

Compliance Division Staff Report
Texas Department of Licensing and Regulation
Registered Sanitarian Advisory Committee Meeting
December 5, 2017

Introduction and Overview of the Compliance Division:

The Compliance Division is divided into three sections: Business and Mechanical, Business and Building, and Medical and Health Professions. Stephen Mills is the section manager for the Medical and Health Professions. Staff members of the Medical and Health Professions Section are Katie Brice, Yvonne Feinleib, Mary Hoffman, Hemant Makan, Heather Muehr, and Stewart Myrick.

Duties of the Compliance Division include:

- Provide subject matter expertise and a single point of contact for technical inquiries
- Manage and conduct profession-related studies, such as:
 - Comparisons of license requirements in other jurisdictions
 - Research technical requirements
- Consult with Enforcement, Licensing, Education & Examination and General Counsel regarding technical matters
- Create informational newsletters internal training
- Presentations at stakeholder conferences and meetings

Compliance Reports will include:

- Introduction of key staff members and personnel updates
- Public outreach
 - In FY 2017, staff conducted over 254 educational presentations and trainings, and hosted booths at trade shows, conventions, and seminars.
- Projects
- Statistics (if applicable)

Update and discussion regarding transition of the Sanitarian Registration 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 Sanitarian Registration Program transferred from DSHS to TDLR on November 1, 2017, along with five other health-related licensing programs. Beginning in November 2016, the TDLR Health Professions Consolidation Team met regularly to monitor the implementation of the transition plan, such as new web content, revision of application forms and publications, staff training, IT topics, and other transition-related issues. The team will continue to monitor and address/resolve any items that have arisen.
- TDLR established a detailed Go-Live plan with immediate transition priorities. These priorities included the issuance of new and renewed licenses, public license search and verification, answering telephone and e-mail inquiries, and the intake of consumer complaints
- Overall, the transition has been successful and has resulted in minimal disruption to the normal operation of the licensing programs.

Public Outreach:

- Staff gave a presentation regarding licensing and regulations at the following meetings:
 - Central Texas Environmental Health Association meeting in San Marcos on May 18, 2017.
 - Panhandle West Texas Environmental Health Association meeting in Odessa, Tx on June 14.
 - Texas Environmental Health Association Annual Conference in Austin on October 11, 2017.
- Staff will be giving a presentation regarding licensing and regulations at the South Texas Environmental Health Association meeting in South Padre on December 8, 2017.

**Registered Sanitarian Advisory Committee
December 5th, 2017**

INTRODUCTION AND OVERVIEW OF THE EDUCATION AND EXAMINATION DIVISION

The Education and Examination Division consists of 3 sections within the Division:

- The Education, Examination and School Services Section
Reviews and approves pre-licensure and continuing education providers and courses. They will manage licensing examination development and delivery through a third-party vendor. The programs transferring from the Department of State Health Services will fall under this section as well.

- The School Inspection/Site Visits Section
Performs initial and periodic inspections of cosmetology, barber, driver education, and driver safety schools. They will also conduct site visits to assist education providers with best practices and help them with any technical assistance to ensure proper compliance.

- The Driver, Offender, and Safety Education Section
Reviews, approves and licenses the driver education schools, driver safety schools, offender education providers and course providers. They will also review and approve parent taught driver education programs.

EDUCATION, EXAMINATION, & SCHOOL SERVICES

TOTAL E-MAIL ANSWERED BY STAFF

(AS OF OCTOBER 31st, 2017)

MONTH	FY 2018	FY 2017	FY 2016	FY 2015
September	1,545	1,158	1,389	
October	1,205	1,263	1,060	
November		744	996	
December		653	760	
January		955	1,060	
February		974	1,047	
March		1,463	994	
April		981	966	
May		1,140	1,061	
June		1,747	911	
July		804	767	835
August		1,266	1,123	1,104
TOTAL	2,750	13,148	12,134	1,939

STATISTICS AND TRENDS

We will have statistics for the PSI Written Examination. We will perform random audits on Continue Education courses and will show those statistics.

See example of the statistics and trends chart below.

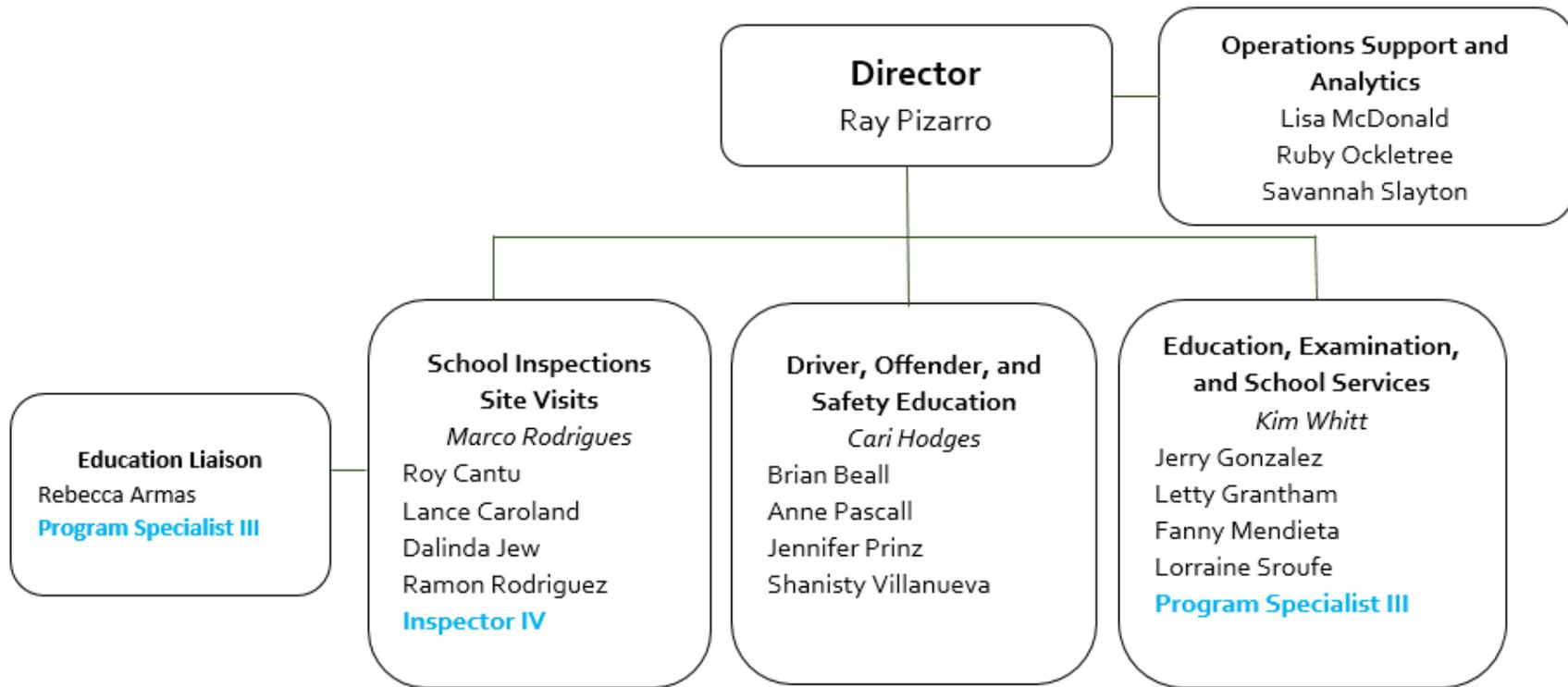
EXAMINATION STATISTICS (AS OF AUGUST 31st, 2017)

SANITARIAN FY 2017	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS			7	7	42	0	2	44	3	38	2	43	2	1	1	4	98
FAIL			18	18	46	5	3	54	13	48	14	75	11	4	5	20	167
TOTAL			25	25	88	5	5	98	16	86	16	118	13	5	6	24	265
RATE			28.0%	28.0%	44.7%	0.0%	40.0%	44.9%	18.8%	44.2%	12.5%	36.4%	15.4%	20.0%	16.7%	16.7%	37.0%

CONTINUING EDUCATION AUDIT STATISTICS (AS OF AUGUST 31st, 2017)

Audit Date: October 2 nd , 2017	
Registered Sanitarian	7
Total	7

DIVISION CHART



Registered Sanitarian Advisory Committee

December 5, 2017

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.

Registered Sanitarian Advisory Committee

December 5, 2017

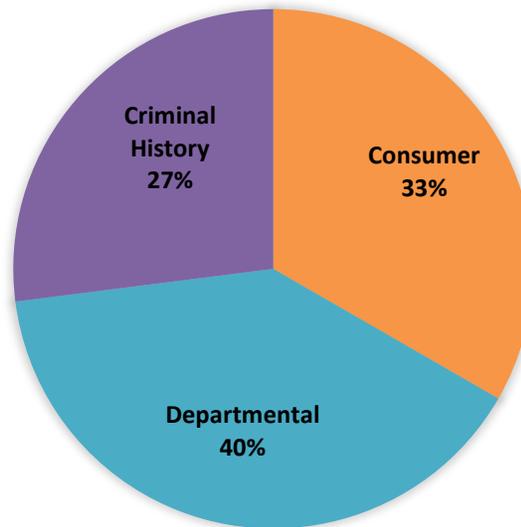
Enforcement Division Staff Report

Key Statistics

Performance Measures

	<u>Fiscal Year 2017</u>
Cases opened	12,054
Cases closed	12,405
Average time to close (days)	142
% of complaints resolved within 6 months	78.29%
% of complaints resulting in disciplinary action	27.77%

Source of Cases Opened Fiscal Year 2017



Case Outcomes

	<u>Fiscal Year 2017</u>
Commission Orders	58
Agreed Orders	2,309
Default Orders	898
Penalties Assessed	\$5,250,179
Penalties Collected	\$2,571,951
Licenses Revoked (Disciplinary)	165
Licenses Suspended	10
Licenses Denied/Revoked (Criminal History)	269
Cease & Desist Orders	476



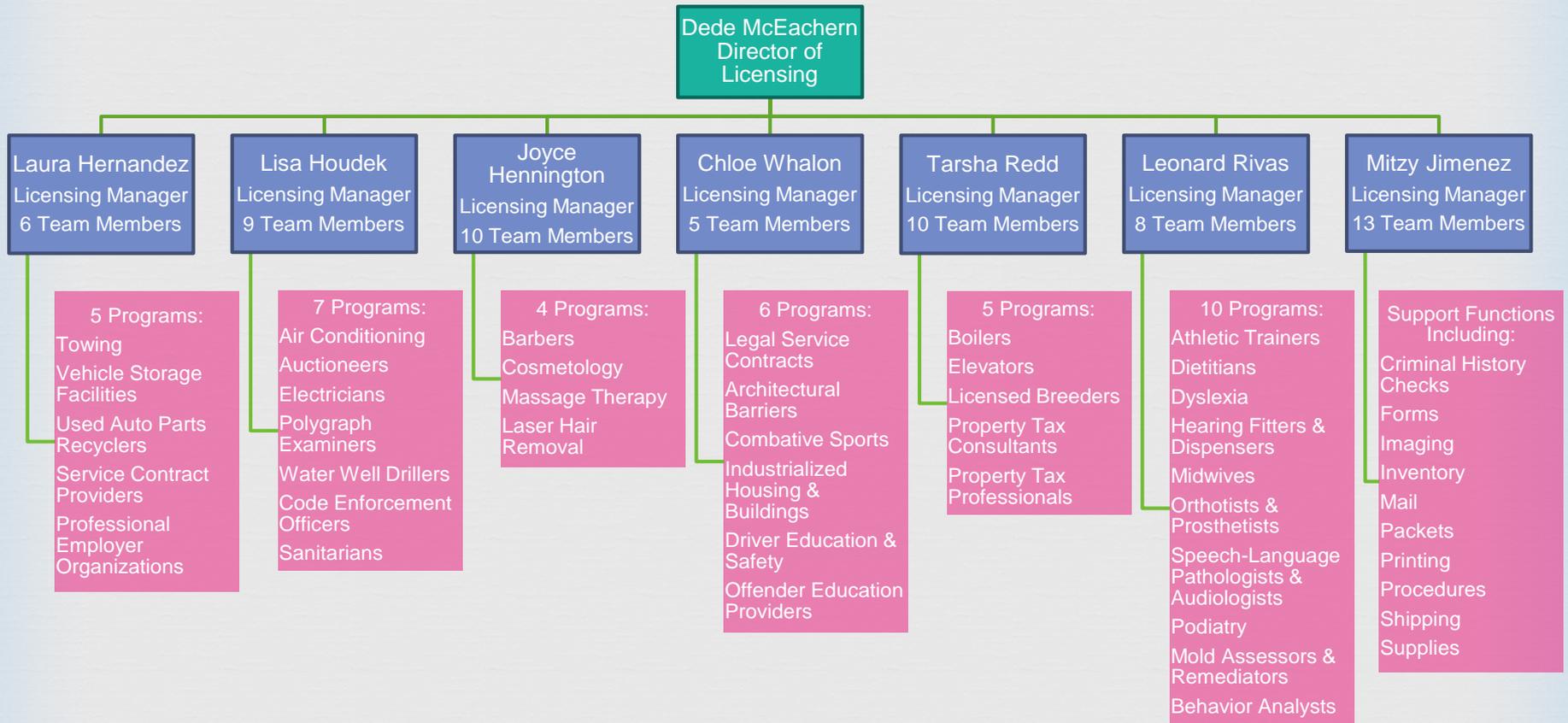
Licensing Division

Director: Dede McEachern
Manager: Lisa Houdek



“Strength From the Core”

Licensing Division Organizational Chart



Division Summary



- ❧ The Licensing division reviews applications and issues licenses to qualified individuals and businesses.
- ❧ The agency's 39 programs include 207 unique license types for over 750,000 licensees.
- ❧ The Licensing division evaluates applicants':
 - ❧ Criminal history;
 - ❧ Required education and credentials;
 - ❧ Experience and employment history; and
 - ❧ Insurance, bonding, and net worth requirements.

TDLR PROGRAMS AND LICENSE TYPES

The 39 programs are in bold font and the corresponding license types are listed below.

Air Conditioning & Refrigeration Contractors

1. Air Conditioning Contractor
2. Registered AC Technician
3. Certified AC Technician

Architectural Barriers

4. Registered Accessibility Specialist
5. Project Registration

Athletic Trainers

6. Athletic Trainer

Auctioneers

7. Auctioneer
8. Associate Auctioneer

Barbers

9. Class A Barber Certificate
10. Manicurist License
11. Barber Technician License
12. Barber Technician/Manicurist
13. Barber Technician/Hair Weaving
14. Class A Barber Instructor
15. Barber Manicure Instructor
16. Barber Technician Instructor
17. Barber Hair Weaving Instructor
18. Technician/Manicure Instructor
19. Technician/Hair Weaving Instructor
20. Barber Student
21. Hair Weaving Specialist
22. Barber Shop
23. Manicurist Shop Specialty Shop
24. Dual Shop
25. Mini Barbershop
26. Mini Dual Shop
27. Mobile Salon
28. Hair Weaving Specialty Shop
29. Barber School Permit

Behavior Analysts

30. Licensed Behavior Analyst
31. Assistant Behavior Analyst

Boilers

32. Boiler Inspector
33. Boiler Equipment
34. Authorized Inspection Agency

Code Enforcement Officers

35. Code Enforcement Officer
36. Code Enforcement Officer in Training

Combative Sports

37. Contestant
38. Judge
39. Manager
40. Matchmaker
41. Promoter
42. Referee
43. Second
44. Amateur Combative Sports Association
45. Event Coordinator

Cosmetology

46. Operator
47. Manicurist Specialist
48. Esthetician Specialist
49. Manicure/Esthetician Specialist
50. Hair Weaver Specialist
51. Eyelash Extension Specialist
52. Wig Specialist Certificate
53. Operator Instructor
54. Manicure Instructor
55. Esthetician Instructor
56. Wig Instructor
57. Eyelash Extension Instructor
58. Manicure/Esthetician Instructor
59. Cosmetology Student
60. Private Beauty Culture School
61. Vocational College Beauty School
62. Junior College Beauty School
63. Beauty Salon
64. Manicuring Salon
65. Esthetician Specialty Salon
66. Esthetician/Manicure Salon
67. Hair Weaving Specialty Salon
68. Wig Specialty Salon
69. Eyelash Extension Specialty Salon
70. Mobile Salon
71. Dual Salon
72. Mini Salon
73. Mini Dual Salon

Dietitians

74. Licensed Dietitian
75. Provisional Licensed Dietitian

Driver Education and Safety

76. Driver Education Instructor
77. Driving Safety Instructor
78. Specialized Driving Safety Instructor
79. Drug and Alcohol Driving Awareness Program Instructor
80. Driver Education School
81. Driving Safety School
82. Specialized Driving Safety School
83. Drug and Alcohol Driving Awareness Program School

Dyslexia Practitioners and Therapists

84. Dyslexia therapist
85. Dyslexia practitioner

Electricians

86. Master Electrician
87. Master Sign Electrician
88. Journeyman Electrician
89. Journeyman Sign Electrician
90. Journeyman Lineman
91. Residential Wireman
92. Maintenance Electrician
93. Electrical Apprentice
94. Electrical Sign Apprentice
95. Residential Appliance Installer
96. Electrical Contractor
97. Electrical Sign Contractor
98. Residential Appliance Contractor

Elevators, Escalators & Related Equipment

99. Elevator Inspector
100. Elevator Equipment
101. Elevator Contractor

Hearing Instrument Fitters and Dispensers

102. Hearing Instrument Fitter & Dispenser
103. Apprentice Permit
104. Temporary Training permit
105. CE Sponsor

Industrialized Housing and Buildings

106. Manufacturer
107. Builder
108. 3rd Party Inspector
109. Authorized Inspection Agency
110. Design Review Agency
111. Permit

Laser Hair Removal

112. Certified Laser Hair Removal Professional
113. Senior Laser Hair Removal Technician
114. Laser Hair Removal Technician
115. Laser Hair Removal Apprentice in Training
116. Laser Hair Removal Facility
117. Laser Hair Removal Training Program
118. Laser Hair Removal Certifying Entity

Legal Service Contracts

119. Legal Service Contract Companies
120. Legal Service Contract Salespersons
121. Legal Service Contract Administrators

Licensed Breeders

122. Licensed Breeder

Massage Therapy

123. Massage Therapist
124. Massage Therapy Instructor
125. Massage Establishment
126. Massage School
127. Massage CE Provider

Midwives

128. Midwife
129. Retired Midwife
130. Midwife Education Course (School)

Mold Assessors and Remediators

131. Mold Analysis Laboratory
132. Mold Assessment Company
133. Mold Assessment Consultant
134. Mold Assessment Technician
135. Mold Remediation Company
136. Mold Remediation Contractor
137. Mold Remediation Worker
138. Mold Training Provider

Offender Education Programs

139. Drug Offender Education Program
140. Drug Offender Education Instructor

141. DWI Education Program
142. DWI Education Instructor
143. DWI Intervention Program
144. DWI Intervention Instructor
145. Texas Youth Tobacco Awareness Program
146. Texas Youth Tobacco Awareness Instructor
147. Alcohol Education Program for Minors
148. Alcohol Education Program for Minors Instructor
149. Responsible Pet Owner Course

Orthotists and Prosthetists

150. Licensed Orthotist
151. Temporary Licensed Orthotist
152. Licensed Orthotist Assistant
153. Licensed Prosthetist
154. Temporary Licensed Prosthetist
155. Licensed Prosthetist Assistant
156. Licensed Prosthetist Orthotist
157. Temporary Licensed Prosthetist Orthotist
158. Licensed Prosthetist Orthotist Assistant
159. Registered Orthotic Technician
160. Registered Prosthetic Technician
161. Registered Prosthetic Orthotic Technician
162. Registered Orthotic Student
163. Registered Prosthetic Student
164. Registered Orthotic Prosthetic Student
165. Orthotic or Prosthetic Facility

Polygraph Examiners

166. Polygraph Examiner
167. Polygraph Examiner Trainee

Podiatric Medicine

168. Doctor of Podiatric Medicine
169. Podiatric Medical Radiological Technician

Professional Employer Organizations

170. Professional Employer Organization
171. Professional Employer Organization Limited License

Property Tax Consultants

172. Sr. Property Tax Consultant
173. Property Tax Consultant
174. PTC-Real Property Only

Property Tax Professionals

175. Assessor/Collector
176. Appraiser
177. Collector

Sanitarians

178. Professional Sanitarian
179. Sanitarian in Training

Service Contract Providers

180. Service Contract Provider
181. Service Contract Administrator

Speech-Language Pathologists & Audiologists

182. Speech-Language Pathologist
183. Assistant in Audiology
184. Assistant in Speech-Language Pathology
185. Audiologist
186. Audiology Intern
187. Speech-Language Intern

Tow Trucks

188. Tow Truck Company
189. Incident Management Tow Truck
190. Consent Tow Truck
191. Private Property Tow Truck
192. Incident Management Tow Truck Operator
193. Consent Tow Truck Operator
194. Private Property Tow Truck Operator
195. Training License

Transportation Network Companies

196. Transportation Network Company

Used Automotive Parts Recyclers

197. Used Automotive Parts Recycler
198. Used Automotive Parts Employee

Vehicle Storage Facilities

199. Vehicle Storage Facilities
200. Vehicle Storage Facility Employees

Water Well Drillers and Pump Installers

201. Water Well Driller
202. Pump Installer
203. Water Well Driller Apprentice
204. Pump Installer Apprentice

Weather Modification Law

205. Weather Modification License
206. Weather Modification Permit

November 1, 2017



What to Expect from the Licensing Staff Report



❧ New Licenses Issued

❧ Renewed Licenses Issued

❧ Online Renewals

❧ % Renewed Online

❧ Total Licensed Population

Licensing Performance Measures

	FY 14	FY 15	FY 16	FY 17
Percent of New Individual Licenses Issued in 10 Days	95.6%	95.3%	95.5%	94.8%
Percent of Individual Licenses Renewed in 7 Days	99.2%	99.4%	99.3%	98.8%
Percent of New Individual Licenses Issued Online	86.6%	86.5%	88.6%	87.8%
Percent of Individuals Licensees Renewed Online	96.2%	95.9%	95.0%	96.3%
Number of New Licenses Issued to Individuals	103,500	107,989	119,219	117,881
Number of Renewed Licenses Issued to Individuals	224,437	233,935	245,696	270,819
Number of New Licenses Issued to Facilities	43,373	49,064	47,611	48,535
Number of Renewed Licenses Issued to Facilities	124,695	116,940	120,895	128,146
Total Number of Licensed Individuals	446,790	455,076	476,734	529,035
Total Number of Licensed Facilities	182,973	197,312	202,546	2097,477
Total Licensed Population	629,763	652,388	679,280	738,512

