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# *Compliance Division Staff Report*

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## ***Hearing Instrument Fitters and Dispensers Advisory Board Meeting*** *August 17, 2016*

### **Public Outreach**

- Bill Kuntz, Brian Francis, George Ferrie, and Rebecca Armas attended the Texas Hearing Aid Association Annual Trade Show, and hosted a booth, in Addison, Tx, June 3<sup>rd</sup> & 4<sup>th</sup>.

### **Health Professions Section Update**

- George Ferrie and Stephen Mills interviewed several applicants for the two Health Professions Program Specialist VI positions. The Health Professions Program Specialist V and the two Program Specialist III positions closed on August 9<sup>th</sup>. We expect to begin interviewing in the next week or two.
- Stephen Mills is leading the agency's Health Professions Consolidation Team, in an effort to ensure there is a smooth transition of agency functions, on October 3<sup>rd</sup>.



## Hearing Instrument Fitters and Dispensers Advisory Board

August 17, 2016



### **Examination Information**

Rebecca Armas and Frances Mendieta attended the first Hearing Fitters Exam Review meeting on May 24-25, 2016 in preparation for the October transfer. The subject matter experts were very excited to update the exam and make it more streamlined. This exam had not been updated in over 10 years. We plan on a few webinars to create an updated Candidate Information Bulletin as well as Rater Training.

Rebecca Armas attended the THAA (Texas Hearing Aid Association) conference in Dallas on June 3-4, 2016.

### **October Timeline**

TDLR will begin issuing licenses and performing all regulatory duties associated with the Hearing Instrument Fitters and Dispensers program on Monday, October 3, 2016.

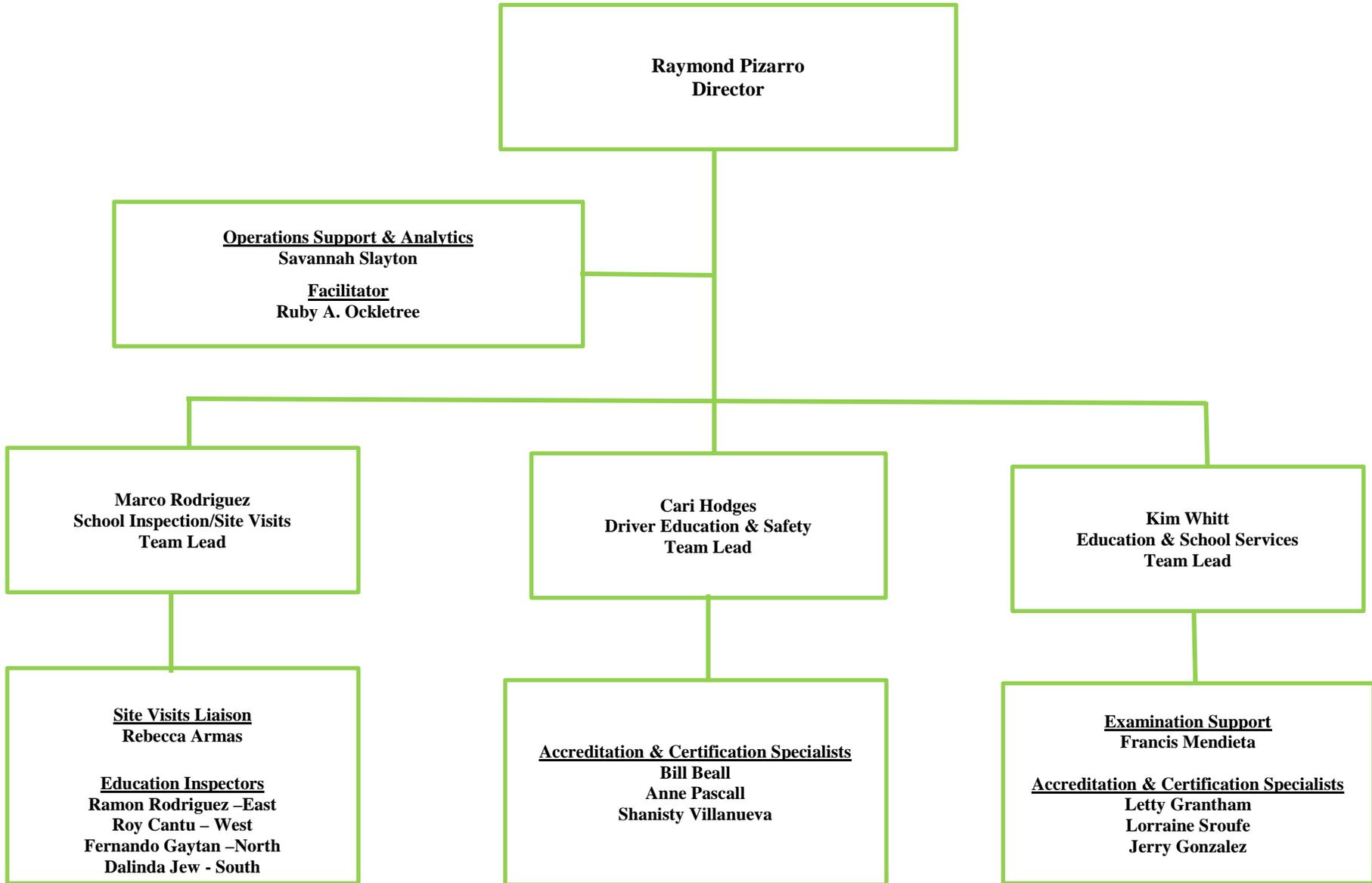
Below is a summary of the October timeline:

- October 1<sup>st</sup> – 2<sup>nd</sup>: Hearing Instrument Fitters and Dispensers Program TDLR Administrative Rules become effective and will deactivate at DSHS.
- October 3<sup>rd</sup>: First day of business for Hearing Instrument Fitters and Dispensers program at TDLR

### **Personnel Updates**

Please join us in welcoming Roy Cantu and Fernando Gaytan to the Education & Examination family starting August 1, 2016 as new education inspectors for the Fort Worth and Dallas areas. 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. 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.

**Education and Examination Division**



# **Hearing Instrument Fitters and Dispensers Advisory Board**

*August 17, 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.

# Hearing Instrument Fitters and Dispensers Advisory Board

August 17, 2016

## Enforcement Division Staff Report

### Key Statistics

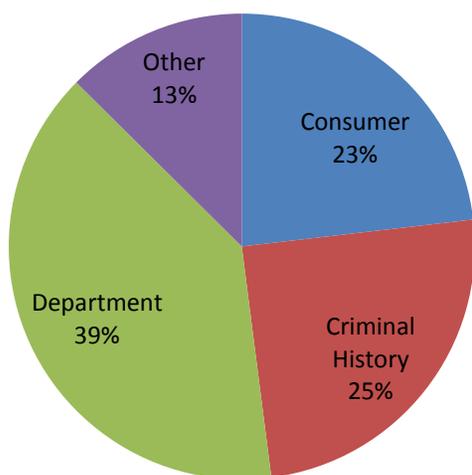
#### Performance Measures

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%

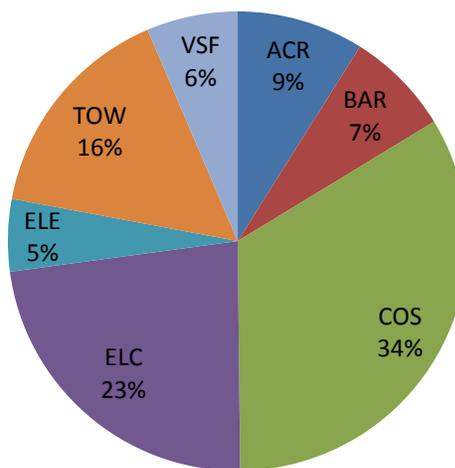
#### Fiscal Year 2015

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
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161
4
528
621

# **LICENSING DIVISION STAFF REPORT**

*"Strength from the Core"*

August 17, 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 20<sup>th</sup> - June 24<sup>th</sup> and June 27<sup>th</sup> - June 30<sup>th</sup>, 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 1<sup>st</sup>. 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 3<sup>rd</sup>, 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.