections when necessary, and prepares a written report of the investigation.
- **Prosecution**: The Prosecution section ensures the proper disposition of each case. When the evidence reflects violations, the prosecutor may pursue administrative penalties or license sanctions, or may resolve the case informally if warranted by the circumstances. When the evidence does not indicate violations the prosecutor will close the case. When an enforcement action leads to a hearing, the prosecutor presents the Department’s case to the State Office of Administrative Hearings and the Commission of Licensing and Regulation.

Within the general structure described above, the Enforcement Division utilizes specialized procedures for handling various types of complaints. Those procedures vary primarily depending upon the source of the complaint. Generally, complaints may be characterized as arising from three sources: consumers, the department, and applicants’ criminal histories.

- **Consumer**: complaints from sources outside the agency, including consumers, industry, and municipal officials. *If opened for investigation by Intake, these cases undergo full investigation and are then resolved by the Prosecution section.*
- **Department**: complaints arising from periodic inspections of regulated entities conducted by the Field Operations Division, and from proactive efforts of Enforcement field investigators. *Intake usually forwards these cases directly to a prosecutor for resolution, because the evidence has already been developed by the inspector or field investigator.*

- Criminal History: complaints arising from criminal background checks on license applicants. The criminal history of each license applicant is initially screened by the Licensing Division. If the history includes crimes that may be a basis for denying a license, the application is referred to the Enforcement Division. *Criminal histories are initially screened by a prosecutor. If the prosecutor does not immediately clear the applicant for licensing, the prosecutor will request an investigation of the applicant's criminal history, and will then decide whether to deny or revoke the applicant's license.*

Consistency in the investigation and resolution of complaints is an essential element of effective enforcement. Enforcement works to ensure consistency by following three guidance documents that are regularly updated.

- The Complaint Resolution Procedures Manual provides detailed, standard procedures applicable to all division staff in handling complaints, from intake to investigation to final resolution.
- The Enforcement Plan describes the ranges of penalties and license sanctions that are applicable to specific alleged violations of the statutes and rules enforced by the agency.
- The Criminal Conviction Guidelines set out, for each license type regulated by TDLR, the specific criminal convictions that may render an applicant an unsuitable candidate for the license, along with reasons why those particular crimes are considered to relate to the license.

Dietitians Advisory Board

September 15, 2016

Enforcement Division Staff Report

Key Statistics

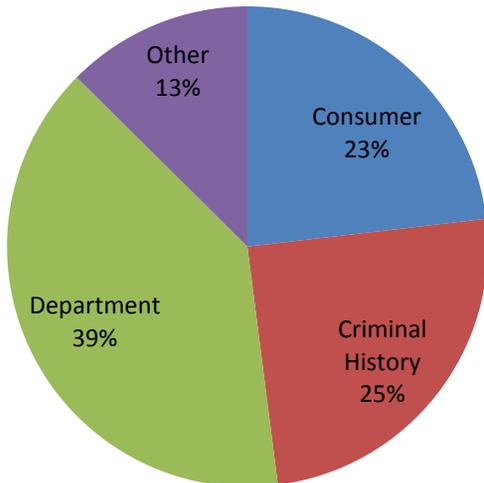
Performance Measures

Cases opened	10,511
Cases closed	13,155
Average time to close (days)	217
% of complaints resolved within 6 months	60.00%
% of complaints resulting in disciplinary action	26.50%

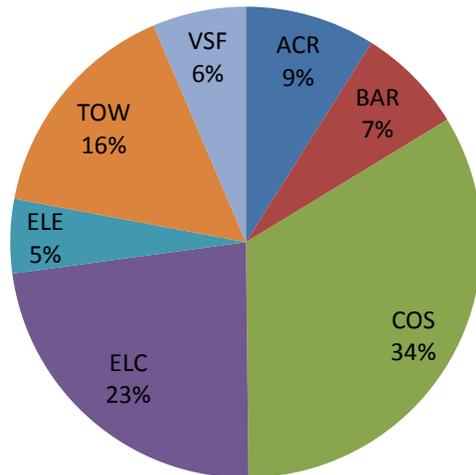
Fiscal Year 2015

10,511
13,155
217
60.00%
26.50%

Sources of Complaints



Complaints by Program



Case Outcomes

Commission Orders	48
Agreed Orders	2,270
Default Orders	912
Penalties Assessed	\$4,525,675
Penalties Collected	\$2,362,706
Licenses Revoked (Disciplinary)	161
Licenses Suspended	4
Licenses Denied/Revoked (Criminal History)	528
Cease & Desist Orders	621

Fiscal Year 2015

48
2,270
912
\$4,525,675
\$2,362,706
161
4
528
621

Source

Consumer	3,802	1835	3003	32%
Department	4,852	2709	4593	40%
Licensing	2,789	1893	3041	23%
	11,443	6932	11557	
	11,999			
Other	556	495	920	5%

Butler

Rodewold

26%

26%

1835

26%

39%

40%

2709

39%

27%

26%

1893

27%

6932

7%

8%

495

7%

1

Program				
Air Conditioning	1,277	773	1310	11%
Barber	879	398	714	7%
Cosmetology	3,950	1,899	3,591	33%
Architectural Barriers	384	500	771	3%
Electricians	2,511	1,501	2,393	21%
Towing	1,281	1016	1511	11%
Vehicle Storage Facilities	713	454	661	6%
	10,995	6,541	10,951	
	11,999	6,932	11,557	
Other	1,004	391	606	8%

Butler

Rodewold

11%

11%

6%

6%

27%

31%

7%

7%

22%

21%

15%

13%

7%

6%

6%

5%

100%

LICENSING DIVISION STAFF REPORT

“Strength from the Core”

September 15, 2016

Current Projects:

TDLR staff continues to train with DSHS staff on processing of applications and learn Versa computer system. During the weeks of June 20th - June 24th and June 27th - June 30th, Leonard Rivas, Emily Shen, Vicky LaPresto and Lisa Houdek assisted DSHS with the backlog of Speech applications due to graduation.

Personnel Update:

Anthony Maldonado has been hired as the team lead for the Health Professions team and will start August 1st. Anthony comes from the Texas Commission on Environmental Quality. Prior to the Texas Commission on Environmental Quality, Anthony worked for the Department of State Health Services for over 5 years where he processed applications and assisted customers on the programs that will be transferring to TDLR.

We have also hired three additional staff members who will be joining the Health Professions team effective October 3rd, 2016. All three members come from the Department of State Health Services and have experience with the programs that will be transferring to TDLR. They are Vicky Watson with 15 years experience, April Najjar with 10 years experience, and Paula Rios with 2 years experience.