



**TEXAS COMMISSION OF LICENSING AND REGULATION
AND
TEXAS DEPARTMENT OF LICENSING AND REGULATION**

SELF-EVALUATION REPORT

**SUBMITTED TO THE SUNSET ADVISORY COMMISSION
SEPTEMBER 2019**

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Texas Department of Licensing and Regulation

Self-Evaluation Report

I. Agency Contact Information

A. Please fill in the following chart.

Texas Department of Licensing and Regulation Exhibit 1: Agency Contacts

	Name	Address	Telephone & Fax Numbers	Email Address
Agency Head	Brian E. Francis	920 Colorado St., Austin TX 78701	(512) 463-3171 (512) 475-2874	executive.director@tdlr.texas.gov
Agency's Sunset Liaison	Eric Beverly	920 Colorado St., Austin TX 78701	(512) 463-7574 (512) 475-2874	eric.beverly@tdlr.texas.gov

Table 1 Exhibit 1 Agency Contacts

II. Key Functions and Performance

Provide the following information about the overall operations of your agency. More detailed information about individual programs will be requested in a later section.

A. Provide an overview of your agency's mission, objectives, and key functions.

Mission

To earn the trust of Texans every day by providing innovative regulatory solutions for our licensees and those they serve.

Vision

To be the best at creating 'next' practices that deliver low-cost licensing and regulatory services and an exceptional customer experience.

Philosophy

To achieve smaller, smarter government, we:

- Honor the public by being fair, transparent, and efficient;
- Value our customers and coworkers by seeking and using their input;
- Foster innovation and change by challenging the status quo;
- Recruit, empower, and reward high-performing employees; and
- Transform programs and improve services for customers.

Core Values

- Accountable to Texans
- Create an exceptional customer service experience
- Integrity in all we do
- Lead through innovation
- Open and free communication
- Respect for all
- Teamwork built on individual strengths and ingenuity

The Texas Department of Licensing and Regulation (TDLR) has seven key functions.

Customer Service

The objective of the Customer Service Division is to accurately respond in a courteous and timely manner to customer contacts received by phone, email, social media, in person, and fax. For more detail, see Section VII, Customer Service.

Education and Examination

The objective of the Education and Examination Division is to oversee requirements for examinations, continuing education, and pre-licensure education as established in law and rule for TDLR-regulated professions and industries. For more detail, see Section VII, Education and Examination.

Enforcement

The objective of the Enforcement Division is to investigate and resolve complaints against licensees and other regulated populations in all programs overseen by TDLR. For more detail, see Section VII, Enforcement.

Field Inspections

The objective of the Field Inspections Division is to perform thorough, fair, and timely inspections to protect the public's health and safety and to educate our licensees. For more detail, see Section VII, Field Inspections.

Indirect Administration

The objective of the Indirect Administration function is to provide leadership, support, and guidance to functional areas of the agency that provide direct services to licensees. For more detail, see Section VII, Indirect Administration.

Licensing

The objective of the Licensing Division is to process applications and issue and renew licenses, permits, and certifications so that individuals, businesses, and equipment required by statute to obtain a license from TDLR can work to serve the citizens of Texas. For more detail, see Section VII, Licensing.

Regulatory Program Management

The objective of the Regulatory Program Management Division is to provide technical support, facilitate stakeholder outreach, and assist the regulated community in achieving compliance with applicable laws, rules, codes, and standards for the benefit of consumers and the public. For more detail, see Section VII, Regulatory Program Management.

B. Do your key functions continue to serve a clear and ongoing objective? Explain why each of these functions is still needed.

Customer Service

Yes. The Customer Service Division is the frontline provider of information to the public and licensees about TDLR's programs. Questions and concerns from the public regarding health and safety issues are handled at the Customer Service level or are routed to the appropriate TDLR subject matter expert in other TDLR divisions. Inquiries relating to health and safety are given the highest priority.

Education and Examination

Yes. Examination content and continuing education are constantly evolving due to the changing nature of the occupations that TDLR regulates. These professions are governed by state laws and rules, and in some cases national codes, that are updated on an ongoing basis. As changes occur, TDLR reviews examination, continuing education, and pre-licensure educational content to ensure both stay current. With input from advisory boards and industry subject matter experts, TDLR keeps licensing examinations relevant for the benefit of licensees and the public.

Enforcement

Yes. The Enforcement Division is responsible for investigating and resolving complaints about all occupations regulated by TDLR. The division's prosecutors determine the final disposition of cases arising from a variety of sources, including complaint investigations, criminal background investigations of license applicants, and routine facility inspections conducted by the Field Inspections Division.

When resolving cases involving consumer harm, prosecutors attempt to secure restitution or other available remedies for consumers. When reviewing the criminal histories of license applicants, the prosecutor's goal is to protect the public from individuals with a history of criminal behavior. Proactive field efforts like sting operations and license sweeps detect and generate higher numbers of unlicensed activity cases. Media coverage of sting operations, enforcement cases, and industry meetings all help to enhance consumer awareness.

Field Inspections

Yes. Certain TDLR statutes require onsite inspections, the vanguard for protecting public health and safety and the key to TDLR's success. Inspections provide an opportunity to protect the public's health and safety and to educate our licensees. The Field Inspections Division accepts the challenge of being the statewide leader in regulatory inspections. We are committed to performing thorough, fair, and timely inspections.

Indirect Administration

Yes. Every agency needs an Indirect Administration function to provide leadership, support, and guidance to other functional areas of the agency that provide direct services to licensees and consumers.

Licensing

Yes. State licensing assures consumers and citizens that the individual service provider they choose has met minimum competency, experience, and education requirements. Without the standards and safeguards offered by occupational licensing, the burden falls entirely on the consumer to investigate potential dangers and hazards.

Regulatory Program Management

Yes. Regulatory Program Management benefits consumers and protects the public health and safety by providing technical support, facilitating stakeholder outreach, and conducting reviews for new and renovated equipment, facilities, locations, and housing to ensure they meet all safety codes and legal requirements. We assist the regulated community and stakeholders in achieving compliance with applicable laws, rules, and codes.

- C. What, if any, functions does your agency perform that are no longer serving a clear and ongoing purpose? Which agency functions could be eliminated?**

N/A

- D. Does your agency's enabling law continue to correctly reflect your mission, objectives, and approach to performing your functions?**

Yes, our enabling law, Chapter 51, Occupations Code, continues to reflect TDLR's mission, objectives and approach to performing our functions. TDLR makes extensive use of Strategic Planning to ensure that our enabling law stays current to reflect our mission, objectives, and approach to performing our functions.

- E. Have you recommended changes to the Legislature in the past to improve your agency's operations? If so, explain. Were the changes adopted?**

2019-2023 Strategic Planning Process

In 2018, through a comprehensive strategic planning process, TDLR developed 11 strategic initiatives with a total of 28 statutory recommendations.

TDLR identified initiatives for our 2019-2023 strategic plan and made 28 recommendations to the 86th Texas Legislature for statutory changes to various programs. The proposed recommendations were designed to remove redundancies and impediments, streamline

regulations, safeguard the public, and ensure our licensing process is easier for our licensees.

Since the 86th Legislative Session has ended, TDLR has begun to implement the changes by seeking input from advisory boards, adopting rules, modifying forms, designing software programming, updating webpages, and providing notice to our licensees.

The 86th Legislature adopted 21 of the 28 proposed statutory changes resulting in a 75 percent adoption rate. All recommendations adopted by the Legislature take effect September 1, 2019, unless otherwise noted.

Strategic Initiative 1. Deregulate or Transfer Program

The Legislature did not adopt Recommendation 1.1. to repeal the statewide licensing requirement or transfer the Mold program back to the Department of State Health Services. (SB 1626)

Strategic Initiative 2. Eliminate Voluntary Licenses

The Legislature adopted Recommendation 2.1 to eliminate the following licenses.

- 2.1 Technician Registrations for Orthotic Technicians, Prosthetic Technicians, and Orthotic-Prosthetic Technicians (HB 2847)

Strategic Initiative 3. Prevent Human Trafficking and Reduce Fraud in the Massage Therapy Profession

The Legislature adopted Recommendations 3.1 through 3.3. Recommendation 3.4 was not introduced as legislation.

- 3.1 Authorize fingerprint background checks for both new applicants and existing licensees (HB 1865, HB 2747)
- 3.2 Require posting of human trafficking awareness signs in licensed massage establishments and schools (HB 2747)
- 3.3 Allow TDLR to issue student permits, standardize school reporting of hours, and determine exam eligibility (HB 1865)
- 3.4 Clarify the statutory definition of "Massage Therapy"

Strategic Initiative 4. Modernize and Reduce Costs for Driver Education

The Legislature adopted recommendations 4.1 and 4.2.

- 4.1 Remove requirement that all driver education schools must be in a physical building or classroom (HB 2847)

- 4.2 Provide TDLR with the authority to develop alternative pathways to becoming a driver education instructor (HB 2847)

Strategic Initiative 5. Improve Enforcement for Recently Transferred Medical and Health Programs

The Legislature adopted Recommendations 5.1, 5.2, and 5.5. The Legislature did not adopt Recommendations 5.3 and 5.4.

- 5.1 For all medical and health programs, provide TDLR with general rulemaking authority to establish uniform complaint confidentiality (HB 2847)
- 5.2 For Massage Therapy, remove the five-year “sit-out” period for a licensee who has any violation of the Massage Therapy statute (HB 1865)
- 5.3 For Massage Therapy, provide TDLR with clear authority to act expeditiously in instances of sexual offense convictions by licensees (SB 20)
- 5.4 For Massage Therapy, streamline enforcement provisions (SB 20)
- 5.5 For Podiatry, streamline enforcement procedures (HB 2452-Effective May 29, 2019, HB 2847)

Strategic Initiative 6. Focus Inspections by Reducing Business Burdens and Targeting Public Health and Safety Violations

The Legislature adopted Recommendations 6.1 and 6.2.

- 6.1 For Barbering, Cosmetology, and Used Automotive Parts Recyclers, provide TDLR with the authority to extend facility inspection timeframes based on public health and safety criteria (HB 2847)
- 6.2 For Used Automotive Parts Recyclers, repeal Risk-Based Inspections requirements (HB 2847)

Strategic Initiative 7. Simplify License Renewal Process and Reduce Licensing Costs

The Legislature adopted Recommendations 7.1 and 7.2. Recommendation 7.3 was not introduced as legislation.

- 7.1 For All TDLR Programs, provide the Texas Commission of Licensing and Regulation (Commission) with authority to standardize license terms and continuing education requirements (HB 2847)
- 7.2 For Midwives, remove the statutory fee floor that prohibits the Commission from setting a fee for an amount less than the amount on September 1, 1993 (HB 2847)

- 7.3 For Midwives, remove the specific limitation on the initial term of a Midwifery license

Strategic Initiative 8. Streamline Examination and Continuing Education Requirements

The Legislature adopted Recommendations 8.1 through 8.3.

- 8.1 For Barbering and Cosmetology, authorize TDLR to approve barber and cosmetology schools to conduct the practical portion of the Barber and Cosmetology exams (HB 2698, HB 2847)
- 8.2 For Hearing Instrument Fitters and Dispensers, remove the required passing score of 70 percent or greater for applicants set by statute (HB 2699)
- 8.3 For Laser Hair Removal, reinstate continuing education requirements (HB 2847)

Strategic Initiative 9. Improve Court-Ordered Programs to Better Serve the Public

The Legislature did not adopt Recommendation 9.1.

- 9.1 For Offender Education, create a unified statute for court-ordered programs that are under TDLR's jurisdiction (HB 2667)

Strategic Initiative 10. Remove Business Burdens for Barbers, Cosmetologists, and Massage Therapists

The Legislature adopted Recommendation 10.1. Recommendation 10.2 was not introduced as legislation.

- 10.1 For Cosmetology, correct statutory references that were not properly updated during the 85th Legislative Session (HB 2847)
- 10.2 For Barbering, Cosmetology, and Massage Therapy, allow for establishments that provide barbering and massage or cosmetology and massage services to obtain one license instead of two

Strategic Initiative 11. Remove Unnecessary and Excessive Statutory Requirements

The Legislature adopted Recommendations 11.1 through 11.4.

- 11.1 For Boiler Safety, remove the requirement that a certificate of operation must be posted under glass (HB 2847)
- 11.2 For Dietitians, remove the requirement that dietitians use a seal (HB 2847)
- 11.3 For Midwives, remove the requirement that the chair of the Midwives Advisory Board be a public member (HB 2847)

- 11.4 For Speech-Language Pathologists and Audiologists, remove the unnecessary requirement that an audiologist register with TDLR their intention to fit and dispense hearing instruments (HB 2847)

2017-2021 Strategic Planning Process

In 2016, through a comprehensive strategic planning process, TDLR developed eight strategic initiatives with a total of 56 statutory recommendations and one management action (non-statutory change). The Legislature adopted 52 of the 56 proposed statutory changes resulting in a 93 percent adoption rate. The proposed recommendations were designed to remove redundancies and impediments, streamline regulations, safeguard the public, and ensure our licensing process is easier for our licensees.

After legislation was enacted, TDLR implemented the changes by seeking input from advisory boards, adopting rules, modifying forms, designing software programming, updating webpages, and providing notice to our licensees.

Overall, TDLR's 2017-2021 strategic initiatives deregulated more than 15,000 licensees, making this one of the largest deregulation efforts in Texas history. These deregulations took effect September 1, 2017, except for vehicle booting (deregulation effective September 2018) and for-profit legal service contracts (deregulation effective September 2019).

Strategic Initiative 1. Deregulate Programs

The Legislature adopted recommendations 1.1 through 1.5 to deregulate the following occupations and activities.

- 1.1 Temporary Common Worker Employers (SB 2065)
- 1.2 For-Profit Legal Service Contracts (HB 2113, SB 2065) – September 2019
- 1.3 Vehicle Protection Product Warrantors (SB 2065)
- 1.4 Vehicle Booting (SB 1501, SB 2065) – September 2018
- 1.5 Threading (SB 1502, SB 2065)

Strategic Initiative 2. Eliminate Licenses

The Legislature adopted recommendations 2.1 through 2.7 to eliminate the following licenses.

- 2.1 For Athletic Trainers, Temporary License/Certificate of Registration (HB 4007)

- 2.2 For Barbers and Cosmetologists, Shampoo Apprentice Permit and Shampoo Specialty Certificate (SB 1503, SB 2065)
- 2.3 For Dietitians, Provisional License (HB 4007)
- 2.4 For Dietitians, Temporary License/Certificate of Registration (HB 4007)
- 2.5 For Massage Therapists, Provisional License (HB 4007)
- 2.6 For Speech-Language Pathologists and Audiologists, Temporary License/Certificate of Registration (HB 4007)
- 2.7 For Towing and Vehicle Storage Facilities, Dual Vehicle Storage Facility/Towing License (HB 2615)

Strategic Initiative 3. Transfer Program

The Legislature did not adopt Recommendation 3.1 since the recommendation was not introduced as legislation.

- 3.1 For Property Tax Consultants, to transfer regulation to the Texas Real Estate Commission

Strategic Initiative 4. Eliminate Licensing Impediments

The Legislature adopted recommendations 4.1 through 4.11.

- 4.1 For Athletic Trainers, to repeal a five-year residency requirement for membership on the advisory board (HB 4007)
- 4.2 For Dietitians, to repeal a provision limiting reexamination for a license (HB 4007)
- 4.3 For Driver Education and Safety, to reduce the surety bond amount from \$25,000 to \$10,000 (SB 848)
- 4.4 For Driver Education and Safety, to remove the requirement that an instructor renewal be mailed and postmarked 30 days prior to expiration date of the license (SB 848)
- 4.5 For Hearing Instrument Fitters and Dispensers, to repeal a provision relating to out-of-state applicants and reexamination (HB 4007)
- 4.6 For Hearing Instrument Fitters and Dispensers, to repeal provisions prohibiting a person who fails an examination from reapplying for a temporary training license (HB 4007)

- 4.7 For Hearing Instrument Fitters and Dispensers, to remove a residency requirement on the advisory board (HB 4007)
- 4.8 For Hearing Instrument Fitters and Dispensers, to remove the requirement for an out-of-state applicant to hold a license at least three years prior to application (HB 4007)
- 4.9 For Orthotists and Prosthetists, to remove the residency requirement for a license (HB 4007)
- 4.10 For Speech-Language Pathologists and Audiologists, to repeal a redundant reexamination provision (HB 4007)
- 4.11 For Speech-Language Pathologists and Audiologists, to remove a residency requirement on the advisory board (HB 4007)

Strategic Initiative 5. Eliminate Redundancies

The Legislature adopted recommendations 5.1 through 5.6. As a management action, Recommendation 5.7 did not require legislative action.

- 5.1 For Athletic Trainers, Code Enforcement Officers, Dyslexia Therapists, Mold Remediators and Assessors, Speech-Language Pathologists and Audiologists, Orthotists and Prosthetists, to repeal provisions relating to administrative penalties, license denials, revocations, suspensions for criminal convictions, or sanctions (HB 4007)
- 5.2 For Athletic Trainers, Code Enforcement Officers, Massage Therapists, Midwives, and Sanitarians, to amend provisions requiring TDLR to maintain rosters and registries of licensees and applicants (HB 4007)
- 5.3 For Barbers, Cosmetologists, Towing/Booting, and Vehicle Storage Facilities, to repeal provisions relating to risk-based inspection requirements (HB 2739, SB 1501)
- 5.4 For Hearing Instrument Fitters and Dispensers to remove redundant continuing education exemptions for regular and armed forces members (HB 4007)
- 5.5 For Hearing Instrument Fitters and Dispensers and Speech-Language Pathologists and Audiologists, to eliminate restrictions on the sale and labeling of hearing instruments (HB 4007)
- 5.6 For Orthotists and Prosthetists, to repeal redundant provisions relating to reciprocity (HB 4007)

- 5.7 For Service Contract Providers and Administrators, to coordinate with the Texas Real Estate Commission and the Texas Department of Insurance to clarify each agency's regulatory responsibilities for service contracts (Management Action)

Strategic Initiative 6. Eliminate Burdens and Government Interference with Business Practices

The Legislature adopted recommendations 6.2 and 6.3. Recommendation 6.1 was not introduced as legislation. The Legislature did not adopt recommendation 6.4.

- 6.1 For Barbers and Cosmetologists, to amend or repeal the provision that requires a school to readmit a student within four years after the student withdraws or is terminated
- 6.2 For Boilers, to clearly exempt espresso machine equipment from Boiler law (HB 3257)
- 6.3 For Hearing Instrument Fitters and Dispensers, to repeal provisions requiring a CEO of a corporation or each partner in a partnership to be a licensed hearing instrument fitter and dispenser (HB 4007)
- 6.4 For Towing/Booting, to remove provisions that interfere with the private contractual relationship between parking facility owners and towing companies (HB 3009)

Strategic Initiative 7. Remove Inflexible, Rigid, and Excessive Requirements

The Legislature adopted recommendations 7.1 through 7.11, except for Recommendation 7.2 which was not introduced as legislation.

- 7.1 For Barbers and Cosmetologists, to amend Chapter 1603, Occupations Code to allow credit hours to be used for educational requirement (HB 2738, SB 2065)
- 7.2 For Barbers and Cosmetologists, to amend the section to allow properly licensed and compliant barber schools to operate in the same space as a licensed cosmetology school
- 7.3 For Barbers and Cosmetologists, to amend the current square footage and equipment for schools to provide greater flexibility and lower operational costs for specialty schools (HB 2739, SB 2065)
- 7.4 For Hearing Instrument Fitters and Dispensers, to amend the section to remove the provisions that are outdated and prevents the use of electronic processing of licenses (HB 4007)

- 7.5 For Hearing Instrument Fitters and Dispensers and Orthotists and Prosthetists, to repeal sections relating to taking the state examination for continuing education credits or provisions regarding failure to complete continuing education hours or requirements that are inconsistent with Chapter 51, Occupations Code (HB 4007)
- 7.6 For Dyslexia Therapists, to amend the unnecessary requirement to consult with the advisory board concerning day-to-day operations (HB 4007)
- 7.7 For Massage Therapists, to remove a provision requiring a memorandum of understanding to be adopted by Commission rule (HB 4007)
- 7.8 For Mold Assessors and Remediators, remove the 70 percent passing score from statute (HB 4007)
- 7.9 For Driver Education and Safety, to amend parent-taught driver education to remove the lifetime DWI ban for a parent to teach their children driver education and bring the parent-taught instructor requirements in line with the commercial driver education instructor requirements (HB 912)
- 7.10 For Speech-Language Pathologists and Audiologists, to repeal a provision relating to the required use of private investigators (HB 4007)
- 7.11 For Vehicle Storage Facilities, to remove specific size requirements relating to the fonts on signs and allow for tolerances to be established by rule (SB 1501)

Strategic Initiative 8. Remove Criminal and Civil Penalties for Administrative Violations

The Legislature adopted recommendations 8.1 through 8.11.

- 8.1 For Athletic Trainers, to repeal unnecessary criminal penalty provisions (HB 4007)
- 8.2 For Code Enforcement Officers, to repeal unnecessary criminal penalty provisions (HB 4007)
- 8.3 For Dietitians, to repeal unnecessary criminal penalty provisions (HB 4007)
- 8.4 For Hearing Instrument Fitters and Dispensers, to repeal unnecessary civil penalty provisions (HB 4007)
- 8.5 For Midwives, to repeal unnecessary civil penalty provisions (HB 4007)
- 8.6 For Midwives, to repeal unnecessary criminal penalty provisions (HB 4007)
- 8.7 For Mold Assessors and Remediators, to repeal unnecessary civil penalty provisions (HB 4007)

- 8.8 For Orthotists and Prosthetists, to repeal unnecessary civil penalty provisions (HB 4007)
- 8.9 For Orthotists and Prosthetists, to repeal unnecessary criminal penalty provisions (HB 4007)
- 8.10 For Sanitarians, to repeal unnecessary criminal penalty provisions (HB 4007)
- 8.11 For Speech-Language Pathologists and Audiologists, to repeal unnecessary criminal penalty provisions (HB 4007)

F. Do any of your agency's functions overlap or duplicate those of another state or federal agency? Explain if, and why, each of your key functions is most appropriately placed within your agency. How do you ensure against duplication with other related agencies?

The Office of the Attorney General of Texas (OAG) has authority under most of TDLR's program statutes to pursue injunctions and civil penalties. Under other statutes, the OAG has broad authority to pursue other civil remedies.

TDLR regulates service contract providers who provide extended warranties to consumers for a specified period of time and for an additional cost beyond the price of the product. Not all service contracts or extended warranties fall under the Service Contract Providers and Administrators statute and rules. TDLR only regulates service contracts:

- that are purchased in Texas or are sold or issued to consumers in Texas; and
- where the consumer pays a fee for the contract that is in addition to the price of the product.

Residential service contracts or home service contracts are regulated by the Texas Real Estate Commission and may cover services or products that are similar to those covered by TDLR's program.

Federal and state law enforcement agencies have the authority to enforce criminal penalties that exist in some of TDLR's program statutes and in other statutes.

G. In general, how do other states carry out similar functions?

States use a variety of approaches to conduct occupational licensing. Even within a state, the approach may vary considerably. The analysis below focuses on populous states that use umbrella agencies.

Texas – Texas uses a mix of agency types to administer licensing functions that range from single-occupation boards regulated by majority market participant policy boards to umbrella agencies that license a variety of professions and are overseen by public members. In December 2018, the Texas Comptroller of Public Accounts published *A Report on Occupational Licenses Required by the State of Texas*.¹ The Comptroller's office received

information from 44 state entities on 779 license types.² The Texas Department of Licensing and Regulation (TDLR) is the largest umbrella licensing agency in Texas. In Fiscal Year 2018, the TDLR regulated 823,787 licensees in 39 programs with 222 license types.

California – The California Department of Consumer Affairs (DCA) administers more than 3.9 million licenses in more than 280 license types including certificates, registrations and permits, from architects to accountants, dentists to veterinarians.^{3,4}

Colorado – The Colorado Department of Regulatory Agencies (DORA) contains the Division of Professions and Occupations, which provides consumer protection through its regulation of 345,000 licensees within more than 50 professions, occupations, and entities.⁵ DORA also regulates other industries and professions through its various Divisions of Banking, Financial Services, Insurance, Real Estate, and Securities, as well as its Public Utilities Commission.⁶ The Division of Professions and Occupations regulates 45 professions.

Florida – The Florida Department of Business and Professional Regulation (DBPR) is the agency charged with licensing and regulating businesses and professionals,⁷ which consists of 36 programs.⁸

Georgia – The Professional Licensing Boards Division (PLBD) of the Georgia Secretary of State's Office serves as administrative support to the 42 licensing boards housed within the agency (although only 41 are listed on its website).⁹ Determinations regarding licensing qualifications and complaints rest solely with the individual majority market-participant policy boards, and the PLBD does not have the ability to review, modify, or overturn a decision which has been made by any board.¹⁰

Illinois – The Illinois Department of Financial and Professional Regulation (IDFPR) contains the Division of Professional Regulation,¹¹ which is legislatively mandated to administer and enforce over 45 separate legislative acts that regulate the conduct of many professions and occupations in Illinois and is advised by 45 different boards and committees.¹²

Michigan – The Michigan Department of Licensing and Regulatory Affairs (LARA) regulates 14 occupational professions consisting of almost 300,000 professionals,¹³ regulates 25 health professions (although its website lists 26) consisting of over 400,000 professionals,¹⁴ and regulates 13 corporations, securities, and commercial licenses.¹⁵

New York – The New York Department of State's Division of Licensing Services (DLS) oversees the licensure, registration, and regulation of 35 occupations throughout the state and licenses over 800,000 individuals and businesses.¹⁶

North Carolina – North Carolina appears to have single-occupation boards regulating most of its licensed professions, and it does not have an umbrella licensing agency comparable to TDLR. Information about licensing in North Carolina can be found through the North Carolina Department of Commerce's Labor and Economic Analysis Division (LEAD).¹⁷

Ohio – The Ohio Department of Commerce (ODOC) is the state’s chief regulatory agency, and it issues nearly 600,000 licenses, permits, registrations and certifications each year in various professions, industries and commercial enterprises.¹⁸ The Department regulates eight professions.¹⁹

Pennsylvania – The Bureau of Professional and Occupational Affairs (BPOA) was established as part of the Pennsylvania Department of State to provide administrative, logistical and legal support services to professional and occupational licensing boards and commissions in Pennsylvania.²⁰ There are 29 licensing boards and commissions, which regulate 255 licensure types and just over one million licensees.^{21,22}

The tables on the following pages compare professions and industries regulated by TDLR with professions and industries regulated by umbrella agencies in other states.

Texas Department of Licensing and Regulation	California Department of Consumer Affairs		Colorado Department of Regulatory Agencies (DORA), Division of Professions and Occupations	
	Same or Similar Program	Different Program	Same or Similar Program	Different Program
Air Conditioning and Refrigeration		Accountancy		Accountancy
Architectural Barriers		Acupuncture		Acupuncture
Athletic Trainers		Architects	Athletic Trainers	Addiction Counselors
Auctioneers		Athletic Commission		Architects
Barbering	Barbering and Cosmetology	Automotive	Barbers, Cosmetologists, Estheticians, Hairstylists, Nail Technicians	Chiropractors
Behavior Analysts		Behavioral Sciences		Dental
Boiler Safety		Cannabis		Fantasy Contests
Code Enforcement Officers		Cemetery and Funeral		Funeral Home & Crematory
Combative Sports		Chiropractic	Combative Sports	Healthcare Professions Profile Program
Cosmetologists	Barbering and Cosmetology	Contractors	Barbers, Cosmetologists, Estheticians, Hairstylists, Nail Technicians	Landscape Architects
Dietitians		Court Reporters		Marriage & Family Therapists
Driver Education and Safety		Dental		Medical
Dyslexia Therapy		Dental Hygiene		Military & Veterans Programs
Electricians	Electronic and Appliance Repair	Engineers, Land Surveyors, Geologists, And Geophysicists	Electrical	Naturopathic Doctor
Elevator / Escalator Safety		Home Furnishings		Nontransplant Tissue Bank
For-Profit Legal Services		Landscape Architects		Nurse-Physician Advisory Task Force for Colorado Healthcare (NPATCH)
Hearing Instrument Fitters and Dispensers	Hearing Aid Dispensers	Medical Board	Hearing Aid Providers	Nursing
Industrialized Housing and Buildings		Naturopathic Medicine		Nursing Home Administrators
Laser Hair Removal		Occupational Therapy		Occupational Therapy
Licensed Breeders		Optometry		Optometry
Massage Therapy		Osteopathic Physicians	Massage Therapists	Outfitters
Midwives		Pharmacy	Direct-Entry Midwives	Passenger Tramway
Mold Assessors and Remediators		Physical Therapy		Pharmacy
Offender Education Programs		Physician Assistants		Physical Therapy
Orthotists and Prosthetists		Private Postsecondary & Vocational Schools		Plumbing

Texas Department of Licensing and Regulation	California Department of Consumer Affairs		Colorado Department of Regulatory Agencies (DORA), Division of Professions and Occupations	
	Same or Similar Program	Different Program	Same or Similar Program	Different Program
Podiatry	Podiatric Medicine	Professional Fiduciaries	Podiatry	Private Investigators
Polygraph Examiners		Psychiatric Technicians		Prescription Drug Monitoring Program
Professional Employer Organizations		Psychology		Professional Counselors
Property Tax Consultants		Real Estate Appraisers		Professional Engineers
Property Tax Professionals		Registered Dispensing Opticians		Professional Land Surveyors
Sanitarians		Registered Nursing		Psychologists
Service Contract Providers		Respiratory Care		Registered Psychotherapy
Speech-Language Pathologists and Audiologists	Speech-Language Pathology & Audiology	Security and Investigative	Audiologists; Speech Language Pathology	Respiratory Therapy
Tow Trucks, Operators and Vehicle Storage Facilities		Structural Pest	Tow Trucks (under the Public Utilities Commission of DORA)	Social Work
Transportation Network Companies		Veterinary Medicine	Transportation Network Companies (under the Public Utilities Commission of DORA)	Surgical Assistant & Surgical Technologist
Used Automotive Parts Recyclers		Veterinary Technician		Veterinary
Water Well Drillers and Pump Installers		Vocational Nurses		
Weather Modification				

Texas Department of Licensing and Regulation	Florida Department of Business and Professional Regulation		Georgia Secretary of State's Office, Professional Licensing Boards Division	
Programs	Same or Similar Program	Different Program	Same or Similar Program	Different Program
Air Conditioning and Refrigeration		Alcoholic Beverages & Tobacco	Conditioned Air Contractors	Architects & Interior Designers
Architectural Barriers		Architecture & Interior Design		Athlete Agents
Athletic Trainers		Asbestos Contractors & Consultants	Athletic Trainers	Athletic & Entertainment Commission
Auctioneers	Auctioneers	Athlete Agents	Auctioneers	Cemeteries
Barbering	Barbers	Building Code Administrators & Inspectors	Cosmetologists & Barbers	Chiropractors
Behavior Analysts		Building Codes & Standards		Dispensing Opticians
Boiler Safety		Certified Public Accounting		Engineers & Land Surveyors
Code Enforcement Officers		Child Labor		Foresters
Combative Sports	Boxing, Kick Boxing & Mixed Martial Arts	Community Assoc. Managers & Firms		Funeral Directors & Embalmers
Cosmetologists	Cosmetology	Condominiums & Cooperatives	Cosmetologists & Barbers	Geologists
Dietitians		Construction Industry	Dietitians	Immigration Assistance
Driver Education and Safety		Drugs, Devices & Cosmetics		Lactation Consultants
Dyslexia Therapy		Engineers		Landscape Architects
Electricians	Electrical Contractors	Farm Labor	Electrical Contractors	Librarians
Elevator / Escalator Safety	Elevators	Geologists		Low Voltage Contractors
For-Profit Legal Services		Harbor Pilots		Music Therapy
Hearing Instrument Fitters and Dispensers		Home Inspectors	Hearing Aid Dealers & Dispensers	Nursing
Industrialized Housing and Buildings		Hotels & Restaurants		Nursing Home Administrators
Laser Hair Removal		Labor Organizations		Occupational Therapists
Licensed Breeders		Landscape Architecture		Optometry
Massage Therapy		Mobile Homes	Massage Therapy	Physical Therapists
Midwives		Pari-Mutuel Wagering		Plumbers
Mold Assessors and Remediators	Mold-Related Services	Real Estate Commission		Private Detectives & Security Agencies
Offender Education Programs		Real Estate Appraisal Board		Professional Counselors, Social Workers, and Marriage & Family Therapists
Orthotists and Prosthetists		Talent Agencies		Psychology
Podiatry		Timeshares	Podiatry	Residential & General Contractors
Polygraph Examiners		Veterinary Medicine		Used Motor Vehicle Dealers

Texas Department of Licensing and Regulation	Florida Department of Business and Professional Regulation		Georgia Secretary of State's Office, Professional Licensing Boards Division	
	Same or Similar Program	Different Program	Same or Similar Program	Different Program
Professional Employer Organizations	Employee Leasing Companies	Yacht & Ships		Utility Contractors
Property Tax Consultants				Veterinary Medicine
Property Tax Professionals				Water & Wastewater Treatment Plant Operators
Sanitarians				
Service Contract Providers				
Speech-Language Pathologists and Audiologists			Speech Pathologists & Audiologists	
Tow Trucks, Operators and Vehicle Storage Facilities				
Transportation Network Companies				
Used Automotive Parts Recyclers			Used Motor Vehicle Parts	
Water Well Drillers and Pump Installers				
Weather Modification				

Texas Department of Licensing and Regulation	Illinois Department of Financial and Professional Regulation, Division of Professional Regulation		The Michigan Department of Licensing and Regulatory Affairs	
Programs	Same or Similar Program	Different Program	Same or Similar Program	Different Program
Air Conditioning and Refrigeration		Acupuncturists		Accountancy
Architectural Barriers		Architects		Acupuncture
Athletic Trainers	Athletic Trainers	Athlete Agents	Athletic Trainer	Appraisal Management Company
Auctioneers		Canine Handlers		Appraisers, Real Estate
Barbering	Barbers; Barber & Cosmetology Salons/Shops	Cemeteries/Cemetery Managers	Barbers	Architects
Behavior Analysts		Cemetery Oversight	Behavior Analysts	Cemetery
Boiler Safety		Chiropractors		Chiropractic
Code Enforcement Officers		Collection Agencies		Collection Agencies
Combative Sports	Professional Boxing & Mixed Martial Arts	Controlled Substances	Unarmed Combat Commission	Counseling
Cosmetologists	Cosmetologists; Barber & Cosmetology Salons/Shops; Estheticians; Nail Technicians	Dentists/Dental Hygienists	Cosmetology	Dentistry
Dietitians	Dietitian Nutritionists	Fingerprint Vendor Agencies		Engineers, Professional
Driver Education and Safety		Firearm Instructors		Funeral & Cemetery Prepaid Contract Sellers/Providers
Dyslexia Therapy		Funeral Directors and Embalmers		Funeral Directors (Mortuary Science)
Electricians		Geologists		Landscape Architects
Elevator / Escalator Safety		Genetic Counselors		Marriage & Family Therapy
For-Profit Legal Services		Hair Braiders		Medicine
Hearing Instrument Fitters and Dispensers		Home Medical Equipment & Service Provider	Hearing Aid Dealers	Nursing
Industrialized Housing and Buildings		Humane Euthanasian Technicians/Agencies		Nursing Home Administrator
Laser Hair Removal	Electrologists	Interior Designers/Residential Interior Design		Occupational Therapy
Licensed Breeders		Landscape Architects		Optometry
Massage Therapy	Massage Therapists	Land Surveyors	Massage Therapy	Osteopathic Medicine & Surgery
Midwives		Limited Liability Companies	Midwifery	Personnel Agencies
Mold Assessors and Remediators		Locksmiths & Agencies		Pharmacy
Offender Education Programs		Mail Order Ophthalmic Providers		Physical Therapy

Texas Department of Licensing and Regulation	Illinois Department of Financial and Professional Regulation, Division of Professional Regulation		The Michigan Department of Licensing and Regulatory Affairs	
Programs	Same or Similar Program	Different Program	Same or Similar Program	Different Program
Orthotists and Prosthetists	Orthotists, Prosthetists & Pedorthists	Marriage & Family Therapists		Physician's Assistant
Podiatry	Podiatric Physicians	Medical Cannabis Dispensaries	Podiatric Medicine & Surgery	Postsecondary Schools
Polygraph Examiners	Detection of Deception Examiners	Medical Corporations	Polygraph Examiners	Professional Investigators
Professional Employer Organizations		Naprapaths	Professional Employer Organizations	Psychology
Property Tax Consultants		Nurses (LPN, RN, APN)		Real Estate Broker/Salesperson
Property Tax Professionals		Nursing Home Administrators		Respiratory Care
Sanitarians	Environmental Health Practitioners	Occupational Therapists/Assistants	Sanitarian	Securities Regulation
Service Contract Providers		Optometrists		Security Alarm Contractor
Speech-Language Pathologists and Audiologists	Speech-Language Pathologists & Audiologists	Perfusionists	Audiologist; Speech-Language Pathology	Security Guards, Private
Tow Trucks, Operators and Vehicle Storage Facilities		Pharmacists/Pharmacies/ Pharmacy Technicians		Social Worker
Transportation Network Companies		Physical Therapists	Transportation Company	Surveyors, Professional
Used Automotive Parts Recyclers		Physicians & Surgeons		Vehicle Protection Product Warrantors
Water Well Drillers and Pump Installers		Physician Assistants		Veterinary Medicine
Weather Modification		Private Alarm Contractors & Agencies		
		Private Detectives & Agencies		
		Private Security Contractors & Agencies		
		Professional Counselors		
		Professional Engineers		
		Professional Service Corporations		
		Psychologists		
		Public Accountants		
		Respiratory Care Practitioners		
		Roofing Contractors		
		Shorthand Reporters		
		Sex Offender Evaluators		
		Social Workers		
		Structural Engineers		
		Surgical Assistant		

Texas Department of Licensing and Regulation	Illinois Department of Financial and Professional Regulation, Division of Professional Regulation		The Michigan Department of Licensing and Regulatory Affairs	
Programs	Same or Similar Program	Different Program	Same or Similar Program	Different Program
		Surgical Technologist		
		Veterinarians/Veterinary Technicians		
		Wholesale Drug Distributors		

Texas Department of Licensing and Regulation	New York Department of State, Division of Licensing Services		Ohio Department of Commerce	
Programs	Same or Similar Program	Different Program	Same or Similar Program	Different Program
Air Conditioning and Refrigeration		Apartment Information Vendors and Apartment Sharing Agents		Financial Institutions
Architectural Barriers		Appraisal Management Company	Industrial Compliance	Industrial Compliance
Athletic Trainers		Armored Car Services		Liquor Control
Auctioneers		Armored Car Carrier		Manufactured Homes
Barbering	Barber	Armored Car Guard		Medical Marijuana Control
Behavior Analysts		Athlete Agent		Real Estate & Professional Licensing
Boiler Safety		Automobile Broker	Industrial Compliance	Securities
Code Enforcement Officers		Bail Enforcement Agent	State Fire Marshal	State Fire Marshal
Combative Sports		Bedding Manufacturer and Refurbisher		Unclaimed Funds
Cosmetologists	Appearance Enhancement Business/Area Renter; Cosmetology; Esthetics; Nail Specialty; Natural Hair Styling; Waxing	Central Dispatch Facility		Video Service Authorization
Dietitians		Children's Product Safety and Recall Act		
Driver Education and Safety		Coin Processor		
Dyslexia Therapy		Document Destruction Contractor		
Electricians		Home Inspectors		
Elevator / Escalator Safety		Manufactured Housing	Industrial Compliance	
For-Profit Legal Services		Notaries Public		
Hearing Instrument Fitters and Dispensers	Hearing Aid Dispensers	Pet Cemetery & Pet Crematorium		
Industrialized Housing and Buildings		Private Investigator	Industrial Compliance	
Laser Hair Removal		Real Estate Broker		
Licensed Breeders		Real Estate Salesperson		
Massage Therapy		Real Estate Appraiser		
Midwives		Security Guard		
Mold Assessors and Remediators		Security or Fire Alarm Installer		
Offender Education Programs		Telemarketer Business		
Orthotists and Prosthetists		Ticket Reseller		
Podiatry		Watch, Guard or Patrol Agency		
Polygraph Examiners				

Texas Department of Licensing and Regulation	New York Department of State, Division of Licensing Services		Ohio Department of Commerce	
	Same or Similar Program	Different Program	Same or Similar Program	Different Program
Professional Employer Organizations				
Property Tax Consultants				
Property Tax Professionals				
Sanitarians				
Service Contract Providers				
Speech-Language Pathologists and Audiologists				
Tow Trucks, Operators and Vehicle Storage Facilities				
Transportation Network Companies				
Used Automotive Parts Recyclers				
Water Well Drillers and Pump Installers				
Weather Modification				

Texas Department of Licensing and Regulation	Pennsylvania Department of State, Bureau of Professional and Occupational Affairs	
Programs	Same or Similar Program	Different Program
Air Conditioning and Refrigeration		Accountancy
Architectural Barriers		Architects
Athletic Trainers		Certified Real Estate Appraisers
Auctioneers	Auctioneer Examiners	Chiropractic
Barbering	Barber Examiners	Crane Operators
Behavior Analysts		Dentistry
Boiler Safety		Engineers, Land Surveyors, Geologists
Code Enforcement Officers		Funeral Directors
Combative Sports		Landscape Architects
Cosmetologists	Cosmetology	Medicine
Dietitians		Navigation Commission
Driver Education and Safety		Nursing
Dyslexia Therapy		Nursing Home Administrators
Electricians		Occupational Therapy
Elevator / Escalator Safety		Optometry
For-Profit Legal Services		Osteopathic Medicine
Hearing Instrument Fitters and Dispensers		Pharmacy
Industrialized Housing and Buildings		Physical Therapy
Laser Hair Removal		Psychology
Licensed Breeders		Real Estate Commission
Massage Therapy	Massage Therapy	Social Workers, Marriage & Family Therapists, Professional Counselors
Midwives		Vehicle Manufacturers, Dealers & Salespersons
Mold Assessors and Remediators		Veterinary Medicine
Offender Education Programs		
Orthotists and Prosthetists		
Podiatry	Podiatry	
Polygraph Examiners		
Professional Employer Organizations		
Property Tax Consultants		
Property Tax Professionals		
Sanitarians		
Service Contract Providers		
Speech-Language Pathologists and Audiologists	Speech-Language Pathology & Audiology	
Tow Trucks, Operators and Vehicle Storage Facilities		
Transportation Network Companies		
Used Automotive Parts Recyclers		
Water Well Drillers and Pump Installers		
Weather Modification		

H. What key obstacles impair your agency's ability to achieve its objectives?

Currently, TDLR does not have any key obstacles that impair our ability to achieve our objectives.

I. Discuss any changes that could impact your agency's key functions in the near future (e.g., changes in federal law or outstanding court cases).

Currently, TDLR does not have any outstanding court cases that raise these concerns. However, increased scrutiny of licensure requirements and other economic regulations could alter TDLR's role. Should this scrutiny of licensing requirements continue, it is possible that certain professions or program areas could become unregulated or subject to less regulation by TDLR.

J. Aside from additional staff or funding, what are your agency's biggest opportunities for improvement in the future? For example, are there other programs or duties the agency could take on to better carry out its mission?

One of TDLR's biggest opportunities for improvement in the future is to continue innovating and increasing efficiencies for regulatory programs that have been or will be transferred to TDLR based on recent legislative action.

Secondly, with the number of legislative transfers and new programs added to TDLR's responsibilities in recent years, TDLR's functional model has proven to be extensible. TDLR has learned many lessons through its work transferring various industries, statutes, rules, organizational structures, and licensing systems. Should the need arise in the future, TDLR stands ready to assist the Legislature in bringing needed improvements in the areas of better serving licensees and the public. To the extent that other regulatory programs are similar in nature, consolidation would permit similar functions to be administered with increased efficiency and effectiveness. Based on recent transfers, TDLR has identified factors that make regulatory programs stronger or weaker candidates for successful transfer or new regulation by TDLR.

Factors of programs that are good candidates for successful transfer or regulation by TDLR	Factors of programs that are not good candidates for successful transfer or regulation by TDLR
<p>Governance</p> <ul style="list-style-type: none"> Market-participant controlled governing board <p>Agency Factors</p> <ul style="list-style-type: none"> Similar industry or profession Small licensee population Small agency size High costs due to lack of economies of scale Higher than average staff turnover that poses high risk to agency <p>Enforcement</p> <ul style="list-style-type: none"> Longer than average complaint resolution Lack of consistency in penalties Low number of complaints Low number of violations <p>Licensing</p> <ul style="list-style-type: none"> Longer than targeted issuance and renewal times for licenses Longer than targeted scheduling times for testing Limited or no criminal history background checks Unnecessary barriers to licensure <p>Customer Service</p> <ul style="list-style-type: none"> Staffing size and resources limit effectiveness and customer service Rising contact backlog 	<p>Existing Programs or Agencies</p> <ul style="list-style-type: none"> Program performs better than targeted levels. Program has a dissimilar regulatory function or business model (Texas Racing Commission and Texas Department of Insurance Amusement Rides Program).

Third, in recent years, the Legislature has asked TDLR to provide technical assistance to other agencies. This role adds value to state government as a whole and provides opportunities for TDLR to share its successes while its staff learn, observe, and bring back potential next practices for future use in improving licensing and regulation.

K. Overall, how does the agency measure its effectiveness in carrying out its objectives?

TDLR Executive leadership and division directors routinely assess and evaluate key performance measures. In addition, we seek out and rely heavily on feedback we receive from the Commission, advisory boards, stakeholders, and TDLR staff throughout the year, and especially during the internal and external phases of our strategic planning process.

**Texas Department of Licensing and Regulation
Exhibit 2: Key Performance Measures – Fiscal Year 2018**

Key Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Percent of Licensees with No Recent Disciplinary Actions	102	The numerator for this measure is calculated by subtracting the total number of licenses held by individuals that have had disciplinary actions during the last thirty-six months from the total number of licenses held by individuals at the end of the reporting period. The denominator is the total number of licenses held by individuals.	97.00%	98.00%	101.03%
Percent of Licensees Who Renew Online	89/87	The numerator for this measure is the total number of licenses issued to individuals who renewed online. The denominator is the total number of licenses issued to individuals for whom online renewal was available.	94.00%	95.30%	101.38%
Percent of New Individual Licenses Issued Online	91/86	The numerator for this measure is the total number of new licenses issued to individuals online during the reporting period. The denominator is the total number of new licenses issued to individuals for whom online application was available during the reporting period.	87.00%	88.20%	101.38%
Total Number of Licenses Held by Individuals	85	Total the number of licenses held by individuals at the end of the reporting period.	573,923	604,598	105.34%
Number of New Licenses Issued to Individuals	86	Total the number of new licenses issued to individuals for all TDLR programs during the reporting period.	127,643	127,990	100.27%
Number of Licenses Renewed for Individuals	87	Total the number of renewed licenses issued to individuals	265,280	303,255	114.14%

Key Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
		for all TDLR programs during the reporting period.			
Total Number Licenses Held by Businesses	97	Total the number of businesses licensed at the end of the reporting period.	215,037	219,189	101.93%
Percent of Complaints Closed in Six Months	101	The numerator for this measure is the number of complaints during the reporting period closed within six months from the date opened. The denominator is the number of complaints closed during the reporting period.	67.00%	74.97%	111.90%
Inspection Coverage Rate	105/106	The numerator for this measure is the total number of inspections completed during the reporting period. The denominator is the total number of inspections completed during the reporting period, plus inspections still due at the end of the reporting period.	86.00%	88.61%	103.03%
Total Number of Inspections Completed	105	Total the number of inspections from all sources.	125,355	143,276	114.30%
Number of Complaints Closed	100	The sum of the number of complaints closed during the reporting period minus any complaints that were opened in error and subsequently closed during the same reporting period.	12,605	9,833	78.01%
Number of Complaints Opened	110	The sum of the number of complaints opened minus any complaints that were opened in error and subsequently closed during the same reporting period.	11,849	10,585	89.33%

Table 2 Exhibit 2 Key Performance Measures – Fiscal Year 2018

- L. Please list all key datasets your agency maintains. Why does the agency collect these datasets and what is the data used for? Is the agency required by any other state or federal law to collect or maintain these datasets? Please note any “high-value data” the agency collects as defined by Texas Government Code, Section 2054.1265. In addition, please note whether your agency has posted those high-value datasets on publicly available websites as required by statute.

**Texas Department of Licensing and Regulation
Exhibit 3: Key Datasets**

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure (Y/N)
1	All Licenses	List of all Licenses	Agency	https://www.tdlr.texas.gov/dbproduction2/ltlicfile.csv	N
2	All A/C Technicians	List of all A/C Technicians	Agency	https://www.tdlr.texas.gov/dbproduction2/ltactech.csv	N
3	ACR Certification Training Program	List of all ACR Certification Training Programs	Agency	https://www.tdlr.texas.gov/dbproduction2/ltactpr.csv	N
4	All Barbers	List of all Barbers	Agency	https://www.tdlr.texas.gov/dbproduction2/ltbarber.csv	N
5	All Barber Shops	List of all Barber Shops	Agency	https://www.tdlr.texas.gov/dbproduction2/ltbarshp.csv	N
6	All Barber Schools	List of all Barber Schools	Agency	https://www.tdlr.texas.gov/dbproduction2/Ltbarscl.csv	N
7	Behavior Analyst	List of all Behavior Analysts	Agency	https://www.tdlr.texas.gov/dbproduction2/Ltbehana.csv	N
8	Combative Sports Contestants	List of all Combative Sports Contestants	Agency	https://www.tdlr.texas.gov/dbproduction2/ltcsctst.csv	N
9	Combative Sports Event Coordinators	List of Combative Sports Event Coordinators	Agency	https://www.tdlr.texas.gov/dbproduction2/ltcsevtc.csv	N
10	Combative Sports Judges	List of Combative Sports Judges	Agency	https://www.tdlr.texas.gov/dbproduction2/ltcsjudg.csv	N
11	Combative Sports Managers	List of Combative Sports Managers	Agency	https://www.tdlr.texas.gov/dbproduction2/ltcsmngr.csv	N
12	Combative Sports Matchmakers	List of Combative Sports Matchmakers	Agency	https://www.tdlr.texas.gov/dbproduction2/ltcsmmkr.csv	N
13	Combative Sports Promoters	List of Combative Sports Promoters	Agency	https://www.tdlr.texas.gov/dbproduction2/ltcspmtr.csv	N
14	Combative Sports Amateur Promoters	List of Combative Sports Amateur Promoters	Agency	https://www.tdlr.texas.gov/dbproduction2/ltcsaprm.csv	N

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure (Y/N)
15	Combative Sports Referees	List of Combative Sports Referees	Agency	https://www.tdlr.texas.gov/dbproduction2/l/tcsrfre.csv	N
16	Combative Sports Seconds	List of Combative Sports Seconds	Agency	https://www.tdlr.texas.gov/dbproduction2/l/tcsscnd.csv	N
17	All Continuing Education Providers	List of all Continuing Education Providers	Agency	https://www.tdlr.texas.gov/dbproduction2/l/tcepall.csv	N
18	Property Tax Professional Core Education Providers	List of Property Tax Professional Core Education Providers	Agency	https://www.tdlr.texas.gov/dbproduction2/l/tptpcep.csv	N
19	All Cosmetologists	List of all Cosmetologists	Agency	https://www.tdlr.texas.gov/dbproduction2/l/tcosmos.csv	N
20	All Cosmetology Salons	List of all Cosmetology Salons	Agency	https://www.tdlr.texas.gov/dbproduction2/l/tcosshp.csv	N
21	All Cosmetology Schools	List of all Cosmetology Schools	Agency	https://www.tdlr.texas.gov/dbproduction2/Ltcosocl.csv	N
22	All Electricians	List of all Electricians	Agency	https://www.tdlr.texas.gov/dbproduction2/Ltelcall.csv	N
23	Elevator Inspectors	List of Elevator Inspectors	Agency	https://www.tdlr.texas.gov/dbproduction2/l/tinelvt.csv	N
24	Elevator Contractors	List of Elevator Contractors	Agency	https://www.tdlr.texas.gov/dbproduction2/l/telectr.csv	N
25	Legal Service Contracts	List of Legal Service Contracts	Agency	https://www.tdlr.texas.gov/dbproduction2/Ltlscall.csv	N
26	Licensed Breeders	List of Licensed Breeders	Agency	https://www.tdlr.texas.gov/dbproduction2/Ltbreedr.csv	N
27	Polygraph Examiners	List of Polygraph Examiners	Agency	https://www.tdlr.texas.gov/dbproduction2/Ltplyexm_exm.csv	N
28	Polygraph Trainees	List of Polygraph Trainees	Agency	https://www.tdlr.texas.gov/dbproduction2/Ltplyexm_int.csv	N
29	Property Tax Consultants	List of Property Tax Consultants	Agency	https://www.tdlr.texas.gov/dbproduction2/l/tproptc.csv	N
30	All Property Tax Professionals	List of All Property Tax Professionals	Agency	https://www.tdlr.texas.gov/dbproduction2/l/tptpro.csv	N
31	Registered Accessibility Specialists	List of Registered Accessibility Specialists	Agency	https://www.tdlr.texas.gov/dbproduction2/Ltraspcl.csv	N
32	Service Contract Providers	List of Service Contract Providers	Agency	https://www.tdlr.texas.gov/dbproduction2/Ltservcp.csv	N
33	All Professional Employer Organizations	List of All Professional Employer Organizations	Agency	https://www.tdlr.texas.gov/dbproduction2/l/tlsrvc.csv	N

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure (Y/N)
34	All Tow Truck Companies and Vehicle Storage Facilities	List of All Tow Truck Companies and Vehicle Storage Facilities	Agency	N/A	N
35	All Tow Truck Operators	List of All Tow Truck Operators	Agency	https://www.tdlr.texas.gov/dbproduction2/Lttowopr.csv	N
36	All Used Auto Parts Recyclers/Employees	List of All Used Auto Parts Recyclers/Employees	Agency	https://www.tdlr.texas.gov/dbproduction2/Ltuaprcl.csv	N
37	Vehicle Storage Facility Employees	List of Vehicle Storage Facility Employees	Agency	https://www.tdlr.texas.gov/dbproduction2/Ltvsfemp.csv	N
38	Water Well/Pump Installer Apprentices	List of Water Well/Pump Installer Apprentices	Agency	https://www.tdlr.texas.gov/dbproduction2/ltwwdapp.csv	N
39	Water Well Drillers/Pump Installers	List of Water Well Drillers/Pump Installers	Agency	https://www.tdlr.texas.gov/dbproduction2/ltwwdpmp.csv	N
40	Alcohol Education Program for Minors	List of Alcohol Education Program for Minors	Agency	https://www.tdlr.texas.gov/dbproduction2/vsAlchoEdProgramForMinors.csv	N
41	Alcohol Education Program for Minors Instructors	List of Alcohol Education Program for Minors Instructors	Agency	https://www.tdlr.texas.gov/dbproduction2/vsAlcoholEducationProgramForMinorsInstructor.csv	N
42	Athletic Trainers	List of Athletic Trainers	Agency	https://www.tdlr.texas.gov/dbproduction2/vsAthleticTrainer.csv	N
43	Audiologists	List of Audiologists	Agency	https://www.tdlr.texas.gov/dbproduction2/vsAudiologist.csv	N
44	Audiologist Assistants	List of Audiologist Assistants	Agency	https://www.tdlr.texas.gov/dbproduction2/vsAudiologistAssistant.csv	N
45	Coding Enforcement Officers	List of Coding Enforcement Officers	Agency	https://www.tdlr.texas.gov/dbproduction2/vsCodingEnforcementOfficer.csv	N
46	Dietitians	List of Dietitians	Agency	https://www.tdlr.texas.gov/dbproduction2/vsDietitian.csv	N
47	Drug Offender Education Program	List of drug Offender Education Program	Agency	https://www.tdlr.texas.gov/dbproduction2/vsDrugOffenderEducationProgram.csv	N
48	Drug Offender Education Program Instructors	List of Drug Offender Education Program Instructors	Agency	https://www.tdlr.texas.gov/dbproduction2/vsDrugOffenderEducationProgramInstructor.csv	N

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure (Y/N)
49	DWI Education Program	List of DWI Education Program	Agency	https://www.tdlr.texas.gov/dbproduction2/vsDWIEducationProgram.csv	N
50	DWI Education Program Instructors	List of DWI Education Program Instructors	Agency	https://www.tdlr.texas.gov/dbproduction2/vsDWIEducationProgramInstructor.csv	N
51	DWI Intervention Program	List of DWI Intervention Program	Agency	https://www.tdlr.texas.gov/dbproduction2/vsDWIInterventionProgram.csv	N
52	DWI Intervention Program Instructors	List of DWI Intervention Program Instructors	Agency	https://www.tdlr.texas.gov/dbproduction2/vsDWIInterventionProgramInstructor.csv	N
53	Dyslexia Practitioners	List of Dyslexia Practitioners	Agency	https://www.tdlr.texas.gov/dbproduction2/vsDyslexiaPractitioner.csv	N
54	Dyslexia Therapists	List of Dyslexia Therapists	Agency	https://www.tdlr.texas.gov/dbproduction2/vsDyslexiaTherapist.csv	N
55	Fitter Dispenser of Hearing Instruments	List of Fitter Dispenser of Hearing Instruments	Agency	https://www.tdlr.texas.gov/dbproduction2/vsFitterDispenserOfHearingInstruments.csv	N
56	Fitter Dispenser of Hearing Instruments CE Providers	List of Fitter Dispenser of Hearing Instruments CE Providers	Agency	https://www.tdlr.texas.gov/dbproduction2/vsFitterDispenserOfHearingInstrumentsCEProvider.csv	N
57	Laser Hair Facilities	List of Laser Hair Facilities	Agency	https://www.tdlr.texas.gov/dbproduction2/vsLaserHairFacility.csv	N
58	Laser Hair Professionals	List of Laser Hair Professionals	Agency	https://www.tdlr.texas.gov/dbproduction2/vsLaserHairProfessional.csv	N
59	Laser Hair Removal Training Providers	List of Laser Hair Removal Training Providers	Agency	https://www.tdlr.texas.gov/dbproduction2/vsLaserHairRemovalTrainingProvider.csv	N
60	Licensed Prosthetist Orthotists	List of Licensed Prosthetist Orthotists	Agency	https://www.tdlr.texas.gov/dbproduction2/vsLicensedProsthetistOrthotist.csv	N
61	Licensed Prosthetist Orthotist Assistants	List of Licensed Prosthetist Orthotist Assistants	Agency	https://www.tdlr.texas.gov/dbproduction2/vsLicensedProsthetistOrthotistAssistant.csv	N
62	Licensed Prosthetist Orthotist Facilities	List of Licensed Prosthetist Orthotist Facilities	Agency	https://www.tdlr.texas.gov/dbproduction2/vsLicensedProsthetistOrthotistFacility.csv	N
63	Licensed Prosthetist Orthotist Technicians	List of Licensed Prosthetist Orthotist Technicians	Agency	https://www.tdlr.texas.gov/dbproduction2/vsLicensedProsthetistOrthotistTechnician.csv	N

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure (Y/N)
64	Massage Establishments	List of Massage Establishments	Agency	https://www.tdlr.texas.gov/dbproduction2/vsMassageEstablishment.csv	N
65	Massage Instructors	List of Massage Instructors	Agency	https://www.tdlr.texas.gov/dbproduction2/vsMassageInstructor.csv	N
66	Massage Schools	List of Massage Schools	Agency	https://www.tdlr.texas.gov/dbproduction2/vsMassageSchool.csv	N
67	Massage Therapists	List of Massage Therapists	Agency	https://www.tdlr.texas.gov/dbproduction2/vsMassageTherapist.csv	N
68	Massage Therapy CE Providers	List of Massage Therapy CE Providers	Agency	https://www.tdlr.texas.gov/dbproduction2/vsMassageTherapyCEProvider.csv	N
69	Midwives	List of Midwives	Agency	https://www.tdlr.texas.gov/dbproduction2/vsMidwife.csv	N
70	Mold Analysis Laboratories	List of Mold Analysis Laboratories	Agency	https://www.tdlr.texas.gov/dbproduction2/vsMoldAnalysisLaboratory.csv	N
71	Mold Assessment Companies	List of Mold Assessment Companies	Agency	https://www.tdlr.texas.gov/dbproduction2/vsMoldAssessmentCompany.csv	N
72	Mold Assessment Consultants	List of Mold Assessment Consultants	Agency	https://www.tdlr.texas.gov/dbproduction2/vsMoldAssessmentConsultant.csv	N
73	Mold Assessment Technicians	List of Mold Assessment Technicians	Agency	https://www.tdlr.texas.gov/dbproduction2/vsMoldAssessmentTechnician.csv	N
74	Mold Remediation Contractors	List of Mold Remediation Contractors	Agency	https://www.tdlr.texas.gov/dbproduction2/vsMoldRemediationContractor.csv	N
75	Mold Remediation Workers	List of Mold Remediation Workers	Agency	https://www.tdlr.texas.gov/dbproduction2/vsMoldRemediationWorker.csv	N
76	Mold Training Providers	List of Mold Training Providers	Agency	https://www.tdlr.texas.gov/dbproduction2/vsMoldTrainingProvider.csv	N
77	Sanitarians	List of Sanitarians	Agency	https://www.tdlr.texas.gov/dbproduction2/vsSanitarian.csv	N
78	Speech Language Pathologists	List of Speech Language Pathologists	Agency	https://www.tdlr.texas.gov/dbproduction2/vsSpeechLanguagePathologist.csv	N
79	Speech Language Pathologist Assistants	List of Speech Language Pathologist Assistants	Agency	https://www.tdlr.texas.gov/dbproduction2/vsSpeechLanguagePathologistAssistant.csv	N
80	Temp Training Permits	List of Temp Training Permits	Agency	https://www.tdlr.texas.gov/dbproduction2/vsTempTrainingPermit.csv	N
81	Transportation Network Companies	List of Transportation Network Companies	Agency	https://www.tdlr.texas.gov/dbproduction2/vsTransportation.csv	N

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure (Y/N)
82	Administrative Orders Search	Web-based search page containing violations data from last 3 fiscal years.	Agency	https://www.tdlr.texas.gov/cimsfo/fosearch.asp	N
83	Boiler Data - Search	Web-based search page containing Boiler Safety data.	Agency	https://www.tdlr.texas.gov/Boilerdata/	N
84	Mold Notifications	List of Mold Remediation Project Notifications	Agency	N/A	N
85	Number of licenses held by individuals.	Number of licenses held by individuals.	Agency	N/A	N
86	Number of licenses issued to individuals.	Number of licenses issued to individuals.	Agency	N/A	N
87	Number of licenses renewed for individuals.	Number of licenses renewed for individuals.	Agency	N/A	N
88	Number of licenses issued to individuals who renewed online.	Number of licenses issued to individuals who renewed online.	Agency	N/A	N
89	Number of licenses issued to individuals for whom online renewal is available.	Number of licenses issued to individuals for whom online renewal is available.	Agency	N/A	N
90	Number of new licenses issued to individuals online.	Number of new licenses issued to individuals online.	Agency	N/A	N
91	Number of new licenses issued to individuals for whom online application was available.	Number of new licenses issued to individuals for whom online application was available	Agency	N/A	N
92	Number of contacts responded to.	Number of contacts responded to.	Agency	N/A	N

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure (Y/N)
93	Number of contacts received.	Number of contacts received.	Agency	N/A	N
94	Number of new licenses issued to individuals within 10 days.	Number of new licenses issued to individuals within 10 days.	Agency	N/A	N
95	Number of renewal licenses issued to individuals within 7 days.	Number of renewal licenses issued to individuals within 7 days.	Agency	N/A	N
96	Number of renewed licenses issued to individuals.	Number of renewed licenses issued to individuals.	Agency	N/A	N
97	Number of businesses licensed.	Number of businesses licensed.	Agency	N/A	N
98	Number of continuing education courses and school curricula approved.	Number of continuing education courses and school curricula approved.	Agency	N/A	N
99	Number of complaints closed with disciplinary actions.	Number of complaints closed with disciplinary actions.	Agency	N/A	N
100	Number of complaints closed.	Number of complaints closed.	Agency	N/A	N
101	Number of complaints closed within six months from the date opened.	Number of complaints closed within six months from the date opened.	Agency	N/A	N
102	Number of licenses held by individuals that have had disciplinary action within the last 36 months.	Number of licenses held by individuals that have had disciplinary action within the last 36 months.	Agency	N/A	N
103	Total number of individuals with a	Total number of individuals with a disciplinary action	Agency	N/A	N

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure (Y/N)
	disciplinary action for the reporting fiscal year, as well as at least one additional disciplinary action in the reporting fiscal year or the two preceding fiscal years.	for the reporting fiscal year, as well as at least one additional disciplinary action in the reporting fiscal year or the two preceding fiscal years.			
104	Number of individuals receiving disciplinary actions in the reporting fiscal year.	Number of individuals receiving disciplinary actions in the reporting fiscal year.	Agency	N/A	N
105	Number of inspections completed.	Number of inspections completed.	Agency	N/A	N
106	The number of inspections completed plus inspections still due.	The number of inspections completed plus inspections still due.	Agency	N/A	N
107	Number of Architectural Barriers inspections completed.	Number of Architectural Barriers inspections completed.	Agency	N/A	N
108	Number of plan reviews completed.	Number of plan reviews completed.	Agency	N/A	N
109	Cumulative sum of the number of days it took to close each complaint.	Cumulative sum of the number of days it took to close each complaint.	Agency	N/A	N
110	Number of complaints opened.	Number of complaints opened.	Agency	N/A	N
The reports listed above are available to the public on TDLR's website but do not contain personally identifiable information (PII). The same reports are available upon an Open Records request with PII information. All data sets are considered "high-value data" as they improve public knowledge of the agency and its operations.					

Table 3 Exhibit 3 Key Datasets

III. History and Major Events

The history of the Texas Department of Licensing and Regulation (TDLR) starts in the early 20th century. Throughout the years, TDLR has evolved to become the primary state agency responsible for the oversight of businesses, industries, general trades, and occupations that are regulated by the state and assigned to the department by the legislature. Today, TDLR is responsible for the management of 39 licensing programs.

1909

The 31st Texas Legislature enacts House Bill 109, creating the Texas Bureau of Labor Statistics (Bureau) and Office of the Commissioner. The mission of the Bureau was to collect and report statistical information to the governor regarding labor and industry within the state of Texas. The Bureau reported on the commercial, social, educational, and sanitary conditions of Texas workers and their families, and was headed by a commissioner appointed to a two-year term by the governor. Gradually, the Legislature increased the Bureau's responsibilities and added powers of administration and enforcement of laws impacting the health and safety of employees, employers, and the public.

1915

The Commissioner of Labor Statistics is delegated administrative authority to oversee private employment agencies.

1923

Regulation of Podiatry begins in Texas with the enactment of House Bill 487 (38R) establishing the **State Board of Chiropody Examiners** under the jurisdiction of the State Board of Medical Examiners.

Statute is amended to require licensing of private employment agents in addition to agencies.

1925

The Bureau's Labor Division administered and enforced labor laws related to wages, hours, payment, health, safety, and the Child Labor Law. Originally passed in 1925 through House Bill 161 (39R) and amended in 1929 by House Bill 319 (41R), the law regulated the age at which children were legally able to work, permitted hours, and types of employment. The Bureau inspected each child work permit and worked with local law enforcement to prosecute violations.

1929

The Bureau's Employment Agency Division enforced the Employment and Labor Agency Law passed in 1929 (Senate Bill 127, 41st Legislature, 2nd Called Session) and amended in 1943 (House Bill 264, 48R) and 1947 (House Bill 770, 50R). The law regulated employment agencies, which assisted individuals in finding jobs within their county, and labor agencies, which hired agricultural workers on behalf of an out-of-state employer.

Licensing and regulation of Barbers begins in Texas with the enactment of House Bill 104, 41st Legislature, 1st Called Session. The Barber program is later transferred to TDLR in 2005.

1930s

During the Great Depression, the Bureau becomes the local administrator for the National Recovery Act.

The Bureau continues to oversee enforcement of Oil and Gas laws that will later be transferred to the Railroad Commission.

1933

House Bill 832 (43R) creates the **Texas Boxing and Wrestling Act**, which gives the Bureau oversight of those sports in Texas.

1935

Licensing and regulation of **Cosmetologists** is **established** with the enactment of House Bill 189 (44R). The Cosmetology program is later transferred to TDLR in 2005.

1937

The **Texas Boiler Act** (House Bill 352, 45R) is **enacted** in response to the deadly **New London School explosion** that killed approximately 300 students and teachers. The law gave authority to the Bureau for the inspection of steam boilers and created requirements for a Certificate of Operation and registration of certain boilers.

1939

House Bill 195 (46R) established an **independent board** to **regulate** the practice of **Chiropody**. In 1967, the board's name was changed to the Texas State Board of Podiatry Examiners. In 1996, the board's name was changed to the Texas State Board of Podiatric Medical Examiners.

1940s

The Bureau's mission shifts more toward regulatory functions and away from statistics gathering.

1949

Private Employment Agency program **regulation** enacted by the 51st Legislature, later changed to Personnel Employment Services.

1961

Water Well Driller program **regulation** is enacted by the 57th Legislature and placed under the authority of the State Board of Water Engineers. The program is later transferred to TDLR from the Texas Natural Resources Conservation Commission (TNRCC), which is now the Texas Commission on Environmental Quality (TCEQ).

1965

Regulation of **Sanitarians** begins at the State Board of Health (later Department of State Health Services) with the enactment of Senate Bill 333 (59R) and the creation of the Sanitarian Advisory Committee. Because this regulation was considered by the Legislature necessary to preserve public health and safety, SB 333 was passed as emergency legislation and took effect immediately upon enactment.

1967

Weather Modification program regulation **enacted** by the 60th Legislature and placed under the authority of the Texas Water Development Board. The program is later transferred to TDLR from TNRCC in 2001.

Requirements for Texas driver education and traffic safety enacted by House Bill 568 under the authority of the Department of Public Safety. This responsibility is transferred to TDLR in 2015.

1969

Senate Bill 111 (61R) requires buildings and facilities constructed in Texas with federal, state, county, or municipal funds to be built according to standards that "eliminate...unnecessary barriers encountered by the aged, handicapped or disabled persons, whose ability to engage in gainful occupations or to achieve maximum personal independence is needlessly restricted when such persons cannot readily use public buildings." Administration and enforcement responsibility resided primarily with the State Building Commission, with the assistance of state rehabilitation agencies.

Licensing and regulation **established** for **Hearing Instrument Fitters and Dispensers** with the enactment of Senate Bill 287 (61R) and creation of the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids.

Licensing and inspection authority for **mobile home dealers and manufacturers established** at Bureau of Labor Statistics with the enactment of Senate Bill 153 (61R).

Polygraph Examiners licensing **established** with the enactment of Senate Bill 740 (61R) and creation of a six-member Polygraph Examiners Board appointed by the governor. SB 740 was considered emergency legislation and took immediate effect upon the signature of Governor Preston Smith on June 18, 1969.

The 61st Legislature creates the Texas Private Employment Agency Regulation Board, which functions under the umbrella of the Bureau of Labor Statistics.

The Legislature enacts **preliminary regulation** relating to **architectural barriers and accessibility**.

1971

Athletic Trainers licensing begins in Texas with the enactment of House Bill 602 (62R) and the creation of the Texas Board of Athletic Trainers.

1973

The 63rd Texas **Legislature changed the name** of the agency **from the Texas Bureau of Labor Statistics to the Texas Department of Labor and Standards**. During this era, several advisory bodies served the commissioner of the Department:

- Private Employment Agency Regulatory Board;
- Performance Certification Board for Mobile Homes;
- Board of Boiler Rules;
- Industrialized Building Code Council; and
- Manufactured Homeowners' Recovery Fund Board of Trustees.

1975

Auctioneer industry regulation begins in Texas with the enactment of House Bill 1925 (64R).

1977

Regulation of Property Tax Professionals begins with the enactment of Senate Bill 67 (65R), and the creation of the Board of Tax Assessor Examiners.

The Boiler law is amended to include inspection of nuclear power plants.

1979

The 66th Legislature abolishes the Texas Private Employment Agency Regulation Board and **returns regulation of Personnel Employment Services** to the Department of Labor and Standards.

Comprehensive regulations relating to the **Elimination of Architectural Barriers** in Texas are **established** by the enactment of House Bill 1673 (66R).

The Texas Mobile Homes Standards Act is amended to include regulations for modular homes and changed to the Texas Manufactured Housing Standards Act with the enactment of Senate Bill 636 (66R).

1981

DWI/Drug Offender programs **established** by Senate Bill 368 (67R) creating mandatory educational programs for persons convicted of DWI/DUI.

1983

Air Conditioning and Refrigeration Contractor regulation is **enacted** with the passage of Senate Bill 642 (68R). The law establishes licensing and examination requirements at the Texas Department of Labor and Standards, with an effective date for the license requirement of January 1, 1986.

Licensing and regulation of **Dietitians** is **established** with the enactment of Senate Bill 671 (68R). The Texas State Board of Examiners of Dietitians is established with administrative services provided through the Texas Department of Health (later Department of State Health Services).

Regulation of Midwives is **established** at the Texas Department of Health (later Department of State Health Services) with the enactment of Senate Bill 238 (68R). The bill established a nine-member midwifery board appointed by the Texas Board of Health.

Licensing and regulation of **Speech-Language Pathologists & Audiologists** is **established** with the enactment of Senate Bill 813 (68R). The bill created the State Committee of Examiners for Speech

Pathology and Audiology within the Texas Department of Health (later Department of State Health Services).

1985

The **Industrialized Housing and Buildings** program is **established** at the Department with the enactment of House Bill 1218 (69R). The act also creates the Texas Modular Building Code Council, an 11-member advisory council appointed by the Governor and approved by the Senate.

Massage Therapists program and Advisory Council on Massage Therapy are **established** at Texas Department of Health (later Department of State Health Services) through the enactment of House Bill 2012 (69R).

1987

The 70th Legislature enacts **Career Counselors regulation** by establishing the Career Counseling Services program with the enactment of Senate Bill 1142 (70R). The legislation set standards for career counselors to ensure job seekers received legitimate services and unscrupulous operators were shut down.

1988

The **Sunset Advisory Commission** performs a **review of the agency** for the 71st Texas Legislature.

1989

Following Sunset Review, the 71st **Legislature changes the name** of the agency to the **Texas Department of Licensing and Regulation**. The new agency is overseen by a six-member Texas Commission of Licensing and Regulation (later increased to seven) appointed by the Governor with the approval of the Texas Senate. HB 863 also broadens TDLR's licensing and enforcement authority for the programs it administers, including appointing advisory board members, setting license and other fees, and imposing penalties and sanctions.

The **Child Labor Law** program is **transferred** to the Texas Employment Commission (now the Texas Workforce Commission).

Regulation of **Talent Agencies** is **established** with the enactment of Senate Bill 759 (71R).

1991

Court-ordered alcohol education for minors established with the enactment of House Bill 2183 (72R).

Code Enforcement Officers program **regulation begins** with the enactment of House Bill 1257 (72R) and placed under the authority of the Texas Department of Health (later Department of State Health Services).

The **Elimination of Architectural Barriers** program is **transferred** to TDLR from General Services Commission through the enactment of House Bill 39, 72nd Legislature (2nd Called Session). HB 39 adds provisions for fees, inspections, penalties, and contracting for services, and creates the nine-member Architectural Barriers Advisory Committee.

Licensing and regulation of **Property Tax Consultants** is **established** at TDLR with the enactment of Senate Bill 773, 72nd Legislature, and the creation of the seven-member Property Tax Consultants Advisory Council.

The **Temporary Common Worker Employers** program is **established** at TDLR with the enactment of Senate Bill 1520, 72nd Legislature.

Water Well Pump Installer program regulation is **enacted** by the Legislature and placed under the authority of TNRCC, which is now TCEQ. The program is later transferred to TDLR.

1993

The **Elevators, Escalators and Related Equipment** program is **established** at TDLR through the enactment of House Bill 154 (73R). The act creates a nine-member Elevator Advisory Board.

Staff Leasing Services business licensing is **established** at TDLR through the enactment of House Bill 456 (73R). The program name is later changed to Professional Employer Organizations.

The **Pay Day** program and **Minimum Wage Law** program are **transferred** to the Texas Employment Commission (now the Texas Workforce Commission).

The **Tow Truck** program and **Vehicle Storage Facility** program are **transferred** to the Texas Railroad Commission from TDLR.

Non-agricultural **Public Warehouse regulation** is enacted by the Legislature.

1995

Regulation of **manufactured housing** is **transferred** from TDLR to the Texas Department of Housing and Community Affairs with the enactment of House Bill 785 (74R).

Regulation of Non-agricultural **Public Warehouses** is **abolished** by the Legislature.

1997

Licensing and **regulation of Orthotists and Prosthetists** begins at the Texas Department of Health (now the Department of State Health Services) with the enactment of Senate Bill 291 (75R). The bill creates the Texas Board of Orthotics and Prosthetics, a six-member board appointed by the governor.

Regulation of Transportation Service Providers established at TDLR with the enactment of House Bill 1487 (75R).

Water Well Drillers and Pump Installers programs **transferred** to TDLR from the Texas Natural Resource Conservation Commission with the enactment of Senate Bill 1955 (75R).

1999

TDLR's enabling statute is re-codified in Chapter 51, Texas Occupations Code, and the prior enabling law in Article 9100, Texas Civil Statutes, is repealed

The **Service Contract Providers** program is **created** at TDLR through the enactment of Senate Bill 1775 (76R).

William H. Kuntz is hired as Executive Director of TDLR; Brian Francis is hired as Deputy Executive Director.

Coalition of Texans with Disabilities v. Texas Commission of Licensing and Regulation, No. 03-99-00064-CV (Tex. App. – Austin 1999). The Coalition filed suit against the Commission, seeking a declaratory judgment concerning the exemption in Section 2(g) of the Architectural Barriers Act, Article 9102, Texas Civil Statutes, for “places that are used primarily for religious rituals within either a building or a facility of a religious organization.” The District Court granted summary judgment in favor of the Department. The Court of Appeals reversed the District Court’s decision and held that the Legislature did not intend to exempt entire religious buildings and facilities from Article 9102, but only the places within the buildings or facilities used for religious rituals. TDLR subsequently adopted rules following the guidance of the appellate court.

2000

TDLR begins reorganizing along functional lines, transferring the architectural barriers project registration and elevator certification functions from the Code Review and Inspection Division to the Licensing Division.

TDLR is one of six agencies involved in the pilot project for Texas Online, the main web portal site for state services. As part of this project, TDLR develops online Air Conditioning and Refrigeration Contractor license renewal.

2001

Licensed Court Interpreters program regulation is **established** with the enactment of House Bill 2735.

The **Weather Modification** program is **transferred** to TDLR from the TNRCC by the 77th Texas Legislature through the enactment of Senate Bill 1175.

The Legislature gives TDLR authority to **register and regulate plan reviewers and inspectors** in the **Elimination of Architectural Barriers** program.

2002

Vehicle Protection Products Warrantors program **created** at TDLR through the enactment of Senate Bill 714 (77R).

The **Sunset Advisory Commission** performs a **review of the agency** for the 78th Texas Legislature.

2003

TDLR is continued for 12 years through the enactment of its Sunset bill SB 279 (78R).

Electricians program **regulation** is created at TDLR through the enactment of House Bill 1487 (78R). The act also creates the nine-member Electrical Safety and Licensing Advisory Board.

For-Profit Legal Service Contracts program is **transferred** to TDLR from the Texas Department of Insurance through the enactment of Senate Bill 597 (78R).

Loss Damage Waivers licensing is **created** at TDLR through the enactment of Senate Bill 279 (78R), which was a Sunset bill.

Mold Assessors and Remediators licensing program **created** at Texas Department of Health (later Department of State Health Services) with the enactment of House Bill 329 (78R).

Transportation Service Providers program is **transferred** from TDLR to Department of Public Safety through the enactment of Senate Bill 279 (78R), which was a Sunset bill.

2005

The **Barbering** program is **transferred** to TDLR from the abolished Texas State Board of Barber Examiners by the 79th Legislature through the enactment of Senate Bill 411. The five-member Advisory Board on Barbering is established.

The **Cosmetology** program is **transferred** to TDLR from the abolished Texas Cosmetology Commission by the 79th Legislature through the enactment of Senate Bill 411. The ten-member Advisory Board on Cosmetology is established, with one position designated for the associate commissioner of the Texas Education Agency responsible for career and technical education (or the associate commissioner's authorized representative) who serves as an ex officio member of the commission without voting privileges.

As a result of a TDLR strategic initiative, **Career Counseling Services** program is **abolished** by the 79th Legislature through enactment of House Bill 2856.

2006

Governor Rick Perry appoints Frank Denton of Conroe presiding officer of the Texas Commission of Licensing and Regulation.

2007

The **Discount Health Care Card** program is **created** at TDLR by the 80th Legislature through the enactment of House Bill 3064.

Towing and Vehicle Storage Facilities programs are **transferred** to TDLR from the Texas Department of Transportation by the 80th Legislature through the enactment of House Bill 2094. The act creates a nine-member Towing and Storage Advisory Board comprised of representatives from law enforcement and the towing, vehicle storage, and insurance industries.

2009

Dyslexia Therapists and Practitioners program **established** by House Bill 461 (81R) under the authority of the Department of State Health Services (DSHS).

Licensing and regulation of **Identity Recovery Service Contract Providers established** with the enactment of Senate Bill 778 (81R).

Laser Hair Removal regulation **established** at DSHS with the enactment of House Bill 449 (81R).

Property Tax Professionals program **transferred** to TDLR from the Texas Board of Tax Professional Examiners by the enactment of House Bill 2447 (81R).

Polygraph Examiners program is **transferred** to TDLR from the Texas Polygraph Examiners Board by the 81st Texas Legislature through the enactment of Senate Bill 1005. The act also creates a five-member Polygraph Advisory Committee.

Used Automotive Parts Recycling program **established** at TDLR with the enactment of Senate Bill 1095 (81R). The act also creates a five-member Used Automotive Parts Recycling Advisory Board.

Licensing and **regulation** of **Vehicle Booting companies and boot operators** is established with the passage of Senate Bill 2153 (81R).

2010

The **Discount Health Care Card** program is **transferred** from TDLR to Texas Department of Insurance by the 81st Texas Legislature through enactment of House Bill 4341.

2011

Licensed Breeders program **created** at TDLR through enactment of House Bill 1451 and the establishment of the nine-member Licensed Breeder Advisory Committee.

As a result of TDLR strategic initiatives, **Personnel Employment Services** and **Talent Agencies** programs are **abolished** through enactment of House Bill 3167, 82nd Legislature.

2013

As a result of a TDLR strategic initiative, regulation of **Identity Recovery Service Providers** is **consolidated** into TDLR's existing Service Contract Providers program by the 83rd Texas Legislature through the enactment of Senate Bill 1388.

As a result of a TDLR strategic initiative, **Rental Purchase Agreements/Loss Damage Waivers** licensing is **abolished** by the 83rd Legislature through enactment of Senate Bill 289.

Staff Leasing Services is renamed **Professional Employer Organizations** by the 83rd Legislature through the enactment of Senate Bill 1286.

SB 546 (83R) removed county tax assessor-collectors from TDLR's **Property Tax Professionals** program registration and continuing education requirements.

2014

Licensed Court Interpreters program is **transferred** to the newly-created Judicial Branch Certification Commission by the 83rd Legislature through enactment of Senate Bill 966.

Governor Rick Perry appoints Mike Arismendez of Lubbock presiding officer of the Texas Commission of Licensing and Regulation.

2015

Senate Bill 202 is enacted by the 84th Legislature to **transfer thirteen health-related professional licensing programs** to TDLR from the Department of State Health Services. The transfer is scheduled over two phases beginning in 2016.

House Bill 1786 (84R), **transfers** to TDLR the **regulation of Driver Education Schools, Driving Safety Course Providers, and Driving Safety Schools** and Instructors from the Texas Education Agency/Education Service Center Region 13. The bill also **transfers** to TDLR the **Parent Taught Driver Education** program from the Texas Department of Public Safety.

Brantley et al v. Kuntz et al

Hair braiders were first regulated by the State of Texas in 2007 when they were included in the Barbering Law by the 80th Legislature. The Commission and Department were sued in December 2013 on the basis that the minimum square footage and equipment requirements for hair braiding schools in Texas law violate the U.S. Constitution because the requirements have no rational relationship to any legitimate government interest. In January 2015, the U.S. District Court ruled that the legal requirements did not advance public health, public safety or any other government interest and as a result, failed to pass constitutional muster. During the 84th Legislative Session (2015), Representative Goldman passed HB 2717 to deregulate hair braiding.

Patel et al v. Texas Department of Licensing and Regulation et al

In December 2009, the Commission and TDLR were sued on the basis that the cosmetology statutes and rules were unconstitutional as applied to threaders because laws and rules required a person to obtain a 1500-hour cosmetology operator license or a 750-hour esthetician license to practice threading. While the lawsuit was pending, TDLR never prevented anyone from

threading. In 2014, TDLR created a strategic initiative to formally deregulate threading and, during the 84th Legislative Session, Representative Smith filed HB 4069 to deregulate threading. The bill failed to pass.

The case was ultimately appealed to the Texas Supreme Court which held in June 2015 the current training requirements to become licensed to perform threading were unduly burdensome and violated Article I, Section 19 of the Texas Constitution.

During the 85th Legislative Session (2017), Senator Hancock passed SB 2065 to clarify that threading alone does not constitute the practice of cosmetology.

2016

Through enactment of Senate Bill 202 (84R), **seven** of the thirteen DSHS programs **become a part of TDLR** on October 3, 2016: **Athletic Trainers, Dietitians, Dyslexia Therapists and Practitioners, Hearing Instrument Fitters and Dispensers, Midwives, Orthotists and Prosthetists, and Speech-Language Pathologists and Audiologists.**

On December 1, 2016, TDLR provided a letter responding to the Sunset Advisory Commission with feedback regarding recommendations in the November 2016 Sunset staff report on the Health Licensing Consolidation Project. Sunset recommended ten additional programs be transferred from the Department of State Health Services and various stand-alone agencies to TDLR. TDLR staff worked with Sunset staff on these very important issues to achieve economies of scale. Of the various Health Licensing Consolidation Project recommendations, only House Bill 3078 involving the **Texas State Board of Podiatric Medical Examiners** affected TDLR as referenced in the following 2017 events.

Brian Francis is hired as Executive Director of TDLR; Carla James is hired as Deputy Executive Director; and Nick Voinis is hired as Chief of Staff.

2017

Through enactment of Senate Bill 202 (84R), **six** additional DSHS **programs transfer** to TDLR effective November 1, 2017: **Code Enforcement Officers, Laser Hair Removal, Massage Therapy, Mold Assessors and Remediators, Offender Education Providers, and Sanitarians.**

Through enactment of Senate Bill 589 (85R), the **Behavior Analysts** program and the nine-member Behavior Analyst Advisory Board are **established** at TDLR.

After undergoing review by the Texas Sunset Advisory Commission, the **Podiatry** program is **transferred** to TDLR from the abolished Texas State Board of Podiatric Medical Examiners through enactment of House Bill 3078.

House Bill 162 (85R) directs TDLR to **establish** the **Responsible Pet Owners** program.

The 85th Legislature enacts an omnibus deregulation bill, Senate Bill 2065. The bill implemented several TDLR strategic initiatives to deregulate the following programs: Vehicle Protection Product Warrantors, Temporary Common Worker Employers, For-Profit Legal Service Contracts, and Vehicle Booting. The bill also made clarifications to the Barber and Cosmetology statutes to formally deregulate threading and shampooing.

Transportation Network Companies are **regulated statewide** for the first time through enactment of House Bill 100 (85R) establishing licensing and regulation of TNC companies at TDLR. The act was signed into law by Governor Greg Abbott on May 29, 2017 and took effect immediately.

2018

In April, TDLR conducts an online survey and holds five Strategic Planning Sessions in Arlington, Austin, El Paso, Houston and McAllen to receive input from the public and help chart the agency's future.

TDLR releases the agency's *Strategic Plan for Fiscal Years 2019-2023*, updating TDLR's mission, vision, and philosophy, and outlining strategic initiatives for the 86th Legislative Session.

On June 15, TDLR begins issuing Behavior Analyst licenses ahead of the September 1, 2018 deadline for licensure in Texas.

In September 2018, TDLR undergoes the Strategic Fiscal Review (SFR) by the Legislative Budget Board (LBB). This targeted budget review process is completed and submitted to the LBB in October 2018.

2019

On February 28, 2019, Governor Greg Abbott appoints Rick Figueroa of Brenham presiding officer of the Texas Commission of Licensing and Regulation.

On March 26, 2019, Mike Arismendez joins the TDLR Executive team as a Deputy Executive Director.

IV. Policymaking Structure

- A. Complete the following chart providing information on your policymaking body members.

**Texas Commission of Licensing and Regulation
Exhibit 4: Policymaking Body**

Member Name	Term / Appointment Dates / Appointed by (e.g., Governor, Lt. Governor, Speaker)	Qualification (e.g., public member, industry representative)	City
Rick Figueroa, Presiding Officer/Chair	6-year term, May 2018, Governor Appointed	Public Member	Brenham
Tom Butler, Vice Chair	6-year term, May 2013 reappointed March 2019, Governor Appointed	Public Member	Deer Park
Helen Callier	6-year term, May 2016, Governor Appointed	Public Member	Kingwood
Dr. Ray Callas	6-year term, February 2018, Governor Appointed	Public Member	Beaumont
Dr. Gary Wesson	6-year term, February 2018, Governor Appointed	Public Member	Bastrop
Joel Garza	3-year unexpired term, March 2019, Governor Appointed	Public Member	Pearland
Nora Castañeda	6-year term, May 2019, Governor Appointed	Public Member	Harlingen

Table 4 Exhibit 4 Policymaking Body

- B. Describe the primary role and responsibilities of your policymaking body.

The Texas Commission of Licensing and Regulation (Commission) is TDLR’s governing board and policymaking body. The Commission sets policy, adopts and repeals rules, and approves final disciplinary orders for all complaints prosecuted by TDLR at the State Office of Administrative Hearings. The commissioners honor and respect the trust placed in them by the Governor and their fellow Texans, and they strive to ensure that their decisions and actions are fair and transparent. The Commission focuses on eliminating impediments for businesses and reducing regulatory burdens for licensees. The Commission is committed to increasing transparency and only adopts administrative rules after carefully considering the potential impact of new regulations on businesses, licensees, consumers, and public health and safety.

- C. How is the chair selected?

The Governor, with the advice and consent of the Texas Senate, appoints the Commission’s seven public members to staggered six-year terms. The Governor also designates the presiding officer of the Commission.

D. List any special circumstances or unique features about your policymaking body or its responsibilities.

In the case of *North Carolina State Board of Dental Examiners v. FTC*, the United States Supreme Court found that antitrust laws have been historically interpreted to provide immunity to anticompetitive conduct by states in their sovereign capacity (*Parker v. Brown*, 317 U.S. 341, 1943). However, if the State delegates the power of a market to particular individuals, the actions of those individuals are immune only if the State is still being held accountable and a greater state policy is still being served. The court outlined a two-part test to assess immunity: (1) the state policy must be clearly articulated; and (2) there must be active supervision by the State. The court found that in the case of *North Carolina Dental* there was no active supervision by the State to ensure that the anticompetitive conduct by the Board was necessary to promote state policy interest.

The enabling statute of the Texas Commission of Licensing and Regulation states that a person is not eligible for appointment as a member of the Commission if the person or their spouse:

- is regulated by TDLR;
- is employed by or participates in the management of a business entity or other organization regulated by or receiving funds from TDLR;
- owns or controls, directly or indirectly, more than a 10-percent interest in a business entity or other organization regulated by or receiving funds from TDLR;
- uses or receives a substantial amount of tangible goods, services, or funds from TDLR, other than compensation or reimbursement authorized by law for commission membership, attendance, or expenses; or
- is an employee of TDLR.

The Commission receives advice and recommendations from advisory boards that may consist of market participants, but final rulemaking authority lies with the Commission. This is one of the key differences between *North Carolina State Board of Dental Examiners* and the Texas Department of Licensing and Regulation. In *North Carolina Dental*, the board members were majority dentists, elected by dentists, making policy and rules for the entire practice of dentistry. In Texas, the added layer of a Governor-appointed Commission making the final decisions on rules for programs regulated by TDLR provides the necessary active supervision as required by the Supreme Court's most recent decision.

E. In general, how often does your policymaking body meet? How many times did it meet in FY 2017? In FY 2018?

The Commission conducted eight meetings in Fiscal Year 2017 and six meetings in Fiscal Year 2018.

F. Please list or discuss all training members of the agency's policymaking body receive. How often do these members receive training?

Newly-appointed Commission members receive extensive training from TDLR staff to orient them to the agency and to comply with Section 51.054, Occupations Code. This training includes information on TDLR's role, enabling statute and rules, programs, budget, and functions, including an overview of each TDLR division. The training also covers open government laws, administrative procedure, and ethics. Additionally, Commission members must complete training through the Attorney General's Office on the Open Meetings Act and the Public Information Act within 90 days of taking the oath of office, as required by Sections 551.005 and 552.012, Government Code. Commission members also complete Contract Management Training for governing bodies through the Comptroller's Office.

G. What information is regularly presented to your policymaking body to keep them informed about the agency's operations and performance?

Information is presented to the Commission in various forms. Commissioners are in regular communication with the Executive Director and executive staff to discuss agency operations. In 2016, the Executive Director established a Commission Portal to improve communication with commissioners. Executive staff provides frequent updates to the Commission Portal to ensure that commissioners are briefed on agency news, activities, agenda items, and important issues. Commissioners also receive Division reports on various performance measures to confirm that the agency is meeting certain requirements. The Commission also receives regular updates about the activities of advisory boards, and members of the Commission routinely attend advisory board meetings.

H. How does your policymaking body obtain input from the public regarding issues under the jurisdiction of the agency? How is this input incorporated into the operations of your agency?

The Commission's presiding officer provides the opportunity for public comment at each Commission meeting to receive input from citizens and licensees concerning a profession or industry, a matter before the Commission, or rules that have a direct impact on a profession or industry. In addition, advisory boards provide for public comment at each assembled meeting. Commission members routinely attend these advisory board meetings, which provide an additional forum for public input.

- I. If your policymaking body uses subcommittees or advisory committees to carry out its duties, fill in the following chart. For advisory committees, please note the date of creation for the committee, as well as the abolishment date as required by Texas Government Code, Section 2110.008.

In addition, please attach a copy of any reports filed by your agency under Texas Government Code, Section 2110.007 regarding an assessment of your advisory committees as Attachment 25.

Exhibit 5 lists only advisory boards for programs that are currently under Sunset review. Unless otherwise noted in Exhibit 5, advisory board members:

- are appointed by the presiding officer of the Texas Commission of Licensing and Regulation, with the approval of the Commission; and
- serve staggered six-year terms.

**Texas Department of Licensing and Regulation
Exhibit 5: Subcommittees and Advisory Committees**

Name of Subcommittee or Advisory Committee	Size / Composition / How are members appointed?	Purpose / Duties	Legal Basis for Committee (statute or rule citation)	Creation and Abolishment Dates
Air Conditioning and Refrigeration Contractors Advisory Board	Eleven members <ul style="list-style-type: none"> • Nine voting members <ul style="list-style-type: none"> ○ Five ACR Contractors ○ Two Municipal Officials who are experienced in design, installation, construction, maintenance, service, repair, or modification of equipment used for environmental air conditioning, commercial refrigeration, or process cooling or heating. ○ One Public member ○ One Building contractor who is a member of a statewide building trade association. • Two non-voting members <ul style="list-style-type: none"> ○ TDLR’s Executive Director 	Provides advise to the Commission on adopting rules, setting fees, and in administering and enforcing Chapter 1302, Occupations Code.	Occupations Code, Secs.1302.201-.208 16 TAC Sec. 75.65	6/1/2003 9/1/2024

Name of Subcommittee or Advisory Committee	Size / Composition / How are members appointed?	Purpose / Duties	Legal Basis for Committee (statute or rule citation)	Creation and Abolishment Dates
	<ul style="list-style-type: none"> ○ Chief administrator of Chapter 1302, Occupations Code 			
Architectural Barriers Advisory Committee	<p>Nine Members</p> <ul style="list-style-type: none"> • Four members - Building professionals. • Five members - Persons with disabilities who are familiar with architectural barrier problems and solutions. <p>Members serve three-year terms.</p>	<p>Provides review of rules relating to the Elimination of Architectural Barriers program and recommends changes.</p> <p>May review Technical Memoranda and recommend changes.</p>	<p>Government Code, Sec. 469.053</p> <p>16 TAC Sec. 68.65</p>	<p>9/1/2003 9/1/2024</p>
Auctioneer Advisory Board	<p>Seven members</p> <ul style="list-style-type: none"> • Four members – Licensed auctioneers • One member – Administrative head of any state agency or office that is selected by the Commission • Two public members <p>In appointing licensed auctioneers, the presiding officer of the Commission shall consider the geographical diversity of the members.</p> <p>Members serve two-year terms.</p>	<p>Provides advice to the Commission on educational matters, operational matters, and common practices within the auction industry.</p> <p>Provides advice to the commission on matters relating to use of the educational trust fund established with fees collected for the auctioneer education and recovery fund.</p>	<p>Occupations Code, Secs. 1802.101-109 16 TAC Sec. 67.65</p>	<p>9/1/1999 9/1/2024</p>
Advisory Board on Barbering	<p>Five members</p> <ul style="list-style-type: none"> • Two members – Class A Barbers and who do not hold a barbershop permit • Two members – Barbershop owners who hold a barbershop permit • One member – Barber School permit holder 	<p>Provides advice to the Commission on education and curricula for applicants, content for exams, proposed rules and standards on technical issues related to barbering, other issues affecting barbering.</p> <p>Provides advice to the Commission and TDLR on adopting rules, fees, and enforcing and administering these rules, and Occupations Code Chapters 1601 and 1603</p>	<p>Occupations Code, Secs. 1601.051,.055, .058-059</p> <p>16 TAC Sec. 82.65</p>	<p>9/1/2005 9/1/2024</p>
Behavior Analyst Advisory Board	<p>Nine members</p> <ul style="list-style-type: none"> • Four members – Licensed Behavior analysts at least one of whom must be a Board- 	<p>Provides advice and recommendation to TDLR on technical matters relevant to the</p>	<p>Occupations Code, Secs. 506.101-.107</p> <p>16 TAC 121.65-.69</p>	<p>10/20/2017 9/1/2024</p>

Name of Subcommittee or Advisory Committee	Size / Composition / How are members appointed?	Purpose / Duties	Legal Basis for Committee (statute or rule citation)	Creation and Abolishment Dates
	<p>Certified Behavior Analyst— Doctoral or equivalent</p> <ul style="list-style-type: none"> • One member – Licensed assistant behavior analyst • One member – Physician who has experience providing mental health or behavior health services • Three members – Public who are either former recipients of applied behavior analysis or the parent or guardian of a current or former recipient of applied behavior analysis services <p>To be qualified for appointment as a licensed behavior analyst, a person must have at least five years of experience as a licensed behavior analyst after being certified by the certifying entity.</p>	administration of Occupations Code, Chapter 506.		
Board of Boiler Rules	<p>Eleven members</p> <ul style="list-style-type: none"> • Three members – Persons who own or use boilers • Three members – Companies that insure boilers • One member – Boiler manufacturers or installers • One member – Organizations that repair or alter boilers • One member – Labor union • Two members – Public <p>All members, except the public member, must have experience with boilers.</p> <p>To the extent possible, at least four members should be professional engineers registered in this state.</p> <p>The Executive Director serves as an ex officio member.</p>	Provides advice to the Commission in the adoption of definitions and rules relating to the safe construction, installation, inspection, operating limits, alteration, and repair of boilers and their appurtenances.	Health & Safety Code, Secs. 755.011-.018 16 TAC Secs. 65.100-.104	9/1/1989 9/1/2024
Combative Sports Advisory Board	<p>Nine members</p> <ul style="list-style-type: none"> • Four members – Physicians • One member – Boxing Promoter • One member – Mixed Martial Arts Promoter 	Provides advice and recommendations to TDLR on health and safety of contestants and other matters relevant to the	Occupations Code, Sec. 2052.055 16 TAC Sec. 61.120	1/1/2004 9/1/2024

Name of Subcommittee or Advisory Committee	Size / Composition / How are members appointed?	Purpose / Duties	Legal Basis for Committee (statute or rule citation)	Creation and Abolishment Dates
	<ul style="list-style-type: none"> • One member – Referee or judge licensed at least three years • One member – Former combative sports contestant • One public member <p>If a license is required to hold any of the member positions, the license must be issued by the State of Texas and be in and remain in good standing for the balance of the term.</p>	administration and enforcement of the Combative Sports Program.		
Advisory Board on Cosmetology	<p>Nine members</p> <ul style="list-style-type: none"> • One member – Beauty shop license holder that is part of a chain • One member – Beauty shop licenses holder that is not part of a chain • One member – Private beauty culture school license holder • Two members – Operators • One member – Public secondary beauty culture school license holder • Two public members <p>The associate commissioner of the Texas Education Agency responsible for career and technical education or the associate commissioner’s authorized representative</p>	<p>Provides advice to the Commission and TDLR on education and curricula for applicants, the content of examinations, proposed rules and standards on technical issues related to cosmetology, and other issues affecting cosmetology.</p> <p>Provides advice to the Commission and TDLR on adopting rules, setting fees, and enforcing and administering the Cosmetology Program.</p>	<p>Occupations Code, Secs. 1602.051, .055, .058, .060</p> <p>16 TAC Sec. 83.65</p>	<p>9/1/2005 9/1/2024</p>
Driver Training and Traffic Safety Advisory Committee	<p>Eleven members</p> <ul style="list-style-type: none"> • One member – Driver education school that offers a traditional classroom course and in-car training • One member – Driver education school that offers a traditional classroom course, alternative methods of instruction, or in-car training • One member – Driving safety school offering a traditional classroom course or providing an alternative method of instruction • One member – Driving safety course provider approved for 	Provide advice to the Commission and TDLR on rules and educational and technical matters relevant to the administration of Education Code, Chapter 1001.	<p>Education Code, Sec. 1001.058</p> <p>16 TAC Sec. 84.30-.34</p>	<p>9/1/2015 9/1/2024</p>

Name of Subcommittee or Advisory Committee	Size / Composition / How are members appointed?	Purpose / Duties	Legal Basis for Committee (statute or rule citation)	Creation and Abolishment Dates
	<p>a traditional classroom course and for an alternative method of instruction</p> <ul style="list-style-type: none"> • One member – Driving safety course provider approved for a traditional classroom course or for an alternative method of instruction • One member – Licensed instructor • One member – Department of Public Safety representative • One member – Drug and alcohol driving awareness program course provider • One member – Parent-taught course provider • Two members – Public 			
<p>Electrical Safety and Licensing Advisory Board</p>	<p>Nine members</p> <ul style="list-style-type: none"> • Three members – Master electricians • Three members – Journeyman electricians. • One member - Master sign electrician • Two member – Public members. <p>Advisory Board Members must include:</p> <ul style="list-style-type: none"> • Two of members are affiliated with a statewide association of electrical contractors not affiliated with a labor organization. • Three members affiliated with a labor organization. • One member not affiliated with a statewide association of electrical contractors or with a labor organization. • One member affiliated with a historically underutilized business. • One public member who is a building contractor principally engaged in home construction and is a member of a statewide building trade association. 	<p>Advises the Texas Commission of Licensing and Regulation on rules, enforcement, administration, and fees in the Electrical Safety Program.</p>	<p>Occupations Code, Secs. 1305.051-055, 16 TAC Sec. 73.65</p>	<p>9/1/2003 9/1/2024</p>

Name of Subcommittee or Advisory Committee	Size / Composition / How are members appointed?	Purpose / Duties	Legal Basis for Committee (statute or rule citation)	Creation and Abolishment Dates
	<ul style="list-style-type: none"> One public member designation to require a contractor engaged in home construction. 			
Elevator Advisory Board	<p>Nine members</p> <ul style="list-style-type: none"> One member – Insurance industry representative or registered elevator inspector One member – Equipment constructor representative One member – Owner or manager of a building having fewer than six stories and having equipment One member – Owner or manager having a building of six or more stories and having equipment. One member – Independent equipment maintenance Company One member – Equipment maintenance company representative. One member – Equipment manufacturer. One member – Licensed or registered engineer or architect. One member – Public member with a physical disability One member – Public <p>Members serve staggered three-year terms.</p>	<p>Provide advice to the Commission on the adoption of appropriate standards for the installation, maintenance, alteration, operation, testing and inspection of equipment; the status of equipment used by the public in this state; sources of information relating to equipment safety; public awareness programs related to elevator safety, including programs for sellers and buyers of single-family dwellings with elevators, chairlifts, or platform lifts; and any other matter considered relevant by the commission.</p>	<p>Health & Safety Code, Secs. 754.012-.013</p> <p>16 TAC Sec. 74.65</p>	<p>9/1/1993 9/1/2024</p>
Texas Industrialized Building Code Council	<p>Twelve members</p> <ul style="list-style-type: none"> Three members – Industrialized housing and building industries representative Three members – municipal building officials from municipalities with a population of more than 25,000 Three members – General contractors who construct housing or building on-site One member – Engineer licensed in this state who acts as a structural engineer 	<p>Directs the Commission on matters related to state building codes. The Council is a decision-making body for adopting state codes which ensure designs, plans, specifications, construction and siting of industrial housing and buildings meet mandatory codes and construction methods. The council establishes criteria for approval of</p>	<p>Occupations Code, Secs. 1202.051-.057</p> <p>16 TAC Sec. 70.63</p>	<p>6/1/2003 N/A</p>

Name of Subcommittee or Advisory Committee	Size / Composition / How are members appointed?	Purpose / Duties	Legal Basis for Committee (statute or rule citation)	Creation and Abolishment Dates
	<ul style="list-style-type: none"> One member – Engineer licensed in this state who acts as an electrical engineer One member – Architect registered in this state <p>Members are appointed by the Governor with the consent of the Senate and serve staggered two-year terms.</p>	third-party inspectors and design review agencies.		
Licensed Breeders Advisory Committee	<p>Nine members</p> <ul style="list-style-type: none"> Two members – Licensed breeders Two members – Veterinarians Two members – Animal welfare organization representation based in this state Two members – Public One member – Animal control officer <p>Members serve staggered four-year terms.</p>	Provides advise and recommendations to the Commission on matters related to the administration and enforcement of Occupations Code, Chapter 802, including licensing fees and standards.	Occupations Code, Sec. 802.065 16 TAC Sec. 91.65	9/1/2011 9/1/2024
Polygraph Advisory Committee	<p>Five members.</p> <ul style="list-style-type: none"> Two members – Polygraph examiners who are qualified polygraph examiners for a governmental law enforcement agency Two members – Polygraph examiners who are qualified polygraph examiners in the commercial field One member - Public <p>A member must have been a United States citizen and a resident of this state for at least two years before the date of appointment.</p> <p>A polygraph examiner member must be actively engaged as a polygraph examiner on the date of appointment.</p> <p>Two committee members may not be employed by the same person.</p>	Provides advice to the Commission on educational requirements for a polygraph examiner, the contents of a licensing examination, technical issues relate to polygraph examination, the specific offense for which conviction would constitute grounds for TDLR to take action, and administering and enforcing Occupations Code, Chapter 1703.	Occupations Code, Chapter Sec. 1703.051, .054-.055, .058	9/1/1999 9/1/2024
Property Tax Consultants Advisory Council	<p>Seven members</p> <ul style="list-style-type: none"> Six members – Registered senior property tax consultant 	Recommend to the Commission standards of practice, conduct,	Occupations Code, Secs. 1152.101-108	6/1/2003 9/1/2024

Name of Subcommittee or Advisory Committee	Size / Composition / How are members appointed?	Purpose / Duties	Legal Basis for Committee (statute or rule citation)	Creation and Abolishment Dates
	<p>that is a member of a nonprofit and voluntary trade association, a resident of this state for the five years preceding the date of the appointment, and have performed or supervised the performance of property tax consulting services as the person's primary occupation continuously for the five years preceding the date of the appointment.</p> <ul style="list-style-type: none"> • One member - Public <p>Members serve staggered three-year terms.</p>	<p>and ethics for registrants, amounts for the fees, contents for the senior property tax consultant registration examination and standards of acceptable performance. Provide assistance and advice to the Commission to recognize continuing education programs and educational courses for registrants and establishing educational requirements for initial applicants.</p>	<p>16 TAC Sec. 66.65</p>	
<p>Texas Tax Professional Advisory Committee</p>	<p>Seven members.</p> <ul style="list-style-type: none"> • Two members – Certified as a registered professional appraiser • Two members – Certified as a registered Texas collectors or registered Texas assessors • Three members - Public 	<p>Provides recommendations to the Commission on rules and standards regarding technical issues relating to tax professionals. Provide advice regarding continuing education courses and curricula for registrants, regarding the contents of any examination, and educate and respond to questions regarding issues affecting tax professionals.</p>	<p>Occupations Code, Chapter Secs. 1151.051-055</p>	<p>6/1/2003 9/1/2024</p>
<p>Towing, and Storage Advisory Board</p>	<p>Nine members</p> <ul style="list-style-type: none"> • One member – Towing company operating in a county with population less than one million • One member – Towing company operating in a county with a population of one million or more • One member – Vehicle storage facility located in a county with a population of less than one million • One member – Vehicle storage facility located in a county 	<p>Provides advice and recommendations to TDLR on technical matters relevant to the administration and enforcement, including examination content, licensing standards, continuing education requirements, and maximum amounts that may be charged for fees related to private property tows.</p>	<p>Occupations Code, Secs. 2308.051-.055</p> <p>Occupations Code, Sec. 2303.058</p> <p>16 TAC Sec. 85.650, Sec. 86.650</p>	<p>9/1/2007 9/1/2024</p>

Name of Subcommittee or Advisory Committee	Size / Composition / How are members appointed?	Purpose / Duties	Legal Basis for Committee (statute or rule citation)	Creation and Abolishment Dates
	<p>with a population of one million or more</p> <ul style="list-style-type: none"> • One member – Parking facility representative • One member – Peace office from a county with a population of less than one million • One member – Peace office from a county with a population of one million or more • One member – Insurer of the Texas Property and Casualty Insurance Guaranty Association who writes automobile insurance in this state • One member – Operator of towing company and vehicle storage facility 			
Used Automotive Parts Recycling Advisory Board	<p>Five members</p> <ul style="list-style-type: none"> • Four members – Automotive parts businesses owned by domestic entities • One member – Automotive parts business owned by a foreign entity <p>Advisory board may not include more than one member from any one used automotive parts business entity</p>	<p>Provides advice and recommendations to TDLR on technical matters relevant to the administration and enforcement of Occupations Code, Chapter 2309.</p>	<p>Occupations Code, Secs. 2309.051-.056 16 TAC Sec. 87.65</p>	<p>9/1/2009 9/1/2024</p>
Texas Water Well Drillers Advisory Council	<p>Nine members</p> <ul style="list-style-type: none"> • Six members – Drillers experienced in the well drilling business and familiar with well drilling, completion, and plugging methods and techniques • Three public members <p>One driller member must be selected from the state at large and the remaining five driller members must be selected from each of the following geographic areas: Gulf Coast; Trans-Pecos; Central Texas; Northeast Texas; Panhandle-South Plains.</p>	<p>Proposes rules for adoption by the Commission.</p> <p>Provides advice to TDLR on the contents of licensing examinations.</p> <p>Provides recommendations on standards for continuing education programs, including standards relating to the qualification of program providers and instructors and the</p>	<p>Occupations Code, Secs. 1901.101-.109 16 TAC Sec. 76.65</p>	<p>6/1/2003 9/1/2024</p>

Name of Subcommittee or Advisory Committee	Size / Composition / How are members appointed?	Purpose / Duties	Legal Basis for Committee (statute or rule citation)	Creation and Abolishment Dates
		<p>amount of the program fees.</p> <p>Provides assistance to the Commission in evaluating continuing education programs.</p>		
Weather Modification Advisory Committee	<p>Five members</p> <p>Members serve staggered four-year terms.</p>	<p>Provides advice and makes recommendations to TDLR concerning legislation, policies, administration, research, and other matters related to the duties, powers, or functions under Agriculture Code, Chapter 301.</p>	<p>Texas Agriculture Code, Sec. 301.053</p>	<p>9/1/2003 9/1/2024</p>

Table 5 Exhibit 5 Subcommittees and Advisory Committees

V. Funding

A. Provide a brief description of your agency's funding.

TDLR is funded through General Revenue, appropriated receipts, and general revenue dedicated accounts. All appropriations are fee revenue; four contingency riders in Article IX of the General Appropriations Act for fiscal years 2018 and 2019 also appropriate funds.

B. List all riders that significantly impact your agency's budget.

Based on the General Appropriations Act for fiscal years 2018 and 2019, the following riders significantly impact TDLR's budget.

Article VIII, TDLR's Bill Pattern

3. Appropriation: Travel Expenses and Fee Reimbursements.

- a. Funds appropriated above include reimbursements for travel expenses and special inspection fees collected pursuant to Health and Safety Code, Sec. 755.030, Boilers Fees. Contingent upon certification by the Department of Licensing and Regulation and verification by the Comptroller all fees collected in excess of \$312,600 each year of the biennium (estimated to be \$0) are hereby appropriated to the Texas Department of Licensing and Regulation for the same purpose. The Department of Licensing and Regulation shall provide the Legislative Budget Board with a copy of the certification and any verification by the Comptroller within 10 business days.
 - b. In the event that actual and/or projected revenue collections for amounts identified in this rider above from fees collected pursuant to Health and Safety Code, Sec. 755.030, Boilers Fees, are insufficient to offset costs identified by this provision, the Legislative Budget Board may direct the Comptroller of Public Accounts to reduce the appropriation authority provided above to be within the amount of revenue expected to be available.
 - c. The Department of Licensing and Regulation shall report quarterly to the Legislative Budget Board in a format prescribed by the Legislative Budget Board for each fiscal year the amount of revenues collected and expenditures made for the purpose of administering and enforcing Health and Safety Code, Sec. 755.030, Boilers Fees.
- 11. Additional General Revenue.** Out of the General Revenue appropriated above, \$1,608,659 in each year of the biennium, is appropriated from fees collected pursuant to Health and Safety Code, Chapter 754, Subchapter B (Object Code 3175), for the purposes of administering and enforcing laws relating to elevators, escalators and related equipment, as set out in Chapter 754, Health and Safety Code. Any fees

collected above this annual amount (estimated to be \$0) are hereby appropriated to the Department of Licensing and Regulation for the same purpose.

- a. No appropriation of General Revenue in excess of the estimated amount shown may be expended by the Department of Licensing and Regulation until:

- (1) The department's governing board files a finding of fact along with a written plan outlining the source, use, and projected impact of the funds on performance measures with the Comptroller of Public Accounts, the Legislative Budget Board and the Governor and indicating that additional appropriations are required to maintain adequate levels of program performance;

- (2) The department shall submit an analysis of actual revenue collections earned in excess of the amount reflected above to the Comptroller of Public Accounts for each fiscal year of the biennium. If the Comptroller finds the information sufficient to support the projections of increased revenues in excess of the amount estimated above, a finding of fact to that effect shall be issued and the appropriation shall be made available for the intended purpose;

- (3) The 30th business day after completion of a review by Legislative Budget Board staff and forwarding of a recommendation to the Chair of the House Appropriations Committee, Chair of the Senate Finance Committee, Speaker of the House, and Lieutenant Governor there is no notification of disapproval issued to the Comptroller and the agency by the Legislative Budget Board or the Governor, the Comptroller of Public Accounts shall release the funds. Any requests for additional information made by the Legislative Budget Board shall interrupt the counting of the 30 business days.

- b. The Department of Licensing and Regulation shall report quarterly to the Legislative Budget Board in a format prescribed by the Legislative Budget Board for each fiscal year the amount of revenues collected and expenditures made for the purpose of administering and enforcing Chapter 754, Health and Safety Code.

- c. In the event that actual and/or projected revenue collections for the amount identified in this rider above from fees collected pursuant to Health and Safety Code, Chapter 754, Subchapter B, are insufficient to offset costs identified by this provision, the Legislative Budget Board may direct the Comptroller of Public Accounts to reduce the appropriation authority provided above to be within the amount of revenue expected to be available.

12. Combative Sports Regulation. In addition to the amounts appropriated above, the Department of Licensing and Regulation shall be appropriated \$30,000 out of funds collected by the agency and deposited to the General Revenue Fund during each fiscal year for the 2018-19 biennium, for each combative sports event managed by the department for which ticket sales exceed \$2,000,000 (estimated to be one event) contingent upon the Department of Licensing and Regulation assessing fees and taxes sufficient to generate, in addition to revenue requirements elsewhere in this Act, during the 2018-19 biennium, \$30,000 for each such combative sports event in excess of \$843,000 in fiscal year 2018 and \$843,000 in fiscal year 2019 (Object Codes 3146 and 3147) contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for each fiscal year. The Department of Licensing and Regulation upon completion of necessary actions to assess or increase such additional revenue shall furnish copies of the Department of Licensing and Regulation's minutes and other information supporting the estimated revenues to be generated for the 2018-19 biennium under the revised fee or tax structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact shall be issued and the contingent appropriation shall be made available for the intended purpose.

Article IX

Sec. 18.05. Contingency for HB 100. Contingent on enactment of House Bill 100, or similar legislation relating to the regulation of transportation network companies, by the Eighty-fifth Legislature, Regular Session, the Texas Department of Licensing and Regulation is appropriated \$141,391 in General Revenue in fiscal year 2018 and \$90,257 in General Revenue in fiscal year 2019 to implement the provisions of the legislation. In addition, the "Number of Full-Time-Equivalents (FTE)" in the agency's bill pattern is increased by 1.5 FTEs in fiscal years 2018 and 2019. This appropriation is also contingent on the Department of Licensing and Regulation assessing or increasing fees sufficient to generate, in addition to revenue requirements elsewhere in this Act, during the 2018-19 biennium, \$291,192 in excess of \$75,479,402 (Object Codes 3035, 3030, 3146, 3147, 3160, 3161, 3164, 3175, 3366, 3560, 3562, 3727) contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2018 and 2019. The Department of Licensing and Regulation, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Licensing and Regulation Commission's minutes and other information supporting the estimated revenues to be generated for the 2018-19 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes. For informational purposes, the amount of increased revenue identified above reflects amounts sufficient to cover direct appropriations of \$231,648 and other direct and indirect costs (estimated to be \$59,544 for the 2018-19 biennium).

Sec. 18.23. Contingency for HB 3029. Contingent on enactment of House Bill 3029, or similar legislation relating to the regulation of air conditioning and refrigeration contracting and technicians, by the Eighty-fifth Legislature, Regular Session, the Texas Department of Licensing and Regulation is appropriated \$96,428 in General Revenue in fiscal year 2019 to implement the provisions of the legislation. In addition, the "Number of Full-Time-Equivalents (FTE)" in the agency's bill pattern is increased by 2.0 FTEs in fiscal year 2019. This appropriation is also contingent on the Department of Licensing and Regulation assessing or increasing fees sufficient to generate, in addition to revenue requirements elsewhere in this Act, during the 2018-19 biennium, \$129,768 in excess of \$75,479,402 (Object Codes 3030, 3035, 3146, 3147, 3160, 3161, 3164, 3175, 3366, 3560, 3562, 3727) contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2018 and 2019. The Department of Licensing and Regulation, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Licensing and Regulation Commission's minutes and other information supporting the estimated revenues to be generated for the 2018-19 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes. For informational purposes, the amount of increased revenue identified above reflects amounts sufficient to cover direct appropriations of \$96,428 and other direct and indirect costs (estimated to be \$33,340 for the 2018-19 biennium).

Sec. 18.24. Contingency for HB 3078.

- a. Contingent on the enactment of House Bill 3078, or similar legislation relating to the transfer of regulation of podiatry to the Texas Department of Licensing and Regulation, by the Eighty-fifth Legislature, Regular Session, \$279,664 in General Revenue in fiscal year 2018 and \$277,216 in General Revenue in fiscal year 2019 and \$3,200 in Appropriated Receipts in each fiscal year are reduced from the Texas State Board of Podiatric Medical Examiners.
- b. Contingent on the enactment of House Bill 3078, or similar legislation relating to the transfer of regulation of podiatry to the Texas Department of Licensing and Regulation, by the Eighty-fifth Legislature, Regular Session, the Texas Department of Licensing and Regulation is appropriated \$251,179 in General Revenue in fiscal year 2018 and \$246,355 in General Revenue in fiscal year 2019 to implement the provisions of the legislation. In addition, all full time-equivalent positions that are appropriated to the Texas State Board of Podiatric Medical Examiners by this Act for the 2018-19 fiscal biennium shall be transferred to Texas Department of Licensing and Regulation.
- c. Contingent on the enactment of House Bill 3078, or similar legislation relating to the transfer of regulation of podiatry to the Texas Department of Licensing and Regulation, by the Eighty-fifth Legislature, Regular Session, the allocation of funds

to be transferred to the Health Professions Council by the participating agencies for each fiscal year of the 2018-19 biennium as required by Section 3, Special Provisions Relating to All Regulatory Agencies, in Article VIII of this Act, shall be adjusted to reduce funds transferred by the Board of Podiatric Medical Examiners to the Health Professions Council and reallocate the amount of any decrease in funds transferred to the Health Professions Council by the Board of Podiatric Medical Examiners for the 2018-19 biennium to the other participating agencies.

Sec. 18.37. Contingency for SB 589. Contingent on enactment of Senate Bill 589, or similar legislation relating to the licensing and regulation of behavior analysts and assistant behavior analysts, by the Eighty-fifth Legislature, Regular Session, the Texas Department of Licensing and Regulation is appropriated \$90,961 in General Revenue in fiscal year 2018 and \$187,970 in General Revenue in fiscal year 2019 to implement the provisions of the legislation. In addition, the "Number of Full-Time-Equivalents (FTE)" in the agency's bill pattern is increased by 1.2 FTEs in fiscal year 2018 and 3.5 FTEs in fiscal year 2019. This appropriation is also contingent on the Department of Licensing and Regulation assessing or increasing fees sufficient to generate, in addition to revenue requirements elsewhere in this Act, during the 2018-19 biennium, \$364,704 in excess of \$75,479,402 (Object Codes 3562, 3717, 3770, 3030, 3035, 3146, 3147, 3160, 3161, 3164, 3175, 3366, 3560, 3727) contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2018 and 2019. The Department of Licensing and Regulation, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Licensing and Regulation Commission's minutes and other information supporting the estimated revenues to be generated for the 2018-19 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes. For informational purposes, the amount of increased revenue identified above reflects amounts sufficient to cover direct appropriations of \$278,931 and other direct and indirect costs (estimated to be \$85,773 for the 2018-19 biennium).

C. Show your agency's expenditures by strategy.

**Texas Department of Licensing and Regulation
Exhibit 6: Expenditures by Strategy – 2018 (Actual)**

Goal / Strategy	Amount Spent	Percent of Total	Contract Expenditures Included in Total Amount
A.1.1 – License Individuals	\$4,672,287	13.25%	\$522,693
A.1.2 – License Businesses	\$1,190,726	3.38%	\$50,497
A.1.3 – Administer Exams	\$1,393,980	3.95%	\$108,852
A.1.4 – Customer Service	\$2,580,361	7.32%	\$314,555
A.1.5 – Texas.gov	\$709,972	2.01%	\$709,972
B.1.1 – Conduct Inspections	\$7,972,351	22.62%	\$572,143
B.1.2 – Plan Reviews	\$1,397,244	3.96%	\$63,087
B.1.3 – Resolve Complaints	\$3,868,768	10.97%	\$344,310
B.1.4 – Investigations	\$3,135,969	8.90%	\$141,935
Goal C – Indirect Administration	\$8,329,368	23.63%	\$1,415,545
Grand Total	\$35,251,025	100%	\$4,243,589

Table 6 Exhibit 6 Expenditures by Strategy – 2018 (Actual)

D. Show your agency's sources of revenue. Include all local, state, and federal appropriations, all professional and operating fees, and all other sources of revenue collected by the agency, including taxes and fines.

**Texas Department of Licensing and Regulation
Exhibit 7: Sources of Revenue – Fiscal Year 2018 (Actual)**

Source	Amount
3030 – Commercial Driver Training School Fees	\$1,757,900.33
3035 – Commercial Transportation Fees	5,249,058.72
3146 – Combative Sports Admissions Tax	544,611.47
3147 – Combative Sports Licenses	133,728.38
3160 – Manufactured and Industrialized Housing Registration License Fees	293,432.50
3161 – Manufactured and Industrialized Housing Inspection Fees	344,384.88
3163 – Penalties for Manufactured Housing Violation	15,250.00
3164 – Boiler Inspection Fees	3,171,067.60
3175 – Professional Fees	20,925,193.12
3366 – Business Fees – Natural Resources	550,289.49
3560 – Medical Examination and Registration	74,342.00
3562 – Health Related Professional Fees	4,229,020.40
3719 – Fees for Copies or Filing of Records	276,423.83
3727 – Fees for Administrative Services	4,475,383.75
3740 – Gifts/Grants/Donations	9,043.93
3752 – Sale of Publications/Advertising	5,529,388.53
3770 – Administrative Penalties	2,263,442.35
3802 – Reimbursements – Third Party	121,981.80
3851 – Interest on State Deposits and Treasury Investments	5,277.86
Total	\$49,969,220.94

Table 7 Exhibit 7 Sources of Revenue – Fiscal Year 2018 (Actual)

- E. If you receive funds from multiple federal programs, show the types of federal funding sources.

**Texas Department of Licensing and Regulation
Exhibit 8: Federal Funds – Fiscal Year 2018 (Actual)**

Type of Fund	State / Federal Match Ratio	State Share	Federal Share	Total Funding
N/A	N/A	N/A	N/A	N/A
	TOTAL	N/A	N/A	N/A

Table 8 Exhibit 8 Federal Funds – Fiscal Year 2018 (Actual)

- F. If applicable, provide detailed information on fees collected by your agency.

The table below shows actual licenses issued in Fiscal Year 2018 and does not show the entire licensed population.

**Texas Department of Licensing and Regulation
Exhibit 9: Fee Revenue – Fiscal Year 2018**

License Type	Statutory Citation	Current Initial License Fee	Current Renewal Fee	Fee Set by Statute or Rule?	Statutory Minimum or Maximum?	Licenses Issued	Where Fee Revenue is Deposited
Air Conditioning and Refrigeration							
Air Conditioning Contractor	Tex. Occ. Code, Sec. 1302.251(a)	\$115	\$65	Rule	No	16,987	General Revenue Fund
Registered Air Conditioning Technician	Tex. Occ. Code, Sec. 1302.501(a)	\$20	\$20	Rule	No	23,530	General Revenue Fund
Certified Air Conditioning Technician/Air Conditioning Technician Certification	Tex. Occ. Code, Sec. 1302.501(a)	\$35	\$20	Rule	No	6,440	General Revenue Fund
Air Conditioning Certification Training Program	Tex. Occ. Code, Sec. 1302.002(5-c)	\$90	\$90	Rule	No	1	General Revenue Fund
Athletic Trainers							
Athletic Trainer	Tex. Occ. Code, Sec. 451.151	\$160	\$160	Rule	No	1,889	General Revenue Fund
Temporary Athletic Trainer	Tex. Occ. Code, Sec. 451.151	\$160	N/A	Rule	No	17	General Revenue Fund
Auctioneers							
Auctioneer	Tex. Occ. Code, Sec. 1802.051(a)	\$50	\$50	Rule	No	2,058	General Revenue Fund
Associate Auctioneer	Tex. Occ. Code, Sec. 1802.051(a)	\$20	\$20	Rule	No	67	General Revenue Fund

License Type	Statutory Citation	Current Initial License Fee	Current Renewal Fee	Fee Set by Statute or Rule?	Statutory Minimum or Maximum?	Licenses Issued	Where Fee Revenue is Deposited
Barbering							
Class A Barber Certificate	Tex. Occ. Code, Sec. 1601.251(a); Sec. 1601.253	\$55	\$55	Rule	No	8,482	General Revenue Fund
Manicurist License	Tex. Occ. Code, Sec. 1601.251(a); Sec. 1601.257	\$30	\$30	Rule	No	128	General Revenue Fund
Barber Technician License	Tex. Occ. Code, Sec. 1601.251(a); Sec. 1601.256	\$30	\$30	Rule	No	7	General Revenue Fund
Barber Technician/Manicurist	Tex. Occ. Code, Sec. 1601.251(a); Sec. 1601.262	\$30	\$30	Rule	No	1	General Revenue Fund
Barber Technician/Hairweaving	Tex. Occ. Code, Sec. 1601.251(a); Sec. 1601.263	\$30	\$30	Rule	No	3	General Revenue Fund
Class A Barber Instructor	Tex. Occ. Code, Sec. 1601.251(a); Sec. 1601.254	\$65	\$65	Rule	No	268	General Revenue Fund
Barber Manicure Instructor	Tex. Occ. Code, Sec. 1601.251(a); Sec. 1601.254(c)	\$65	\$65	Rule	No	0	General Revenue Fund
Barber Technician Instructor	Tex. Occ. Code, Sec. 1601.251(a); Sec. 1601.254(c)	\$65	\$65	Rule	No	0	General Revenue Fund
Barber Hair Weaving Instructor	Tex. Occ. Code, Sec. 1601.251(a); Sec. 1601.254(c)	\$65	\$65	Rule	No	0	General Revenue Fund
Technician/Manicure Instructor	Tex. Occ. Code, Sec. 1601.251(a); Sec. 1601.254(c)	\$65	\$65	Rule	No	0	General Revenue Fund
Technician/Hair Weaving Instructor	Tex. Occ. Code, Sec. 1601.251(a); Sec. 1601.254(c)	\$65	\$65	Rule	No	0	General Revenue Fund
Barber Student	Tex. Occ. Code, Sec. 1601.251(a); Sec. 1601.260	\$25	N/A	Rule	No	4,590	General Revenue Fund
Hair Weaving Specialist	Tex. Occ. Code, Sec. 1601.251(a); Sec. 1601.258	\$30	\$30	Rule	No	6	General Revenue Fund
Barber Shop	Tex. Occ. Code, Sec. 1601.301	\$60	\$60	Rule	No	1,744	General Revenue Fund
Manicurist Shop Specialty Shop	Tex. Occ. Code, Sec. 1601.304	\$60	\$60	Rule	No	24	General Revenue Fund
Hair Weaving Specialty Shop	Tex. Occ. Code, Sec. 1601.304	\$60	\$60	Rule	No	1	General Revenue Fund

License Type	Statutory Citation	Current Initial License Fee	Current Renewal Fee	Fee Set by Statute or Rule?	Statutory Minimum or Maximum?	Licenses Issued	Where Fee Revenue is Deposited
Dual Shop (for BAR and COS)	Tex. Occ. Code, Sec. 1603.205	\$130	\$100	Rule	No	2,544	General Revenue Fund
Mini Barbershop	Tex. Occ. Code, Sec. 1603.207	\$60	\$60	Rule	No	280	General Revenue Fund
Mini Dual Shop (for BAR and COS)	Tex. Occ. Code, Sec. 1603.207	\$60	\$60	Rule	No	231	General Revenue Fund
Mobile Shop	Tex. Occ. Code, Sec. 1603.206	\$60	\$60	Rule	No	7	General Revenue Fund
Barber Private Post-Secondary School	Tex. Occ. Code, Sec. 1601.351	\$300	\$200	Rule	No	88	General Revenue Fund
Barber Public Secondary School	Tex. Occ. Code, Sec. 1601.351	\$300	\$200	Rule	No	1	General Revenue Fund
Barber Public Post-Secondary School	Tex. Occ. Code, Sec. 1601.351	\$300	\$200	Rule	No	2	General Revenue Fund
Behavior Analysts							
Licensed Behavior Analyst	Tex. Occ. Code, Sec. 506.251(a)	\$165	\$165	Rule	No	1,301	General Revenue Fund
Licensed Assistant Behavior Analyst	Tex. Occ. Code, Sec. 506.251(a)	\$110	\$110	Rule	No	97	General Revenue Fund
Boiler Safety							
Boiler Inspector	Tex. Health & Safety Code, Sec. 755.024(a)	\$50	\$50	Rule	No	277	General Revenue Fund
Boiler Equipment	Tex. Health & Safety Code, Sec. 755.021	\$70	N/A	Rule	No	27,464	General Revenue Fund
Authorized Inspection Agency	Tex. Health & Safety Code, Sec. 755.001(13); Sec. 755.032(a)	\$100	\$100	Rule	No	13	General Revenue Fund
Code Enforcement Officers							
Code Enforcement Officer	Tex. Occ. Code, Sec. 1952.101	\$100	\$75	Rule	No	1,158	General Revenue Fund
Code Enforcement Officer in Training	Tex. Occ. Code, Sec. 1952.101; Sec. 1952.103	\$50	\$50	Rule	No	179	General Revenue Fund
Combative Sports							
Combative Sports Contestant	Tex. Occ. Code, Sec. 2052.107(1)	\$20	\$20	Rule	No	397	General Revenue Fund

License Type	Statutory Citation	Current Initial License Fee	Current Renewal Fee	Fee Set by Statute or Rule?	Statutory Minimum or Maximum?	Licenses Issued	Where Fee Revenue is Deposited
Combative Sports Judge	Tex. Occ. Code, Sec. 2052.107(4)	\$100	\$100	Rule	No	65	General Revenue Fund
Combative Sports Manager	Tex. Occ. Code, Sec. 2052.107(2)	\$100	\$100	Rule	No	26	General Revenue Fund
Combative Sports Matchmaker	Tex. Occ. Code, Sec. 2052.107(6)	\$100	\$100	Rule	No	10	General Revenue Fund
Combative Sports Promoter	Tex. Occ. Code, Sec. 2052.101	\$900	\$900	Rule	No	42	General Revenue Fund
Combative Sports Referee	Tex. Occ. Code, Sec. 2052.107(3)	\$125	\$125	Rule	No	58	General Revenue Fund
Combative Sports Second	Tex. Occ. Code, Sec. 2052.107(5)	\$20	\$20	Rule	No	1,006	General Revenue Fund
Combative Sports Amateur Combative Sports Association	Tex. Occ. Code, Sec. 2052.116	\$50	\$50	Rule	No	10	General Revenue Fund
Combative Sports Event Coordinator	Tex. Occ. Code, Sec. 2052.107(7)	\$200	\$200	Rule	No	1	General Revenue Fund
Cosmetologists							
Cosmetology Operator	Tex. Occ. Code, Sec. 1602.251(a); Sec. 1602.254	\$50	\$50	Rule	No	75,641	General Revenue Fund
Cosmetology Manicurist Specialist	Tex. Occ. Code, Sec. 1602.251(a); Sec. 1602.256	\$50	\$50	Rule	No	23,250	General Revenue Fund
Cosmetology Esthetician Specialist	Tex. Occ. Code, Sec. 1602.251(a); Sec. 1602.257	\$50	\$50	Rule	No	10,851	General Revenue Fund
Cosmetology Manicure/Esthetician Specialist	Tex. Occ. Code, Sec. 1602.251(a); Sec. 1602.261	\$50	\$50	Rule	No	4,009	General Revenue Fund
Cosmetology Hair Weaver Specialist	Tex. Occ. Code, Sec. 1602.251(a); Sec. 1602.259	\$50	\$50	Rule	No	84	General Revenue Fund
Cosmetology Eyelash Extension Specialist	Tex. Occ. Code, Sec. 1602.251(a); Sec. 1602.2571	\$50	\$50	Rule	No	572	General Revenue Fund
Cosmetology Wig Specialist Certificate	Tex. Occ. Code, Sec. 1602.251(a); Sec. 1602.260	\$50	\$50	Rule	No	5	General Revenue Fund
Cosmetology Operator Instructor	Tex. Occ. Code, Sec. 1602.251(b)(1); Sec. 1602.255	\$60	\$60	Rule	No	2,824	General Revenue Fund

License Type	Statutory Citation	Current Initial License Fee	Current Renewal Fee	Fee Set by Statute or Rule?	Statutory Minimum or Maximum?	Licenses Issued	Where Fee Revenue is Deposited
Cosmetology Manicure Instructor	Tex. Occ. Code, Sec. 1602.251(b)(1); Sec. 1602.255(c)	\$60	\$60	Rule	No	36	General Revenue Fund
Cosmetology Esthetician Instructor	Tex. Occ. Code, Sec. 1602.251(b)(1); Sec. 1602.255(c)	\$60	\$60	Rule	No	101	General Revenue Fund
Cosmetology Wig Instructor	Tex. Occ. Code, Sec. 1602.251(b)(1); Sec. 1602.255(c)	\$60	\$60	Rule	No	3	General Revenue Fund
Cosmetology Eyelash Extension Instructor	Tex. Occ. Code, Sec. 1602.251(b)(1); Sec. 1602.255(c)	\$60	\$60	Rule	No	16	General Revenue Fund
Cosmetology Manicure/Esthetician Instructor	Tex. Occ. Code, Sec. 1602.251(b)(1); Sec. 1602.255(c)	\$60	\$60	Rule	No	9	General Revenue Fund
Cosmetology Student	Tex. Occ. Code, Sec. 1602.266	\$25	N/A	Rule	No	36,732	General Revenue Fund
Cosmetology Private Beauty Culture School	Tex. Occ. Code, Sec. 1602.301(a); Sec. 1602.303	\$300	\$200	Rule	No	206	General Revenue Fund
Cosmetology Public Secondary Beauty Culture School	Tex. Occ. Code, Sec. 1602.301(b); Sec. 1602.304	\$300	\$200	Rule	No	197	General Revenue Fund
Cosmetology Public Post-Secondary Beauty Culture School	Tex. Occ. Code, Sec. 1602.301(b); Sec. 1602.304	\$300	\$200	Rule	No	61	General Revenue Fund
Beauty Salon	Tex. Occ. Code, Sec. 1602.302(a)	\$106	\$69	Rule	No	9,773	General Revenue Fund
Manicuring Salon	Tex. Occ. Code, Sec. 1602.305(a)	\$106	\$69	Rule	No	334	General Revenue Fund
Esthetician Specialty Salon	Tex. Occ. Code, Sec. 1602.305(a)	\$106	\$69	Rule	No	925	General Revenue Fund
Esthetician/Manicure Salon	Tex. Occ. Code, Sec. 1602.305(a)	\$106	\$69	Rule	No	3,139	General Revenue Fund
Hair Weaving Specialty Salon	Tex. Occ. Code, Sec. 1602.305(a)	\$106	\$69	Rule	No	21	General Revenue Fund
Wig Specialty Salon	Tex. Occ. Code, Sec. 1602.305(a)	\$106	\$69	Rule	No	18	General Revenue Fund
Eyelash Extension Specialty Salon	Tex. Occ. Code, Sec. 1602.305(a)	\$106	\$69	Rule	No	175	General Revenue Fund
Mobile Salon	Tex. Occ. Code, Sec. 1603.206	\$106	\$69	Rule	No	26	General Revenue Fund

License Type	Statutory Citation	Current Initial License Fee	Current Renewal Fee	Fee Set by Statute or Rule?	Statutory Minimum or Maximum?	Licenses Issued	Where Fee Revenue is Deposited
Mini Salon	Tex. Occ. Code, Sec. 1603.207	\$60	\$60	Rule	No	6,067	General Revenue Fund
Dietitians							
Licensed Dietitian	Tex. Occ. Code, Sec. 701.251(b)	\$108	\$90	Rule	No	2,871	General Revenue Fund
Driver Education and Safety							
Driver Education Instructor	Tex. Educ. Code, Sec. 1001.251(a)	\$50	\$25	Rule	No	2,094	General Revenue Fund
Driving Safety Instructor	Tex. Educ. Code, Sec. 1001.251(b)	\$50	\$25	Rule	No	750	General Revenue Fund
Specialized Driving Safety Instructor	Tex. Educ. Code, Sec. 1001.251(b)	\$50	\$25	Rule	No	9	General Revenue Fund
Drug and Alcohol Driving Awareness Program Instructor	Tex. Educ. Code, Sec. 1001.251(b)	\$75	\$25	Rule	No	74	General Revenue Fund
Driver Education School	Tex. Educ. Code, Sec. 1001.201(1)	\$1,000	\$200	Rule	No	560	General Revenue Fund
Driving Safety School	Tex. Educ. Code, Sec. 1001.201(2)	\$150	\$0	Rule	No	503	General Revenue Fund
Specialized Driving Safety School	Tex. Educ. Code, Sec. 1001.201(2)	\$150	\$0	Rule	No	1	General Revenue Fund
Drug and Alcohol Driving Awareness Program School	Tex. Educ. Code, Sec. 1001.201(2); Sec. 1001.103(b)	\$150	\$0	Rule	No	28	General Revenue Fund
Driving Safety Course Provider	Tex. Educ. Code, Sec. 1001.201(3); Sec. 1001.151(b)(3)	\$2,000	\$200	Rule	No	77	General Revenue Fund
Drug and Alcohol Driving Awareness Program Course Provider	Tex. Educ. Code, Sec. 1001.201(3); Sec. 1001.103(b)&(e)	\$0	\$0	N/A	No	0	N/A
Specialized Driving Safety Course Provider	Tex. Educ. Code, Sec. 1001.201(3)	\$2,000	\$200	Rule	No	2	General Revenue Fund
Dyslexia Practitioners and Therapists							
Dyslexia Therapist	Tex. Occ. Code, Sec. 403.101	\$150	\$150	Rule	No	392	General Revenue Fund
Dyslexia Practitioner	Tex. Occ. Code, Sec. 403.101	\$150	\$150	Rule	No	30	General Revenue Fund

License Type	Statutory Citation	Current Initial License Fee	Current Renewal Fee	Fee Set by Statute or Rule?	Statutory Minimum or Maximum?	Licenses Issued	Where Fee Revenue is Deposited
Electricians							
Master Electrician	Tex. Occ. Code, Sec. 1305.151; Sec. 1305.153	\$45	\$45	Rule	No	16,562	General Revenue Fund
Master Sign Electrician	Tex. Occ. Code, Sec. 1305.151; Sec. 1305.154	\$45	\$45	Rule	No	523	General Revenue Fund
Journeyman Electrician	Tex. Occ. Code, Sec. 1305.151; Sec. 1305.155	\$30	\$30	Rule	No	34,929	General Revenue Fund
Journeyman Sign Electrician	Tex. Occ. Code, Sec. 1305.151; Sec. 1305.156	\$30	\$30	Rule	No	330	General Revenue Fund
Journeyman Lineman	Tex. Occ. Code, Sec. 1305.151; Sec. 1305.1605	\$30	\$30	Rule	No	24	General Revenue Fund
Residential Wireman	Tex. Occ. Code, Sec. 1305.151; Sec. 1305.157	\$20	\$20	Rule	No	1,426	General Revenue Fund
Maintenance Electrician	Tex. Occ. Code, Sec. 1305.151; Sec. 1305.158	\$20	\$20	Rule	No	970	General Revenue Fund
Electrical Apprentice	Tex. Occ. Code, Sec. 1305.151; Sec. 1305.161(a)	\$20	\$20	Rule	No	72,455	General Revenue Fund
Electrical Sign Apprentice	Tex. Occ. Code, Sec. 1305.151; Sec. 1305.161(b)	\$20	\$20	Rule	No	2,158	General Revenue Fund
Residential Appliance Installer	Tex. Occ. Code, Sec. 1305.151; Sec. 1305.1617	\$30	\$30	Rule	No	1,890	General Revenue Fund
Electrical Contractor	Tex. Occ. Code, Sec. 1305.151; Sec. 1305.159	\$110	\$110	Rule	No	10,036	General Revenue Fund
Electrical Sign Contractor	Tex. Occ. Code, Sec. 1305.151; Sec. 1305.160	\$110	\$110	Rule	No	554	General Revenue Fund
Residential Appliance Contractor	Tex. Occ. Code, Sec. 1305.151; Sec. 1305.1618	\$110	\$110	Rule	No	689	General Revenue Fund
Journeyman Industrial Electrician	Tex. Occ. Code, Sec. 1305.151; Sec. 1305.1601	\$30	\$30	Rule	No	8	General Revenue Fund
Electrician Apprentice Program	Tex. Occ. Code, Sec. 1305.002(1-b); Sec. 1305.102(d)	\$95	\$0	Rule	No	45	General Revenue Fund
Elevators, Escalators, and Related Equipment							
Elevator Inspector	Tex. Health & Safety Code, Sec. 754.017(a)	\$50	\$50	Rule	No	155	General Revenue Fund

License Type	Statutory Citation	Current Initial License Fee	Current Renewal Fee	Fee Set by Statute or Rule?	Statutory Minimum or Maximum?	Licenses Issued	Where Fee Revenue is Deposited
Elevator Equipment	Tex. Health & Safety Code, Sec. 754.016	\$20	\$20	Rule	No	50,950	General Revenue Fund
Elevator Contractor	Tex. Health & Safety Code, Sec. 754.0171(a)	\$115	\$115	Rule	No	158	General Revenue Fund
Elimination of Architectural Barriers							
Registered Accessibility Specialist	Tex. Gov. Code, Sec. 469.201(a)	\$300	\$250	Rule	No	469	General Revenue Fund
Project Registration	Tex. Gov. Code, Sec. 469.003; Sec. 469.102(d)	175	N/A	Rule	No	25,235	General Revenue Fund
Hearing Instrument Fitters and Dispensers							
Hearing Instrument Fitter & Dispenser	Tex. Occ. Code, Sec. 402.201	\$205	\$205	Rule	No	318	General Revenue Fund
Apprentice Permit	Tex. Occ. Code, Sec. 402.201; Sec. 402.207	\$205	Extension fee for one-year term, may be extended only once - \$25	Rule	No	38	General Revenue Fund
Temporary Training Permit	Tex. Occ. Code, Sec. 402.201; Sec. 402.251	\$205	Extension fee for one-year term, may be extended only once - \$25	Rule	No	133	General Revenue Fund
Continuing Education Sponsor	Tex. Occ. Code, Sec. 402.303(d)	\$200	\$200	Rule	No	17	General Revenue Fund
Industrialized Housing and Buildings							
Industrialized Housing and Buildings Manufacturer	Tex. Occ. Code, Sec. 1202.102	\$750	\$750	Rule	No	182	General Revenue Fund
Industrialized Housing and Buildings Industrialized Builder	Tex. Occ. Code, Sec. 1202.102	\$325	\$325	Rule	No	377	General Revenue Fund
Industrialized Housing and Buildings Relocatable Educational Facility Builder	Tex. Occ. Code, Sec. 1202.102; Sec. 1202.004	\$750	\$750	Rule	No	1	General Revenue Fund
Industrialized Housing and Buildings Third Party Inspector	Tex. Occ. Code, Sec. 1202.105	\$100	\$100	Rule	No	49	General Revenue Fund
Industrialized Housing and Buildings Third Party Site Inspector	Tex. Occ. Code, Sec. 1202.105	\$100	\$100	Rule	No	2	General Revenue Fund

License Type	Statutory Citation	Current Initial License Fee	Current Renewal Fee	Fee Set by Statute or Rule?	Statutory Minimum or Maximum?	Licenses Issued	Where Fee Revenue is Deposited
Industrialized Housing and Buildings Authorized Inspection Agency	Tex. Occ. Code, Sec. 1202.105	\$150	\$150	Rule	No	7	General Revenue Fund
Industrialized Housing and Buildings Design Review Agency	Tex. Occ. Code, Sec. 1202.105	\$300	\$300	Rule	No	8	General Revenue Fund
Installment Permit	Tex. Occ. Code, Sec. 1202.102	\$75	N/A	Rule	No	213	General Revenue Fund
Laser Hair Removal							
Certified Laser Hair Removal Professional	Tex. Health & Safety Code, Sec. 401.504(a); Sec. 401.505	\$150	\$150	Rule	No	335	General Revenue Fund
Senior Laser Hair Removal Technician	Tex. Health & Safety Code, Sec. 401.504(a); Sec. 401.506	\$100	\$100	Rule	No	351	General Revenue Fund
Laser Hair Removal Technician	Tex. Health & Safety Code, Sec. 401.504(a); Sec. 401.507	\$70	\$70	Rule	No	804	General Revenue Fund
Laser Hair Removal Apprentice in Training	Tex. Health & Safety Code, Sec. 401.504(a); Sec. 401.508	\$50	\$50	Rule	No	224	General Revenue Fund
Laser Hair Removal Facility	Tex. Health & Safety Code, Sec. 401.510(a)	\$900	\$750	Rule	No	97	General Revenue Fund
Laser Hair Removal Training Provider	Tex. Health & Safety Code, Sec. 401.508(b)	N/A	N/A	N/A	No	8	N/A
Laser Hair Removal Certifying Entity	Tex. Health & Safety Code, Sec. 401.505(a)(1)	N/A	N/A	N/A	No	0	N/A
For-Profit Legal Service Contracts*							
Legal Service Contract Company*	Tex. Occ. Code, Sec. 953.051(a)	Application fee based on number of legal service contracts sold or issued during 12-month period preceding the date of application 0-1,000 - \$250; 1,001-2,500 - \$500; 2,501+ - \$750	Renewal fee based on number of legal service contracts sold or issued during 12-month period preceding the date of application 0-1,000 - \$250; 1,001-2,500 - \$500; 2,501+ - \$750	Rule	No	8	General Revenue Fund
Legal Service Contract Salesperson*	Tex. Occ. Code, Sec. 953.051(a)	\$20	\$20	Rule	No	10,540	General Revenue Fund

License Type	Statutory Citation	Current Initial License Fee	Current Renewal Fee	Fee Set by Statute or Rule?	Statutory Minimum or Maximum?	Licenses Issued	Where Fee Revenue is Deposited
Legal Service Contract Administrator*	Tex. Occ. Code, Sec. 953.162(b)	\$25	\$25	Rule	No	1	General Revenue Fund
Licensed Breeders							
Licensed Breeder	Tex. Occ. Code, Sec. 802.101(a)	Application fee based on number of intact female animals -11-25 - \$300; 26+ - \$500	Renewal fee based on number of intact female animals -11-25 - \$300; 26+ - \$500	Rule	No	164	General Revenue Fund
Massage Therapy							
Massage Therapist	Tex. Occ. Code, Sec. 455.151(a)	\$100	\$75	Rule	No	14,191	General Revenue Fund
Massage Therapy Instructor	Tex. Occ. Code, Sec. 455.151(a)	\$100	\$100	Rule	No	593	General Revenue Fund
Massage Establishment	Tex. Occ. Code, Sec. 455.151(a)	Initial application fee for massage school primary instructional location or other approved location - \$100; fee for all other establishment locations - \$200	Renewal fee for massage school primary instructional location or other approved location - \$100; renewal fee for all other establishment locations - \$200	Rule	No	1,191	General Revenue Fund
Massage School	Tex. Occ. Code, Sec. 455.151(a)	\$1,500	\$1,000	Rule	No	31	General Revenue Fund
Massage Therapy Continuing Education Provider	Tex. Occ. Code, Sec. 455.0571(c)	\$200	\$200	Rule	No	212	General Revenue Fund
Midwives							
Midwife	Tex. Occ. Code, Sec. 203.251(a)	\$275	\$550	Rule	No	152	General Revenue Fund
Retired Midwife	Tex. Occ. Code, Sec. 112.051	\$0	\$275	Rule	No	0	General Revenue Fund
Midwife Education Course (School)	Tex. Occ. Code, Sec. 203.151(a-1)(2)(B); Sec. (a-2)(1)	\$150	N/A	Rule	No	2	General Revenue Fund
Provisional Midwife Education Course	Tex. Occ. Code, Sec. 203.305	\$150	N/A	Rule	No	0	General Revenue Fund

License Type	Statutory Citation	Current Initial License Fee	Current Renewal Fee	Fee Set by Statute or Rule?	Statutory Minimum or Maximum?	Licenses Issued	Where Fee Revenue is Deposited
Mold Assessors and Remediators							
Mold Analysis Laboratory	Tex. Occ. Code, Sec. 1958.101(a), Sec. 1958.101(b)	\$750	\$750	Rule	No	18	General Revenue Fund
Mold Assessment Company	Tex. Occ. Code, Sec. 1958.101	\$850	\$850	Rule	No	67	General Revenue Fund
Mold Assessment Consultant	Tex. Occ. Code, Sec. 1958.101(a)(1)	\$500	\$500	Rule	No	339	General Revenue Fund
Mold Assessment Technician	Tex. Occ. Code, Sec. 1958.101(a)(1)	\$150	\$150	Rule	No	78	General Revenue Fund
Mold Remediation Company	Tex. Occ. Code, Sec. 1958.101(a)(2)	\$850	\$850	Rule	No	118	General Revenue Fund
Mold Remediation Contractor	Tex. Occ. Code, Sec. 1958.101(a)(2)	\$450	\$450	Rule	No	215	General Revenue Fund
Mold Remediation Worker	Tex. Occ. Code, Sec. 1958.101(a)(2)	\$50	\$50	Rule	No	1,270	General Revenue Fund
Mold Training Provider	Tex. Occ. Code, Sec. 1958.106(b)	\$750	\$750	Rule	No	6	General Revenue Fund
Offender Education Programs (Court-Ordered Programs)							
Drug Offender Education Program	Tex. Trans. Code, Sec. 521.376	\$300	\$200	Rule	No	53	General Revenue Fund
Drug Offender Education Instructor	N/A	\$0	\$0	N/A	No	158	
DWI Education Program	Tex. Crim. Proc Code, Sec. 42A.405; Sec. 42A.403	\$300	\$200	Rule	No	178	General Revenue Fund
DWI Education Instructor	N/A	\$0	\$0	N/A	No	190	
DWI Intervention Program	Tex. Crim. Proc Code, Sec. 42A.405; Sec. 42A.404	\$300	\$200	Rule	No	35	General Revenue Fund
DWI Intervention Instructor	N/A	\$0	\$0	N/A	No	144	
Alcohol Education Program for Minors	Tex. Alco. Bev. Code, Sec. 106.115(a)	\$300	\$200	Rule	No	6	General Revenue Fund
Alcohol Education Program for Minors Instructor	N/A	\$0	\$0	N/A	No	27	
Responsible Pet Owners Course	Tex. Crim. Proc Code, Sec. 42A.511(b)	\$200	\$200	Rule	No	0	General Revenue Fund

License Type	Statutory Citation	Current Initial License Fee	Current Renewal Fee	Fee Set by Statute or Rule?	Statutory Minimum or Maximum?	Licenses Issued	Where Fee Revenue is Deposited
Orthotists and Prosthetists							
Licensed Orthotist	Tex. Occ. Code, Sec. 605.251; Sec. 605.252	\$300	\$300	Rule	No	50	General Revenue Fund
Temporary Licensed Orthotist	Tex. Occ. Code, Sec. 605.251; Sec. 605.257	\$150	\$150	Rule	No	1	General Revenue Fund
Licensed Orthotist Assistant	Tex. Occ. Code, Sec. 605.251; Sec. 605.255	\$200	\$200	Rule	No	10	General Revenue Fund
Licensed Prosthetist	Tex. Occ. Code, Sec. 605.251; Sec. 605.252	\$300	\$300	Rule	No	44	General Revenue Fund
Temporary Licensed Prosthetist	Tex. Occ. Code, Sec. 605.251; Sec. 605.257	\$150	\$150	Rule	No	0	General Revenue Fund
Licensed Prosthetist Assistant	Tex. Occ. Code, Sec. 605.251; Sec. 605.255	\$200	\$200	Rule	No	5	General Revenue Fund
Licensed Prosthetist Orthotist	Tex. Occ. Code, Sec. 605.251; Sec. 605.252	\$400	\$400	Rule	No	98	General Revenue Fund
Temporary Licensed Prosthetist Orthotist	Tex. Occ. Code, Sec. 605.251; Sec. 605.257	\$200	\$200	Rule	No	1	General Revenue Fund
Licensed Prosthetist Orthotist Assistant	Tex. Occ. Code, Sec. 605.251; Sec. 605.255	\$250	\$250	Rule	No	8	General Revenue Fund
Registered Orthotic Technician*	Tex. Occ. Code, Sec. 605.251; Sec. 605.259	\$100	\$100	Rule	No	1	General Revenue Fund
Registered Prosthetic Technician*	Tex. Occ. Code, Sec. 605.251; Sec. 605.259	\$100	\$100	Rule	No	1	General Revenue Fund
Registered Prosthetist Orthotist Technician*	Tex. Occ. Code, Sec. 605.251; Sec. 605.259	\$150	\$150	Rule	No	0	General Revenue Fund
Registered Orthotic Student	Tex. Occ. Code, Sec. 605.258	\$75	\$75	Rule	No	3	General Revenue Fund
Registered Prosthetic Student	Tex. Occ. Code, Sec. 605.258	\$75	\$75	Rule	No	7	General Revenue Fund
Registered Orthotic Prosthetic Student	Tex. Occ. Code, Sec. 605.258	\$100	\$100	Rule	No	35	General Revenue Fund
Orthotic Facility	Tex. Occ. Code, Sec. 605.260(a)	\$400	\$400	Rule	No	9	General Revenue Fund

License Type	Statutory Citation	Current Initial License Fee	Current Renewal Fee	Fee Set by Statute or Rule?	Statutory Minimum or Maximum?	Licenses Issued	Where Fee Revenue is Deposited
Prosthetic Facility	Tex. Occ. Code, Sec. 605.260(a)	\$400	\$400	Rule	No	15	General Revenue Fund
Orthotic Prosthetic Facility	Tex. Occ. Code, Sec. 605.260(a)	\$500	\$500	Rule	No	105	General Revenue Fund
Podiatry							
Podiatric Physician License	Tex. Occ. Code, Sec. 202.251	\$534	\$530	Rule	No	1,192	General Revenue Fund
Podiatric Medical Radiological Technician Registration	Tex. Occ. Code, Sec. 601.157(2)(A)	\$35	\$35	Rule	No	435	General Revenue Fund
Hyperbaric Oxygen Registration	Tex. Op. Att'y Gen. MW-435 (1982)	\$25	\$25	Rule	No	26	General Revenue Fund
Nitrous Oxide Registration	Tex. Op. Att'y Gen. DM-423 (1996)	\$25	\$25	Rule	No	2	General Revenue Fund
Temporary Residency License	Tex. Occ. Code, Sec. 202.259(a)	\$125	\$125	Rule	No	64	General Revenue Fund
Prescription Monitoring Program Fee (assessed on each Podiatric Physician License and Temporary Residency License)	Tex. Occ. Code, Sec. 554.006(d)	\$10	\$10	Statute	Yes	N/A	General Revenue Fund
Polygraph Examiners							
Polygraph Examiner	Tex. Occ. Code, Sec. 1703.201	\$400	\$350	Rule	No	250	General Revenue Fund
Polygraph Examiner Trainee	Tex. Occ. Code, Sec. 1703.201; Sec. 1703.208	\$50	\$50	Rule	No	25	General Revenue Fund
Professional Employer Organizations							
Professional Employer Organization	Tex. Lab. Code, Sec. 91.011	\$150	\$150	Rule	No	371	General Revenue Fund
Professional Employer Organization Limited License	Tex. Lab. Code, Sec. 91.019	\$150	\$150	Rule	No	26	General Revenue Fund
Property Tax Consultants							
Senior Property Tax Consultant	Tex. Occ. Code, Sec. 1152.151(a); Sec. 1152.157	\$75	\$75	Rule	No	722	General Revenue Fund
Property Tax Consultant	Tex. Occ. Code, Sec. 1152.151(a); Sec. 1152.156	\$25	\$75	Rule	No	1,037	General Revenue Fund

License Type	Statutory Citation	Current Initial License Fee	Current Renewal Fee	Fee Set by Statute or Rule?	Statutory Minimum or Maximum?	Licenses Issued	Where Fee Revenue is Deposited
Property Tax Consultant - Real Property Only	Tex. Occ. Code, Sec. 1152.151(a); Sec. 1152.158	N/A	\$75	Rule	No	33	General Revenue Fund
Property Tax Consultant - Private Provider	Tex. Occ. Code, Sec. 1152.204(d)	N/A	N/A	N/A	N/A	0	N/A
Property Tax Professionals							
Assessor/Collector	Tex. Occ. Code, Sec. 1151.151(3)	\$100	\$45	Rule	No	625	General Revenue Fund
Appraiser	Tex. Occ. Code, Sec. 1151.151(1) and (2)	\$100	\$45	Rule	No	2,982	General Revenue Fund
Collector	Tex. Occ. Code, Sec. 1151.151(4)	\$100	\$45	Rule	No	170	General Revenue Fund
Property Tax Professional Core Education Provider	Tex. Occ. Code, Sec. 1151.1581(d)	\$0	\$0	N/A	N/A	66	N/A
Sanitarians							
Professional Sanitarian	Tex. Occ. Code, Sec. 1903.101	\$130	\$110	Rule	No	614	General Revenue Fund
Sanitarian in Training	Tex. Occ. Code, Sec. 1903.105	\$120	\$100	Rule	No	37	General Revenue Fund
Service Contract Providers							
Service Contract Provider	Tex. Occ. Code, Sec. 1304.101(a)	\$250	Renewal fee based on number of service contracts sold or issued during 12-month period preceding expiration date of registration – 0-250 - \$250; 251-499 - \$500; 500+ - \$1,000	Rule	No	240	General Revenue Fund
Service Contract Provider Administrator	Tex. Occ. Code, Sec. 1304.101(a)	\$250	\$250	Rule	No	127	General Revenue Fund
Speech-Language Pathologists and Audiologists							
Audiologist	Tex. Occ. Code, Sec. 401.301; Sec. 401.302(b)	\$222	\$100	Rule	No	637	General Revenue Fund

License Type	Statutory Citation	Current Initial License Fee	Current Renewal Fee	Fee Set by Statute or Rule?	Statutory Minimum or Maximum?	Licenses Issued	Where Fee Revenue is Deposited
Assistant in Audiology	Tex. Occ. Code, Sec. 401.301; Sec. 401.312	\$222	\$100	Rule	No	10	General Revenue Fund
Audiology Intern	Tex. Occ. Code, Sec. 401.301; Sec. 401.311	\$147	\$75	Rule	No	64	General Revenue Fund
Speech-Language Pathologist	Tex. Occ. Code, Sec. 401.301; Sec. 401.302(b)	\$222	\$100	Rule	No	6,868	General Revenue Fund
Speech-Language Intern	Tex. Occ. Code, Sec. 401.301; Sec. 401.311	\$147	\$75	Rule	No	782	General Revenue Fund
Assistant in Speech-Language Pathology	Tex. Occ. Code, Sec. 401.301; Sec. 401.312	\$222	\$100	Rule	No	2,006	General Revenue Fund
Tow Companies and Tow Trucks							
Tow Truck Company	Tex. Occ. Code, Sec. 2308.151(a)(2)	\$350	\$350	Rule	No	8,115	General Revenue Fund
Incident Management Tow Truck	Tex. Occ. Code, Sec. 2308.101; Sec. 2308.103	\$75	\$75	Rule	No	11,934	General Revenue Fund
Consent Tow Truck	Tex. Occ. Code, Sec. 2308.101; Sec. 2308.105	\$75	\$75	Rule	No	included in 11,934 above	General Revenue Fund
Private Property Tow Truck	Tex. Occ. Code, Sec. 2308.101; Sec. 2308.104	\$75	\$75	Rule	No	included in 11,934 above	General Revenue Fund
Incident Management Tow Truck Operator	Tex. Occ. Code, Sec. 2308.151(a)(1); Sec. 2308.153	\$100	\$100	Rule	No	8,236	General Revenue Fund
Consent Tow Truck Operator	Tex. Occ. Code, Sec. 2308.151(a)(1); Sec. 2308.155	\$100	\$100	Rule	No	4,115	General Revenue Fund
Private Property Tow Truck Operator	Tex. Occ. Code, Sec. 2308.151(a)(1); Sec. 2308.154	\$100	\$100	Rule	No	267	General Revenue Fund
Transportation Network Companies							
Transportation Network Company	Tex. Occ. Code, Sec. 2402.051(a)	\$10,500	\$7,500	Rule	No	9	General Revenue Fund
Used Automotive Parts Recyclers							
Used Automotive Parts Recycler	Tex. Occ. Code, Sec. 2309.151(a)	\$75	\$75	Rule	No	702	General Revenue Fund
Used Automotive Parts Employee*	Tex. Occ. Code, Sec. 2309.154	\$25	\$25	Rule	No	2,516	General Revenue Fund

License Type	Statutory Citation	Current Initial License Fee	Current Renewal Fee	Fee Set by Statute or Rule?	Statutory Minimum or Maximum?	Licenses Issued	Where Fee Revenue is Deposited
Vehicle Storage Facilities							
Vehicle Storage Facility	Tex. Occ. Code, Sec. 2303.101(a)	\$250	\$250	Rule	No	3,158	General Revenue Fund
Vehicle Storage Facility Employee	Tex. Occ. Code, Sec. 2303.1015(a)	\$75	\$75	Rule	No	2,795	General Revenue Fund
Water Well Drillers and Pump Installers							
Water Well Driller	Tex. Occ. Code, Sec. 1901.151	\$215	\$215	Rule	No	1,710	General Revenue Fund
Water Well Pump Installer	Tex. Occ. Code, Sec. 1902.151	\$215	\$215	Rule	No	Included in 1,710 above	General Revenue Fund
Water Well Driller Apprentice	Tex. Occ. Code, Sec. 1901.153	\$65	\$65	Rule	No	502	General Revenue Fund
Water Well Pump Installer Apprentice	Tex. Occ. Code, Sec. 1902.153	\$65	\$65	Rule	No	Included in 502 above	General Revenue Fund
Weather Modification							
Weather Modification License	Tex. Agric. Code, Sec. 301.101(1)	\$750	\$750	Rule	No	7	General Revenue Fund
Weather Modification Permit	Tex. Agric. Code, Sec. 301.101(1)	\$100	\$100	Rule	No	3	General Revenue Fund
Continuing Education							
Continuing Education Provider	Tex. Occ. Code, Sec. 51.405	\$200	\$200	Rule	No	293	General Revenue Fund
Air Conditioning and Refrigeration Continuing Education Course	Tex. Occ. Code, Sec. 1302.1011(1)	\$100	N/A	Rule	No	115	General Revenue Fund
Auctioneers Continuing Education Course	Tex. Occ. Code, Sec. 51.405	\$100	N/A	Rule	No	45	General Revenue Fund
Cosmetologists Continuing Education Course	Tex. Occ. Code, Sec. 1602.354(a)	\$100	N/A	Rule	No	257	General Revenue Fund
Registered Accessibility Specialists Continuing Education Course	Tex. Gov. Code, Sec. 469.202(5)?	\$100	N/A	Rule	No	22	General Revenue Fund
Electricians Continuing Education Course	Tex. Occ. Code, Sec. 1305.168(c)	\$100	N/A	Rule	No	165	General Revenue Fund
Elevator Contractor Responsible Party Continuing Education Course	Tex. Health & Safety Code, Sec. 754.0174(b)(1)	\$100	N/A	Rule	No	25	General Revenue Fund

License Type	Statutory Citation	Current Initial License Fee	Current Renewal Fee	Fee Set by Statute or Rule?	Statutory Minimum or Maximum?	Licenses Issued	Where Fee Revenue is Deposited
Polygraph Continuing Education Course	Tex. Occ. Code, Sec. 1703.255(a)	\$100	N/A	Rule	No	7	General Revenue Fund
Property Tax Consultants Continuing Education Course	Tex. Occ. Code, Sec. 1152.204(a)	\$100	N/A	Rule	No	35	General Revenue Fund
Property Tax Professionals Continuing Education Course	Tex. Occ. Code, Sec. 1151.1581(a)	\$100	N/A	Rule	No	1,030	General Revenue Fund
Towing Operator Continuing Education Course	Tex. Occ. Code, Sec. 2308.157(a)	\$100	N/A	Rule	No	54	General Revenue Fund
Water Well Drillers and Pump Installers Continuing Education Course	Tex. Occ. Code, Sec. 1901.109(c)(1), Sec. 1901.109(d); Tex. Occ. Code, Sec. 51.405	\$100	N/A	Rule	No	77	General Revenue Fund

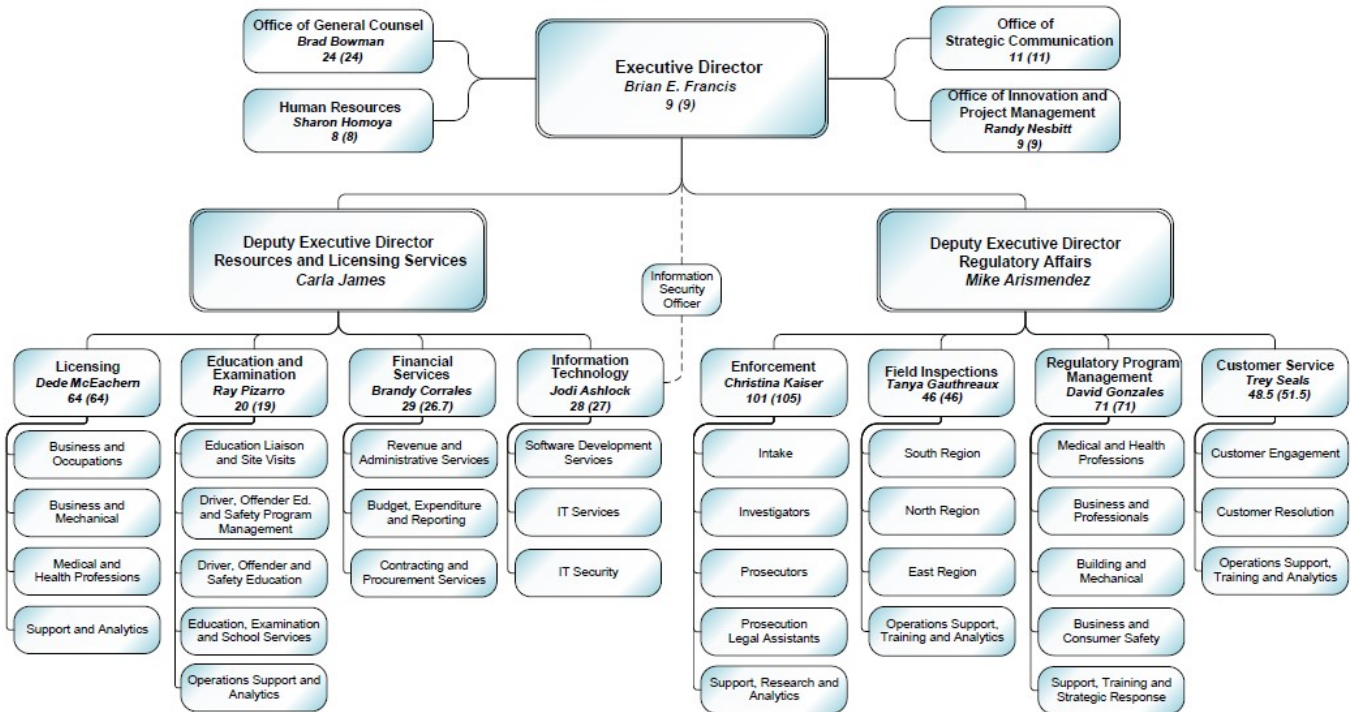
* License types deregulated on September 1, 2019 as a result of a TDLR Strategic Initiative

Table 9 Exhibit 9 Fee Revenue – Fiscal Year 2018

VI. Organization

- A. Provide an organizational chart that includes major programs and divisions, and shows the number of FTEs in each program or division. Detail should include, if possible, department heads with subordinates, and actual FTEs with budgeted FTEs in parenthesis.

Texas Department of Licensing and Regulation 468.5 FTEs (471.2 FTEs budgeted)



August 1, 2019

- B. If applicable, fill in the chart below listing field or regional offices.

Texas Department of Licensing and Regulation Exhibit 10: FTEs by Location – Fiscal Year 2019

Headquarters, Region, or Field Office	Location	Co-Location? Yes / No	Number of Budgeted FTEs FY 2019	Number of Actual FTEs (as of SER submission)
Headquarters	Austin	Yes	233	225
North Campus	Austin	Yes	181.2	184.5
Field Office – Field Inspections	Fort Worth	Yes	27	27
Field Office – Field Inspections	Houston	Yes	30	30
Total			471.2	466.5*

* As of July 17, 2019

Table 10 Exhibit 10 FTEs by Location – Fiscal Year 2019

C. What are your agency’s FTE caps for fiscal years 2017–2020?

2017: 448.2

2018: 465.9

2019: 471.2

2020: 555.2

D. How many temporary or contract employees did your agency have in fiscal year 2018? Please provide a short summary of the purpose of each position, the amount of expenditures per contract employee, and the procurement method of each position.

Procurement Method	Description	Total	Head Count
Delegated Purchases	Combative Sports	\$913	1
Delegated Purchases	Combative Sports	\$626	1
Delegated Purchases	Combative Sports	\$1,183	1
Delegated Purchases	Combative Sports	\$2,990	1
Delegated Purchases	Combative Sports	\$2,804	1
Delegated Purchases	Combative Sports	\$910	1
Delegated Purchases	Combative Sports	\$2,006	1
Delegated Purchases	Combative Sports	\$3,560	1
Delegated Purchases	Combative Sports	\$460	1
Delegated Purchases	Combative Sports	\$2,049	1
Delegated Purchases	Combative Sports	\$1,969	1
Delegated Purchases	Combative Sports	\$391	1
Delegated Purchases	Combative Sports	\$4,011	1
Delegated Purchases	Combative Sports	\$2,190	1
Delegated Purchases	Combative Sports	\$3,819	1
Delegated Purchases	Combative Sports	\$970	1
Delegated Purchases	Combative Sports	\$141	1
Delegated Purchases	Combative Sports	\$2,780	1
Delegated Purchases	Combative Sports	\$137	1
Delegated Purchases	Combative Sports	\$917	1
Delegated Purchases	Combative Sports	\$1,493	1
Delegated Purchases	Combative Sports	\$3,765	1
Delegated Purchases	Combative Sports	\$1,748	1
Delegated Purchases	Combative Sports	\$838	1
Delegated Purchases	Combative Sports	\$2,350	1
Delegated Purchases	Combative Sports	\$872	1
Delegated Purchases	Combative Sports	\$1,040	1
Delegated Purchases	Combative Sports	\$959	1
Delegated Purchases	Combative Sports	\$1,538	1
Delegated Purchases	Combative Sports	\$1,446	1
Delegated Purchases	Combative Sports	\$695	1
Delegated Purchases	Combative Sports	\$1,659	1
Delegated Purchases	Combative Sports	\$295	1
Delegated Purchases	Combative Sports	\$2,592	1
Delegated Purchases	Combative Sports	\$1,236	1
Delegated Purchases	Combative Sports	\$3,399	1
Delegated Purchases	Combative Sports	\$3,053	1
Delegated Purchases	Combative Sports	\$537	1
Delegated Purchases	Combative Sports	\$2,138	1

Procurement Method	Description	Total	Head Count
Delegated Purchases	Combative Sports	\$896	1
Delegated Purchases	Combative Sports	\$1,670	1
Delegated Purchases	Combative Sports	\$856	1
Delegated Purchases	Combative Sports	\$2,366	1
Purchase of Automated Information Systems	Information Technology	\$130,144	1
Set-Aside Contract	General Counsel	\$3,057	2
Total		\$205,467	46

Combative Sports contract employees ensure uniform compliance with the Combative Sports Act and associated TDLR rules in 16 Texas Administrative Code, Chapter 61. Contractors perform routine inspections and monitoring services during combative sports events and related activities.

The Information Technology contract employee works on key information technology projects, provides ongoing support for the new Texas Architectural Barriers System (TABS), and develops additional functionality needed by that business area.

One General Counsel temporary employee was contracted to work on the specific task of identifying and moving Laser Hair Removal program files from the E.O. Thompson Building and archiving them. The other temporary employee assisted the Open Records section with record redactions for the dramatically increased number of open records requests.

E. List each of your agency’s key programs or functions, along with expenditures and FTEs by program.

**Texas Department of Licensing and Regulation
Exhibit 11: List of Program FTEs and Expenditures – Fiscal Year 2018**

Program	Actual FTEs FY 2018	Budgeted FTEs FY 2019	Actual Expenditures FY 2018	Budgeted Expenditures FY 2019
Licensing	79.1	84.0	\$5,863,013	\$5,596,891
Education and Examination	18.7	19.0	\$1,393,980	\$1,639,421
Customer Service	47.6	51.5	\$2,580,361	\$2,486,783
Field Inspections and RPM	97.0	114.7	\$7,972,351	\$8,119,108
RPM Plan Reviews	20.4	15.0	\$1,397,244	\$1,375,427
Enforcement	102.1	105.0	\$7,004,737	\$7,106,068
Indirect Administration	79.5	82.0	\$8,329,368	\$8,408,944
Total	444.4	471.2	\$34,541,054	\$35,382,642

Table 11 Exhibit 11 List of Program FTEs and Expenditures – Fiscal Year 2018

VII. Guide to Agency Programs – Customer Service

A. Provide the following information at the beginning of each program description.

<i>Name of Program or Function:</i>	<i>Customer Service Division</i>
<i>Location/Division:</i>	<i>1106 Clayton Lane, Suite 200 E, Austin, Texas 78723</i>
<i>Contact Name:</i>	<i>Trey Seals, Director of Customer Service</i>
<i>Statutory Citation for Program:</i>	<i>Subchapter I, Chapter 51, Occupations Code</i>

B. What is the objective of this program or function? Describe the major activities performed under this program.

The objective of the Customer Service Division is to accurately respond in a courteous and timely manner to customer contacts received by phone, email, social media, in person, and fax.

The major activities of the Customer Service Division are to:

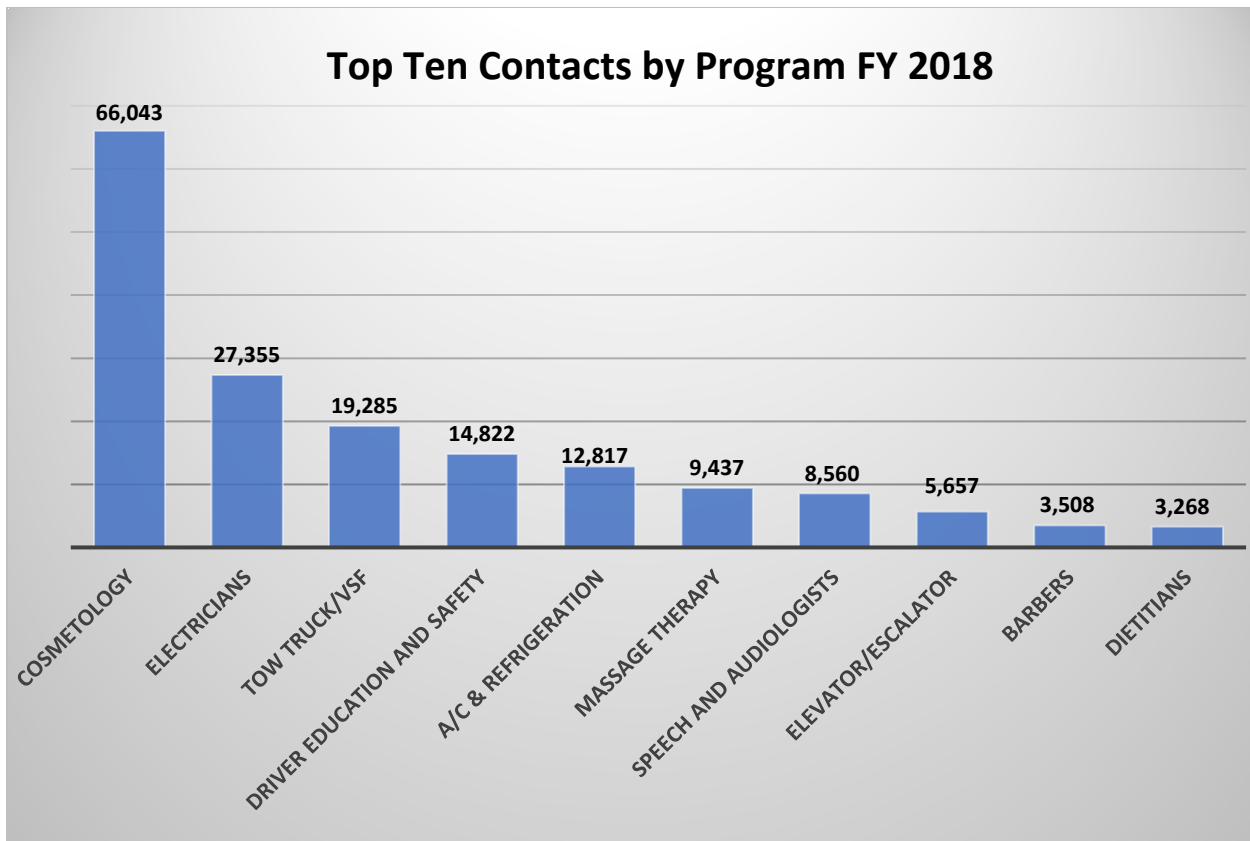
- respond to these customer contacts; and
- work collaboratively with all TDLR divisions to enhance the customer experience by improving TDLR's website, forms, and processes.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

Texas Department of Licensing and Regulation
Exhibit 12: Program Statistics and Performance Measures – Fiscal Year 2018

Program Statistics or Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Percent of Contacts Responded to by TDLR Staff	92/93	The numerator for this measure is the total number of “Contacts Responded To” comprised of external phone calls, emails, social media, and faxes as reported by the Contact Center software database, including the following resolution types: Callback Lodged, Direct Call, IVR, Queue Call, Recalled, and Transferred. The denominator is the “Number of Contacts Received” comprised of external phone calls, emails, social media, and faxes as reported by the Contact Center software database, including the following resolution types: Abandoned, Callback Lodged, Direct Call, Hang-up, IVR, Queue Call, Recalled, Transferred, and Unanswered. External phone calls received do not include calls after business hours, state holidays, and weekends.	90.00%	74.74%	83.04%
Number of Contacts Received	93	The “Number of Contacts Received” from the general public and the licensee population during the reporting period. Contacts are comprised of external phone calls, emails, social media, and faxes as reported by the Contact Center software database, including the following resolution types: Abandoned, Callback Lodged, Direct Call, Hang-up, IVR, Queue Call, Recalled, Transferred, and Unanswered.	582,139	584,815	100.46%

Table 12 Exhibit 12 Program Statistics and Performance Measures – Fiscal Year 2018



Scorecards for Employee Performance. One of the Customer Service Division’s goals is to measure what matters. In pursuit of that goal, the division has developed several scorecards for measuring employee performance:

- **Adherence** – 90 percent adherence to the established shift start and end times, breaks, and lunch schedule.
- **Attendance** – 87 percent attendance is required.
- **Quality** – We expect 90 percent or higher scores from quality monitoring.
- **Quantity** – We require a minimum of 70 contacts each day.
- **Professional Development** – We encourage all employees to complete a minimum of five hours of professional development each year.

Measuring Service Quality for Calls. Our goal in measuring service quality is to resolve the issue while capturing and monitoring those things that need to be tracked. To help with lowering the volume of calls, we encourage our staff to take responsibility for letting our customers know we will notify them once an issue is resolved, rather than having the customer call us back to check on the status of an issue. Listed below are the criteria we use for measuring the quality of our service on phone calls.

Call Quality Scoring Criteria

- 1. Engage the Customer.** *Demonstrate a professional, confident, and engaging demeanor throughout the call. Match the customer's tone and pace. Allowing the customer's personality to govern the tone of the call.*
 - Did the agent display a warm, engaged, interested, and outgoing demeanor?
 - Was it a very interactive conversation?
 - Did the agent convey information with authority and insight?
 - Did the agent demonstrate personal understanding of the customer's perspective?
- 2. Identify Needs.** *Actively listen and probe where required to understand what the customer needs. Agents are required to take the time to make sure everyone is clear.*
 - Did the agent effectively describe the customer's needs?
 - Did the agent ask probing, open-ended questions to confirm all the needs?
 - Did the agent identify the customer's unspoken needs?
- 3. Offer Relevant Options.** *Explain to the customer in a tailored way how they can get their needs met. Help the customer assess the different options they have and provide a consultative recommendation.*
 - Did the agent provide relevant recommendations for both spoken and unspoken needs?
 - Did the agent provide a clear explanation of how and why solutions would alleviate concerns?
- 4. Inform Customer to Avoid Callbacks.** *Assess what information the customer will need to know, or what steps the customer will need to take, that will ultimately reduce the customer's effort and eliminate the need for callbacks.*
 - Did the agent provide a comprehensive and detailed explanation of the steps for licensure?
 - Did the agent attempt to educate the customer to prevent future callbacks?
- 5. Customer Commitment.** *Communicate the actions taken and assure the customer that they are covered. Explain the next steps clearly to the customer, actively supporting their needs and demonstrating advocacy on the customer's behalf.*

- Did the agent take responsibility for the customer's needs and directly address the customer's request?
- Did the agent take extra actions that were not directly requested to reduce effort for the customer?

Issue Research and Monitoring. The Customer Service Division uses the following approaches to resolve issues that require research, escalation, or monitoring.

Customer Service Division Approaches to Research and Monitoring Issues

Customer Service Representative	Team Lead/Embedded Service Representative/Evolver Team	Manager
<p><u>When to Use Chat (Internal Communication System)</u></p> <ul style="list-style-type: none"> • Before entering a question in chat, conduct research on existing forms, knowledge base articles, chat history, rules, laws, FAQs, file notes, training notes, and any other tools available. • Only when an answer is not available by using these tools, enter your question in chat. • Request that a knowledge base article or FAQ be created for answers that are not available anywhere else. <p><u>How to Use Chat</u></p> <ul style="list-style-type: none"> • If you are not able to resolve the customer's issue using the tools available to you in five minutes, enter the customer's program statute, identification number, name, and a detailed description of the issue in your Team's chat or the Escalation chat. 	<p><u>When to Use Dynamics²³</u></p> <ul style="list-style-type: none"> • When a chat involves a customer issue that will require research or monitoring, create a Dynamics incident. • Let customer service representatives (CSRs) know to tell the customer that an incident has been created and that you will be tracking their issue and calling them back with updates through resolution. • For escalated calls, reply to the CSR's chat with your extension so that the CSR can transfer the call. • If the issue requires research or monitoring, let the customer know that an incident has been created and that you will be tracking their issue and calling them back with updates through resolution. • Team Leads should have at least ten incidents created in Dynamics each week. • Customers should not email you directly. Send the customer an email from the appropriate industry queue so that they can respond to the correct email. 	<p><u>Monitor Adherence and Quality</u></p> <ul style="list-style-type: none"> • Meet with your Team Leads weekly to review employee adherence performance and to assist with resolution when needed. • Check Dynamics for a minimum of ten incidents created per week. • Review cases for correct data entry, descriptive notes, next issue avoidance, resolution, and communication with both internal and external customers. • Review your team's chats for adherence to procedures.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

In fiscal years 2006-2007, TDLR's Customer Service and Continuing Education functions were combined into a single budget strategy.

Beginning in fiscal years 2012-2013, Customer Service became a stand-alone budget strategy when Continuing Education and Examinations were combined into a single budget strategy under the Education and Examination Division.

The original focus of the Customer Service Division was to answer phone calls, emails, faxes, and in-person inquiries for each program that TDLR regulates. The division answered phone calls and forwarded inquiries to other divisions, such as clarifications on rules and policies, and the status of customer applications. Over time, Customer Service monitored trends and began to assist with clearing bottlenecks to reduce customer effort, which decreased processing times for name changes, examination eligibilities, issuing duplicate licenses, and processing application renewals by phone.

In Fiscal Year 2008, the Customer Service Director created a subject matter expert role called the Embedded Service Representative (ESR) assigned to specific groups of programs. ESRs pull and process batches of paperwork from the Licensing Division and receive additional training on licensing procedures so they can resolve escalated issues normally requiring direct involvement from Licensing Division staff. ESRs work closely with the Licensing Division to resolve requests for information to either continue with processing the paperwork in Customer Service or tracking for further review. ESRs work as liaisons between customers and other agency divisions until the application process is complete.

During Fiscal Year 2016, the Customer Service Division expanded specialization to include training for CSR IIIs who demonstrate a higher-level understanding of advanced procedures. The goal of this effort is to create more subject matter experts dedicated to increasing efficiency and quality of response to phone calls and emails. These teams identify related trends and focus on root cause analysis and process improvement.

After the transfer of 13 programs from the Department of State Health Services (DSHS) to TDLR in fiscal years 2017 and 2018, this approach to specialization began to fail. This was due to both the increased number of customer contacts and slower application processing times, which created a feedback loop driving up the number of contacts received.

Customer Service performed a root cause analysis of the issues that contributed to the increased number of customer contacts to identify opportunities for process improvement. As a result of this analysis, Customer Service calibrated its approach and created the next version of specialization. In this iteration, Customer Service divided staff into two teams—**Engagement** and **Resolution**.

The **Engagement** team's focus is to quickly answer routine inquiries to keep the queue clear and decrease hold times. The **Resolution** team handles more difficult calls and emails that require research and turn those calls into cases.

In Fiscal Year 2017, Customer Service staff began to work more closely with the Office of Strategic Communication's web team to prioritize website improvements that reduce customer effort in finding relevant information and lower the number of calls and emails.

On June 7, 2019, Customer Service upgraded the division's Automated Call Distribution Software. The goal of this upgrade was to eliminate known bottlenecks, improve the customer experience by decreasing transfers and call time for over-the-phone electronic payments, and document in more detail customer transactions for later analysis using a Customer Relationship Management (CRM) software application. The process change for renewals by phone is designed to reduce average handle times. Instead of transferring callers to a non-recorded line, the new software allows agents to secure credit card information and complete renewals in one phone call. This saved the division 24 hours of talk time each day, creating further capacity to answer more calls.

Recently, the Customer Service and Information Technology divisions partnered with an outside vendor on a limited pilot program called Cosmetology Renewal Assistant (Cora) to test the effectiveness of robotic process automation to allow cosmetologists to obtain their license **renewal status** using text message. This short-term pilot received 1,874 text messages, resulting in 524 cosmetologists served, 742 calls diverted, 371 hours of wait time saved by cosmetologists, and 124 hours saved by contact center staff. The solution eliminated wait time and expanded self-service hours on evenings and weekends, with assured accuracy using information from the agency's backend database.

The division received positive feedback from cosmetologists who used Cora; however, this particular effort showed limited utility and promise for expansion. In the future, the agency will continue to explore ways to improve the customer service experience, which may include use of robotic process automation.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

TDLR has a broad customer service responsibility that is unique to the agency. The agency's enabling statute, under Subchapter I of Chapter 51, Occupations Code, states that "[t]he department shall establish and operate a toll-free telephone information system to provide assistance and referral services for persons who inquire about a program **regulated by a licensing entity.**" The term licensing entity means any department, commission, board, office, authority, or other agency or governmental entity of this state that issues an occupational license. The Customer Service contact center is typically the first point of contact for not only TDLR's licensees and customers both in and outside the state of Texas,

but any member of the public inquiring about regulated activities in Texas. The agency provides referrals to other licensing and regulatory agencies in accordance with the statute.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Customer Service communicates with TDLR's licensee population and the public via phone, email, social media. Hours of operation are from 7 a.m. to 6 p.m. Monday through Friday. In person customer service is also available at TDLR's downtown Austin headquarters from 8 a.m. to 5 p.m. Monday through Friday.

The Customer Service function is administered with a staff of 51.5 FTEs. The Customer Service Division includes frontline Customer Service Representatives who work in the office and from home, Embedded Service Representatives, Ombudsmen, Quality Training and Performance Analysts, Managers, and the Director.

The Customer Service Division uses Microsoft Dynamics Customer Relationship Management software to track customer issues by creating an incident (case) starting from the initial customer contact to the time the issue is resolved. An incident can be for anything that requires escalation to an ombudsman or a manager, or simply something an agent will track themselves. Incidents allow agents to follow up with the customer with status updates for more involved issues, or to contact the customer once the issue is cleared.

Technologies and Process Improvements to Assist in Customer Interactions

- Customer relationship management software
- Telecommuting software and equipment
- Virtual queuing and callback
- Chatbot pilot project
- Social Media
- Quality Monitoring

During times that the contact center is experiencing a high call volume, the customer call back feature gives customers the option to leave a brief message and request a direct call back from an agent.

Customer Service has a dedicated Social Media Team that responds to questions from licensees and the public on Facebook and Twitter.

Starting in Fiscal Year 2013, CSRs who were assessed with the skills to exceed technical, contact quantity, attendance, adherence, and quality requirements were given the option to telecommute, in order to reduce employee turnover and increase productivity.

The division began to use customer relationship management software in 2017 to track customer issues that required research and to reduce the need for customers to check on the progress of their issue by calling or emailing multiple times.

In 2019, Ombudsmen workflows were better defined, and regular weekly meetings are now scheduled to ensure alignment of the agency goals and vision. Training and calibration meetings on quality call monitoring, coaching CSRs on their team, and weekly reports to management provide clear standards for quantity, quality, adherence, and team work.

As of 2019, the Customer Service Division is a virtually “paperless” office. The ESR team trained with the agency’s Records Management Office to become proficient in using cloud-based technology to instantly upload application materials received by email for the Licensing Division to access.

- G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).**

The Customer Service Division is funded through General Revenue and appropriated receipts. All appropriations are fee revenue; four contingency riders in Article IX of the General Appropriations Act for fiscal years 2018 and 2019 also appropriate funds.

- H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.**

N/A

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency’s customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

No external programs provide customer service to our licensees. Customer Service has a unique requirement under Subchapter I of Chapter 51, Occupations Code, to establish and operate a toll-free telephone information system to provide assistance and referral services for persons who inquire about any program regulated by a state occupational licensing entity.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

N/A

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**
- **the amount of those expenditures in fiscal year 2018;**
- **the number of contracts accounting for those expenditures;**
- **the method used to procure contracts;**
- **top five contracts by dollar amount, including contractor and purpose;**
- **the methods used to ensure accountability for funding and performance; and**
- **a short description of any current contracting problems.**

See Section VII, Indirect Administration for information on contracted expenditures.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

The agency's numerous licensing databases make the division less efficient since staff must be trained to operate within and navigate multiple software applications to retrieve customer information. During the 86th Legislative Session, TDLR received additional funding to develop a single licensing database.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

Our customer service representatives provide English, Spanish, Vietnamese, and Mandarin language assistance to customers. Our automated phone system helps non-English speaking customers reach the right customer service representative, routes callers who wish to make electronic payments, and guides those inquiring about specific programs to the appropriate information.

- O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe**
- **why the regulation is needed;**
 - **the scope of, and procedures for, inspections or audits of regulated entities;**
 - **follow-up activities conducted when non-compliance is identified;**
 - **sanctions available to the agency to ensure compliance; and**
 - **procedures for handling consumer/public complaints against regulated entities.**

See Section VII, Licensing for information on each regulatory program currently under review.

- P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.**

See Section VII, Enforcement for complaint investigation and resolution information, including:

- a summary overview for total complaints against persons and entities regulated by TDLR; and
- specific information for each regulatory program currently under review.

VII. Guide to Agency Programs – Education and Examination

A. Provide the following information at the beginning of each program description.

Name of Program or Function: *Education and Examination Division*

Location/Division: *1106 Clayton Lane, Suite 105W, Austin, Texas 78723*

Contact Name: *Raymond Pizarro, Director of Education and Examination*

Statutory Citation for Program: *Education Code, Chapter 1001; Health and Safety Code, chapters 401 and 755; Government Code, Chapter 469; and Occupations Code, chapters 202, 203, 401, 402,403, 451, 455, 605, 701, 1302, 1305, 1601, 1602, 1603, 1703, 1802, 1901, 1952, 1953, 1958, and 2402.*

B. What is the objective of this program or function? Describe the major activities performed under this program.

The objective of the Education and Examination Division is to oversee requirements for examinations, continuing education, and pre-licensure education as established in law and rule for TDLR-regulated professions and industries. Major activities include:

1. oversight of the development and administration of all required examinations;
2. review and approval of applications for schools, continuing education providers, curricula, training programs, and courses;
3. providing updated information to regulated industries and professions; and
4. improving accountability and efficiencies for our licensees, while minimizing unnecessary regulatory requirements.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

Texas Department of Licensing and Regulation
Exhibit 12: Program Statistics and Performance Measures – Fiscal Year 2018

Program Statistics or Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Output Measure: Number of courses approved	98	Total the number of continuing education courses and school curricula approved.	850	3,498	411.52 %
Internal Statistics					
Exams Administered	N/A	N/A	N/A	62,868	N/A

Table 12 Exhibit 12 Program Statistics and Performance Measures – Fiscal Year 2018

School License Type	Number of Schools as of 8/31/2018 (End of FY 2018)	Number of Courses Approved During FY 2018
Barber Schools	97	519
Cosmetology Schools	470	1,716
Driver Education Schools	405	5
Total	972	2,240

Table 12 Exhibit 12 (Continued)

Continuing Education Provider License Type	Number of Providers as of 8/31/2018 (End of FY 2018)	Number of Courses Approved During FY 2018
Legacy Programs Providers	432	803
Massage Providers	470	N/A
Hearing Instrument Fitters and Dispensers Providers	24	455
Total	926	1,258

Table 12 Exhibit 12 (Continued)

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

In 2002 to 2003, TDLR administered approximately 2,600 examinations yearly for seven industries. The exams were done using paper and pencil. Exams were administered only at TDLR's headquarters in Austin.

In 2003, TDLR oversight for industries grew with the addition of the Electricians program.

In 2004, the Education, Examination, and Communication Division was created. At that time, the division had oversight of TDLR's Customer Service and Education and Examination functions. In response to sudden growth in the number of examinations being requested, TDLR outsourced the examination administration and development to a third-party vendor who offered testing at 17 locations. This change lowered costs; eliminated telephone calls related to scheduling and rescheduling exams and requesting exam scores; and vastly increased access to examinations for applicants by making testing available not only in Austin but throughout the state.

In 2005, TDLR experienced a major change with the transfer of the Barbering and Cosmetology Programs resulting from the abolishment of both the Texas State Board of Barber Examiners and the Texas Cosmetology Commission.

In 2006, TDLR split the Education, Examination and Communication Division into two separate Customer Service and Education and Examination divisions. In Fiscal Year 2006, exam administration increased significantly with 30,055 exams administered.

In 2006, the Education and Examination Division in coordination with the Information Technology Division created the Student Hour and Enrollment Automatic Reporting System (SHEARS) to allow Barbering and Cosmetology schools to enroll students, report hours, and manage online course completions. That year, the division also began to use the TULIP licensing system to electronically transmit student eligibility to TDLR's third-party examination vendor to ensure that students can take examinations as quickly as possible.

Over time, TDLR has worked to increase access to examination sites for licensees as the need for examination administration has continued to grow. The increase in examination sites was spurred by the transfer of the Barbering and Cosmetology programs, which greatly increased TDLR's overall testing volume. In response to these transfers, TDLR and the exam vendor PSI conducted an assessment of exam site capacity and added an additional five exam sites. As part of the contract, PSI continues to conduct periodic site capacity assessments to ensure ongoing availability of seats at exam sites.

Today, written examinations are delivered at 22 examination sites in Texas; in addition, PSI sites around the United States can also offer TDLR's written exams upon request. TDLR has

also worked to ensure that members of the military and their spouses have access to testing while stationed overseas.

Since 2006, Examination and Education staff have also worked to improve exam security. In 2007, TDLR uncovered a major cheating scam affecting the Cosmetologists program, which resulted in an administrative penalty of \$250,000 and the closure of a school that was assisting students in cheating. In response, TDLR began to require collection of photo copies of driver licenses and scanned photos of candidates. TDLR continued to improve security at our exam sites by requiring the vendor to record both video and audio for all written and practical examinations at all testing sites. In addition, TDLR ended the use of scratch paper for note taking during examinations to minimize the risk of exam items being copied. Instead, candidates can use an electronic board provided by the vendor for note taking.

- E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.**

Qualifications or eligibility requirements affect the following persons and entities.

Applicants for Licensure. TDLR administers 74 licensing examinations in 17 programs through PSI, a third-party vendor. TDLR's administration includes preparing, recognizing, or arranging pre-licensure exams.

Some TDLR programs authorize the use of national and multistate exams; when this is the case, TDLR will review and determine if an exam is substantially equivalent to a TDLR-developed examination. As an example, TDLR accepts the National-Interstate Council of State Boards of Cosmetology (NIC) exam as an equivalent exam for the Cosmetologists program. In certain programs, a particular exam is required that is not developed by TDLR.

Licensees. Twenty-six programs require licensees to complete continuing education requirements. Eight programs require licensees to complete jurisprudence exams.

Texas Department of Licensing and Regulation
Education and Examination Qualifications and Eligibility Requirements – Fiscal Year 2018

Program Type	Student Permit Required	TDLR Exam Administered by Third Party	Continuing Education Required	Jurisprudence Exam Required
Air Conditioning and Refrigeration		X	X	
Athletic Trainers		X	X	X
Auctioneers		X	X	
Barbers	X	X		
Boiler		X		
Code Enforcement Officers		X	X	
Cosmetology	X	X	X	
Dietitians			X	X
Driver Education and Traffic Safety			X	
Dyslexia Therapists and Practitioners			X	
Electricians		X	X	
Elevator Responsible Party			X	
Hearing Instrument Fitters and Dispensers		X	X	X
Laser Hair Removal			X	
Massage Therapy			X	X
Midwives			X	X
Mold Assessors and Remediators		X	X	
Offender Education Providers			X	
Orthotists and Prosthetists			X	X
Podiatry		X	X	X
Polygraph Examiners		X	X	
Property Tax Consultants		X	X	
Property Tax Professionals		X	X	
Registered Accessibility Specialists		X	X	
Sanitarians		X	X	
Responsible Pet Owner				
Speech Language Pathologists and Audiologists			X	X
Tow Operators			X	
Water Well Drillers & Pump Installers		X	X	
Total	2	17	26	8

- F. **Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

The information below describes how the Education and Examination Division administers the following four major activities:

1. oversight of the development and administration of all required examinations;
2. review and approval of applications for schools, continuing education providers, curricula, training programs, and courses;
3. providing updated information to regulated industries and professions; and
4. improving accountability and efficiencies for our licensees, while minimizing unnecessary regulatory requirements.

1. Oversight of the Development and Administration of All Required Examinations

Public-Private Partnership. TDLR has outsourced delivery of key examination functions services to third-party administrator PSI to achieve the following benefits for people taking examinations:

- A. statewide delivery of written and practical examinations;
- B. convenient access to testing locations;
- C. availability of special accommodations for taking examinations, including those offered in other languages;
- D. online posting of Candidate Information Bulletins and pass rates;
- E. examination development and administration;
- F. contract management

This approach provides the candidate a convenient and economical way of testing in or near their own city and eliminates the need to pay travel costs to test in Austin (airfare, gas, lodging, etc.). The electronic delivery is efficient to provide accurate statistics on item performance, thus allowing for more effective validation on exam items for each test.

A. Statewide Delivery of Written and Practical Examinations. Since 2002, TDLR and PSI have administered more than 650,000 written and practical examinations.

Fiscal Year	Practical exams given	Written Exams	Total exams given
2002	0	2,494	2,494
2003	0	2,671	2,671
2004	0	2,471	2,471
2005	0	2,946	2,946
2006	10,407	19,648	30,055
2007	12,010	25,442	37,452
2008	12,804	23,244	36,048
2009	13,886	32,158	46,044
2010	14,697	31,199	45,896
2011	15,560	34,462	50,022
2012	16,437	36,351	52,788
2013	15,474	40,624	56,098
2014	15,761	39,711	55,472
2015	16,251	39,378	55,629
2016	17,014	41,029	58,043
2017	16,856	43,348	60,204
2018	16,023	46,845	62,868
Total	193,005	464,195	657,200

In Fiscal Year 2018, PSI administered 62,868 examinations for 17 TDLR programs and 74 license types.

Program and License Types	Exams Administered	Rule Reference (16 TAC)
1. Air Conditioning & Refrigeration (ACR)		
Environmental A	1,011	75.21
Environmental B	1,150	
Commercial Refrigeration A	440	
Commercial Refrigeration B	209	
Subtotal, ACR	2,810	
2. Athletic Trainers		
Athletic Trainers Written	176	110.23
Athletic Trainers Practical	55	
Subtotal, ACR	231	
3. Auctioneers	123	67.22
4. Barbering (BAR)		
Barber Written	3,255	82.21
Barber Practical	1,403	
Barber Manicurist Written	3	
Barber Manicurist Practical	4	
Barber Technician Written	1	
Barber Technician Practical	1	
Barber Hairweaving Written	3	
Barber Hairweaving Practical	1	
Barber Technician/Manicurist Written	1	
Barber Technician/Manicurist Practical	1	
Barber Technician/Hairweaving Written	6	
Barber Technician/Hairweaving Practical	1	
Barber Instructor Written	94	

Program and License Types	Exams Administered	Rule Reference (16 TAC)
Barber Instructor Practical	40	
Subtotal, BAR	4,814	
5. Boiler	17	65.14
6. Code Enforcement Officers	346	62.21
7. Cosmetologists (COS)		
Operator Written	15,250	83.21
Operator Practical	7,702	
Manicurist Written	6,767	
Manicurist Practical	3,615	
Esthetician Written	4,958	
Esthetician Practical	2,555	
Manicure-Esthetician Written	127	
Manicure-Esthetician Practical	25	
Eyelash Written	352	
Eyelash Practical	183	
Hair weaving Written	40	
Hair weaving Practical	25	
Wig Written	0	
Wig Practical	0	
Instructor Written	689	
Instructor Practical	292	
Subtotal, COS	42,580	
8. Electrician (ELC)		
Master Calculations	1,963	73.21
Master NEC	1,572	
Journeyman Lineman	22	
Journeyman	5,260	
Maintenance	26	
Residential Wireman	646	
Master Sign	36	
Journeyman Sign	71	
Appliance Installer	441	
Journeyman Industrial Electrician	0	
Subtotal, ELC	10,037	
9. Hearing Instrument Fitters and Dispensers (Practical Exam Only)	120	112.20
10. Mold Assessors and Remediators (MLD)		
Mold Assessment Consultant	87	78.24
Mold Assessment Technician	53	
Mold Remediation Contractor	91	
Subtotal, MLD	231	
11. Podiatry	56	130.41
12. Polygraph Examiners	53	88.29
13. Property Tax Consultants (PTC)		
PTC - Senior	29	66.20
PTC	205	
PTC - Attorney	3	
Subtotal, PTC	237	
14. Property Tax Professionals (PTP)		
Appraiser Level 3	390	94.21
Appraiser Level 4	221	

Program and License Types	Exams Administered	Rule Reference (16 TAC)
Assessor Level 4	40	
Collector Level 3	21	
Subtotal, PTP	672	
15. Registered Accessibility Specialists	78	68.70
16. Sanitarians	91	119.24
17. Water Well Driller & Pump Installers (WWD/PI)		76.23
General Well Driller	57	
Water Well Driller	68	
Closed Loop Geothermal Well Driller	2	
Monitor Well Driller	38	
Dewatering Well Driller	0	
Injection Well Driller	0	
General Pump	67	
Single Phase Pump	56	
Three Phase Pump	46	
Line Shaft Turbine Pump	12	
Windmills, Hand Pump & Pump Jack	26	
Subtotal, WWD/PI	372	
Total Examinations, Fiscal Year 2018	62,868	

In Fiscal Year 2018, TDLR’s third-party exam provider conducted more than 16,000 practical examinations.

Practical Examinations for Athletic Trainers, Barbering, Cosmetologists, Hearing Instrument Fitters and Dispensers Programs – Fiscal Year 2018	
Athletic Trainers	55
Barber	1,451
Cosmetology	14,397
Hearing Instrument Fitters and Dispensers	120
Total	16,023

The practical test facilities owned and operated by the third-party vendor are used for the testing of barber, cosmetology, and hearing instrument fitters and dispensers candidates. Because the vendor directly controls each testing site, we can ensure that examinations are administered under strict conditions that maintain testing integrity. Our vendor can quickly add practical testing sessions, staff, or stations at each site, in response to candidate volume. For the Athletic Trainers program, due to low testing volume, PSI currently conducts practical exams twice a year at athletic training facilities.

Each PSI practical examination center is furnished with the necessary equipment to administer each type of practical exam. Equipment at the sites can include hair-styling and barber stations, manicurist stations, shampoo stations and esthetician beds.

The eight practical examination centers for barber and cosmetology candidates are located in: Austin; Dallas/Richardson; El Paso, Houston Northwest; McAllen; Midland; and San Antonio. The five practical examination centers for hearing instrument fitters and dispensers candidates are located in Austin, Dallas/Richardson, Houston Northwest, Midland, and San Antonio.

Location	Address	Tests Administered, Fiscal Year 2018
Amarillo	4312 Teckla, Suite 500 Amarillo, TX 79109	324
Austin	8000 Anderson Square, Ste 301B Austin, Texas 78757	1,833
Dallas/Richardson	300 N Coit, Suite 172 Richardson, TX 75080	5,989
El Paso	4171 N. Mesa Bldg. A, Suite 104A El Paso, TX 79902	537
Houston Northwest	9800 Northwest Freeway, Suite 200 Houston, TX 77092	4,677
McAllen	7000 N. 10th Street Suite C-4 McAllen, TX 78504	1,063
Midland	Westwood Village Shopping Center 4200 West Illinois Avenue, Suite 200 Midland, TX 79703	274
San Antonio	9502 Computer Drive, Ste 105 San Antonio, TX 78229	1,326
Total FY 2018		16,023

B. Convenient Access to Testing Locations. Through our contract with PSI, examinations are offered at a total of 24 sites throughout Texas. Computer-based written examinations are offered daily at 22 locations throughout Texas. Practical examinations are offered at a total of eight sites, including two sites that offer practical examinations only.

Written Examination Only Sites	Written & Practical Examination Sites	Practical Examination Only Sites
1. Abilene 2. Arlington 3. Austin 4. Corpus Christi 5. Dallas 6. Dallas/Richardson* 7. El Paso* 8. Fort Worth 9. Harlingen 10. Houston East 11. Houston North 12. Houston Southwest 13. Lubbock 14. San Antonio 15. Tyler 16. Waco	17. Amarillo 18. Austin 19. Houston Northwest 20. McAllen 21. Midland 22. San Antonio	23. Dallas/Richardson* 24. El Paso*
* The written and practical examination sites in these cities are in different locations.		

In addition, TDLR's third-party vendor administers TDLR examinations around the globe for our military personnel through the use of educational exam centers, including those in Iraq and Afghanistan, to facilitate delivery of examinations for those who are seeking a license upon return to the United States.

C. Availability of Special Accommodations for Taking Examinations. All test centers are designed to provide proper accessibility for candidates who have a disability. TDLR exam sites are equipped with a special accommodations area for candidates who require a reader for foreign languages or for any other special services to accommodate their needs. In addition, our third-party vendor has a dedicated phone queue and email address staffed by an Americans with Disabilities Act specialist. Candidates are transferred to live agents that are skilled in scheduling special accommodations.

D. Online Posting of Candidate Information Bulletins. A Candidate Information Bulletin (CIB) is prepared for each program. The CIB:

- contains all necessary information and forms for taking an examination, including exam study materials, exam content outline, and testing location; and
- is available on TDLR webpages for each respective program. An example of the Electrician CIB is available at: <https://www.tdlr.texas.gov/electricians/elecexam.htm>

E. Examination Development and Administration. TDLR maintains oversight of all examinations performed by PSI to ensure that examinations are current, valid, conform with accepted test construction standards, and are delivered properly.

Exam Development

TDLR maintains oversight of examination content and ensures consistent exam performance by hosting Examination Review Committee (ERC) meetings. In Fiscal Year 2018, Education and Examination Division staff hosted 17 ERC meetings.

ERC meetings allow for input from industry subject matter experts (SMEs) to ensure the topics used in each examination are valid, up-to-date, and related to the job task of each license type. These examination reviews target poorly performing questions to make necessary improvements, and review and approve new questions to increase question pools. During the ERC meetings, industry SMEs review and certify that our exams are properly referenced and that the job task analysis and topic outlines for each examination are current. ERC committee participants include Education and Examination Division staff members, PSI staff, industry SMEs, and representatives from other TDLR divisions.

Exam Administration

TDLR works to ensure that examinations are administered only to qualified candidates and that examinations are scheduled at a time and place that is convenient to the test taker. In addition, TDLR provides oversight and creates contractual agreements to ensure that examination content is properly secured.

TDLR provides for proper examination administration in three key ways.

- TDLR makes the determination of applicant eligibility for testing, rather than the vendor.
- TDLR notifies the vendor electronically of each candidate's eligibility.
- TDLR has final determination of scheduling, rescheduling of exams, and any refunds that may be due to candidates should this be necessary.

In addition, TDLR's third-party vendor maintains a call center that allows candidates to get immediate answers and reduces the overall call volume to TDLR's Customer Service Division.

To ensure testing security, TDLR requires the vendor to record both video and audio for all written and practical examinations at all testing sites. In addition, TDLR ended the use of scratch paper for note taking during examinations. Instead, candidates can use an electronic board provided by the vendor for note taking. This practice minimizes the threat of exam items being copied.

F. Contract Management

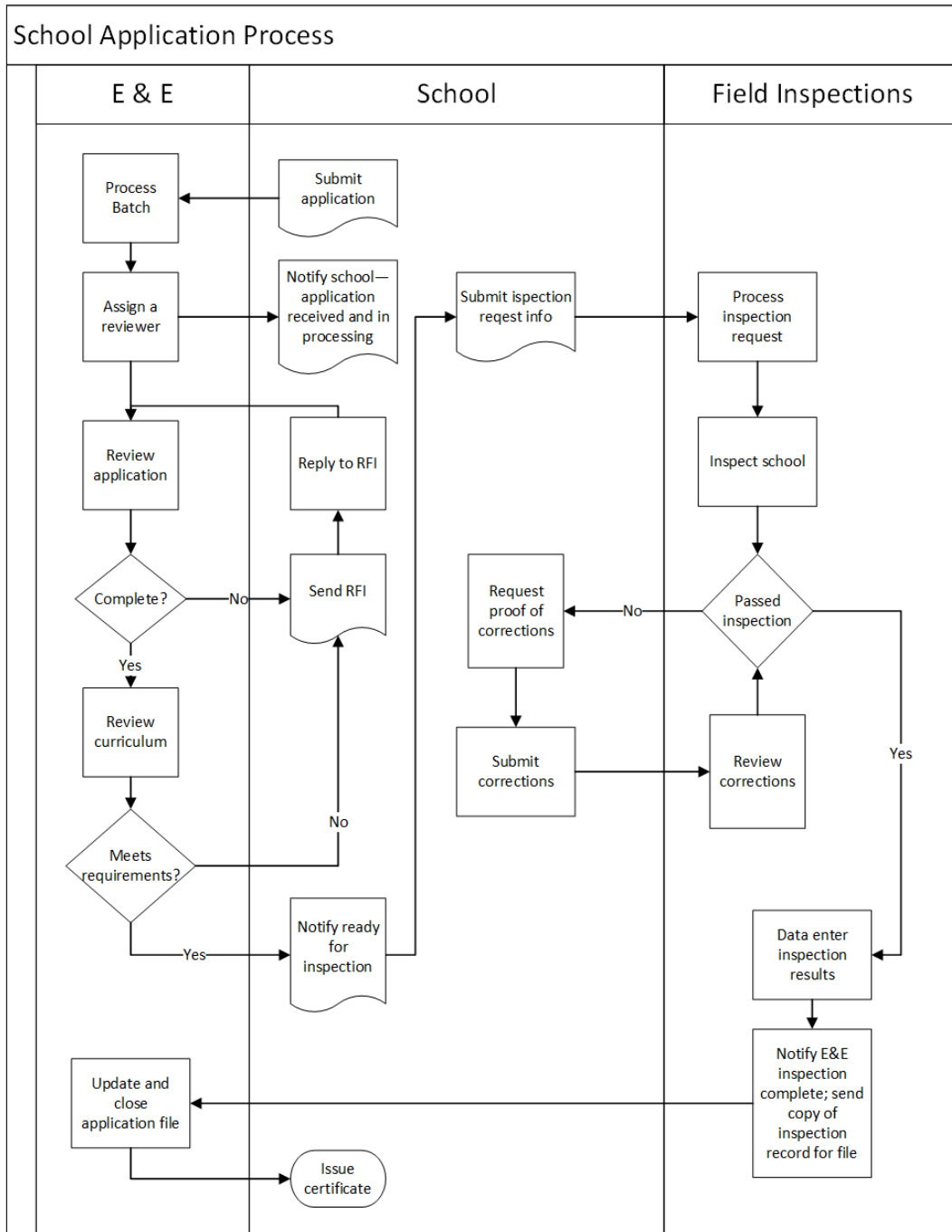
The Education and Examination Division takes action following contract execution to assess risk, verify contractor performance, monitor compliance with deliverable and reporting requirements, enforce contract terms, monitor and report vendor performance, and ensure that contract performance and practices are consistent with applicable rules, laws, and the State of Texas Procurement Manual and Contract Management Guide.

2. Review and Approval of Applications for Schools, Continuing Education Providers, Curricula, Training Programs, and Courses

The Education and Examination Division helps industries and professions remain in compliance with state law and rules by reviewing and approving required pre-education at licensed schools and continuing education for licensees. The division's approval process ensures licensees have the necessary knowledge and skills to practice their chosen profession.

Review and Approval of Schools

TDLR requires each school to develop and use curricula that teach the proper technical requirements. In addition, TDLR ensures each school maintains compliance with industry health and safety standards. Education and Examination Division staff reviews each school's curriculum for adherence to statute and follows up with site visits and audits. The Field Inspection Division staff follows up to perform school inspections. These follow up visits



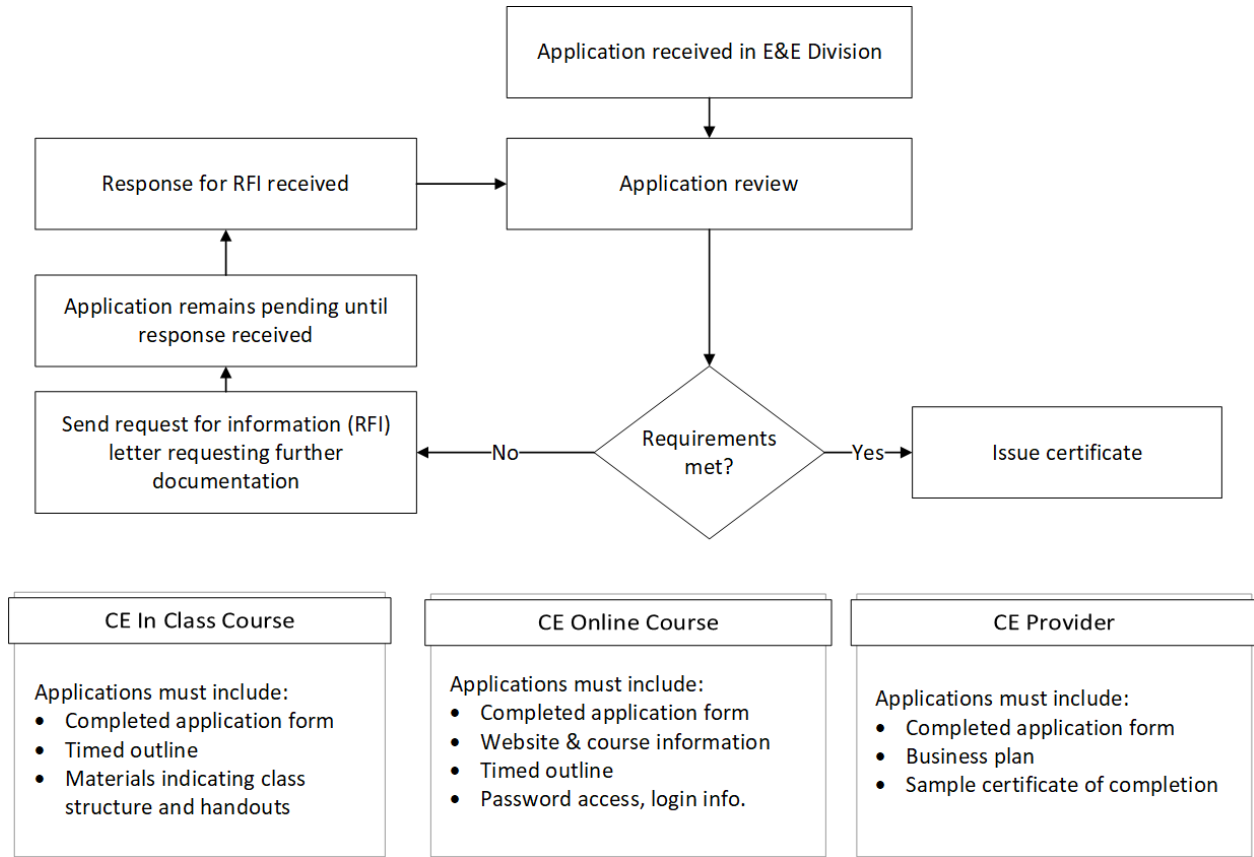
allow TDLR to ensure schools are properly accounting for student hours and reporting course completions to confirm compliance and accountability.

Review and Approval of Continuing Education Providers

TDLR approves Continuing Education providers to ensure each provider teaches topics required by rule. In addition, TDLR ensures providers have an adequate business plan, issue proper certificates of completion, and maintain student records and forms.

Review and Approval of Curricula and Courses

TDLR requires education providers to submit for prior approval the curriculum’s content and course length to ensure that a student receives an education that will help them to develop the job skills and knowledge necessary for employment. TDLR approves continuing education courses to determine if the courses have met the required hours necessary for a licensee to renew their license. Applications must include timed outlines and materials for in-class courses and login and password information for online courses.



Review and approval of training programs

The Education and Examination Division has additional responsibilities, including oversight of training providers. In the electrical industry, candidates can enroll in a TDLR-registered apprenticeship training program. The training program must be recognized by the Texas Workforce Commission or the Texas Higher Education Coordinating Board. Training

programs can also be approved if it meets the requirements of the United States Department of Labor Office of Apprenticeship.

For the Towing program, incident management towing operators are required to be certified by a towing certification program. TDLR oversees the minimum standards for those certification programs. Acceptable certification programs are those that consist of an examination component to test for comprehension of the course. The department does not approve the course curriculum for these training providers.

3. Providing Updated Information to Regulated Industries and Professions

The Education and Examination Division assists licensees by training and staying engaged with the professions and industries we regulate, the public we serve, and other divisions at TDLR. The Education and Examination Division attends and participates in a range of outreach activities including the following:

- Driver Education and Safety Instructor Training Conferences – over 800 instructors attend per year.
- Texas Municipal Courts Education Center (TMCEC) Conferences for Judges and Clerks – over 4,200 judges and clerks attend these conferences each year.
- Effective November 1, 2017, the Offender Education Program transferred to TDLR, and the Education and Examination Division has since hosted 15 workshops across Texas.
- In Fiscal Year 2018, the division’s education liaison performed 60 site visits to Barbering, Cosmetology, and Driver Education schools to provide guidance to ensure understanding and compliance with all state laws and rules.
- Education and Examination Division staff attend all Commission and advisory board meetings to provide reports and answer any questions that might arise.
- Division staff also participates in outreach summits, and attends Athletic Trainers, Barbering, Cosmetologists, Driver Education, and Hearing Instrument Fitters and Dispensers association meetings to provide the latest update to changes on educational requirements.

4. Improving Accountability and Efficiencies for Our Licensees, While Minimizing Unnecessary Regulatory Requirements

Providing Outreach to Increase School Efficiency and Effectiveness

Education and Examination staff focus on educating TDLR licensees through outreach conducted at site visits and association meetings. During these meetings, staff provides information on best practices that will allow them to properly align their activities with TDLR’s laws and rules. TDLR improves accountability by auditing courses and curricula both online and in traditional classroom courses.

Immediately Issuing a Cosmetology Temporary License After a Candidate Passes Exams

Starting in 2013, TDLR allowed Cosmetology students who pass the written and practical examinations and have met licensure requirements to receive a temporary version of their

full license at the PSI testing site. The temporary license includes a strength-and-weakness report based on the examination content outline, a passport-quality photograph, the license number, and expiration date of the temporary license. The Cosmetology program is TDLR's largest program and this change greatly benefits Cosmetology candidates who no longer have to wait for their license to arrive in the mail to begin working. TDLR then separately mails the full license.

Allowing Barbering and Cosmetology Schools to Operate in the Same Facility

In 2017, legislation to deregulate square footage requirements in Barbering and Cosmetology schools passed. Previously, statute established certain minimum square footage requirements as a prerequisite for opening a school. Based on this change in law, TDLR conducted an additional review of the longstanding prohibition of Barbering and Cosmetology education in the same facility. TDLR developed a new policy to allow Cosmetology and Barbering schools to operate at the same location if the programs remain distinct and are not running concurrently. This change also allows public schools to offer a Barbering program in their current Cosmetology classroom. As a result, schools are beginning to establish more barbering schools in high schools, since they can use their existing resources and avoid additional buildout costs.

Improving Security and Convenience of Continuing Education

Continuing education encourages licensees to expand their knowledge and stay up-to-date regarding developments within their industry. TDLR has established a secure process that ensures license holders are completing the required hours specified in rule. TDLR continuing education providers use a web-based system that enables them to submit course completion documentation to TDLR's secure portal. This allows licensees to obtain credit almost immediately after a course is completed. This also reduces data entry requirements for providers and allows for quick verification that information provided to TDLR is accurate.

- G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).**

The Education and Examination Division is funded through General Revenue, appropriated receipts, and general revenue dedicated accounts. All appropriations are fee revenue; four contingency riders in Article IX of the General Appropriations Act for fiscal years 2018 and 2019 also appropriate funds.

- H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.**

N/A

- I. **Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

N/A

- J. **If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.**

N/A

- K. **If contracted expenditures are made through this program please provide**

- **a short summary of the general purpose of those contracts overall;**
- **the amount of those expenditures in fiscal year 2018;**
- **the number of contracts accounting for those expenditures;**
- **the method used to procure contracts;**
- **top five contracts by dollar amount, including contractor and purpose;**
- **the methods used to ensure accountability for funding and performance; and**
- **a short description of any current contracting problems.**

The Education and Examination has a zero-dollar contract with PSI for the administration of written and practical examinations. TDLR does not have any issues with this contract.

- L. **Provide information on any grants awarded by the program.**

N/A

- M. **Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.**

N/A

- N. **Provide any additional information needed to gain a preliminary understanding of the program or function.**

TDLR's functional alignment model allows the Education and Examination Division to maintain specialized staff who all have similar knowledge and skills sets to perform routine work efficiently and effectively.

- O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe**
- **why the regulation is needed;**
 - **the scope of, and procedures for, inspections or audits of regulated entities;**
 - **follow-up activities conducted when non-compliance is identified;**
 - **sanctions available to the agency to ensure compliance; and**
 - **procedures for handling consumer/public complaints against regulated entities.**

See Section VII, Licensing for information on each regulatory program currently under review.

- P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.**

See Section VII, Enforcement for complaint investigation and resolution information, including:

- a summary overview for total complaints against persons and entities regulated by TDLR; and
- specific information for each regulatory program currently under review.

VII. Guide to Agency Programs – Enforcement

A. Provide the following information at the beginning of each program description.

Name of Program or Function: *Enforcement Division*

Location/Division: *1106 Clayton Lane, Suite 300E, Austin, Texas, 78723*

Contact Name: *Christina Kaiser, Director of Enforcement*

Statutory Citation for Program: *Chapter 51, Occupations Code, specifically, Section 51.103, and Subchapters E, F and G.*

B. **What is the objective of this program or function? Describe the major activities performed under this program.**

The objective of the Enforcement Division is to investigate and resolve complaints against licensees and other regulated populations in all programs overseen by TDLR.

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 agency’s case before the State Office of Administrative Hearings and then for final decision before the Texas Commission of Licensing and Regulation.

- C. **What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.**

The Enforcement Division investigates and resolves more than 10,000 cases per year with a current staff of 107 employees. Enforcement is efficient and effective because of its structure and procedures. The division's structure was built around the work to be done. As mentioned above, Enforcement's employees are organized into three sections that reflect the major functions in the life cycle of an enforcement case: Intake, Investigation, and Prosecution. Within each section, employees are further specialized into subject matter teams, allowing them to concentrate on a limited number of the agency's 39 programs. Each section of the division uses well-defined procedures for handling various types of complaints. These procedures vary depending upon the source of the complaint. Generally, complaints may be characterized as arising from three sources: consumers, TDLR, and applicants' criminal histories.

Consumers: This category includes complaints from all sources outside the agency, including the public, 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: This category includes complaints arising from periodic inspections of regulated entities conducted by the Field Inspections Division, and from proactive efforts of Enforcement field investigators and agency personnel in other divisions. Results from periodic inspections are forwarded directly to a prosecutor for resolution, because the evidence has already been developed by the inspector. Complaints filed by other divisions are investigated and resolved in the same manner as consumer complaints.

Criminal Histories: This category includes complaints arising from criminal background checks on initial and renewal license applicants, and criminal history evaluation letters. Criminal histories are referred to Enforcement by the Licensing Division and then initially screened by a prosecutor. The prosecutor may immediately clear the applicant for licensing or may request an investigation of the applicant's criminal history. If an investigation is conducted, the prosecutor will consider the results of the investigation and decide whether to clear the applicant or deny or revoke the applicant's license.

The Enforcement Division's efficiency and effectiveness is reflected in the TDLR performance measures that relate to enforcement. Key performance measures are set out in Exhibit 2 and other measures are set out in Exhibit 12 below. For more information, see

the “*Source of Cases Opened by Program*” below. An important measure for effectiveness in serving the public is restitution paid to consumers—for restitution results, see Exhibit 13.

Further evidence of the Enforcement Division’s efficiency and effectiveness may be found in the results of two recent audits that evaluated the division’s functions and did not identify any major negative findings. The first was completed by Weaver and Tidwell, the agency’s internal auditor, on August 23, 2018. The second was completed by the State Auditor’s Office on May 31, 2019.

Texas Department of Licensing and Regulation
Exhibit 12: Program Statistics and Performance Measures – Fiscal Year 2018

Program Statistics or Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Percent of Complaints Resolved in Six Months (key measure)	101	Number of cases closed within six months divided by the number of cases closed, multiplied by 100	67.00%	74.97%	111.90%
Average Time for Case Resolution (Days)	109	Cumulative sum of days open for all closed cases divided by the total number of closed cases, multiplied by 100	185	139.90	75.62%
Percent of Complaints Resulting in Disciplinary Action	99	Number of cases closed with disciplinary action divided by the number of cases closed, multiplied by 100	29.70%	23.00%	77.44%

Table 12 Exhibit 12 Program Statistics and Performance Measures – Fiscal Year 2018

- D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.**

As the number of programs regulated by TDLR has grown, the Enforcement Division’s structure and major processes have remained consistent. The division adds and refines specific procedures when needed to effectively address growing volumes of work, new types of complaints, and the unique circumstances of certain regulated industries and professions. These procedural changes have included the following.

The division transitioned to an electronic case file system, Legal Files, in May 2011. Legal Files brought several major improvements, including:

- storage of case file materials in electronic form, allowing real-time access to case files at the click of a button and largely eliminating the need for paper case files;
- more detailed and standardized documentation and tracking of case-related activities and data in all sections of the division; and
- enhanced reporting capabilities, allowing for improved monitoring of workloads and productivity.

As the agency has assumed responsibility for more and more programs, Enforcement Division employees have become more specialized by subject matter, allowing each employee to focus on a limited number of the agency's programs. Every section of the division now includes teams specialized by program.

After the agency assumed responsibility for health-related programs, the Enforcement Division developed detailed procedures for each section of the division (intake, investigation, and prosecution) for the handling, storage, and disposal of protected information, including protected health information (PHI) and personal identifying information (PII). These procedures ensure the division's compliance with laws relating to PHI and PII, including the Texas Medical Records Privacy Act, the U.S. Health Insurance Portability and Accountability Act, the Texas Public Information Act, and the super-confidentiality provisions contained in the program statutes for several of TDLR's health-related programs. Enforcement's procedures for handling protected information were developed in late 2016 and division employees were first trained on the procedures in February 2017.

Additionally, the Enforcement Division greatly refined its procedures for obtaining expert witness evidence during the investigation of cases. The division had previous experience with the use of expert witnesses in some cases, including air conditioning, water well, elevator, and electrician cases. Lessons learned from that experience and the increased need for expert evidence brought on by the health-related cases led to the conclusion that a more robust process was needed. Development began in late 2016 and division employees were first trained on the improved process in February 2017. Refinements and follow-up trainings have continued as experience has revealed gaps in the procedure. The process now includes expert witnesses obtained from three sources: (1) TDLR on-staff experts, (2) advisory board members, and (3) contract experts from within the regulated professions.

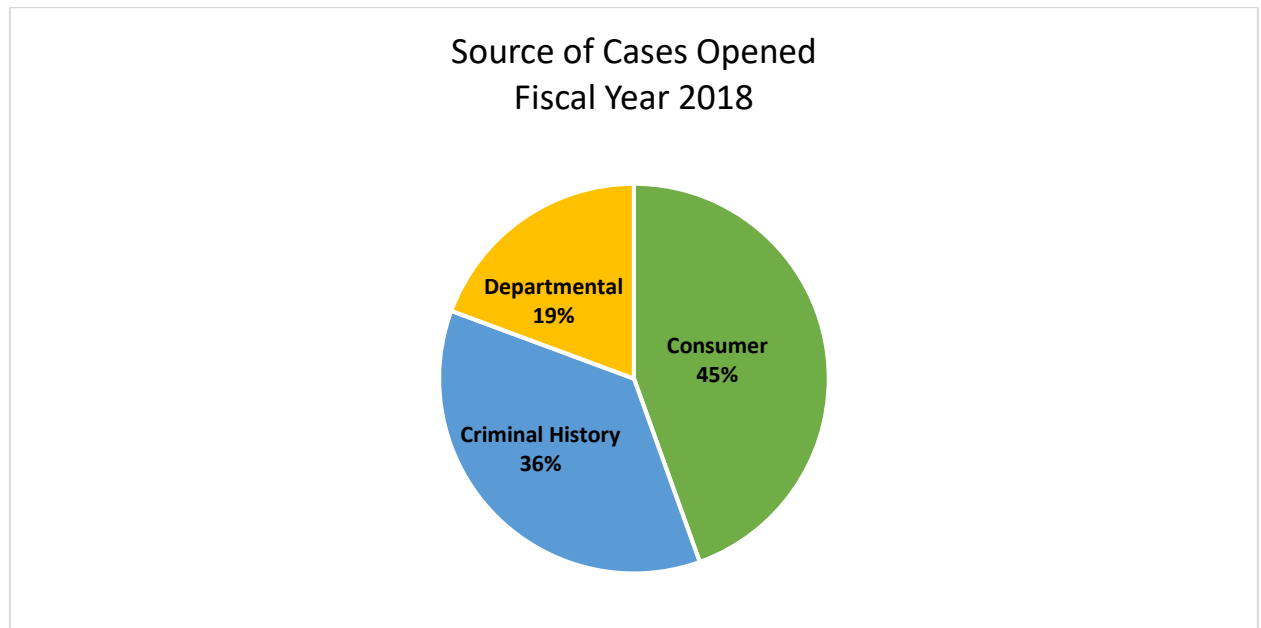
As the agency's responsibilities have grown, the agency has also continued to refine its enforcement philosophy. Recognizing that enforcement resources are limited, the agency has determined that those resources can be used for the greatest benefit to the public by focusing on complaints that involve consumer harm or a threat to public safety. Over time,

less emphasis is being placed on administrative or minor violations that can be easily corrected. This focus has been reflected in the agency goals stated in the last two strategic plans published by the agency. The Enforcement Division has advanced this philosophy by pursuing specific types of cases and through several other initiatives, including:

- working with the Field Inspections Division to reduce the number of inspection findings forwarded to Enforcement for formal action;
- working with advisory boards and the Commission to revise and simplify penalty matrices; and
- striving at every turn to keep procedures as lean and uncluttered as possible, avoiding unnecessary bureaucracy that tends to slow down the complaint resolution process.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

The Enforcement Division investigates and resolves cases against license holders, unlicensed individuals, and other populations regulated under TDLR’s statutory authority. Complaints are evaluated to determine whether the matter alleged is within TDLR’s jurisdiction and whether the complaint provides enough information to justify opening a case for investigation and resolution.



Source of Cases Opened by Program – Fiscal Year 2018

Program	Consumer Complaint	Criminal History	Department-Initiated Complaint	Grand Total
Air Conditioning and Refrigeration	593	372	102	1,067
Athletic Trainers	13	3	1	17
Auctioneers	33	4	10	47
Barbering	176	283	309	768
Behavior Analysts	-	3	-	3
Boiler Safety	2	-	9	11
Code Enforcement Officers	21	7	-	28
Combative Sports	11	32	63	106
Cosmetologists	741	381	787	1,909
Dietitians	3	3	1	7
Driver Education and Safety	35	24	54	113
Electricians	497	1,796	149	2,442
Elevator / Escalator Safety	104	1	138	243
Elimination of Architectural Barriers	65	-	71	136
For-Profit Legal Services	-	24	1	25
Hearing Instrument Fitters and Dispensers	16	9	2	27
Industrialized Housing and Buildings	10	-	8	18
Laser Hair Removal	17	23	2	42
Licensed Breeders	46	-	22	68
Massage Therapy	707	223	55	985
Midwives	8	3	-	11
Mold Assessors and Remediators	47	79	4	130
Offender Education (Court-Ordered) Programs	15	16	-	31
Orthotists and Prosthetists	16	1	8	25
Podiatry	144	4	-	148

Program	Consumer Complaint	Criminal History	Department-Initiated Complaint	Grand Total
Polygraph Examiners	5	-	1	6
Professional Employer Organizations	4	-	-	4
Property Tax Consultants	10	4	2	16
Property Tax Professionals	34	2	1	37
Sanitarians	3	1	-	4
Service Contract Providers	94	1	3	98
Speech-Language Pathologists and Audiologists	53	10	3	66
Tow Trucks and Tow Operators	863	419	102	1,384
Transportation Network Companies	4	-	3	7
Used Automotive Parts Recyclers	16	31	16	63
Vehicle Storage Facilities	271	46	104	421
Water Well Drillers and Pump Installers	35	20	17	72
Grand Total	4,712	3,825	2,048	10,585

- F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Policy Documents

Three primary policy documents guide the complaint investigation and resolution process for the Enforcement Division.

1. The **Enforcement Plan** sets out, for each program regulated by TDLR, the ranges of penalties and license sanctions that are applicable to specific alleged violations of the statutes and rules. The Enforcement Plan is required by Texas Occupations Code, Sec. 51.302(c), and may be viewed on the agency’s website at:

<https://www.tdlr.texas.gov/enforcement.htm>.

2. The **Criminal Conviction Guidelines** set out, for each program regulated by TDLR, the categories of criminal convictions that may render an applicant an unsuitable candidate for

a license, along with the reasons why those particular crimes are considered to relate to the licensed occupation. The guidelines are required by Texas Occupations Code, Sec. 53.025(a) and may be viewed on the agency's website at:

<https://www.tdlr.texas.gov/crimconvict.htm>.

3. 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 procedures manual is distributed to employees only. A summary of the process is published on the agency's website.

The Enforcement Plan and Criminal Conviction Guidelines are developed for each program regulated by TDLR with the input of that specific industry. For programs with advisory boards, Enforcement staff work with an enforcement workgroup comprised of members of the advisory board to create a draft of the document. The draft document is then presented to the full advisory board to seek a recommendation for the Commission's approval. The document is then presented to the Commission for final approval. After the Commission approves the document, it is published as a policy of the agency in the Texas Register and on the agency's website. For programs without advisory boards, industry input is secured through industry forum meetings when possible.

As mentioned earlier, the Enforcement Division's employees are organized into three sections that reflect the major functions in the life cycle of an enforcement case: Intake, Investigation, and Prosecution. Each section of the division utilizes well-defined procedures for handling various types of complaints. These procedures vary depending upon the source of the complaint. Generally, complaints may be characterized as arising from three sources: consumers, department, and applicants' criminal histories.

Consumer Complaints

When the Enforcement Division receives a complaint from a consumer or other member of the public, the complaint is assigned to the intake section for review. An intake legal assistant performs research and analysis to determine (1) whether TDLR has legal jurisdiction, (2) whether there is reason to believe a violation may have occurred, and (3) whether the complaint includes enough information to justify opening a case for investigation. In the course of this review, intake may request additional information from the person who filed the complaint, known as the "complainant." If the complainant does not respond with the requested information, the complaint will not be opened for investigation.

If intake determines that the matter is within TDLR's jurisdiction, that a violation may have occurred, and that sufficient information is present, a case is opened for investigation. An opening letter is issued to the complainant, informing them that an investigation has been initiated. An opening letter is also sent to the person against whom the complaint was filed, known as the "respondent," if they are licensed by the agency. For certain types of

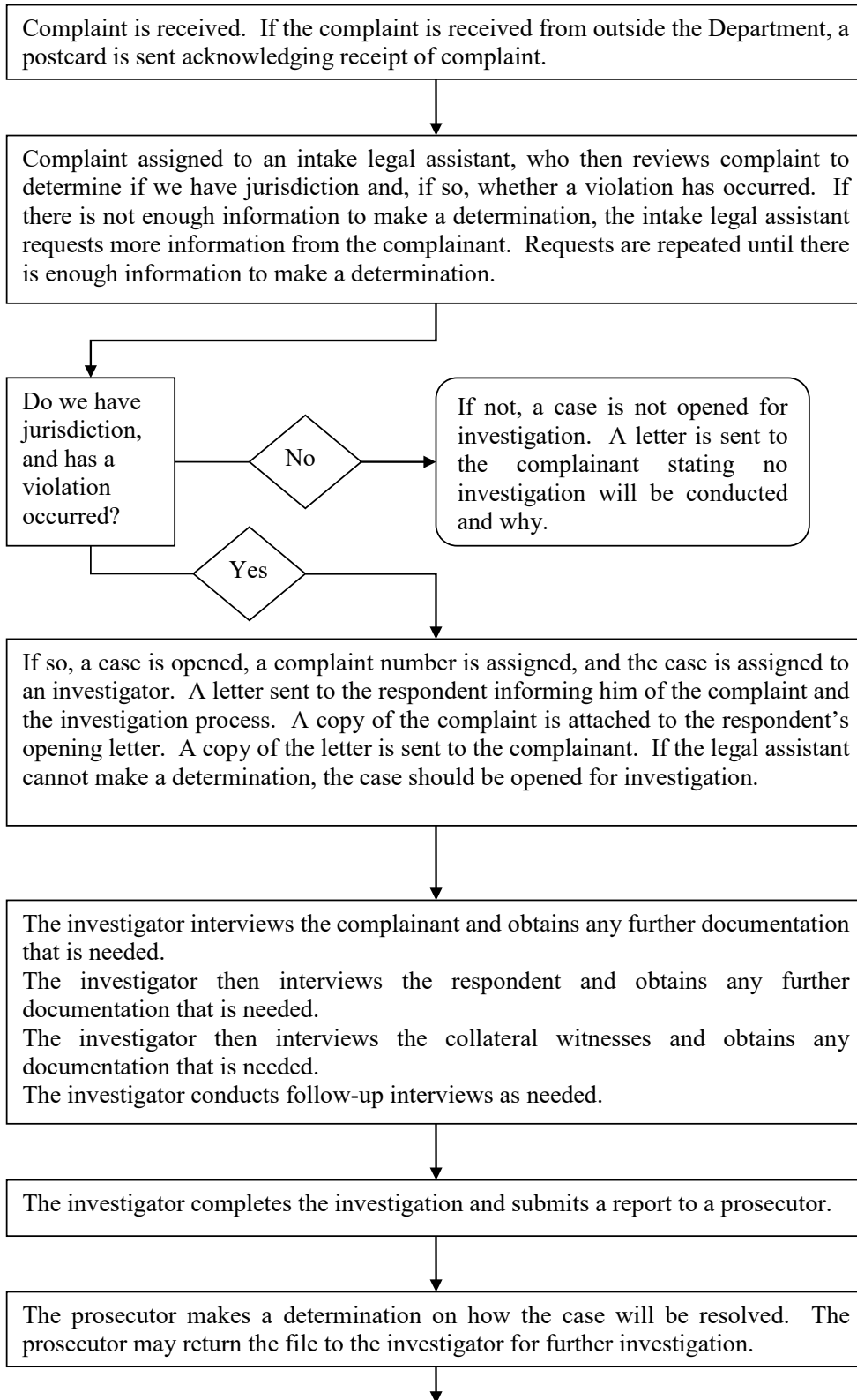
complaints, opening letters are not issued to licensees because of the type of investigation to be conducted. The case is given a unique number for identification purposes and is assigned to an investigator for further action.

As a standard practice, the investigator will interview the complainant, the respondent, and any pertinent witnesses, by telephone or in person. The investigator will also gather copies of any documents relevant to the case. If necessary, the investigator will conduct an on-site investigation of the respondent's place of business or the location where the alleged violation occurred. If necessary, the investigator will secure expert opinion evidence from an appropriate expert witness.

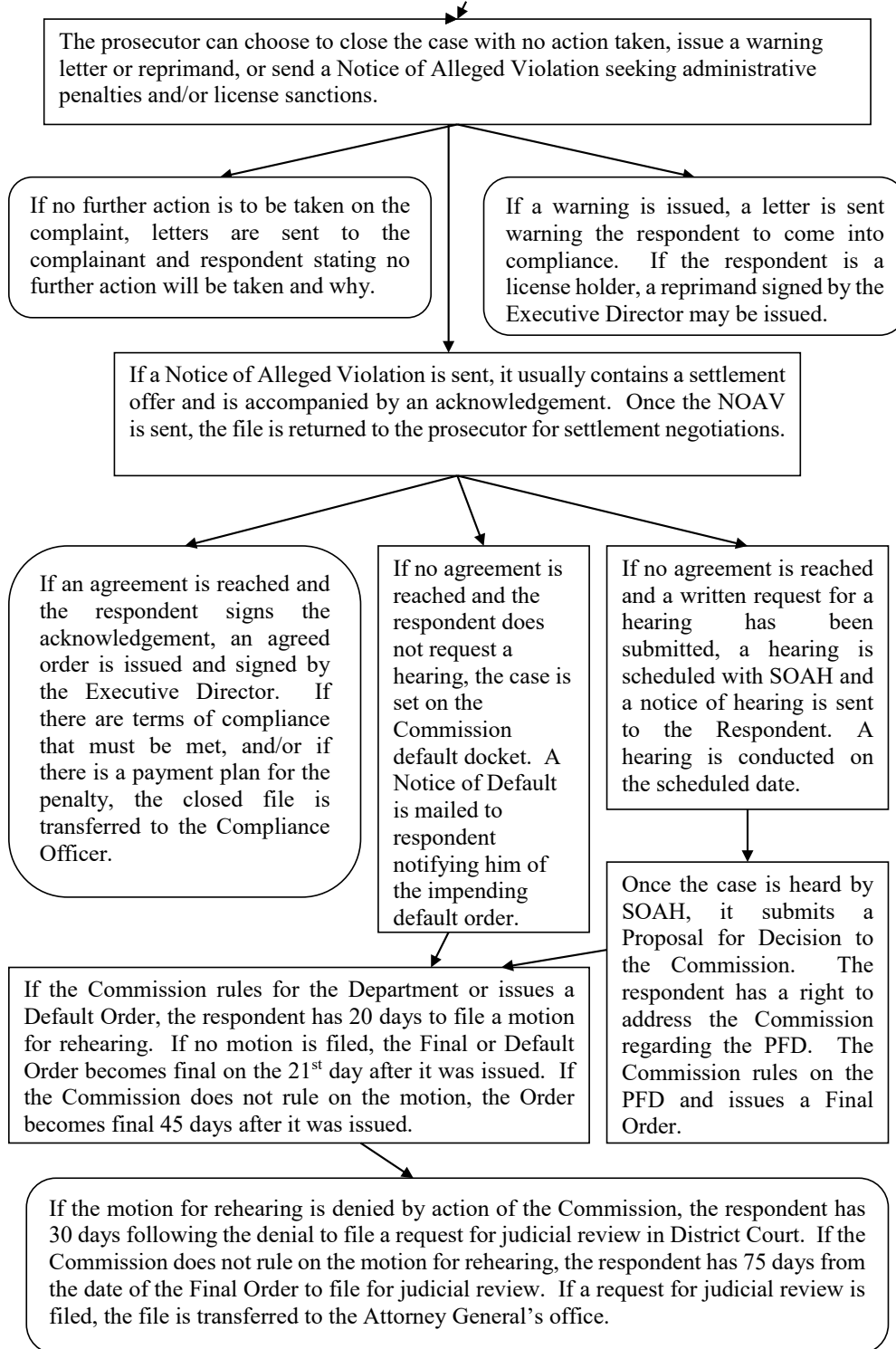
Some Enforcement investigators work from the division's headquarters in Austin, while others work from home-based field locations around the state. This division currently has 16 field investigators. Generally, the field investigators are assigned the types of cases that require on-site investigations. The field investigators also initiate their own investigations based on proactive efforts to identify violations. Proactive field efforts include undercover sting operations designed to identify unlicensed individuals offering to perform air conditioning and electrical work. The field investigators also assist other investigators by performing onsite investigations or completing other requests as needed. The field investigators allow TDLR to respond quickly in any area of the state as needed.

After the investigation is complete, the investigator submits a detailed report of the facts and evidence to a prosecuting attorney. The prosecutor then determines the appropriate resolution of the case. See the section titled "Resolution" below for more information.

Consumer Complaint Flowchart



Consumer Complaint Flowchart (Cont.)

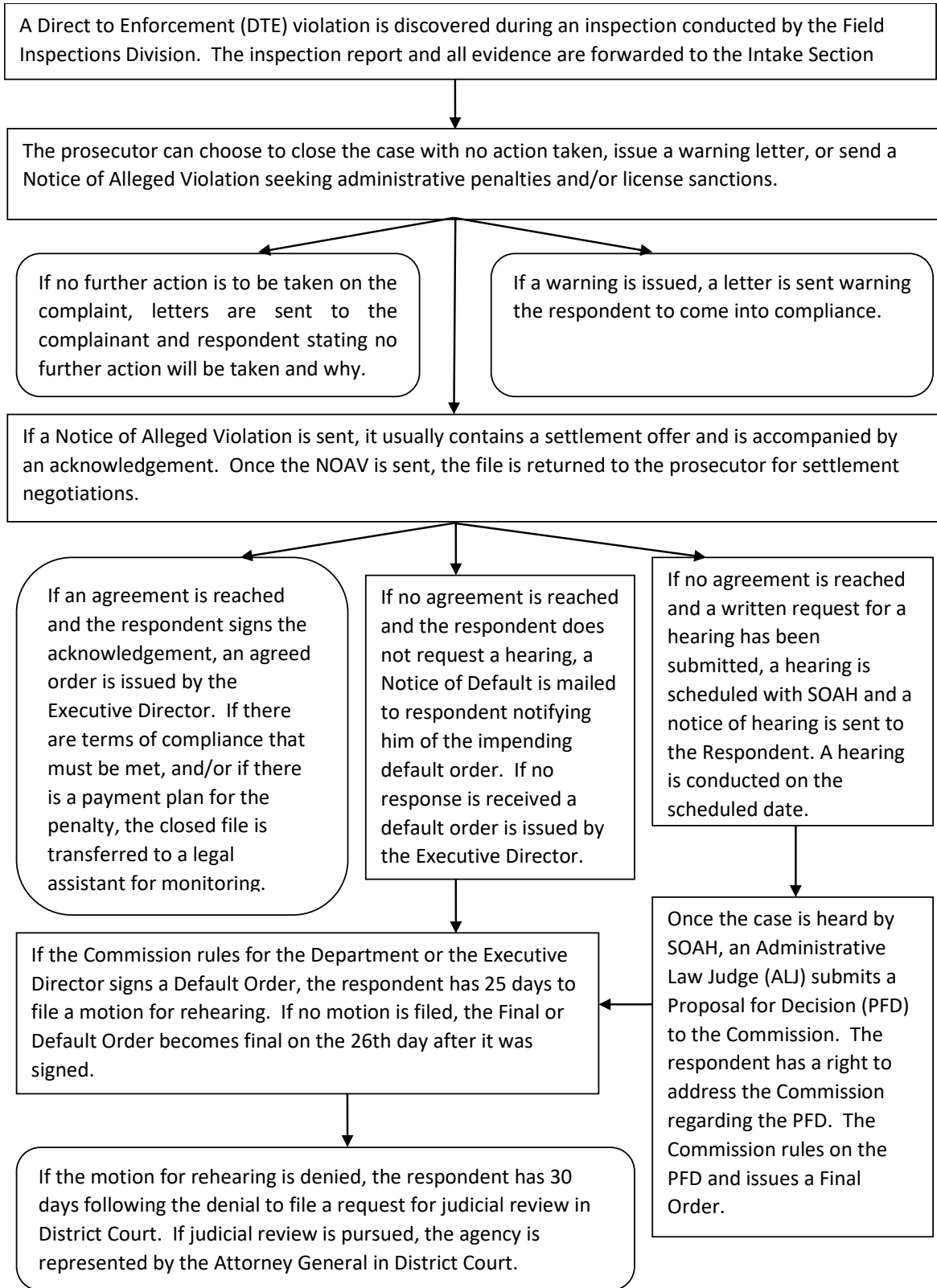


Department Complaints

The intake and investigation procedures described above are the standard procedures that are applied to complaints from consumers and the public, i.e., any person from outside TDLR. The Enforcement Division also receives a large volume of complaints from TDLR staff, known as “department complaints.” Some department complaints are processed according to the standard procedures described above. For other categories of department complaints, the Enforcement Division has created specialized and abbreviated procedures to eliminate unnecessary steps and bring the complaint to resolution more quickly.

One example is our procedure for processing cases arising from periodic inspections of facilities conducted by the Field Inspections Division. If an inspection reveals evidence of violations that rise to a certain level of seriousness, the Field Inspections Division will refer the matter to the Enforcement Division as a complaint. A case is opened but is not assigned to an Enforcement investigator. Instead the case is assigned directly to a prosecutor who will proceed with appropriate steps to resolve the case. There is not a need for an Enforcement investigator to be involved with these cases because the violations are proven through the observations of the inspector. In other words, the inspector is the witness to the violations found during the inspection, so they are in the best position to create a report of their findings. If the prosecutor needs more information after reviewing the inspector’s report, the prosecutor will seek that information directly from the inspector in the Field Inspections Division. The prosecutor then determines the appropriate resolution of the case. See the section titled “Resolution” below for more information.

Department Complaints Flowchart



Criminal History Cases

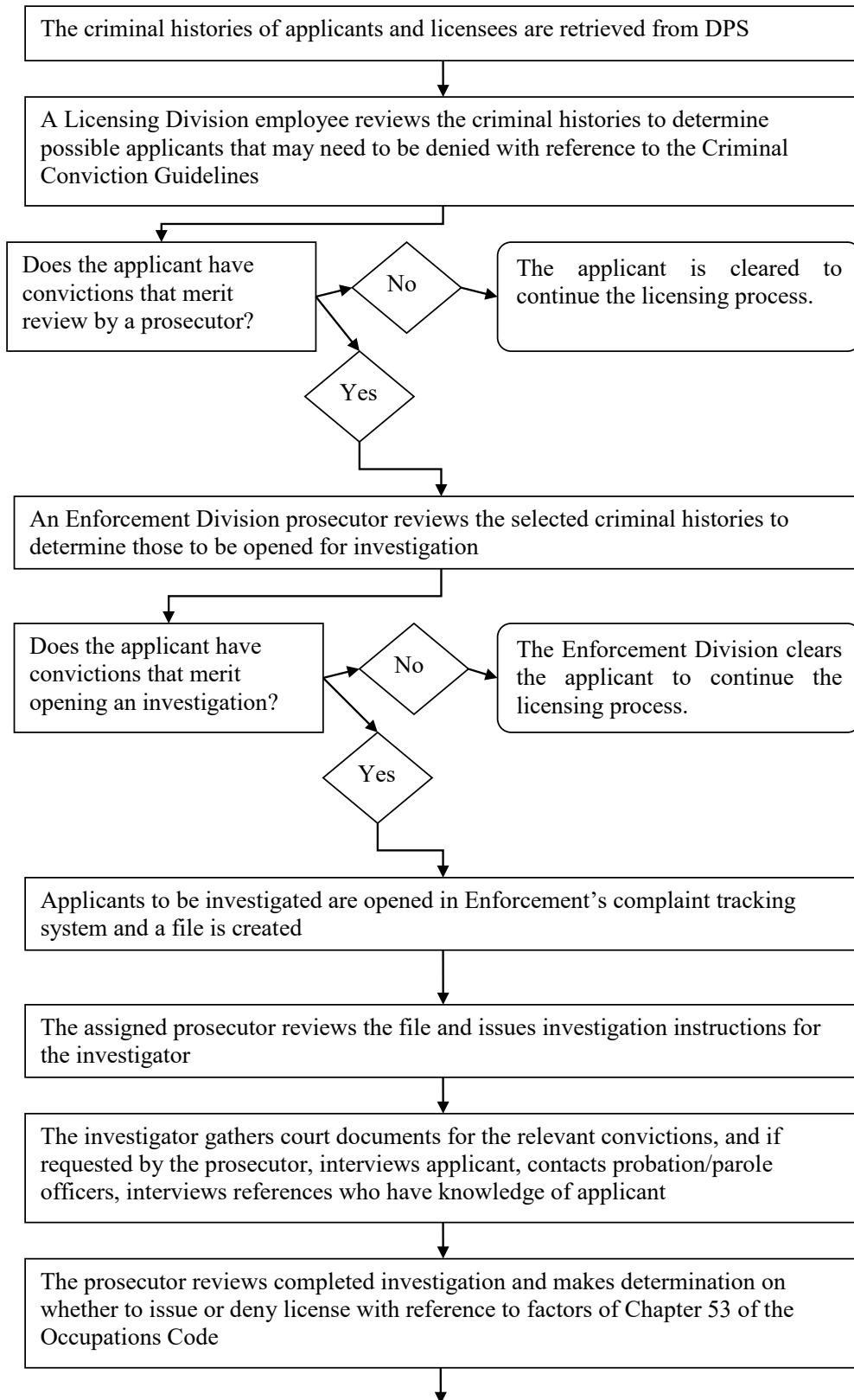
Individuals applying for a license are required to provide information about criminal offenses. TDLR's Licensing Division also runs a name or fingerprint-based criminal background check (as authorized by statute) through DPS or the FBI on each original and renewal application filed. The one exception for individual background checks is Combative Sports contestants where essentially no conviction would automatically disqualify them from participating in an event. If the application or the criminal background check reveals an offense that could be a basis for denying the license based on the criminal conviction guidelines for each program, Licensing staff will refer the matter to the Enforcement Division for further review.

Upon receipt of a criminal background referral in the Enforcement Division, the matter is immediately assigned to a prosecutor for review. The prosecutor treats these referrals as high priority and reviews the criminal offense with reference to the applicable statutory provisions and criminal conviction guidelines. If the prosecutor determines that the license should not be denied based on the criminal offense, the prosecutor will immediately clear the criminal history hold that has been placed on the application in the licensing system, and the applicant may then proceed with the remainder of the licensing process.

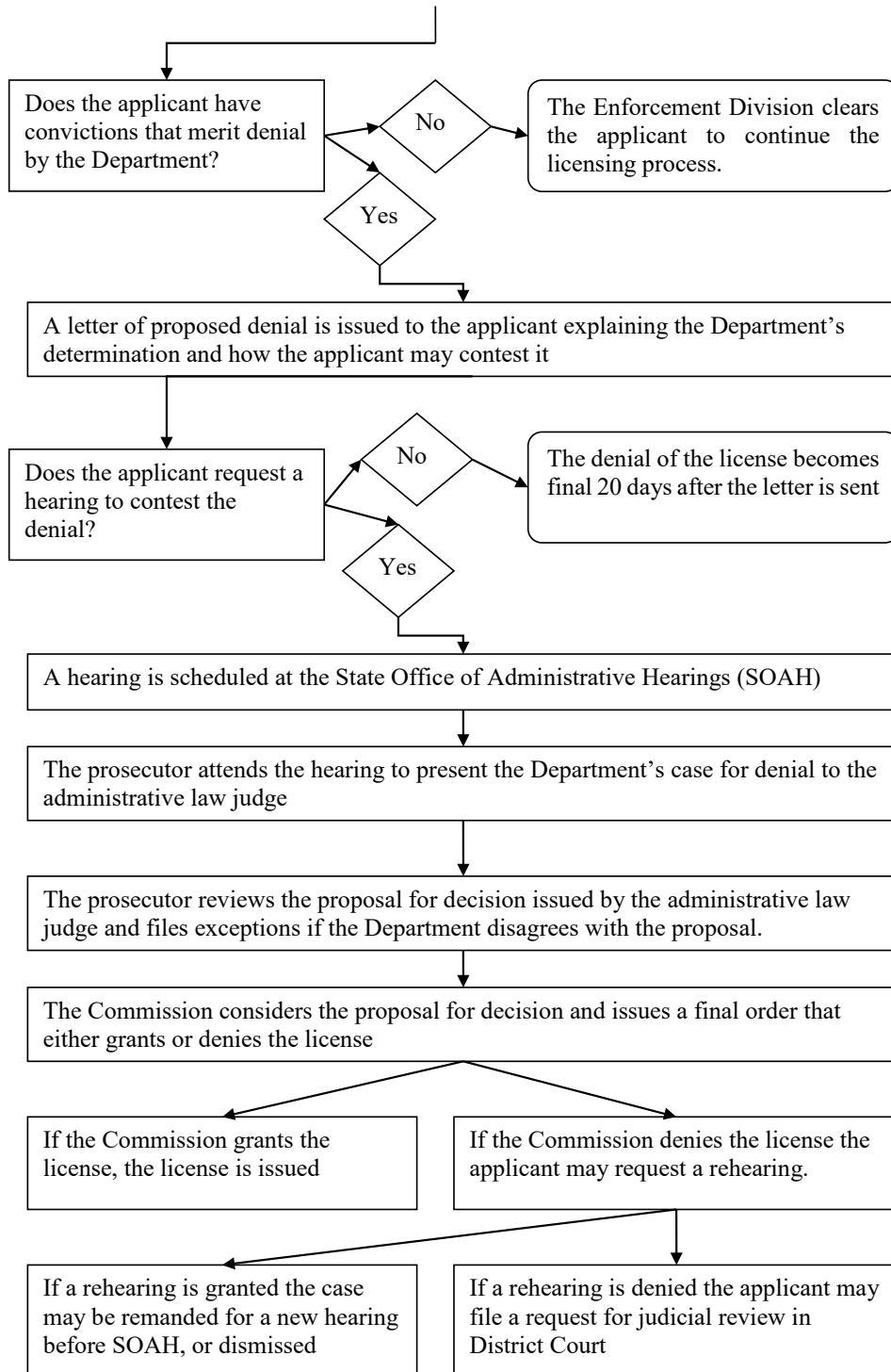
If the prosecutor determines that the criminal history may warrant denial or revocation of the license, the prosecutor will have a case opened and assigned to an investigator with specific instructions. An opening letter is issued to the applicant whose criminal background is being investigated. The investigator will secure certified copies of the relevant criminal convictions (court records), police reports, probation reports, and other documents requested by the prosecutor. The investigator will also interview relevant witnesses and conduct research to obtain any other requested information.

After the investigation is complete, the case is returned to the prosecutor for review. The prosecutor may clear the applicant's criminal history at this point or proceed with formal action to deny or revoke the license based on the criminal history. The prosecutor then determines the appropriate resolution of the case. See the section titled "Resolution" below for more information.

Criminal History Review Flowchart



Criminal History Review Flowchart (Cont.)



Resolution

The prosecutor decides how the case will be resolved. If the prosecutor determines that formal enforcement action is not warranted, due to insufficient evidence or other reasons, the prosecutor will close the case informally by issuing a closing letter. The prosecutor may also issue a warning letter to the respondent, recommending that the respondent come into compliance with the applicable law.

To proceed with formal enforcement action, the prosecutor issues a Notice of Alleged Violation (NOAV) seeking administrative penalties and/or sanctions against the respondent's license. The NOAV sets out the alleged violations in detail, cites the applicable statute and rule provisions, and specifies the penalty or sanction that will be requested. The NOAV also advises the respondent of their right to request a hearing. Most NOAVs also provide a settlement offer. An administrative penalty is a monetary fine paid by the respondent to the State of Texas. A sanction is an action upon the respondent's license, and may include suspension of the license, probation, or outright revocation of the license. Administrative penalties and sanctions applicable to specific violations within each TDLR program are reflected in the TDLR Enforcement Plan located on the Department's website.

Factors considered by the prosecutor in determining the amount of penalty or level of sanction include:

1. The severity or seriousness of the violation.
2. Whether the violation was willful or intentional.
3. Whether the respondent acted in good faith to avoid or mitigate the violation or to correct the violation after it became apparent.
4. Whether the respondent has engaged in similar violations in the past.
5. The level of penalty or sanction necessary to deter future violations, both by the respondent and by the industry.
6. Any other matter that justice may require.

In criminal history cases, to deny a new license application, a Letter of Proposed License Denial is issued to the applicant. A NOAV is issued when the prosecutor seeks to revoke an existing license. The denial letter or NOAV clearly identifies the offenses that form the basis of the proposed action, cites the appropriate statutory authority and criminal conviction guidelines, and advises the applicant that a hearing may be requested to challenge the proposed denial or revocation.

Agreed Orders

When a NOAV is sent, it may contain a settlement offer. If an agreement is reached, an Agreed Order is issued by the Executive Director of TDLR. The Agreed Order will typically require the respondent to do certain things, such as paying an administrative penalty to the agency, paying restitution or making repairs for the consumer, completing additional education, or providing required documentation to the agency. The respondent's efforts to comply with the terms of an Agreed Order are monitored by employees of the Enforcement Division until the requirements of the order are completed.

For information on restitution paid to consumers, please see Exhibit 13.

Default Orders

If a settlement is not reached and the respondent does not make a timely request for a hearing after receiving the NOAV, a Default Order granting penalties or sanctions may be entered against the respondent without first conducting a hearing. Default Orders are issued by the Executive Director of TDLR.

Hearing

If the respondent requests a hearing in writing within 20 days after receiving the NOAV, the hearing is scheduled before the State Office of Administrative Hearings (SOAH). Parties are advised of the hearing date and time. The case is heard by a SOAH administrative law judge, who submits a Proposal for Decision (PFD) to all parties. The PFD contains the judge's proposed findings of fact and conclusions of law, and a recommended outcome for the case. The PFD is not a final decision in the case. The final decision is made by the Texas Commission of Licensing and Regulation after consideration of the PFD. See below.

Commission Meeting

All parties are notified of the date of the Commission meeting when the PFD issued by the SOAH judge will be considered by the Commission. At the Commission meeting, the respondent and TDLR's prosecutor are given an opportunity to make arguments to the Commission regarding the PFD. The Commission retains authority to amend, adopt, or reject the PFD. After the Commission makes a final decision in the case, a Final Order is issued to the parties.

Rehearing and Judicial Review

If the respondent believes that either an Order of the Executive Director or Order of the Commission contain errors, the respondent may file a Motion for Rehearing pursuant to Section 2001.146, Texas Government Code no later than the 25th day after the Order is signed. A Motion for Rehearing is a prerequisite to any further appeals of the Order.

The Motion for Rehearing must specifically identify the error or errors that are in the Order. If the respondent does timely file a Motion for Rehearing, the Commission may grant, deny, or take no action on the Motion. If no action is taken within 55 days after the Order is signed, the Motion is denied automatically.

If a Motion for Rehearing is denied, the respondent has 30 days following the denial to file a request for judicial review (appeal) in Travis County District Court. If a request for judicial review is filed, the agency is represented in District Court by an attorney from the Office of the Attorney General of Texas.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The Enforcement Division is funded through General Revenue and appropriated receipts. All appropriations are fee revenue; four contingency riders in Article IX of the General Appropriations Act for fiscal years 2018 and 2019 also appropriate funds.

The Enforcement Division is represented in two budget strategies:

- The **Investigation** strategy includes the activities of the intake and investigation sections of the division; and
- The **Resolve Complaints** strategy includes the activities of the prosecution section of the division.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Municipalities issue ordinances that affect some of the industries regulated by TDLR, including electricians, air conditioning contractors, tow trucks, vehicle storage facilities, and elevators. Ordinances are typically enforced by city attorneys in municipal courts via citations issued by municipal employees. TDLR issues notices of alleged violations for similar infractions and seeks administrative relief.

The Office of the Attorney General of Texas (OAG) has authority under most of TDLR's program statutes to pursue injunctions and civil penalties. Under other statutes, the OAG has broad authority to pursue other civil remedies. Under some of TDLR's program statutes, county attorneys and city attorneys have authority to pursue civil remedies. City, county, state, and federal law enforcement agencies have the authority to enforce criminal penalties that exist in some of TDLR's program statutes and in other statutes. Justice of the Peace courts have authority over non-consent tow appeals filed by consumers, under the Texas Towing and Booting Act.

- I. **Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

The Enforcement Division works in cooperation with multiple federal, state, and local law enforcement organizations and other units of government to share information, coordinate enforcement efforts, and ensure that the most appropriate authorities are pursuing violations.

In the Air Conditioning and Refrigeration Contractors and Electricians programs, municipal interactions with TDLR include the municipality performing inspections of jobsites where work was performed and submitting complaints to TDLR for unlicensed activity or work performed that failed to be installed per the applicable code.

In the Towing and Vehicle Storage Facility programs, municipal interactions with TDLR include municipal employees performing inspections of tow trucks or vehicle storage facilities and submitting complaints to TDLR for infractions of TDLR's laws or rules. Field staff will also coordinate investigations with local law enforcement when there are overlapping administrative and criminal violations, and when there are concerns about the safety of our investigators. Field staff will routinely conduct trainings for these local law enforcement agencies to educate them of the criminal penalties that reside in these statutes.

In the Licensed Breeders program, municipal code enforcement officers will submit complaints to TDLR based on unlicensed activity and poor living conditions at breeder kennels. Field staff also coordinate with local law enforcement during these types of investigations when there are concerns about the safety of our investigators.

The Enforcement Division field investigators regularly reach out and attend industry association meetings throughout Texas. Below is a list of the most frequent meetings TDLR attends.

Air Conditioning and Refrigeration Contractors Program

- Advisory Board at San Jacinto College Air Conditioning Dept. (on behalf of/representing TDLR). Quarterly meetings.
- International Association of Plumbing and Mechanical Officials (IAPMO). Quarterly meetings.
- Nance Air Conditioning Training Schools, a TDLR-approved continuing education class. Monthly meetings.
- Refrigeration and Engineering Society of San Antonio (RSES). Monthly meetings.

- Texas Air Conditioning Contractors of America (TACCA) Houston Chapter. Monthly meetings.
- Texas Air Conditioning Contractors of America (TACCA) of San Antonio. Monthly meetings, except during summer months.

Massage Therapy Program

- Cross Check with Central Texas Law Enforcement agencies. Monthly meetings.
- Multiple Law Enforcement Agencies – Conduct trainings on license requirements and criminal penalties section of statute

Property Tax Consultants and Property Tax Professionals Programs

- Better Business Bureau of Greater Houston & South Texas. Monthly meetings.
- Local Certified Fraud Examiners (CFE) and Association of Certified Fraud Examiners (ACFE). Quarterly meetings.
- San Antonio Chapter of the Certified Fraud Examiners. Monthly Meetings.

Towing and Vehicle Storage Facilities Programs

- Cross Check with Central Texas Law Enforcement agencies. Monthly meetings.
- Local Law Enforcement Agencies - Rio Grande Valley. Meetings on as needed basis.

General

- Better Business Bureau of Greater Houston & South Texas. Monthly meetings.
- San Antonio Chapter of Former FBI agents. Monthly meetings.

Human Trafficking Prevention

- US Attorney’s Office Southern, District of Texas, Human Trafficking Rescue Alliance (Houston Police Vice/Human Trafficking Task Force). Monthly meetings.

For TDLR’s health-related programs, the Enforcement Division conducts the following activities.

Prescription Monitoring Program

HB 2561 (85R) requires TDLR, in regulation of our Podiatric Medicine program, to:

- develop guidelines for the responsible prescribing of certain controlled substances,
- monitor prescribing patterns of podiatrists, and
- allows TDLR to open investigations based on information obtained from the Prescription Monitoring Program (PMP) database.

This recommendation came from the Sunset review of the Texas State Board of Podiatric Medical Examiners (transferred to TDLR in September 2017) and clarifies TDLR's authority to proactively monitor the PMP for improper prescribing of controlled substances by podiatrists. TDLR would conduct any necessary investigations based on a search of the database, and take any appropriate action, including notifying the podiatrist about the potentially dangerous prescribing pattern or pursuing enforcement action.

TDLR, in its monitoring efforts, will consider the overall volume or combinations of the four classes of drugs the Legislature recognizes as those most likely to be abused (opioids, benzodiazepines, barbiturates, and carisoprodol), as well as additional controlled substances and dangerous combinations of drugs identified by TDLR as commonly used by podiatrists. This Sunset recommendation requires TDLR to regularly use the PMP database to monitor licensees, establish red flags, and conduct investigations. For example, TDLR could begin requesting and receiving quarterly reports on the top 100 prescribing podiatrists, establish a threshold for the amounts that would raise a red flag, and target investigations accordingly. By using the PMP database, TDLR can better monitor licensees for improper prescribing patterns.

Effective March 1, 2020, HB 3284 (86R) requires podiatrists to search the PMP and review a patient's prescription history before prescribing opioids, benzodiazepines, barbiturates, or carisoprodol. A podiatrist who does not check the PMP before prescribing these drugs would be subject to disciplinary action. On July 15, 2019 the Texas Commission on Licensing and Regulation adopted the requisite Podiatric Medicine Sec. 130.58 "Standards for Prescribing Controlled Substances and Dangerous Drugs" rules, which were developed and proposed by the Podiatric Medical Examiners Advisory Board on April 15, 2019. These rules become effective on September 1, 2019.

National Practitioner Data Bank

Title IV of Public Law 99-660, the Health Care Quality Improvement Act of 1986, as amended 42 USC Sec. 11101 01/26/98, requires TDLR to report certain adverse licensure (disciplinary) actions to the National Practitioner Data Bank (NPDB). Federal law requires that state licensing agencies must report final adverse licensure actions taken against healthcare practitioners to the NPDB. This federal law also allows TDLR to query the NPDB, which TDLR does as part of the license application process for its Podiatric Medicine and Midwives programs. A NPDB query can contain the following reportable information on a healthcare practitioner: medical malpractice payments, federal and

state licensure and certification actions, adverse clinical privileges actions, adverse professional society membership actions, negative actions or findings by private accreditation organizations and peer review organizations, health care-related criminal convictions and civil judgments, exclusions from participation in a federal or state health care program (including Medicare and Medicaid exclusions), and other adjudicated actions or decisions.

In application scenarios where the NPDB query results in a hit, Licensing Division staff have the applicant complete either a Disciplinary Action Questionnaire or a Criminal History Questionnaire. Licensing Division staff then forwards that information along with the NPDB report to the program attorneys or prosecutors in the Enforcement Division for further review and action per enforcement procedures.

Office of the Inspector General, Texas Health and Human Service Commission

TDLR participates in a Memorandum of Understanding (MOU) with the Office of the Inspector General of the Texas Health and Human Service Commission, relating to Medicare and Medicaid fraud in some of TDLR's health-related programs. The MOU requires the agencies to share information regarding investigations and disciplinary actions taken by either agency.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The Enforcement Division works in cooperation with multiple federal, state, and local law enforcement organizations and other units of government to share information, coordinate enforcement efforts, and ensure that the most appropriate authorities are pursuing violations. See the answer to Question I above for more information.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**
- **the amount of those expenditures in fiscal year 2018;**
- **the number of contracts accounting for those expenditures;**
- **the method used to procure contracts;**
- **top five contracts by dollar amount, including contractor and purpose;**
- **the methods used to ensure accountability for funding and performance; and**
- **a short description of any current contracting problems.**

See Section VII, Indirect Administration for information on contracted expenditures.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

The transfer of new programs resulting from the 2015 and 2017 legislative sessions created challenges for the Enforcement Division's performance. Some of the new programs came with sizeable backlogs of pending cases, including previously unidentified backlogs, which resulted in higher-than-optimal employee workloads.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

Relevant attachments are included and referenced throughout this section.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

See Section VII, Licensing for information on each regulatory program currently under review.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

The Enforcement Division's performance measures only count the cases that are opened for investigation and resolution. To understand the chart below, the following definitions apply:

Complaint – a communication received by the Enforcement Division relating to a potential violation in a program regulated by TDLR.

Case – a complaint received by the Enforcement Division that has been opened and assigned to an investigator or prosecutor.

Consumer cases – cases that are opened based on a complaint received from a consumer, anonymous person, other governmental agency, industry, or insurance company.

Criminal History cases – cases that are opened based on an applicant or licensee’s criminal history discovered during an initial or renewal application, or criminal history evaluation letter.

Departmental cases – cases that are opened based on information received from someone within the agency, including field inspectors or any other TDLR employee.

Consumer Restitution – money that is paid to the consumer by the respondent during the case resolution process.

**Texas Department of Licensing and Regulation
All TDLR Programs
Exhibit 13: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2017 and 2018**

	Fiscal Year 2017	Fiscal Year 2018
Total number of complaints received	32,903	33,586
Number of complaints found to be non-jurisdictional or lacking sufficient information	20,849	23,001
Number of cases opened	12,054	10,585
Number of consumer cases opened	4,017	4,712
Number of criminal history cases opened	3,256	3,825
Number of departmental cases opened	4,781	2,048
Number of cases pending from prior years	3,960	3,609
Number of cases resolved	12,405	9,833
Average number of days for case resolution	141.81	139.9
Number of cases closed with an informal resolution	8,960	7,571
Number of cases resulting in formal disciplinary action	3,445	2,262
Administrative penalties assessed	\$5,250,179	\$3,209,055
Probations	22	22
Suspensions	10	14
Revocations	414	407
License denials	209	202
Amount of consumer restitution obtained	\$188,866	\$245,109

Table 13 Exhibit 13 Information on Complaints Against Regulated Persons or Entities

Air Conditioning and Refrigeration (ACR)

	Fiscal Year 2017	Fiscal Year 2018
Total number of complaints received	3,428	3,572
Number of complaints found to be non-jurisdictional or lacking sufficient information	2,373	2,505
Number of cases opened	1,055	1,067
Number of consumer cases opened	607	593
Number of criminal history cases opened	333	372
Number of departmental cases opened	115	102
Number of cases pending from prior years	371	384
Number of cases resolved	1,042	818
Average number of days for case resolution	162.72	180.25
Number of cases closed with an informal resolution	752	653
Number of cases resulting in formal disciplinary action	290	165
Administrative penalties assessed	\$959,004	\$438,500
Probations	7	8
Suspensions	3	1
Revocations	53	35
License denials	18	19
Amount of consumer restitution obtained	\$31,152	\$37,707

Table 13 Exhibit 13 (Cont.)

Auctioneers (AUC)

	Fiscal Year 2017	Fiscal Year 2018
Total number of complaints received	164	132
Number of complaints found to be non-jurisdictional or lacking sufficient information	98	85
Number of cases opened	66	47
Number of consumer cases opened	30	33
Number of criminal history cases opened	5	4
Number of departmental cases opened	31	10
Number of cases pending from prior years	54	58
Number of cases resolved	62	63
Average number of days for case resolution	365.87	386.76
Number of cases closed with an informal resolution	38	31
Number of cases resulting in formal disciplinary action	24	32
Administrative penalties assessed	\$102,250	\$17,500
Probations	0	0
Suspensions	0	0
Revocations	4	1
License denials	0	0
Amount of consumer restitution obtained	\$0	\$2,520

Table 13 Exhibit 13 (Cont.)

Barbers (BAR)

	Fiscal Year 2017	Fiscal Year 2018
Total number of complaints received	1,908	1,758
Number of complaints found to be non-jurisdictional or lacking sufficient information	997	990
Number of cases opened	911	768
Number of consumer cases opened	219	176
Number of criminal history cases opened	264	283
Number of departmental cases opened	428	309
Number of cases pending from prior years	171	284
Number of cases resolved	798	816
Average number of days for case resolution	99.53	114.75
Number of cases closed with an informal resolution	538	509
Number of cases resulting in formal disciplinary action	260	307
Administrative penalties assessed	\$252,200	\$403,075
Probations	0	0
Suspensions	0	0
Revocations	58	61
License denials	4	3
Amount of consumer restitution obtained	\$548	\$30

Table 13 Exhibit 13 (Cont.)

Behavioral Analysts (BHV)

	Fiscal Year 2017	Fiscal Year 2018
Total number of complaints received	N/A	78
Number of complaints found to be non-jurisdictional or lacking sufficient information	N/A	75
Number of cases opened	N/A	3
Number of consumer cases opened	N/A	0
Number of criminal history cases opened	N/A	3
Number of departmental cases opened	N/A	0
Number of cases pending from prior years	N/A	0
Number of cases resolved	N/A	2
Average number of days for case resolution	N/A	18.50
Number of cases closed with an informal resolution	N/A	2
Number of cases resulting in formal disciplinary action	N/A	0
Administrative penalties assessed	N/A	\$0
Probations	N/A	0
Suspensions	N/A	0
Revocations	N/A	0
License denials	N/A	0
Amount of consumer restitution obtained	N/A	\$0

Table 13 Exhibit 13 (Cont.)

Boilers (BLR)

	Fiscal Year 2017	Fiscal Year 2018
Total number of complaints received	35	17
Number of complaints found to be non-jurisdictional or lacking sufficient information	13	6
Number of cases opened	22	11
Number of consumer cases opened	0	2
Number of criminal history cases opened	0	0
Number of departmental cases opened	22	9
Number of cases pending from prior years	2	4
Number of cases resolved	20	9
Average number of days for case resolution	76.65	184.56
Number of cases closed with an informal resolution	15	9
Number of cases resulting in formal disciplinary action	5	0
Administrative penalties assessed	\$24,500	\$0
Probations	0	0
Suspensions	1	0
Revocations	0	0
License denials	0	0
Amount of consumer restitution obtained	\$0	\$0

Table 13 Exhibit 13 (Cont.)

Combative Sports (BOX)

	Fiscal Year 2017	Fiscal Year 2018
Total number of complaints received	249	266
Number of complaints found to be non-jurisdictional or lacking sufficient information	140	160
Number of cases opened	109	106
Number of consumer cases opened	16	11
Number of criminal history cases opened	12	32
Number of departmental cases opened	81	63
Number of cases pending from prior years	45	43
Number of cases resolved	111	91
Average number of days for case resolution	205.41	173.92
Number of cases closed with an informal resolution	52	43
Number of cases resulting in formal disciplinary action	59	48
Administrative penalties assessed	\$95,375	\$52,375
Probations	4	0
Suspensions	2	0
Revocations	3	9
License denials	0	1
Amount of consumer restitution obtained	\$0	\$5,789

Table 13 Exhibit 13 (Cont.)

Cosmetologists (COS)

	Fiscal Year 2017	Fiscal Year 2018
Total number of complaints received	6,518	4,673
Number of complaints found to be non-jurisdictional or lacking sufficient information	3,166	2,764
Number of cases opened	3,352	1,909
Number of consumer cases opened	794	741
Number of criminal history cases opened	355	381
Number of departmental cases opened	2,203	787
Number of cases pending from prior years	723	779
Number of cases resolved	3,296	2,139
Average number of days for case resolution	103.12	106.55
Number of cases closed with an informal resolution	2,119	1,281
Number of cases resulting in formal disciplinary action	1,177	858
Administrative penalties assessed	\$794,909	\$725,655
Probations	0	0
Suspensions	0	0
Revocations	105	97
License denials	1	1
Amount of consumer restitution obtained	\$0	\$1,002

Table 13 Exhibit 13 (Cont.)

Driver Education and Traffic Safety (DES)

	Fiscal Year 2017	Fiscal Year 2018
Total number of complaints received	384	402
Number of complaints found to be non-jurisdictional or lacking sufficient information	294	289
Number of cases opened	90	113
Number of consumer cases opened	34	35
Number of criminal history cases opened	21	24
Number of departmental cases opened	35	54
Number of cases pending from prior years	18	41
Number of cases resolved	67	86
Average number of days for case resolution	94.93	128.30
Number of cases closed with an informal resolution	56	74
Number of cases resulting in formal disciplinary action	11	12
Administrative penalties assessed	\$13,150	\$39,400
Probations	1	0
Suspensions	1	0
Revocations	5	0
License denials	0	0
Amount of consumer restitution obtained	\$0	\$0

Table 13 Exhibit 13 (Cont.)

Electricians (ELC)

	Fiscal Year 2017	Fiscal Year 2018
Total number of complaints received	10,142	9,889
Number of complaints found to be non-jurisdictional or lacking sufficient information	7,637	7,447
Number of cases opened	2,505	2,442
Number of consumer cases opened	618	497
Number of criminal history cases opened	1,722	1,796
Number of departmental cases opened	165	149
Number of cases pending from prior years	643	691
Number of cases resolved	2,458	2,153
Average number of days for case resolution	110.75	133.05
Number of cases closed with an informal resolution	2,099	1,865
Number of cases resulting in formal disciplinary action	359	288
Administrative penalties assessed	\$673,750	\$461,850
Probations	5	4
Suspensions	2	4
Revocations	139	140
License denials	145	120
Amount of consumer restitution obtained	\$19,365	\$12,825

Table 13 Exhibit 13 (Cont.)

Elevators, Escalators, and Related Equipment (ELE)

	Fiscal Year 2017	Fiscal Year 2018
Total number of complaints received	337	310
Number of complaints found to be non-jurisdictional or lacking sufficient information	54	67
Number of cases opened	283	243
Number of consumer cases opened	69	104
Number of criminal history cases opened	0	1
Number of departmental cases opened	214	138
Number of cases pending from prior years	136	101
Number of cases resolved	318	252
Average number of days for case resolution	129.68	143.91
Number of cases closed with an informal resolution	151	169
Number of cases resulting in formal disciplinary action	167	83
Administrative penalties assessed	\$246,500	\$147,125
Probations	0	0
Suspensions	1	1
Revocations	0	1
License denials	0	0
Amount of consumer restitution obtained	\$0	\$0

Table 13 Exhibit 13 (Cont.)

Elimination of Architectural Barriers (EAB)

	Fiscal Year 2017	Fiscal Year 2018
Total number of complaints received	618	187
Number of complaints found to be non-jurisdictional or lacking sufficient information	58	51
Number of cases opened	560	136
Number of consumer cases opened	56	65
Number of criminal history cases opened	2	0
Number of departmental cases opened	502	71
Number of cases pending from prior years	61	53
Number of cases resolved	568	118
Average number of days for case resolution	57.57	114.21
Number of cases closed with an informal resolution	263	74
Number of cases resulting in formal disciplinary action	305	44
Administrative penalties assessed	\$343,775	\$61,750
Probations	0	1
Suspensions	0	0
Revocations	1	0
License denials	0	0
Amount of consumer restitution obtained	\$0	\$0

Table 13 Exhibit 13 (Cont.)

Industrialized Housing and Buildings (IHB)

	Fiscal Year 2017	Fiscal Year 2018
Total number of complaints received	28	30
Number of complaints found to be non-jurisdictional or lacking sufficient information	13	12
Number of cases opened	15	18
Number of consumer cases opened	10	10
Number of criminal history cases opened	0	0
Number of departmental cases opened	5	8
Number of cases pending from prior years	15	18
Number of cases resolved	12	24
Average number of days for case resolution	390.58	383.63
Number of cases closed with an informal resolution	7	21
Number of cases resulting in formal disciplinary action	5	3
Administrative penalties assessed	\$25,625	\$15,250
Probations	0	0
Suspensions	0	0
Revocations	0	0
License denials	0	0
Amount of consumer restitution obtained	\$0	\$0

Table 13 Exhibit 13 (Cont.)

Licensed Breeders (BRE)

	Fiscal Year 2017	Fiscal Year 2018
Total number of complaints received	115	128
Number of complaints found to be non-jurisdictional or lacking sufficient information	57	60
Number of cases opened	58	68
Number of consumer cases opened	37	46
Number of criminal history cases opened	0	0
Number of departmental cases opened	21	22
Number of cases pending from prior years	32	33
Number of cases resolved	57	40
Average number of days for case resolution	250.02	204.13
Number of cases closed with an informal resolution	44	35
Number of cases resulting in formal disciplinary action	13	5
Administrative penalties assessed	\$52,705	\$26,250
Probations	0	0
Suspensions	0	0
Revocations	1	1
License denials	0	0
Amount of consumer restitution obtained	\$0	\$0

Table 13 Exhibit 13 (Cont.)

Polygraph Examiners (POL)

	Fiscal Year 2017	Fiscal Year 2018
Total number of complaints received	13	10
Number of complaints found to be non-jurisdictional or lacking sufficient information	5	4
Number of cases opened	8	6
Number of consumer cases opened	5	5
Number of criminal history cases opened	3	0
Number of departmental cases opened	0	1
Number of cases pending from prior years	4	3
Number of cases resolved	9	3
Average number of days for case resolution	203.11	177.67
Number of cases closed with an informal resolution	9	3
Number of cases resulting in formal disciplinary action	0	0
Administrative penalties assessed	\$0	\$0
Probations	0	0
Suspensions	0	0
Revocations	0	0
License denials	0	0
Amount of consumer restitution obtained	\$0	\$0

Table 13 Exhibit 13 (Cont.)

Professional Employer Organizations (PEO)

	Fiscal Year 2017	Fiscal Year 2018
Total number of complaints received	9	16
Number of complaints found to be non-jurisdictional or lacking sufficient information	9	12
Number of cases opened	0	4
Number of consumer cases opened	0	16
Number of criminal history cases opened	0	0
Number of departmental cases opened	0	0
Number of cases pending from prior years	10	1
Number of cases resolved	9	5
Average number of days for case resolution	415.33	161.60
Number of cases closed with an informal resolution	9	5
Number of cases resulting in formal disciplinary action	0	0
Administrative penalties assessed	\$0	\$0
Probations	0	0
Suspensions	0	0
Revocations	0	0
License denials	0	0
Amount of consumer restitution obtained	\$0	\$0

Table 13 Exhibit 13 (Cont.)

Property Tax Consultants (PTC)

	Fiscal Year 2017	Fiscal Year 2018
Total number of complaints received	30	39
Number of complaints found to be non-jurisdictional or lacking sufficient information	20	23
Number of cases opened	10	16
Number of consumer cases opened	5	10
Number of criminal history cases opened	3	4
Number of departmental cases opened	2	2
Number of cases pending from prior years	9	5
Number of cases resolved	14	6
Average number of days for case resolution	295.14	60.67
Number of cases closed with an informal resolution	13	5
Number of cases resulting in formal disciplinary action	1	1
Administrative penalties assessed	\$0	\$6,500
Probations	0	0
Suspensions	0	0
Revocations	0	0
License denials	0	0
Amount of consumer restitution obtained	\$0	\$0

Table 13 Exhibit 13 (Cont.)

Property Tax Professionals (PTP)

	Fiscal Year 2017	Fiscal Year 2018
Total number of complaints received	68	74
Number of complaints found to be non-jurisdictional or lacking sufficient information	27	37
Number of cases opened	41	37
Number of consumer cases opened	30	34
Number of criminal history cases opened	11	2
Number of departmental cases opened	0	1
Number of cases pending from prior years	39	31
Number of cases resolved	49	31
Average number of days for case resolution	174.84	468.06
Number of cases closed with an informal resolution	45	31
Number of cases resulting in formal disciplinary action	4	0
Administrative penalties assessed	\$0	\$0
Probations	0	0
Suspensions	0	0
Revocations	1	0
License denials	0	0
Amount of consumer restitution obtained	\$0	\$0

Table 13 Exhibit 13 (Cont.)

Service Contract Providers (SCP)

	Fiscal Year 2017	Fiscal Year 2018
Total number of complaints received	206	204
Number of complaints found to be non-jurisdictional or lacking sufficient information	140	106
Number of cases opened	66	98
Number of consumer cases opened	66	94
Number of criminal history cases opened	0	1
Number of departmental cases opened	0	3
Number of cases pending from prior years	31	11
Number of cases resolved	86	73
Average number of days for case resolution	162.77	111.11
Number of cases closed with an informal resolution	82	73
Number of cases resulting in formal disciplinary action	4	0
Administrative penalties assessed	\$16,250	\$0
Probations	0	0
Suspensions	0	0
Revocations	0	0
License denials	0	0
Amount of consumer restitution obtained	\$118,486	\$113,432

Table 13 Exhibit 13 (Cont.)

Tow Trucks and Companies (TOW)

	Fiscal Year 2017	Fiscal Year 2018
Total number of complaints received	4,652	4,412
Number of complaints found to be non-jurisdictional or lacking sufficient information	2,916	3,028
Number of cases opened	1,736	1,384
Number of consumer cases opened	899	863
Number of criminal history cases opened	395	419
Number of departmental cases opened	442	104
Number of cases pending from prior years	1,009	682
Number of cases resolved	2,063	1,647
Average number of days for case resolution	217.30	170.70
Number of cases closed with an informal resolution	1,688	1,449
Number of cases resulting in formal disciplinary action	375	198
Administrative penalties assessed	\$642,325	\$462,300
Probations	4	7
Suspensions	0	6
Revocations	27	20
License denials	38	43
Amount of consumer restitution obtained	\$16,411	\$47,613

Table 13 Exhibit 13 (Cont.)

Transportation Network Companies (TNC)

	Fiscal Year 2017	Fiscal Year 2018
Total number of complaints received	N/A	29
Number of complaints found to be non-jurisdictional or lacking sufficient information	N/A	22
Number of cases opened	N/A	7
Number of consumer cases opened	N/A	4
Number of criminal history cases opened	N/A	0
Number of departmental cases opened	N/A	3
Number of cases pending from prior years	N/A	0
Number of cases resolved	N/A	1
Average number of days for case resolution	N/A	72.00
Number of cases closed with an informal resolution	N/A	1
Number of cases resulting in formal disciplinary action	N/A	0
Administrative penalties assessed	N/A	\$0
Probations	N/A	0
Suspensions	N/A	0
Revocations	N/A	0
License denials	N/A	0
Amount of consumer restitution obtained	N/A	\$0

Table 13 Exhibit 13 (Cont.)

Used Automotive Parts Recyclers (APR)

	Fiscal Year 2017	Fiscal Year 2018
Total number of complaints received	279	246
Number of complaints found to be non-jurisdictional or lacking sufficient information	185	183
Number of cases opened	94	63
Number of consumer cases opened	15	16
Number of criminal history cases opened	25	31
Number of departmental cases opened	54	16
Number of cases pending from prior years	59	17
Number of cases resolved	136	63
Average number of days for case resolution	108.90	117.71
Number of cases closed with an informal resolution	78	47
Number of cases resulting in formal disciplinary action	58	16
Administrative penalties assessed	\$113,000	\$25,150
Probations	0	0
Suspensions	0	0
Revocations	1	2
License denials	0	0
Amount of consumer restitution obtained	\$0	\$0

Table 13 Exhibit 13 (Cont.)

Vehicle Storage Facilities (VSF)

	Fiscal Year 2017	Fiscal Year 2018
Total number of complaints received	1,340	1,028
Number of complaints found to be non-jurisdictional or lacking sufficient information	599	607
Number of cases opened	741	421
Number of consumer cases opened	274	271
Number of criminal history cases opened	35	46
Number of departmental cases opened	432	104
Number of cases pending from prior years	472	241
Number of cases resolved	972	537
Average number of days for case resolution	225.60	194.37
Number of cases closed with an informal resolution	678	440
Number of cases resulting in formal disciplinary action	294	97
Administrative penalties assessed	\$590,995	\$191,725
Probations	0	1
Suspensions	0	0
Revocations	6	8
License denials	0	4
Amount of consumer restitution obtained	\$2,904	\$11,044

Table 13 Exhibit 13 (Cont.)

Water Well Drillers and Pump Installers (WWD)

	Fiscal Year 2017	Fiscal Year 2018
Total number of complaints received	115	132
Number of complaints found to be non-jurisdictional or lacking sufficient information	49	60
Number of cases opened	66	72
Number of consumer cases opened	32	35
Number of criminal history cases opened	12	20
Number of departmental cases opened	22	17
Number of cases pending from prior years	46	36
Number of cases resolved	76	35
Average number of days for case resolution	293.61	218.54
Number of cases closed with an informal resolution	59	29
Number of cases resulting in formal disciplinary action	17	6
Administrative penalties assessed	\$22,550	\$18,500
Probations	0	0
Suspensions	0	0
Revocations	2	0
License denials	1	1
Amount of consumer restitution obtained	\$0	\$9,252

Table 13 Exhibit 13 (Cont.)

Weather Modification (WXM)

	Fiscal Year 2017	Fiscal Year 2018
Total number of complaints received	0	0
Number of complaints found to be non-jurisdictional or lacking sufficient information	0	0
Number of cases opened	0	0
Number of consumer cases opened	0	0
Number of criminal history cases opened	0	0
Number of departmental cases opened	0	0
Number of cases pending from prior years	0	0
Number of cases resolved	0	0
Average number of days for case resolution	0	0
Number of cases closed with an informal resolution	0	0
Number of cases resulting in formal disciplinary action	0	0
Administrative penalties assessed	\$0	\$0
Probations	0	0
Suspensions	0	0
Revocations	0	0
License denials	0	0
Amount of consumer restitution obtained	\$0	\$0

Table 13 Exhibit 13 (Cont.)

VII. Guide to Agency Programs – Field Inspections

A. Provide the following information at the beginning of each program description.

Name of Program or Function: *Field Inspections Division*

Location/Division: *1106 Clayton Lane, Suite 105E, Austin, Texas, 78723*

Contact Name: *Tanya Gauthreaux, Director of Field Inspections*

Statutory Citation for Program: *Education Code, Section 1001.053 (Powers and Duties of Department, Commission, and Executive Director); Occupations Code, Sections 51.351 (Inspections and Investigations); 802.062 (Inspections); 1601.559 (Daily Attendance Reports); 1603.103 (Inspection of Schools Before Operation); 1603.104 (Periodic Inspections); 2303.056 (Periodic Inspections); 2308.059 (Periodic Inspections); and 2309.106 (Periodic and Risk-Based Inspections).*

B. What is the objective of this program or function? Describe the major activities performed under this program.

The objective of the Field Inspections Division is to perform thorough, fair, and timely inspections to protect the public's health and safety and to educate our licensees.

Major activities include performing pre-license and periodic on-site inspections and providing education to the public, business owners, and licensees to ensure that regulated industries operate in a safe and ethical manner.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

Texas Department of Licensing and Regulation
Exhibit 12: Program Statistics and Performance Measures – Fiscal Year 2018

Program Statistics or Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Output Measure: Number of Inspections Completed	105	Total the number of inspections from all sources.	125,355	143,276	114.30%
Outcome Measure: Inspection Coverage Rate	105/106	The numerator for this measure is the total number of inspections completed during the reporting period. The denominator is the total number of inspections completed during the reporting period, plus inspections still due at the end of the reporting period. The result is multiplied by 100 to achieve a percentage.	86.00%	88.61%	103.03%

Table 12 Exhibit 12 Program Statistics and Performance Measures

The data in Exhibit 12 reflects the combined activities of the Field Inspections and Regulatory Program Management divisions.

- D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

Inspections were first identified as part of a combined budget strategy for Inspection and Investigations in fiscal years 1994 and 1995. Since fiscal years 2000 and 2001, Conduct Inspections has been a separate budget strategy.

The Field Inspections Division was created in July 2013 to emphasize the importance of ensuring that regulated industries operate in a safe and ethical manner. Prior to this time, the inspection functions were performed by the former Compliance Division, which is now the Regulatory Program Management Division. When created, the Field Inspections Division had two regions and a Support, Analytics, and Training Team.

In 2014, a third region was added to the division, which included the hiring of a third regional manager. That same fiscal year, the division stopped including individuals in the count of inspections since compliance of individuals is determined during facility inspections.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Based on the TDLR programs currently under review, the entities affected by Field Inspections include the following businesses:

- Barbershops and Barber Schools
- Cosmetology Salons and Schools
- Driver Education and Safety Schools
- Licensed Dog and Cat Breeder Facilities
- Used Automotive Parts Recyclers
- Tow Companies and Tow Trucks
- Vehicle Storage Facilities

The table below provides a breakdown for the facility types and the number of businesses eligible for facility inspection. We include businesses expired up to 18 months to ensure that businesses are properly maintaining licenses.

Total Facilities Subject to Inspection, Fiscal Year 2018	
Facility Type	Number of Facilities
Barbershops & Barber Schools	10,002
Cosmetology Salons & Schools	46,734
Driver Education and Safety Schools	468
Licensed Dog and Cat Breeders	174
Towing Companies	4,907
Used Auto Parts Recyclers	863
Vehicle Storage Facilities	2,068
Total	65,216

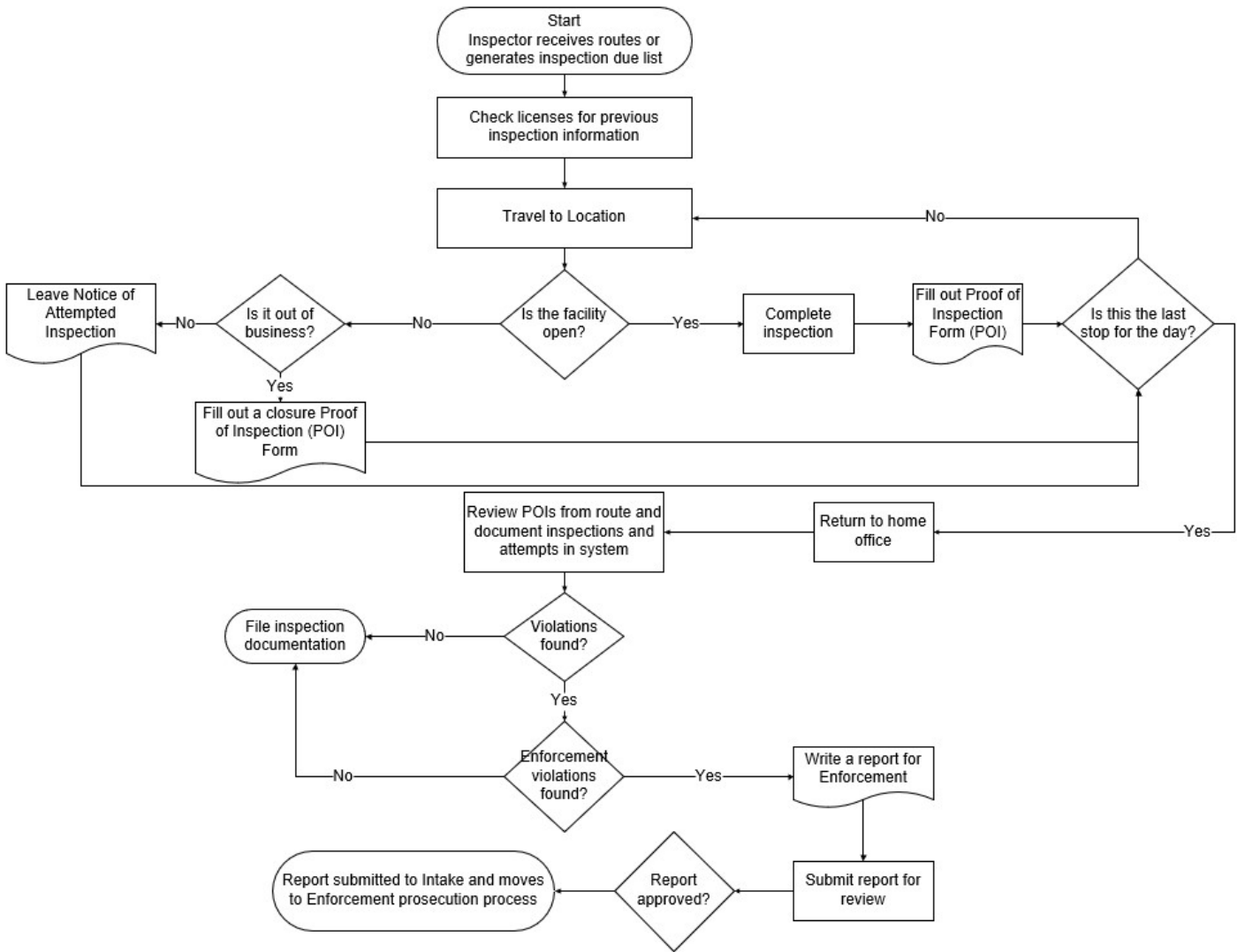
The data in the table *Total Facilities Subject to Inspection, Fiscal Year 2018* reflects all facilities subject to TDLR inspection by the Field Inspections Division. A smaller subset of these facilities were eligible for inspection within Fiscal Year 2018 based on their periodic review cycle.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

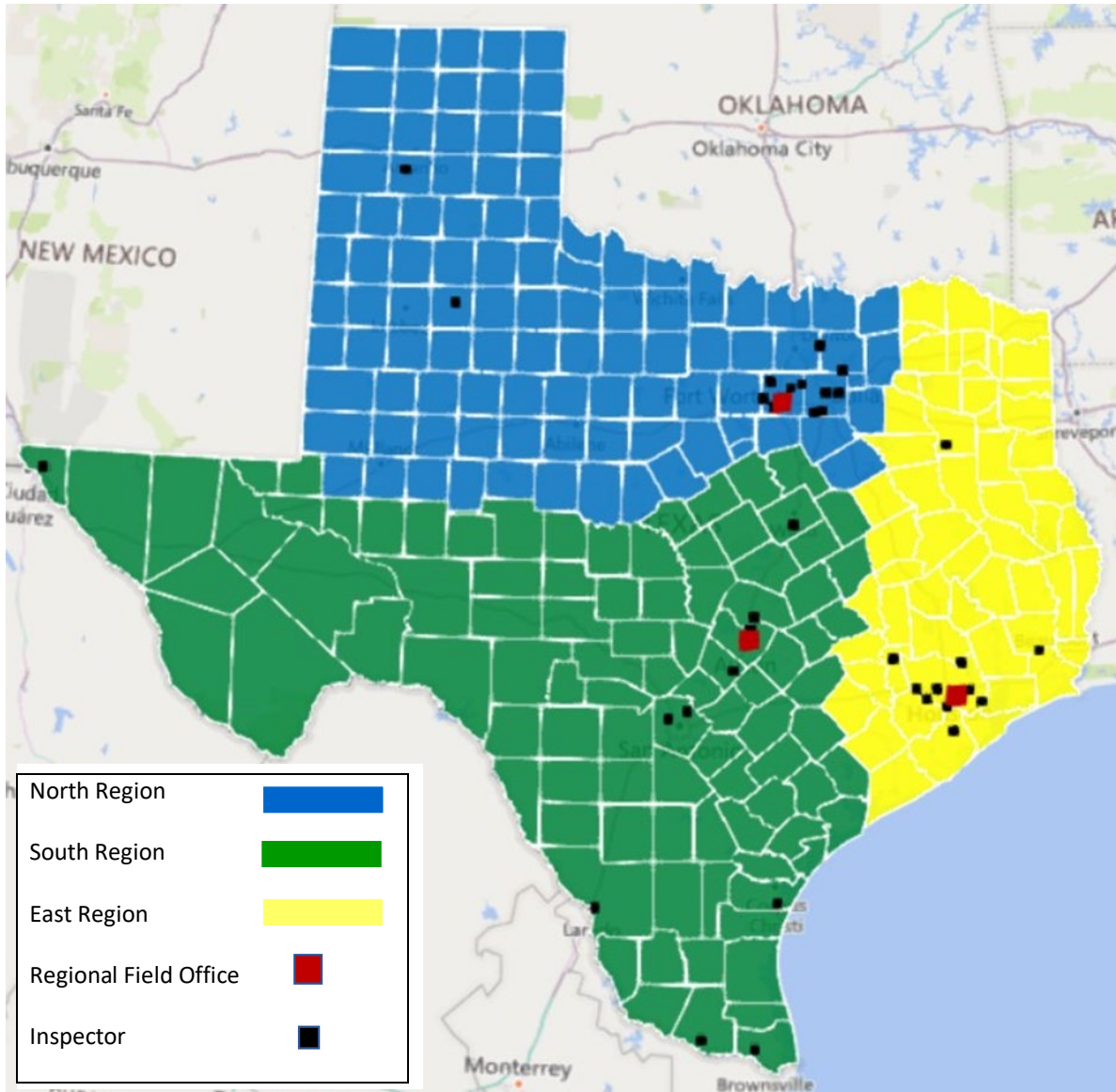
Division responsibilities and tasks are administered as follows.

- Since June 2015, the division has used MOBI, an electronic route optimization program, which has increased efficiency and effectiveness by reducing inspector administrative and scheduling work. MOBI considers a variety of factors, such as location of the inspector, location of the licensed facility, inspection due date, risk to public health, and other factors to determine the most efficient route for each inspector.
- Staff conduct informational presentations and seminars and represent the agency and its programs at industry trade shows and conventions to provide information to licensees, consumers, and municipal officials.
- On request, the division provides investigative and field support for enforcement activities for the Barbering, Cosmetologists, Licensed Breeders, Vehicle Storage Facilities, Used Auto Parts Recyclers, and other programs.
- Inspectors cross-train to perform inspections in multiple programs.
- Inspectors spend four days a week on the road performing inspections, and one day a week performing administrative duties from their home office or a field office.
- Inspectors use inspection reference guides to complete inspections. Inspectors then enter inspection results into agency databases.
- Inspectors receive specialized training to identify the signs of human trafficking. Field Inspectors have a unique opportunity to make on-the-ground observations, offer immediate assistance to potential victims, and report any suspected human trafficking to the appropriate authorities.

This flowchart illustrates the inspection processes.



The Field Inspections Division is organized into three regions with regional field offices in Austin (at North Campus), Fort Worth, and Houston. The division coordinates and supports field activities, field inspections, and the work of inspectors. The map *TDLR Regional Field Inspection Offices and Inspector Locations* shows the location of the field offices, field inspectors and the service region for each field office.



TDLR Regional Field Inspection Offices and Inspector Locations

The Field Inspections Division also includes a Support, Analytics, and Training Team that:

- monitors work load performance;
- performs special inspections and hands-on field training;
- implements and monitors technology such as route optimization and electronic inspection programs;
- manages the mold remediation notification system and third-party inspections;
- provides general support to ensure the success of the Field Inspections Division; and
- provides new and refresher training to division staff.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The Field Inspections Division is funded through General Revenue and appropriated receipts. All appropriations are fee revenue; four contingency riders in Article IX of the General Appropriations Act for fiscal years 2018 and 2019 also appropriate funds.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Division of Duties for TDLR Inspections. Field Inspections Division staff perform inspections for programs that are more appropriate for generalists and where staff can be readily cross trained. The Regulatory Program Management Division also performs or oversees inspections, but only for certain programs that require more in-depth industry experience and specialization:

- Boilers
- Combative Sports
- Elevators, Escalators, and Related Equipment
- Elimination of Architectural Barriers
- Industrialized Housing and Buildings
- Water Well Drillers and Pump Installers

Licensed Breeders. The U.S. Department of Agriculture inspects some Texas dog and cat breeders. Many Texas breeders meet the requirements to be licensed with the state but are exempt from federal oversight. To avoid duplication, Class A USDA-licensed breeders who apply to become a TDLR-licensed Breeder are exempted from TDLR's initial facility inspection.

Vehicle Storage Facilities and Used Auto Parts Recyclers. While some municipalities conduct inspections of Vehicle Storage Facilities and Used Auto Parts Recyclers, these inspections differ across the state and do not focus on ensuring compliance with state laws and rules. These inspections are focused on local ordinances.

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

Within the agency, we avoid duplication or conflict by clearly separating inspection assignments by program type. This is communicated to agency staff through our organization chart and internal website pages.

The scope of inspections done by other entities varies enough from TDLR's scope that there is not duplication of work.

- J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.**

N/A

- K. If contracted expenditures are made through this program please provide**

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2018;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

See Section VII, Indirect Administration for information on contracted expenditures.

- L. Provide information on any grants awarded by the program.**

N/A

M. Are there any barriers or challenges that impede the program’s performance, including any outdated or ineffective state laws? Explain.

The division’s performance could be made more efficient by expanding the automation of the inspection process through the implementation of an electronic inspection record, which would reduce inspectors’ administrative work (data entry), increase accurate data collection, reduce mail costs, and reduce printing costs.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

N/A

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

See Section VII, Licensing for information on each regulatory program currently under review.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency’s particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

See Section VII, Enforcement for complaint investigation and resolution information, including:

- a summary overview for total complaints against regulated persons and entities regulated by TDLR; and
- specific information for each regulatory program currently under review.

VII. Guide to Agency Programs – Indirect Administration

A. Provide the following information at the beginning of each program description.

Name of Program or Function: *Indirect Administration*

Location/Division: *920 Colorado Street, Austin, TX 78701*

Contact Names:

Brian Francis, Executive Director (Executive Office and Office of Strategic Communication)

Sharon Homoya, Director of Human Resources (Human Resources)

Brad Bowman, General Counsel (Office of General Counsel)

Brandy Corrales, Chief Financial Officer (Financial Services)

Randy Nesbitt, Chief Innovation Officer (Office of Innovation and Project Management)

Jodi Ashlock, Chief Information Officer (Information Technology)

Statutory Citation for Program: *Chapter 51, Occupations Code*

B. What is the objective of this program or function? Describe the major activities performed under this program.

The objective of the Indirect Administration function is to provide leadership, support, and guidance to functional areas of the agency that provide direct services to licensees.

Indirect Administration includes seven major activities:

1. Executive Office
2. Financial Services Division
3. Office of General Counsel
4. Human Resources Division
5. Information Technology Division
6. Office of Innovation and Project Management
7. Office of Strategic Communication

1. Executive Office

The **Executive Office** provides the leadership and motivation to achieve the agency's strategic vision, manages day-to-day operations, implements Texas Commission of Licensing and Regulation (Commission) objectives, and ensures agency compliance with statewide goals and initiatives.

Major activities performed by the Executive Director and executive staff include:

- Carry out Commission policy priorities;
- Recommend fee changes, budgetary proposals and advisory board appointments to the Commission;
- Support TDLR's Commission and 31 advisory boards;
- Assess administrative sanctions (denial, suspension, revocation, and probation of a license);
- Issue cease and desist orders against persons operating without a license;
- Review proposed administrative rules;
- Develop and implement strategic planning initiatives;
- Represent the agency and provide testimony before the Legislature;
- Organize internal audit field work;
- Provide policy direction for workforce planning, recruitment, benefits and compensation, and staff development;
- Coordinate TDLR's cost estimate teams and enter final cost estimates for all legislation affecting the agency;
- Conduct property and safety management;
- Coordinate facility and risk management; and
- Invite employee suggestions and implement ideas consistent with the agency core values and strategic plan.

2. Financial Services Division

Financial Services performs the major activities of accounting; budgeting; revenue processing; and contracting, expenditure, and procurement reporting. The Financial Services Director manages and directs accounting, contracting and procurement, budgeting, financial reporting, the Legislative Appropriations Request (LAR), annual financial reporting, and the operating budget. The director oversees the following teams within the Financial Services division:

- **Budgeting, Expenditures and Financial Reporting**
 - The Budgeting Team manages operating budget, mid-year budget review, base reconciliation, Legislative Appropriations Requests (LAR), quarterly budget reports to the Commission, monthly budget reports to executive and directors,

and code accounting detail in Centralized Accounting and Payroll/Personnel System (CAPPS).

- The Expenditures Team manages purchase expenditures, travel expenditures and training, binding encumbrances and payables, and W-9s and 1099s.
- Financial Reporting performs monthly reconciliation of revenues between USAS and CAPPS and both to five internal licensing systems, processes credit card chargebacks/refunds, electronically downloads USAS daily activity reports, uses Service Now help desk at NICUSA for assistance with credit card transactions, serves as Security Coordinator for both USAS and CAPPS, and submits and monitors CAPPS help desk tickets.
- **Revenue and Administrative Services**
 - The Revenue Team manages deposits (Jurisdiction Online, Texas Umbrella Licensing Information Project, VERSA Regulation, and QuickBooks), revenue updates, verification of batches, and processes NSF instruments, refunds and inquires.
 - The Administrative Services Team opens and date-stamps mail, tracks and logs certified and overnight mail, and creates batches by program for five licensing systems.
- **Contracting and Procurement Services**
 - Initiates, monitors and reports on contracts; procures goods and services; and performs building maintenance and vehicle operations, vehicle fleet management, and property (fixed assets) management.

3. Office of General Counsel

The Office of General Counsel (OGC) provides general legal services and advice to the Commission, executive management, and TDLR staff. OGC oversees the legal aspects of agency operations and strives to minimize liability of the agency, its officers, and employees. The General Counsel also serves as the agency's Ethics Advisor and Chief Audit Executive.

OGC provides legal guidance for TDLR's regulatory programs and the operations of the Commission and TDLR. Major activities include work to:

- Prepare and file all agency rulemaking;
- Prepare Commission orders in contested cases;
- Advise Commission and TDLR advisory boards on complying with Open Meetings Act;
- Coordinate litigation with the Office of the Attorney General;
- Respond to all open records requests;
- Play a central role in legislative analysis and implementation;
- Prepare and negotiate contracts, MOUs, and interagency agreements;

- Provide guidance on ethics questions;
- Render legal opinions;
- Coordinate collection of administrative penalties;
- Review default orders for signature by the Executive Director;
- Coordinate the agency's response to bankruptcy filings; and
- Provide guidance and compliance on the agency's records retention schedule and other Records Management functions.

4. Human Resources Division

The Human Resources division helps foster a healthy, fair, and equitable work environment to attract quality employees and enable them to develop to their full potential. The Director of Human Resources manages and guides recruitment, hiring, compensation, training, and career development at TDLR. The Human Resources division oversees the employee wellness program, employee benefits, organization and job design and analysis, personnel actions and leave, employee relations, performance management, disciplinary actions, and worker's compensation claims.

Additionally, Human Resources staff develop and review agency personnel policies to ensure compliance with state and federal law, including CAPPs, Family Medical Leave Act (FMLA), Fair Labor Standards Act (FLSA), American with Disabilities Act and its amendments (ADA) and the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Human Resources assists with strategic and workforce planning, advises management on personnel matters, conducts internal investigations, and provides representation before state and federal agencies regarding personnel matters such as unemployment insurance hearings at the Texas Workforce Commission, or complaints filed at the Equal Employment Opportunity Commission and/or the Texas Workforce Commission Civil Rights Division.

Human Resources updates the Texas Commission of Licensing and Regulation on litigation affecting TDLR and facilitates the appraisal and compensation of the Executive Director by the Commission. The Executive Director appraisal tool is developed and approved by the Commission with guidance from the Personnel Attorney.

5. Information Technology Division

The Information Technology Division (ITD) develops and supports the agency's mission by providing software support and maintenance; support, monitoring and maintenance for all devices and infrastructure; and ensuring the safe and secure use of TDLR systems by the State of Texas and its citizens.

- The **Software Development Services** team supports the Texas Umbrella Licensing Information Project (TULIP), an in-house custom software system that

accommodates most of TDLR's license types and licensees. A Versa system, which is a Commercial Off the Shelf (COTS) professional licensing system, is used for the health professions programs transferred to TDLR in 2016-17. The Texas Occupations Online Licensing System (TOOLS) software program is used for the Towing and Vehicle Storage Facilities programs and allows insurance companies to update coverage information, inspectors to post inspection reports, and applicants to complete and submit applications online. Additionally, there are several smaller licensing systems with a variety of technologies that require differing skill sets to maintain.

- The **IT Services** team within ITD supports the agency's vision and strategic focus by planning for growth, installing systems, and supporting and maintaining all information technology, including computing devices, phone systems and mobile devices. IT Services also manages the agency's infrastructure by providing maintenance, upgrades, and troubleshooting at each of the Austin offices and all field locations. This team holds the primary responsibility for management of the Data Center Services (DCS) consolidation contract through the Department of Information Resources (DIR).
- **Information Security** is governed by Texas Administrative Code, Chapter 202, The Texas Cybersecurity Framework, Agency Policy, Standards, Guidelines and Procedures. Information Security maintains compliance with all applicable cybersecurity laws and regulations; assesses and works with agency staff to reduce information security and privacy risks; assures that security is considered in all appropriate phases of system development; ensures access to agency information is done securely; and responds effectively and timely to security and privacy incidents.

6. Office of Innovation and Project Management

The Office of Innovation and Project Management (OIPM) strategically positions TDLR for innovative growth and efficient project completion. OIPM is led by TDLR's Chief Innovation Officer who ensures that each of the strategies owned by his team members incorporate principles to facilitate and build the capability for growth and learning. OIPM looks beyond best practices to develop *next* practices that anticipate the evolving expectations of our customers and use available resources to deliver forward-looking services.

OIPM consists of the **Office of Innovation** and the **Enterprise Project Management Office**. The Office of Innovation focuses on four major transformational concepts:

- scenario planning, which brings a structured process to develop flexible, future readiness;
- organizational change readiness, which involves performance and task completion monitoring to deal with problems as they arise;

- data-driven decisions, which uses data to improve understanding and guide TDLR's key decisions for optimal results; and
- learning organization, which creates training and development opportunities to grow agency leaders.

The Enterprise Project Management Office offers an agency-wide standard approach to project delivery; delivers transparent and accurate project status information; and provides effective prioritization of project management resources to best support the agency's goals, strategic plan, and vision.

7. Office of Strategic Communication

The Office of Strategic Communication (OSC) oversees TDLR's advisory board support, external and internal communications, media relations, government relations, and web and multimedia services. OSC maintains a flexible, quick-response posture at all times, with the pursuit of one goal in mind: to serve all Texans with transparency, integrity, and honesty.

Major activities performed by OSC include:

The **Advisory Board Support Team** assists with the board member selection process and oversees all board meetings, appointments, and records. The team supports TDLR's 31 advisory boards and 256 advisory board members through experienced legal guidance and professional administrative support.

Advisory Board Support

- Serves as the agency's advisory board support coordinators and prepare meeting materials, agendas, and all correspondence;
- Assists the Commission with the board application process and appointments;
- Conducts advisory board meetings in accordance with all requirements of the Texas open meeting laws;
- Works closely with the public and board appointees on matters related to advisory board meetings and board membership;
- Coordinates and manages meetings and interactions with governmental agencies, advisory boards, and other parties;
- Prepares correspondence, reports, studies, forms and documents; and
- Provides technical guidance and advice on administrative matters to agency executives and staff.

Legal

- Ensures effective and consistent advisory board support;
- Provides policy advice, guidance, and assistance to TDLR's Executive leadership and OSC;
- Reviews all legislative and judicial activity relating to TDLR;
- Oversees bill implementation process for certain legislation;
- Coordinates and facilitates board member training on all aspects of TDLR's advisory board rules and procedures;
- Implements special projects for the Executive leadership; and
- Provides timely and sound legal advice in response to urgent communications needs.

The ***Communications Team*** oversees all aspects of the agency's internal and external communications, branding and design, and media relations. Primary responsibilities include:

- Plan and produce content for the agency website, intranet, and social media;
- Deliver daily email updates targeted to specific internal audiences and produce weekly internal newsletter distributed to all employees, highlighting news and information impacting the agency;
- Serve as primary department spokesperson and liaison with all local, state, and national media;
- Edit and design quarterly email newsletters aimed at TDLR licensees and stakeholders with information about policy and legislative changes, upcoming events, and program achievements;
- Track bills that could impact the agency and TDLR licensees, sharing relevant bill information with agency leadership and the public;
- Manage agency crisis communications efforts, including planning and response;
- Design and produce engaging graphics to accompany all agency communications and publications for web and print;
- Attend and monitor agency advisory board and commission meetings;
- Provide select staff, advisory board members, and Commissioners consultative services regarding public or professional meetings, seminars, conferences and hearings to ensure TDLR's message is delivered in a clear, accurate and consistent manner;
- Monitor news media coverage of the agency and its issues;
- Oversee and manage the agency's social media efforts, including Facebook and Twitter updates, interactions, and engagement; and
- Coordinate media coverage and provide media interview training for select department personnel.

The **Government Relations Team** effectively represents TDLR before the Texas Legislature, the Office of the Governor, other state agencies, and all local, state, and federal entities. Primary responsibilities include:

- Provide legislative advice and guidance to TDLR leadership;
- Coordinate with state lawmakers to ensure the agency acquires the statutory and budgetary authority required to accomplish its mission;
- Draft proposed legislation to update laws related to TDLR and its operations and write background statements and analyses for potential changes in state law;
- Attend all agency-related legislative committee hearings;
- Serve as agency liaison and effectively respond to inquiries from federal, state, and local lawmakers, interest groups, and the public regarding TDLR-related legislation;
- Provide frequent updates on TDLR's execution of laws enacted by the Texas Legislature through committee testimony, group presentations, and communications; and
- Update agency management on the status of legislation that, if enacted, would affect TDLR.

The **Web and Multimedia Team** develops, manages, and maintains the agency's internal and external web sites. Other primary responsibilities include:

- Broadcast and archive all advisory board, council, committee, and Commission meetings;
- Oversee and manage the agency's e-mail subscriber list system;
- Manage, maintain, and operate all agency audio/visual broadcasting systems;
- Monitor and evaluate web site analytics;
- Apply interactive computer elements, such as text, video, sound, and animation to deliver messages;
- Produce, create, and direct video training, presentations, and public service announcements for use on the TDLR Internet and Intranet sites, including broadcast-quality productions for statewide distribution; and
- Coordinate and produce official agency photographs.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

Performance Measures

Indirect Administration does not have budgeted performance measures.

Statistics

Efficiency and Effectiveness Through Consolidation

TDLR’s functional alignment model creates efficiencies and savings by distributing work by purpose, not program. Consolidation of licensing programs at TDLR eliminates redundancies commonly found in “silo” programs and small, independent single-occupation licensing agencies. The Texas Legislature consistently looks to TDLR to consolidate inefficient licensing programs into the agency’s model. From 2001-2018, the Legislature transferred 418,272 individual and business licenses to TDLR.

Transfer Year	Program	License Population (First Year at TDLR)
2001	Weather Modification	33
2003	For-Profit Legal Service Contracts	14,516
2005	Barbering	32,048
2005	Cosmetology	249,447
2007	Towing/Vehicle Storage Facilities	25,637
2009	Used Automotive Parts Recycling	1,834
2009	Polygraph Examiners	269
2009	Property Tax Professionals	4,101
2015	Driver Education and Safety	3,956
2016	Athletic Trainers	3,716
2016	Dietitians	5,576
2016	Dyslexia Therapists and Practitioners	895
2016	Hearing Instrument Fitters and Dispensers	824
2016	Midwives	268
2016	Orthotists and Prosthetists	1,012
2016	Speech-Language Pathologists & Audiologists	20,837
2017	Code Enforcement Officers	2,571
2017	Laser Hair Removal	3,357
2017	Massage Therapists	34,540
2017	Mold Assessors and Remediators	5,789
2017	Offender Education Providers	4,077
2017	Sanitarians	1,336
2017	Podiatrists	1,633
	Licenses Transferred to TDLR Since 2001	418,272

Looking ahead, Senate Bill 2119 (86R) will transfer to TDLR regulation of motor fuel metering from the Texas Department of Agriculture. As a result, TDLR will regulate an estimated 400,000 motor fuel metering devices, 130 service companies, and 680 service technicians beginning on the transfer date established through the required transition plan.

Senate Bill 616 (86R) will transfer to TDLR regulation of motorcycle and ATV safety training from the Department of Public Safety. As a result, TDLR will regulate an estimated 79 Motorcycles Sponsors, 275 Training Sites, 378 motorcycle instructors, and 142 ATV instructors beginning on or after September 1, 2020.

Overall, TDLR expects to gain additional responsibility for approximately 1,200 individual licensees, 400 business licensees, and 400,000 equipment permits in Fiscal Year 2020.

Efficiency and Effectiveness Through Deregulation

TDLR constantly analyzes licensing data to identify programs with low or declining populations, low complaint volume, outdated regulations. Working closely with the Texas Legislature, advisory boards, and the Commission, TDLR shares recommendations for programs that could be deregulated or eliminated with little or no adverse impact on the public or threat to consumer safety.

9 License Programs Deregulated	
2003	Transportation Service Providers
2005	Career Counselors
2011	Talent Agents
2011	Personnel Employment Services
2013	Loss Damage Waivers
2017	Temporary Common Worker Employers
2017	Vehicle Protection Product Warrantors
2018	Vehicle Booting
2019	For-Profit Legal Service Contract Companies

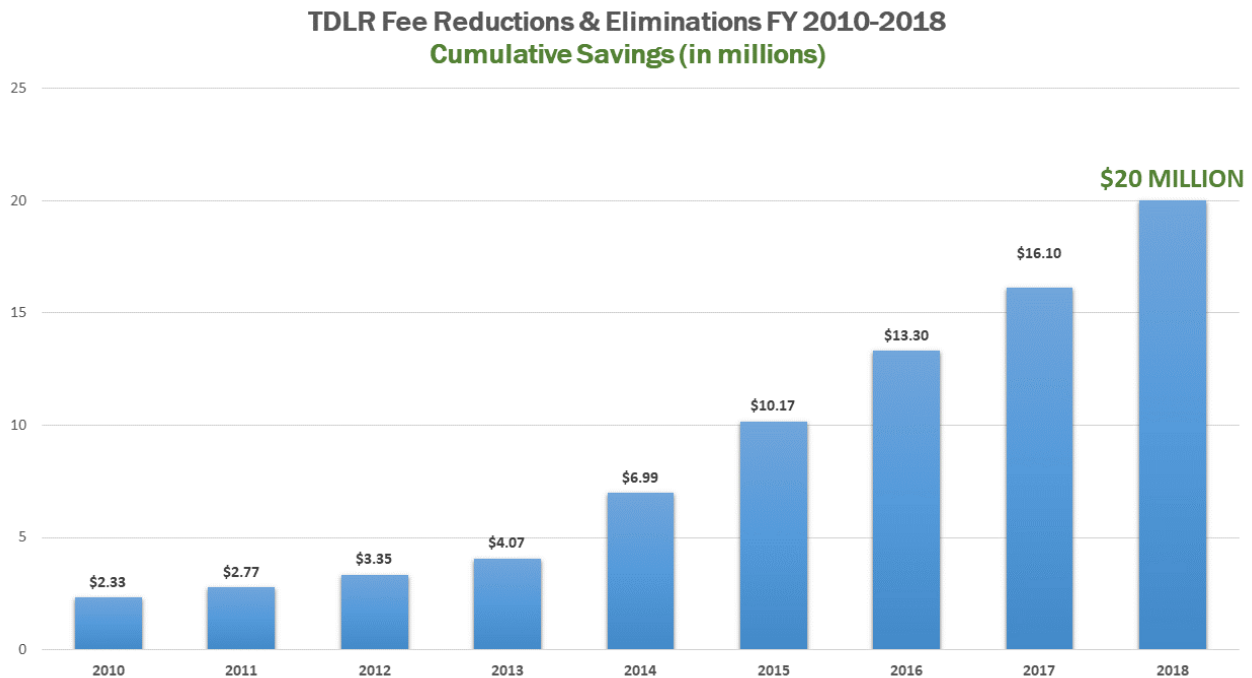
TDLR also looks to industry stakeholders, citizens, advisory board members, and agency staff to recommend deregulation of license types which are redundant, outdated, or have a low license population. Since 2013, 26 license types have been eliminated as a result of these streamlining efforts.

26 License Types Eliminated			
2013	Combative Sports Timekeeper	2017	Dual Private Property/VSF Employee
2013	Combative Sports Ringside Physician	2017	Vehicle Protection Product Warrantors
2013	Cosmetology Shampoo Apprentice	2017	Temporary Common Worker Employer
2013	Examination Proctor	2018	Tow Trainee
2013	Freon Registrants	2018	Vehicle Booting Company
2014	Barber Booth Rental	2018	Vehicle Booting Operator
2014	Cosmetology Booth Rental	2019	Legal Service Contract Administrators
2015	Barber Hair Braiding Specialty Certificate	2019	Legal Service Contract Companies
2015	Cosmetology Hair Braiding Specialty Certificate	2019	Legal Service Contract Salespersons

26 License Types Eliminated			
2017	Barbering Shampoo Apprentice	2019	Orthotist Technicians
2017	Cosmetology Shampoo Specialty Certificate	2019	Prosthetist Technicians
2017	Dual Consent Tow/VSF Employee	2019	Orthotist-Prosthetist Technicians
2017	Dual Incident Mgmt./VSF Employee	2019	Used Auto Parts Recycler Employees

Keeping Money in the Pockets of Licensees

TDLR annually reviews licensing fees against program administration costs to ensure fees are in balance, and fees are reduced accordingly whenever warranted. Due to economies of scale, when existing programs are consolidated at TDLR, program administration costs are typically lowered, and these savings are passed on to licensees in the form of reduced or eliminated fees. From Fiscal Year 2010 through Fiscal Year 2018, the total cumulative savings for licensees from all fee reductions amounted to \$20 million.



With the transfer of 13 licensing programs from the Department of State Health Services (DSHS) to TDLR in fiscal years 2017 and 2018, TDLR delivered immediate fee reductions to licensees. Through the end of Fiscal Year 2018, former DSHS licensees saved **\$1,305,412** through reduced or eliminated fees at TDLR and saw the word count for their program administrative rules slashed by 45 percent.

Financial Services

Although there are no specific performance measures for the Financial Services Division, the division's performance is monitored and evaluated through the financial information it provides in TDLR's Annual Financial Report, Legislative Appropriations Request, and

Operating Budget, as well as through audits conducted by the State Auditor’s Office, such as 2016’s audit of the *Financial Processes at the Department of Licensing and Regulation* and random post-payment audits.

Office of General Counsel

The Fiscal Year 2019 numbers for Open Records Requests and Collections Activity are as of July 1, 2019.

Open Records Requests

Open Records	FY 2017	FY 2018	FY 2019 (YTD)
Open Records Requests	1,248	1,954	4,946
Licensing Requests	371	615	1,162
Total	1,619	2,569	6,108

Office of the Attorney General (OAG)	FY 2017	FY 2018	FY 2019 (YTD)
Briefs filed with OAG	39	32	24

Collections Activity

Entity Performing Collections	FY 2017	FY 2018	FY 2019 (YTD)
Office of the Attorney General	\$150,887.04	\$188,359.64	\$115,784.56
Municipal Services Bureau	\$17,447.88	\$69,887.52	\$1,810.00
General Counsel	\$607,574.31	\$506,546.77	\$379,310.53
Total	\$775,909.23	\$764,793.93	\$496,905.09

Records Management

As a result of TDLR’s Image Purge Process, 7.7 million records have been purged resulting in 491.3+ G (gigabytes) of server space freed up. The Fiscal Year 2019 numbers are as of July 1, 2019.

Texas State Library & Archives Commission	FY 2017	FY 2018	FY 2019 (YTD)
Disposition of Eligible Records	2,412 boxes	541 boxes	38 boxes

Human Resources

The Human Resources Division processed 99 job postings in Fiscal Year 2018.

Human Resources - Statistics FY 2018	
Number of Postings	99
Applications Received	3,488
New Hires	84
Customer Service	10
Education and Examination	4
Enforcement	19
Executive	4
Field Inspections	7
Financial Services	3
General Counsel	7
Information Technology	5
Licensing	18
Regulatory Program Management	7

Highlights of the Workforce Summary Document for Fiscal Year 2018 prepared by the State Auditor's Office:

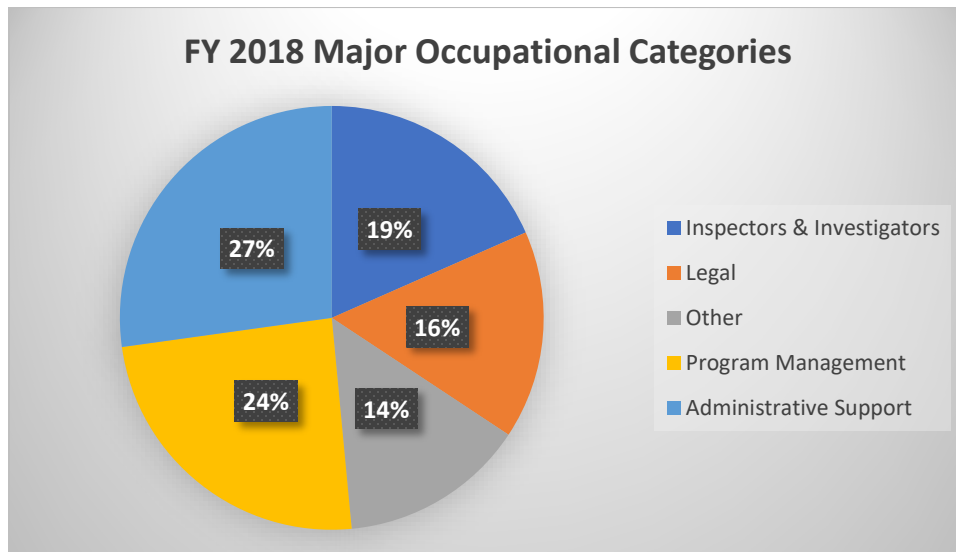
FTEs – The agency's full-time equivalent (FTE) employee limitation increased by 3.9 percent to 465.9 FTEs in Fiscal Year 2018. Actual staffing was held to 21.5 FTEs (4.6%) below that limitation.

Employee Turnover – Excluding interagency transfers, the turnover rate for the agency (8.8%) was lower than the statewide rate (19.3%) and lower than the turnover rate of Article VIII and Self-Directed, Semi-Independent (SDSI) agencies (12.7%). The turnover rate including employees who transferred to another state agency or higher education institution was 11.2 percent.

Compensation – The average TDLR salary of \$56,858 represented an increase of 15.5 percent over Fiscal Year 2014 yet was \$3,518 below the Article VIII average of \$60,376 for Fiscal Year 2018.

Job Classifications – In Fiscal Year 2018, the majority (65.3%) of employees were classified in the following job titles:

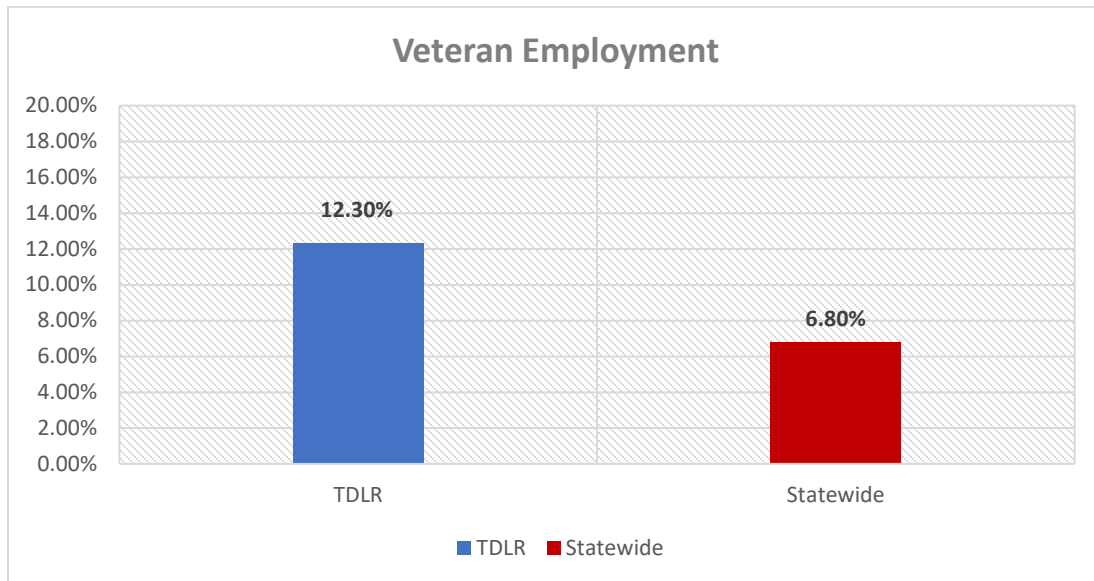
- Program Specialist (15.4%)
- License and Permit Specialist (9.5%)
- Customer Service Representative (9.5%)
- Legal Assistant (9.3%)
- Inspector (7.6%)
- Investigator (7.1%)
- Administrative Assistant (6.9%)



Workforce Demographics – On average, TDLR employees were 49.1 years of age and had 7.2 years of agency service. 80.6 percent were 40 years of age or older and 49 percent had fewer than 5 years of agency service. The Employee Retirement System estimates that

between Fiscal Year 2018 and Fiscal Year 2022, 27.3 percent of TDLR’s workforce will be eligible to retire.

Veteran Employment – Effective Fiscal Year 2016, Texas Government Code, Section 657.004, set for state agencies a goal of employing veterans in full-time positions equal to at least 20 percent of the total number of agency employees. In Fiscal Year 2018, TDLR’s total percent of veterans employed (12.3%) was higher than the statewide average (6.8%). TDLR earned the designation as a **We Hire Vets** employer from the Texas Workforce Commission, which identifies Texas employers whose workforce consists of at least ten percent military veterans. The program is a component of the Texas Operation Welcome Home initiative to identify gaps in services to Texas service members transitioning into civilian life.



On December 7, 2017, TDLR staff launched a veteran-led initiative to create the TDLR Veterans Association, which serves primarily to honor and assist those who served our country in the United States Armed Forces and now serve our state as employees of TDLR. The Association also seeks to benefit the veterans and active duty service members related to employees of TDLR. Our members include not only TDLR employees who are veterans, but also non-veteran employees who have an interest in issues that affect veterans. To our knowledge, TDLR is the only agency with such an association.

Information Technology

TDLR’s Information Technology Division (ITD) tracks and monitors several functions including:

Services: Services provided and monitored by the ITD include End User Support; Email, Messaging, Conferencing; Voice; Desktop Support; Access Management; Application

Development & Support; Data Management; Security & Risk Management; Infrastructure; Imaging; Printing & Copying; IT Service Management; and Other.

Projects: ITD staff participate and work on IT projects with the Enterprise Project Management Office.

Network: The ITD monitors the network(s) and coordinates responses to any outages. The most common types of outages include circuit outages (which is the responsibility of the carrier) and router/switch failures (which ITD prevents and repairs as necessary). ITD manages the local area networks (LAN) at all four TDLR locations as well as the wide area network (WAN).

Help Desk Tickets: ITD tracks the requests for support using a ticketing system (Remedyforce). ITD tracks each ticket through to completion. ITD leadership, through measurement of the ticket load, monitors the backlog, help desk coverage, and effectiveness of the IT support. In Fiscal Year 2018, ITD completed 3,737 helpdesk requests.

Enterprise Software: ITD manages or oversees several information systems and a multitude of technologies to make those information systems operate as intended. Of those information systems, several are considered mission-critical: TULIP, Versa (both Versa:Regulation and Versa:Online), Neubus, and LegalFiles. If these systems are unavailable, the agency is disrupted in its mission. Most software is hosted at the DIR Data Center Services and uptime for those systems is provided to TDLR to monitor. In Fiscal Year 2018, uptime exceeded the service level agreement thresholds.

Security: The Information Security Officer conducts meetings with the Executive Director and is required to report specific metrics to the DIR on a monthly basis. These metrics provide insight into the malicious attempts to infiltrate TDLR networks and information systems – and, therefore, the attempts that have been disallowed.

Office of Innovation and Project Management

Surveys, Gap Analysis, and Proof of Concept - Fiscal Year 2018

Initiative	Project	Objective	Summary
Report on Customer Service (Survey)	<i>Strategic Plan 2019 - 2023</i>	Construct, communicate, publish survey which is open to the public and emailed to 800k licensees	Results published
Voice of the Customer (VOC) Phase I	<i>Strategic Plan 2017 -2021</i> Survey of VOC Strategies	Survey and Study the communication channels TDLR currently utilizes to communicate with internal and external customers	75% participation rate 497K contacts tallied
Gap Analytics - Gap Analysis in Regulatory affairs	Process reviews of Health Professions	Reviewed artifacts including web page, FAQs, newsletters to constituents.	Recommendations completed

Learning, Training, and Professional Development – Fiscal Year 2018

Program Statistics	Dataset Reference	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Learning, Training & Professional Development Events	Participant List	12	12	100%
Participants Impacted by Events	Participant List	173	164	94%
Number of Employees Impacted	Participant List	483	164	33%
Divisions Impacted by Events	Participant List	13	13	100%
Percentage of positive responses	Event Evaluations	100%	96%	96%

Enterprise Project Management Office – Fiscal Year 2018

EPMO Projects	Count
Projects Started	4
Work in Progress	9
Projects Closed	9

Trainings Conducted by the Chief Innovation Officer – Fiscal Year 2018

In Fiscal Year 2018, the Chief Innovation Officer conducted 29 Whiteboard Theory sessions. This dynamic and interactive process begins in Whiteboard Theory I by uncovering specific pain points found in agency divisions and teams. In Whiteboard Theory II, participants walk away with four to six safe-to-fail experiments to address problems and issues that hinder productivity, negatively impact team cohesiveness, and limit the agency’s ability to provide top-tier customer service.

Twenty-six percent of groups that participated in a Whiteboard Theory I session returned to the whiteboard to complete the process by engaging in a Whiteboard Theory II session. As a result, six groups made up of six individuals each from various divisions participated in both a Whiteboard Theory I and Whiteboard Theory II session to develop safe-to-fail experiments.

Whiteboard Theory and Scenario Planning - FY 2018	
Whiteboard Theory I & II, Number of Participants	73
Team Building, Number of Participants	98
Scenario Planning Events	4

Note: In early Fiscal Year 2019, six individuals participated in “train the trainer” sessions and became facilitators for Whiteboard Theory I & II.

Survey of Employee Engagement

In June 2018, the Office of Innovation, in partnership with the University of Texas Institute for Organizational Excellence, directed a survey of employee engagement. The survey consisted of a series of 48 primary items used to assess essential and fundamental aspects of how the organization functions. TDLR scored better than average and the agency used the information received to target leadership training efforts.

Office of Strategic Communication

Advisory Board Support

The Web Team ensures that all advisory board meetings are broadcast, recorded, and archived.

In Fiscal Year 2018, Advisory Board Support:

- Provided support services for 256 advisory board members;
- Successfully facilitated 52 new board appointments and re-appointments;
- Conducted 72 advisory board meetings for 30 of 31 TDLR advisory boards; and
- **Organized and hosted** four program summits.

Communications Team

In Fiscal Year 2018, the Communications team:

- Created the *TDLR Health Monitor* quarterly email newsletter, in conjunction with the Regulatory Program Management team, to reach medical and health professionals licensed at TDLR. Four quarterly issues were produced and delivered in Fiscal Year 2018. The average number of recipients per issue was 23,792 with an open rate of 28 percent.
- Edited and published *TDLR ARC Flash #20*, an annual newsletter for the electrical program. The newsletter was delivered to 247,224 subscribers with an open rate of 16 percent.
- Wrote and delivered 46 *Under the Umbrella* weekly email newsletters, providing important news and information to all TDLR staff regarding current agency activities, program changes, external outreach efforts, and staff accomplishments. The average open rate among TDLR staff was 43 percent.
- Wrote and delivered 126 unique *In the Loop* email bulletins to all TDLR staff covering a variety of issues such as advisory board and Commission meetings, safety alerts, and law and rule changes.
- Edited and published *Executive Briefing*, a monthly email newsletter for the members of the Texas Commission of Licensing and Regulation to keep them informed about important agency news and legislative activity. The newsletter was

published from December 2016 through October 2017 and was replaced in FY 2018 by the Commission Portal, a web-based service that provides updates and information directly to Commissioners.

- The Communications team tracked and monitored 337 filed bills during the 85th Legislative Session and 371 filed bills in the 86th Legislative Session.

Website and E-mail

In Fiscal Year 2018:

- The TDLR website received 17,030,425 pageviews from a total of 2,598,823 unique visitors.
- The Web Team delivered 557 email bulletins to TDLR email subscribers, for a total of 32,938,601 emails delivered. The average open rate for these emails was 14.4 percent.
- The Web Team resolved 1,774 help desk tickets relating to web updates.

As of August 31, 2018, TDLR maintained 9,642,670 individual subscriptions for email updates from a total of 928,509 unique persons (average of 10.4 topics per person).

Government Relations

During Fiscal Year 2018, the Government Relations team responded to hundreds of legislative inquiries from members of the Texas Legislature, Office of the Governor, and other federal, state, and local officials. In addition, the Government Relations team worked with legislators and their staffs to implement TDLR Strategic Plan initiatives. See Section II, Question E, relating to TDLR recommendations adopted by the Legislature.

Throughout April 2018, Government Relations staff led or participated in ten face-to-face public strategic planning sessions held in Arlington, Austin, El Paso, Houston, and McAllen, meeting with hundreds of licensees and stakeholders to hear their ideas on how to improve TDLR's services. As part of this outreach, TDLR also created an online survey asking questions identical to those asked in the face-to-face sessions, which generated 146 completed responses. Information gathered from the face-to-face sessions and online was used to inform TDLR's 2019-2023 Strategic Plan, *Seeing a Brighter Future with Common-Sense Solutions*.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

Indirect Administration has been a budget strategy since Fiscal Years 1996-1997.

TDLR's regulatory responsibilities have expanded in recent years and may continue to increase if we are entrusted with more programs by the Legislature. In 2015, the Texas Legislature transferred regulation of Driver Education, Parent Taught Driver Education, and Driving Safety to TDLR, and transferred thirteen programs from the Department of State Health Services to TDLR. The programs transferred in two phases in October 2016 and November 2017.

In 2017, the Legislature enacted legislation giving TDLR regulatory responsibility for Podiatry, Behavior Analysts, Responsible Pet Owners, and Transportation Network Companies. All together, these new responsibilities brought an additional 87,800 licensees to TDLR.

In 2019, the Legislature enacted legislation to transfer motorcycle and off-highway vehicle operator training programs from the Department of Public Safety and motor fuel metering and motor fuel quality from the Department of Agriculture. These new responsibilities will bring more than 1,600 individual licensees and 400,000 equipment licenses to the agency.

Executive Office History

In 1999, TDLR's enabling statute was re-codified in Chapter 51, Texas Occupations Code, and the prior enabling law in Article 9100, Texas Civil Statutes, was repealed. William H. Kuntz was hired as Executive Director of the agency and Brian Francis was hired as Deputy Executive Director.

The following year, TDLR began reorganizing along functional lines, transferring the architectural barriers project registration and elevator certification functions from the Code Review and Inspection Division to the Licensing Division. Spearheaded by the Executive team, this functional alignment of responsibilities throughout the agency would continue over the next decade, laying the groundwork for TDLR's success in program consolidation and efficiency.

In 2000, TDLR was one of six agencies involved in the pilot project for Texas Online, the main web portal site for state services. At the direction of the Executive office, TDLR developed its first online licensing renewal feature for the Air Conditioning and Refrigeration Contractor license.

In 2001, the 77th Legislature gave TDLR authority to register and regulate plan reviewers and inspectors in the Elimination of Architectural Barriers program, allowing these functions to be privatized and continuing the functional alignment of work at the agency.

In 2016, William H. Kuntz announced his retirement. Brian Francis was appointed as the new Executive Director on September 1, 2016. In December 2016, Francis hired Carla James as the new Deputy Executive Director, and brought on Nick Voinis in a newly created position, Chief of Staff, to oversee communications and customer service. Mr. Voinis retired in January 2019.

In January 2019, the agency undertook an organizational calibration to flatten reporting responsibilities and give the leadership team greater opportunity to focus on divisions under their charge. Areas of responsibility were distributed between two Deputy Executive Director positions, allowing each to bring greater focus and attention to those areas. Following this calibration, Mike Arismendez was hired to fill the second Deputy Executive Director position.

As a result of the 86th Legislative Session and the transfer of the motor fuel metering program, motorcycle/ATV training program, and new duties relating to human trafficking prevention, the agency undertook a complete structural reorganization effective September 1, 2019.

Financial Services History

The Financial Services Division is structured to ensure the timely processing of mail and revenue, reconciliation of revenue to the licensing systems, purchasing and contracting, financial reporting, budgeting, travel processing, and agency financial reporting and budget requests. The structure of the division has not changed significantly in recent years with the exception of additional staff to address general agency growth.

In July 2019, TDLR welcomed a new Director of Financial Services, Brandy Corrales. Brandy replaced Jerry Daniels, who retired in May 2019 after fourteen years leading the Financial Services division.

Office of General Counsel History

In 2015, the Office of General Counsel (OGC), led by Brad Bowman, reorganized to accommodate new positions and new responsibilities as a result of the 84th Legislative Session. A Deputy General Counsel position was created to assist in the day-to-day management of the office and to help oversee staff. One of the Legal Assistants was promoted from Team Lead to Legal Support Manager and now supervises the legal support staff.

To handle the increase in open records requests, the OGC created an Office of Transparency and Records Accountability, which includes a Records Manager, an Open Records Attorney,

and three Legal Assistants (including an Open Records Coordinator) who now devote 100% of their time to open records fulfillment and records management. The OGC also created legal practice areas for Assistant General Counsels (AGCs) who specialize in a particular legal field, in addition to their core duties as AGC's. This has greatly increased the efficiency and quality of the work as the agency grows. The practice areas include:

Bankruptcy	Legislation
Client Communication	Litigation
Contracts and Procurement	Open Meetings
Ethics/HR issues	Open Records
Information Security	Rulemaking

The Office of Transparency and Records Management was created in 2018 to house the Open Records team (OR) and the Records Management Officer (RMO). OR requests have steadily grown from approximately 1,200 per year in 2017 to a current level of 5,000 per year. To meet the increased demand for services, the OGC has dedicated three Legal Assistants and one Open Records Attorney to the task. The OGC continues to look for more efficient ways to fulfill these requests, including the development of request web portals and other customer-focused software, as well as increasing ways the public can obtain information themselves from the agency website.

Human Resources History

The Human Resources Division (HR), led by attorney Sharon Homoya, has long been a small division with big responsibilities. Historically, the Human Resources Director has served a dual function: overseeing human resources operations as well as legal issues involving agency employees.

For several years, three employees, including the Human Resources Director, performed core functions such as hiring and recruiting, compensation, benefits administration, and all additional responsibilities. In 2007, HR gained two full-time employees, enabling the division to devote additional resources to professional development and employee programs.

In 2016, the division grew to seven employees with the addition of a second attorney to assist in employee relations matters, and an additional Human Resources Specialist to assist in training and employee engagement. In 2019, the Division added a new staff member to assist in payroll administration.

Currently, HR has eight full-time employees including the Human Resources Director, with four staff members dedicated to traditional HR administration and three dedicated to employee relations. The latter group assists in the administration of programs that maximize employee performance and engagement such as Toastmasters; LinkedIn Learning (the agency's e-learning platform); the Employee Assistance Program; and TDLR's

Leadership Development and Governance Committee, in addition to handling matters related to employee performance.

Information Technology History

TDLR's Information Technology Division (ITD), led by Jodi Ashlock, has expanded in recent years to keep pace with new and transferred responsibilities. When new or transfer programs come to TDLR, if they had an existing system prior to transfer, that system was moved over. For example, the transfer of medical and health professions programs from the Department of State Health Services required the introduction of the VERSA software system to TDLR. Otherwise, programs have primarily moved into the agency's proprietary TULIP system. This has resulted in a multitude of systems with different technologies that require support by a small team.

ITD has also produced completely new applications, such as the new Texas Architectural Barriers System (TABS) replacing the old system for the Elimination of Architectural Barriers program. TABS was recently recognized at the annual Texas Association of State Systems for Computing and Communications with the Project Excellence Award in the category of Cost Efficient, High Value Initiatives. This work is time-consuming but reduces the risk of the agency becoming burdened with outdated technology.

In the 86th Legislative Session, TDLR sought and received additional funding to move forward with new technology purchases. This request included five new FTEs to implement a new licensing software system that can be used as a flagship for current and future programs at TDLR.

In April 2018, ITD hired Victoriano Casas as the new Information Security Officer (ISO), with a focus on desktop and networking security, reporting, and other tasks related to a security assessment completed prior to his joining the agency.

In June 2019, the ITD director recommended changing the ISO role to Chief Information Security Officer (CISO). This change reflected the lead role the CISO has in setting policy, conducting training and awareness campaigns, and in ensuring the maintenance of standards against key metrics, including third party management. The CISO is also charged with ongoing compliance of new legislation and Infosec standards, such as NIST and the Texas Cybersecurity Framework.

Timeline of TDLR Licensing Systems

Implemented	Name	System	License Types Served
1986	Industrialized Housing & Building Program	MS Access/MS SQL Server	Manufacturer, Industrialized Builder, Design Review Agency, Third-Party Inspection Agency, Third-Party Inspectors, Permits
1990s (decommissioned end of FY 2019)	HP3000	HPME 5.5	Architectural Barriers
2001	Weather Modification	Excel/QuickBooks	Weather Modification Licenses & Permits
2003	TULIP – Texas Umbrella Licensing Information Project	Agile Business Suite/MS SQL Server	Air Conditioning and Refrigeration, Auctioneers, Barbers, Behavior Analysts, Boiler Inspectors, Breeders, Combative Sports, Cosmetology, Electricians, Elevators, Legal Service Contracts, Polygraph Examiners, Professional Employer Organizations, Property Tax Consultants, Property Tax Professionals, Registered Accessibility Specialists, Service Contract Providers. Tow Truck Operators, Used Automotive Parts Recyclers, Vehicle Storage Facilities Employees, Water Well Drillers, VERSA – MicroPact
2008	TOOLS – Texas Online Occupational Licensing System	ASP/MS SQL Server/Power Builder	Tow Truck Company & Vehicle Storage Facilities
2013	J.O. – Jurisdiction Online Permitting & Portal	Third-party Proprietary	Boiler equipment
2015	DES – Driver Education & Safety Regulatory System	MS Access/MS SQL Server	Driver Education Schools, Instructors & Course Providers
2016	VERSA – MicroPact	Oracle	Athletic Trainers, Code Enforcement Officers, Dietitians, Dyslexia Practitioners & Therapists, Hearing Instrument Fitters & Dispensers, Laser Hair Removal, Massage Therapy, Midwives, Mold Assessors & Remediators, Offender Education Programs, Orthotists & Prosthetists, Sanitarians, Speech-Language Pathologists & Audiologists, Transportation Network Companies
2017 (Expected to move to TULIP August 2019)	POD – Podiatry Licensing System	FileMaker Pro/FileMaker Server	Podiatric Doctor & Podiatric Technician
2018	TABS – Texas Architectural Barriers System	ASP.NET/MS SQL Server	Architectural Barriers Project Registration

Office of Innovation and Project Management History

In 2013, then-executive director Bill Kuntz and then-deputy executive director, Brian Francis formed a Process Improvement and Analytics team supervised by Program Specialist George Bomar. The team members conducted time-motion studies to improve productivity within the agency. After extensive observation and data collection, recommendations were

put in place and process changes were implemented to reduce redundancies and increase efficiency.

In 2016, the Process Improvement and Analytics team was transformed into the Office of Innovation in recognition that a more flexible, responsive approach was needed to address agency growth and increasing program complexity. Prior to his retirement, Kuntz hired Chief Innovation Officer Randy Nesbitt. The new Office focused less on process improvements and best practices and, instead, more on providing the vision for the creation of a sustainable agency for the future by focusing on next practices.

In March 2018, executive director Brian Francis created the Enterprise Project Management Office (EPMO) using project management staff from the Information Technology Division. He then transferred EPMO under the management of the Chief Innovation Officer, and a Knowledge Officer role, and the office was rebranded as the Office of Innovation and Project Management.

Office of Strategic Communication History

The Office of Strategic Communication (OSC) evolved from the Public Affairs section of the Executive Office. OSC was introduced in Fiscal Year 2016 as part of a wider agency reorganization following the Phase One transfer of seven licensing programs and advisory boards from the Department of State Health Services and the creation of the Driver Education and Safety program and new Driver Training and Traffic Safety Advisory Committee. Support for TDLR's advisory boards and communication with stakeholders became even more critical, requiring a redoubled commitment and full-time attention.

The advisory board support, media relations and communications, web design and maintenance, and government relations functions were brought together on one team to work collaboratively and align resources. While still placed under the Executive Office in the organizational chart, this new quasi-division operated with a wider degree of independence.

In Fiscal Year 2017, OSC and Customer Service were placed under the responsibility of the Chief of Staff. During this time, additional positions were added to support the agency's web redesign efforts and to enhance the look of TDLR's graphic design elements in publications and presentations.

In September 2018, TDLR hired Media Relations Officer Tela Mange, who has increased the agency's frequency of press releases and media contacts, as well as raised TDLR's profile on social media.

With the agency calibration in January 2019, OSC returned to reporting directly to the Executive Director.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

In Fiscal Year 2018, TDLR served 823,787 licensees, including 604,598 individual licensees and 219,189 business licensees. Qualifications and eligibility requirements for specific license types are discussed in Section VII, Licensing. A statistical breakdown of persons and entities affected follows directly below, listed from highest to lowest total population count.

TDLR Program	Individual Licenses	Business Licenses	Total FY 2018
Cosmetologists	259,478	48,132	307,610
Electricians	141,116	11,418	152,534
Boilers	268	52,968	53,236
Air Conditioning & Refrigeration Contractors	47,589	N/A	47,589
Elevators, Escalators & Related Equipment	159	43,845	44,004
Massage Therapy	31,913	2,627	34,540
Barbers	21,566	9,667	31,233
Towing	14,109	15,571	29,680
Elimination of Architectural Barriers	535	25,235	25,770
Speech-Language Pathologists & Audiologists	24,319	N/A	24,319
For-Profit Legal Service Contracts	10,859	16	10,875
Dietitians	5,965	N/A	5,965
Mold Assessors and Remediators	5,324	465	5,789
Vehicle Storage Facilities	2,970	1,804	4,774
Offender Education Programs	3,089	988	4,077
Athletic Trainers	3,922	N/A	3,922
Driver Education and Safety	2,874	943	3,817
Property Tax Professionals	3,607	N/A	3,607
Used Automotive Parts Recyclers	2,612	782	3,394
Laser Hair Removal	3,138	219	3,357
Combative Sports	2,710	57	2,767
Code Enforcement Officers	2,571	N/A	2,571
Auctioneers	2,439	N/A	2,439
Continuing Education Providers	N/A	2,359	2,359
Water Well Drillers and Pump Installers	2,256	N/A	2,256
Property Tax Consultants	1,813	N/A	1,813
Podiatric Medicine	1,633	N/A	1,633
Behavior Analysts	1,398	N/A	1,398
Sanitarians	1,336	N/A	1,336
Dyslexia Practitioners and Therapists	938	N/A	938
Orthotists and Prosthetists	641	271	912
Industrialized Housing and Buildings	53	822	875

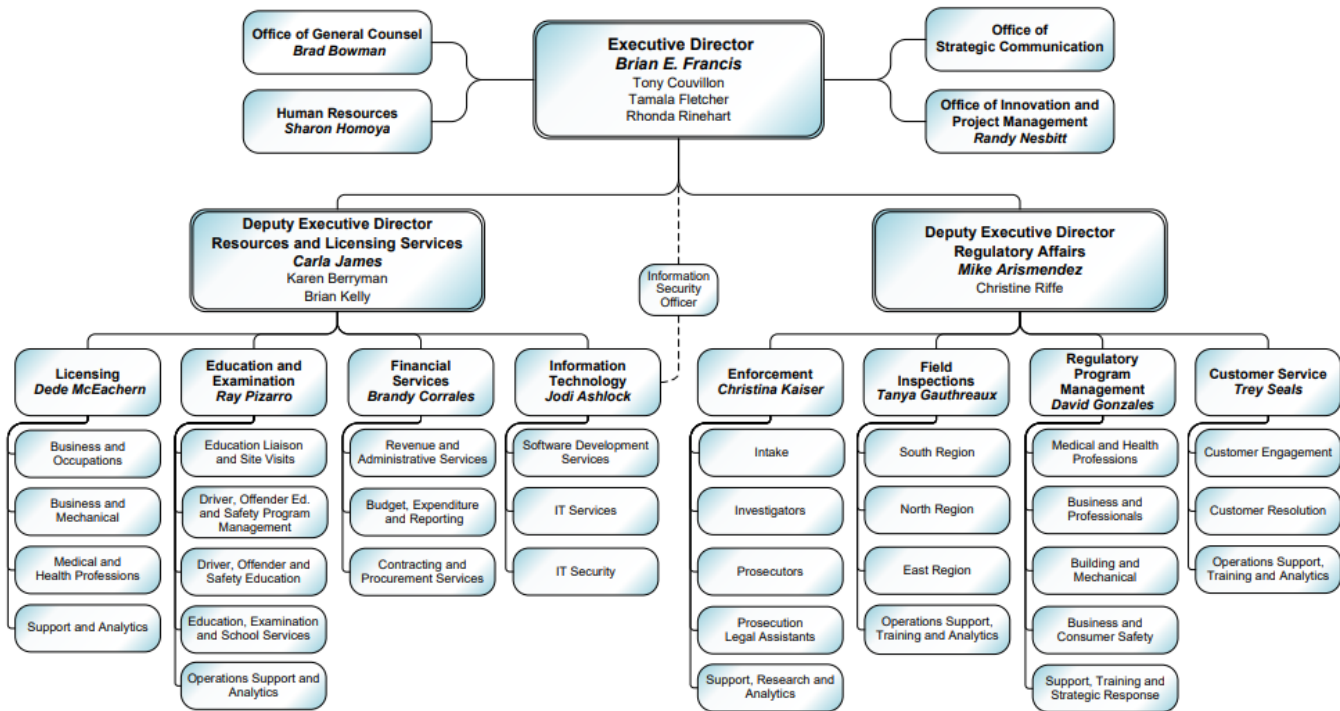
TDLR Program	Individual Licenses	Business Licenses	Total FY 2018
Hearing Instrument Fitters and Dispensers	834	24	858
Professional Employer Organizations	N/A	408	408
Service Contract Providers	N/A	380	380
Midwives	290	4	294
Polygraph Examiners	274	N/A	274
Licensed Breeders	N/A	162	162
Weather Modification	N/A	13	13
Transportation Network Companies	N/A	9	9
TOTAL	604,598	219,189	823,787

In addition to the individuals and businesses who pay a licensing fee, Indirect Administration serves the public, the Office of the Governor, the Texas Senate and Texas House of Representatives, our Commissioners, the Legislative Budget Board, the Sunset Advisory Commission, the Comptroller of Public Accounts, advisory board members, and other government agencies. Additional customers include vendors and public-private partners, including Historically Underutilized Businesses and state agencies such as the Texas Facilities Commission, and the State Office of Risk Management.

Information Resources' primary customers are: licensees; registrants; third-party inspectors; applicants; building and business owners; city building officials; education providers; the Office of the Governor; executive, legislative and other governmental agencies; and the public. Information Resources provides a multitude of systems including transaction systems, online licensing, online permitting, and online case management, and public wi-fi. Information Resources' activities affect all TDLR employees through the provision and support of end-user technologies and systems.

- F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

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- G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Indirect Administration is funded through General Revenue and appropriated receipts. All appropriations are fee revenue; four contingency riders in Article IX of the General Appropriations Act for fiscal years 2018 and 2019 also appropriate funds.

- H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

N/A

- I. **Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency’s customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

N/A

- J. **If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.**

N/A

- K. **If contracted expenditures are made through this program please provide**

- **a short summary of the general purpose of those contracts overall;**

Contracts let by TDLR support the mission of the agency to honor the trust of all Texans, safeguard the public, and provide a fair and efficient licensing and regulatory environment at the lowest possible cost. Contracts cover areas such as information technology, facilities, printing and mail services, inspection services, and expert witness contracts for the various programs overseen by the agency.

- **the amount of those expenditures in fiscal year 2018;**

\$4,243,589

- **the number of contracts accounting for those expenditures;**

83

- **the method used to procure contracts;**

TDLR complies with contracting and procurement statutes, rules, and best practices set forth by the Comptroller of Public Accounts. TDLR uses audits by various entities such as the Comptroller and internal auditors to ensure compliance. TDLR has four dedicated staff who perform the contracting and purchasing functions. Additionally, an assistant general counsel assists with the creation of all solicitations and contracts and updates and modifications to those documents. This process ensures that all legal and rule requirements are met.

The agency has completed the contracting guide, as required by law, and requires agency staff to comply with that document.

TDLR uses a formal process for bids, when appropriate. Key stakeholders, including program staff, work with purchasing staff and the general counsel to identify the needs associated with the potential purchase. Evaluators are chosen while the bidding document is open and

done by identifying staff that have knowledge of the services or commodities needed. Those individuals sign a non-disclosure agreement and begin the evaluation separate by the other evaluators. Evaluation criteria are created prior to that process by identifying those items that are key areas for grading.

Agency contracts are monitored on a continual basis by contracting and program staff with benchmarks as necessary.

- **top five contracts by dollar amount, including contractor and purpose;**

Contractor	Dollar Amount	Purpose
All Budget Strategies		
Texas Dept Of Information Resources	\$917,240.23	Four separate contracts
Omninet Twin Towers LP	\$616,299.40	NC Lease
Department of State Health Services	\$316,945.25	Two separate contracts
Premier Parking of Tennessee LLC	\$229,172.50	Parking Garage Spaces (Colorado St.)
Weaver & Tidwell	\$67,500.00	Internal Audit Services
Licensing Division		
Texas Department of Public Safety	\$147,006.16	Three separate contracts
Automatic Funds Transfer Services Inc	\$136,270.03	Post Card Notices
Signature Cards LP	\$498,532.36	License Card Printing & Mailing Services
MicroPact Global Inc	\$72,479.90	Versa Maintenance (post-implementation)
Neubus Inc.	\$41,571.41	Imaging Services
Customer Service Division		
Convergeone Inc	\$111,772.71	Two separate contracts
Field Inspections and Regulatory Program Management Divisions		
Texas Facilities Commission	\$94,660.70	EOT Renovations
Department of State Health Services	\$32,612.59	Mold Inspection Services
Pointserve Inc.	\$30,000.00	Mobi Inspection Services
Regulatory Program Management Division		
Austin H I Borrower LLC	\$11,750.78	Conference Room Rentals - EAB Academy
Enforcement Division		
Legal Files Software	\$42,085.00	Legal Files Software Support
Indirect Administration		
Diane Fulmer	\$3,609.00	Podiatry AFR Preparation

- **the methods used to ensure accountability for funding and performance; and**

TDLR submits periodic reports to the Legislative Budget Board, Comptroller of Public Accounts and the State Auditor's Office to ensure accountability. These reports cover items such as budget, accounting and performance measures. Additionally, internal auditor's gauge the risks associated with agency activities, which often include finance functions.

- **a short description of any current contracting problems.**

TDLR does not currently have any contracting problems.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

N/A

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

N/A

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

See Section VII, Licensing for information on each regulatory program currently under review.

- P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.**

See Section VII, Enforcement for complaint investigation and resolution information, including:

- a summary overview for total complaints against regulated persons and entities regulated by TDLR; and
- specific information for each regulatory program currently under review.

VII. Guide to Agency Programs – Licensing

A. Provide the following information at the beginning of each program description.

<i>Name of Program or Function:</i>	<i>Licensing Division</i>
<i>Location/Division:</i>	<i>920 Colorado Street, Austin, Texas 78701</i>
<i>Contact Name:</i>	<i>Dede McEachern, Director of Licensing</i>
<i>Statutory Citation for Program:</i>	<i>Chapter 51, Occupations Code</i>

B. What is the objective of this program or function? Describe the major activities performed under this program.

The objective of the Licensing Division is to process applications and issue and renew licenses, permits, and certifications (licenses) so that individuals, businesses, and equipment required by statute to obtain a license from TDLR can work to serve the citizens of Texas. The Licensing Division is committed to protecting the health and safety of Texas consumers and takes the responsibility of ensuring applicants meet the license requirements seriously while balancing the need for applicants to quickly get to work.

The agency's 24 programs included in this review constitute 142 unique license types and more than 722,000 licensees. During Fiscal Year 2018, 94.2 percent of all new licenses were issued to individuals within ten days and 97.1 percent of all licenses for individual were renewed within seven days. When the data for only the programs covered in this review is considered, those numbers rise to 97.1 percent and 98.5 percent, respectively.

The Licensing Division has leveraged technology and staff expertise to streamline the licensing process in multiple areas. Licensing staff have extensive knowledge of licensing requirements and procedures for processing applications and issuing licenses in eight separate databases. To ensure each applicant for a license is qualified to hold the license, the Licensing Division follows documented procedures to perform the following processes:

- Receive, review, research, and process original and renewal applications for all programs and a myriad of different license types.
- Enter, maintain, and update all data associated with applications in eight licensing systems, making data available to agency personnel and the public who use the agency's website to verify license status.
- Verify, assign, and reconcile all monies associated with applications.
- Perform initial criminal history checks with the Department of Public Safety (DPS), and the Federal Bureau of Investigation when applicable, for individual applicants and owners of specified businesses. Fingerprint checks are required by statute for some programs.

- Apply criminal conviction guidelines to determine if an applicant's criminal history can be cleared for licensure or if it should be referred to the Enforcement Division for further investigation.
- Assess various types of technical experience required for some license types. Licensing Specialists know the type of work that can be credited to the experience requirement and are able to explain it to applicants. For example:
 - an applicant for a master electrician must have 12,000 hours of on the job training under the supervision of a master electrician; and
 - an air conditioning contractor must have at least 48 months of practical experience within the preceding 72 months
- Review, process, verify, and enter data for all forms of financial security required for certain license types. Forms of financial security include certificates of insurance, letters of credit, surety bonds, and financial statements.
- Prepare documents for imaging as they are being processed, making sure that the appropriate indexes are indicated on each document.
- Scan documents in-house for certain programs or send documents to a third-party vendor to be imaged; verifying the accuracy of those images and their indexes upon import.
- Assist the Office of General Counsel with open records requests ensuring that all available data is released but that confidential data is redacted to protect licensees.
- Process and fulfill orders for agency publications like law and rule books, Parent Taught Driver Education packets, and completion certificates for Driver Education and Safety classes.
- For certain programs, review continuing education (CE) certificates and courses to determine if they satisfy the requirements of that program.
- Create, maintain, and update applications, forms, processes, and procedures based on legislative changes, changes to rules, input from advisory boards, processes improvements, and feedback from strategic planning focus groups and division personnel.
- Develop, evaluate, and update training materials on licensing functions and processes and provide training to division and agency personnel.
- Work with the records management officer to review and recommend changes to the records retention schedule, then apply the schedule and purge documents as needed. Each new program transferred to TDLR has with its own records retention schedule that must be assimilated into TDLR's schedule and applied accordingly.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

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Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2018

Program Statistics or Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Efficiency Measure: Percent of New Individual Licenses Issued Within 10 Days	94/86	The numerator for this measure is the number of new licenses issued to individuals within ten days during the reporting period. The denominator is the total number of new licenses issued to individuals during the reporting period. The result is multiplied by 100 to achieve a percentage.	90%	94.20%	104.67%
Efficiency Measure: Percent of Individual License Renewals Issued Within 7 Days	95/87	The numerator for this measure is the number renewal licenses issued to individuals within seven days during the reporting period. The denominator is the total number of renewed licenses issued to individuals during the reporting period.	94%	97.10%	103.30%

Table 12 Exhibit 12 Program Statistics and Performance Measures

- D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

As part of TDLR’s ongoing pursuit of innovation to identify more opportunities for efficiency, we have implemented several changes to licensing processes. In 2005, TDLR was one of the first agencies to use postcards to notify licensees when it is time to renew. In 2014, TDLR transitioned away from the postcard as the primary method of renewal reminder and implemented email renewal notices. Every licensee who conducts online business with TDLR is required to furnish their email address as part of that transaction.

That email address is stored as part of the licensee's record and is used as a communication tool.

In Fiscal Year 2018, 81.5 percent of all licenses were issued or renewed online and almost 500,000 email addresses were stored as part of those transactions. Licensees for whom we have an email address are emailed a renewal notice 60 days before their license expiration date. The language in the renewal notice contains a "click here to renew" link to make the process easier for the licensee. If the licensee does not renew at that time, another notice is emailed at 45 days before expiration. If at 30 days the licensee has still not renewed, a renewal postcard is mailed to the licensee, and a last email renewal reminder is sent at 15 days before expiration if the licensee still has not renewed. This innovation has drastically reduced the amount of money the agency spends on postage and offers timelier and more customer-friendly notifications for our licensees.

For most license types, online license renewals require no action from TDLR employees for those transactions to automatically process. When one of these renewals is received, the licensing system checks to make sure the required number of hours of continuing education has been posted to that licensee's record, the correct amount of fee money was received, and all required information was supplied. The system notes everything as complete, the license renews overnight, and is mailed the next day. The most time-consuming piece of processing a renewal application is verifying the continuing education. Licensing staff make sure that the required number of CE hours have been taken and that those hours were taken through a TDLR-approved provider and course. TDLR's Texas Umbrella Licensing Information Project (TULIP) database requires continuing education providers to electronically report to TDLR each licensee that completes one of their courses. Those providers and their courses are required to upload course completions to TDLR, allowing us to automatically verify a licensee is taking the required continuing education.

TDLR encourages renewing online as much as possible because of both the customer and staff time that is saved. To encourage online renewals, TDLR does not add a separate TexasOnline subscription fee to the cost of the renewal.

TDLR understands that many of our applicants need to obtain a license to be able to begin working in their new careers as soon as possible because they rely on the work authorized by that license to earn a living. TDLR has enabled Cosmetology students to pay their license fee online once they pass the written exam, which in turn enables them to receive their full license at the test site after they pass the practical exam, rather than wait for the exam vendor to upload their exam score to TDLR. They can walk out of the testing center with a paper license in hand allowing them to start working immediately.

A similar process has also been established for apprentice electricians, apprentice sign electricians, and mold remediation workers. These individuals can apply for a new license online and immediately hold a temporary license so they can work while TDLR reviews their criminal history. Their electronic receipt for payment indicates that it can be used as a temporary license for ten days. They can keep a copy of the receipt on their phone if they

are asked to present proof of licensure until their permanent license is issued. In Fiscal Year 2018, TDLR issued 47,625 of these “immediate” licenses.

TDLR checks the criminal history of every individual for each new and renewal application (except for Combative Sports Contestants). One innovation we have applied to that process is that we check a renewing licensee’s criminal history after the license has been renewed so that our review processes do not impede someone from being able to work while they wait for the review to be completed and the renewal license to issue. If a renewal application is received and the renewal license is issued, and the individual’s criminal history is then discovered to contain convictions which merit revocation of the license, we refer the application to the Enforcement Division to move to revoke the license. Instead of delaying 100 percent of renewals until the criminal history can be verified, we renew the license *and then* check the criminal history.

Another innovation is checking criminal history records in batches. Every day, the TULIP databases compile applicant data into two sets of batches: one for new applications and one for renewal applications. The batches of new applicant data are run against the Department of Public Safety’s “live” criminal history database and the batches of renewal applicant data are run against a static file of the criminal history database that is updated once a week. When this activity can be performed in batches, the information from all new applications received that day is automatically submitted to DPS all at once by the licensing system, the results for those people who have convictions come back as a group, and those that do not have a criminal history can be cleared in the database as a group. Appropriately, when the licensing system automatically batches the applicants, staff time is focused on reviewing criminal histories while the system takes care of the administrative steps.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Each statute and its associated rules describe the requirements that must be met to hold a license and the Licensing Division ensures that those qualifications and requirements are satisfied before a license is issued. The list of statutes covered in this report can be found in Exhibit 14 of this document.

In Fiscal Year 2018, for the programs covered in this report, the Licensing Division issued 165,055 new licenses and 386,450 renewal licenses for a total of 551,505, while serving a total population of 722,401 active licenses (700,249 for programs under review). The following table lists the number of new and renewed licenses issued for each license type for each of the covered programs.

Program Name (Followed by License Types)	Qualifications/Eligibility Requirements	FY 2018 Number of Licenses Issued		
		New	Renewed	Total Issued
Air Conditioning & Refrigeration Contractors		10,575	36,382	46,957
Air Conditioning Contractor	16 TAC 75.20-75.25, 75.27, 75.29	1,648	15,339	16,987
Registered AC Technician	16 TAC 75.28 - 75.29 & 75.120 - 121	7,230	16,300	23,530
Certified AC Technician	16 TAC 75.27 & 75.29	1,697	4,743	6,440
Architectural Barriers		25,273	431	25,704
Registered Accessibility Specialist	16 TAC 68.70 – 68.73	38	431	469
Project Registration	16 TAC 68.20	25,235	N/A	25,235
Auctioneers		140	1,985	2,125
Auctioneer	16 TAC 67.20, 67.22, 67.24 – 67.25	112	1,946	2,058
Associate Auctioneer	16 TAC 67.21, 67.24 - 67.25	28	39	67
Barbers		7,980	10,427	18,407
Class A Barber Certificate	16 TAC 82.20(a)(c), 82.21, 82.120(d)(e)(f), 82.28	1,212	7,270	8,482
Manicurist License	16 TAC 82.20(a)(f), 82.21, 82.120(g), 82.28	4	124	128
Barber Technician License	16 TAC 82.20(a)(e), 82.21, 82.120(j), 82.28	0	7	7
Barber Technician/Manicurist	16 TAC 82.20(a)(i), 82.21, 82.120(h), 82.28	1	0	1
Barber Technician/Hair Weaving	16 TAC 82.20(a)(j), 82.21, 82.120(i), 82.28	0	3	3
Class A Barber Instructor	16 TAC 82.20(a)(d), 82.21, 82.120 (a)(b)(c), 82.28	67	201	268
Barber Manicure Instructor	16 TAC 82.20(k) & 82.21, 82.28	0	0	0
Barber Technician Instructor	16 TAC 82.20(k) & 82.21, 82.28	0	0	0
Barber Hair Weaving Instructor	16 TAC 82.20(k) & 82.21, 82.28	0	0	0
Technician/Manicure Instructor	16 TAC 82.20(k) & 82.21, 82.28	0	0	0
Technician/Hair Weaving Instructor	16 TAC 82.20(k) & 82.21, 82.28	0	0	0
Barber Student	16 TAC 82.20(b)(h)	4,590	N/A	4,590
Hair Weaving Specialist	16 TAC 82.20(a)(g), 82.21, 82.120(k), 82.28	2	4	6
Barber Shop	16 TAC 82.22(a)(b)	493	1,251	1,744
Manicurist Specialty Shop	16 TAC 82.22(a)(c)	10	14	24
Dual Salon/Shop*	16 TAC 82.22(a)(d)	1,186	1,358	2,544
Mini Barbershop	16 TAC 82.22(a)(e)	216	64	280
Mini Dual Salon/Shop*	16 TAC 82.22(a)(f)	179	52	231
Mobile Salon	16 TAC 82.22(a)(g)	3	4	7
Hair Weaving Specialty Shop	16 TAC 82.22(a)(c)	0	1	1
Private Post-Secondary School	16 TAC 82.23, 82.51	14	74	88
Public Secondary School	16 TAC 82.23, 82.51	1	0	1
Community College Post-Secondary School	16 TAC 82.23, 82.51	2	0	2
Behavior Analysts		1,398	0	1,398
Licensed Behavior Analyst	16 TAC 121.21 – 121.27	1,301	0	1,301
Assistant Behavior Analyst	16 TAC 121.22 – 121.27	97	0	97
Boilers		3,297	24,457	27,754

Program Name (Followed by License Types)	Qualifications/Eligibility Requirements	FY 2018 Number of Licenses Issued		
		New	Renewed	Total Issued
Boiler Inspector	16 TAC 65.14 65.25, 65.26, 65.30, 65.40-65.41, 65.300(d)	26	251	277
Boiler Equipment	16 TAC 65.12, 65.13, 65.15, 65.45, 65.300(a)(b)(c)(f)(g)(h)(i)(j)(k)	3,270	24,194	27,464
Authorized Inspection Agency	16 TAC 65.6 – 65.8, 65.300(e)	1	12	13
Combative Sports		1,454	161	1,615
Contestant	16 TAC 61.20	397	N/A	397
Judge	16 TAC 61.20, 61.22	11	54	65
Manager	16 TAC 61.20	14	12	26
Matchmaker	16 TAC 61.20	4	6	10
Promoter	16 TAC 61.20	14	28	42
Referee	16 TAC 61.20, 61.21	4	54	58
Second	16 TAC 61.20	1,006	N/A	1,006
Amateur Combative Sports Association	16 TAC 61.20	3	7	10
Event Coordinator	16 TAC 61.20	1	0	1
Cosmetology		61,800	116,050	177,850
Operator	16 TAC 83.20(a), 83.21, 83.25, 82.26, 83.28, 83.31(a)(1)	7,257	68,384	75,641
Manicurist Specialist	16 TAC 83.20(b)(c), 83.21, 83.25, 82.26, 83.28, 83.31(a)(2)	3,359	19,891	23,250
Esthetician Specialist	16 TAC 83.20(b), 83.21, 83.25, 82.26, 83.28, 83.31(a)(2)	2,563	8,288	10,851
Manicure/Esthetician Specialist	16 TAC 83.20(b), 83.21, 83.25, 82.26, 83.28, 83.31(a)(2)	1,012	2,997	4,009
Hair Weaver Specialist	16 TAC 83.20(e), 83.21, 83.25, 82.26, 83.28, 83.31(a)(3)	18	66	84
Eyelash Extension Specialist	16 TAC 83.20(d), 83.21, 83.25, 82.26, 83.28, 83.31(a)(2)	182	390	572
Wig Specialist Certificate	16 TAC 83.20(e), 83.21, 83.25, 82.26, 83.28, 83.31(a)(3)	0	5	5
Operator Instructor	16 TAC 83.20(f), 83.21, 83.25, 82.26, 83.28, 83.31(a)(4)	252	2,572	2,824
Manicure Instructor	16 TAC 83.20(f), 83.21, 83.25, 82.26, 83.28, 83.31(a)(5)	8	28	36
Esthetician Instructor	16 TAC 83.20(f), 83.21, 83.25, 82.26, 83.28, 83.31(a)(5)	22	79	101
Wig Instructor	16 TAC 83.20(f), 83.21, 83.25, 82.26, 83.28, 83.31(a)(5)	0	3	3
Eyelash Extension Instructor	16 TAC 83.20(f), 83.21, 83.25, 82.26, 83.28, 83.31(a)(5)	4	12	16
Manicure/Esthetician Instructor	16 TAC 83.20(f), 83.21, 83.25, 82.26, 83.28, 83.31(a)(5)	3	6	9
Cosmetology Student	16 TAC 83.20(a), 83.21, 83.25, 82.26, 83.28, 83.31(c)	36,732	N/A	36,732
Private Beauty Culture School	16 TAC 83.23, 83.29, 83.40, 83.51	26	180	206
Vocational College Beauty School	16 TAC 83.23, 83.29, 83.40, 83.51	9	188	197
Community College Beauty School	16 TAC 83.23, 83.29, 83.40, 83.51	1	60	61
Beauty Salon	16 TAC 83.22. 83.26, 83.29	2,674	7,099	9,773
Manicuring Salon	16 TAC 83.22. 83.26, 83.29	141	193	334
Esthetician Specialty Salon	16 TAC 83.22. 83.26, 83.29	455	470	925
Esthetician/Manicure Salon	16 TAC 83.22. 83.26, 83.29	1,234	1,905	3,139

Program Name (Followed by License Types)	Qualifications/Eligibility Requirements	FY 2018 Number of Licenses Issued		
		New	Renewed	Total Issued
Hair Weaving Specialty Salon	16 TAC 83.22. 83.26, 83.29	10	11	21
Wig Specialty Salon	16 TAC 83.22. 83.26, 83.29	3	15	18
Eyelash Extension Specialty Salon	16 TAC 83.22. 83.26, 83.29	125	50	175
Mobile Salon	16 TAC 83.22. 83.26, 83.29	23	3	26
Dual Salon/Shop*	16 TAC 83.22. 83.26, 83.29	1,186	1,358	2,544
Mini Salon	16 TAC 83.22. 83.26, 83.29	4,322	1,745	6,067
Mini Dual Salon/Shop*	16 TAC 83.22. 83.26, 83.29	179	52	231
Driver Education and Safety		443	3,655	4,098
Driver Education Instructor	16 TAC 84.44	253	1,841	2,094
Driving Safety Instructor	16 TAC 84.64	56	694	750
Specialized Driving Safety Instructor	16 TAC 84.64	0	9	9
Drug & Alcohol Driving Awareness Program Instructor	16 TAC 84.72	10	64	74
Driver Education School	16 TAC 84.40	52	508	560
Driving Safety School	16 TAC 84.60	51	452	503
Specialized Driving Safety School	16 TAC 84.60(a)(2)	1	0	1
Drug and Alcohol Driving Awareness Program School	16 TAC 84.70	4	24	28
Driving Safety Course Provider	16 TAC 84.62	15	62	77
Specialized Driving Safety Course Provider	16 TAC 84.62	1	1	2
Drug & Alcohol Driving Awareness Program Course Provider	16 TAC 84.71	0	0	0
Electricians		39,449	103,150	142,599
Master Electrician	16 TAC 73.20-73.26 & 73.28	542	16,020	16,562
Master Sign Electrician	16 TAC 73.20-73.26 & 73.28	11	512	523
Journeyman Electrician	16 TAC 73.20-73.26 & 73.28	1,944	32,985	34,929
Journeyman Sign Electrician	16 TAC 73.20-73.26 & 73.28	20	310	330
Journeyman Lineman	16 TAC 73.20-73.26 & 73.28	5	19	24
Journeyman Industrial Electrician	16 TAC 73.20-73.26 & 73.28	8	0	8
Residential Wireman	16 TAC 73.20-73.26 & 73.28	168	1,258	1,426
Maintenance Electrician	16 TAC 73.20-73.26 & 73.28	3	967	970
Electrical Apprentice	16 TAC 73.20 - 73.23, 73.25, & 73.27	33,954	38,501	72,455
Electrical Sign Apprentice	16 TAC 73.20 - 73.23, 73.25, & 73.27	1,517	641	2,158
Residential Appliance Installer	16 TAC 73.20 - 73.24	172	1,718	1,890
Electrical Contractor	16 TAC 73.20, 73.22, 73.23, & 73.28	970	9,066	10,036
Electrical Sign Contractor	16 TAC 73.20, 73.22, 73.23 & 73.28	52	502	554
Residential Appliance Contractor	16 TAC 73.20, 73.22, & 73.23	81	608	689
Electrician Apprenticeship Program	16 TAC 73.25	2	43	45
Elevators, Escalators & Related Equipment		1,810	49,453	51,263
Elevator Inspector	16 TAC 74.20-74.21, 74.80(a)(e)	10	145	155
Elevator Equipment	16 TAC 74.50, 74.66, 74.80(b), 74.111	1,778	49,172	50,950
Elevator Contractor	16 TAC 74.22 – 74.25, 74.40, 74.80(d)(e)	22	136	158
Industrialized Housing and Buildings		338	499	837
Manufacturer	16 TAC 70.20	38	144	182
Builder	16 TAC 70.20	84	293	377
Relocatable Educational Facility Builder	16 TAC 70.20	0	1	1
3 rd Party Inspector	16 TAC 70.21	3	46	49
Authorized Inspection Agency	16 TAC 70.21	0	7	7

Program Name (Followed by License Types)	Qualifications/Eligibility Requirements	FY 2018 Number of Licenses Issued		
		New	Renewed	Total Issued
Design Review Agency	16 TAC 70.21	0	8	8
Permit	16 TAC 70.25	213	N/A	213
Licensed Breeders		13	151	164
Licensed Breeder	16 TAC 91.22 -91.24, 91.50 – 91.52, 91.76, 91.80	13	151	164
Polygraph Examiners		30	245	275
Polygraph Examiner	16 TAC 88.20-88.25	18	232	250
Polygraph Examiner Trainee	16 TAC 88.26-88.27	12	13	25
Professional Employer Organizations		48	349	397
Professional Employer Organization	16 TAC 72.20 – 72.21	40	331	371
Professional Employer Organization Limited License	16 TAC 72.22 – 72.23	8	18	26
Property Tax Consultants		188	1,588	1,776
Sr. Property Tax Consultant	16 TAC 66.20(a)(b), 66.22 – 66.23, 66.25, 66.80(b)(d)(e)(g) 7 OC 1152.157, 1152.159	26	696	722
Property Tax Consultant	16 TAC 66.20(a)(c)(d), 66.23, 66.25, 66.80(a)(c)(e)(g)	162	875	1,037
PTC-Real Property Only	16 TAC 66.70(f), 66.80(e) 7 OC 1152.157, 1152.158	N/A	17	17
Private Education Provider	16 TAC 66.21, 66.72	0	0	0
Property Tax Professionals		400	3,443	3,843
Assessor/Collector	16 TAC 94.21, 94.21(B), 94.22, 94.24(c), 94.25(d)(f)(g)(h)(i)(j)(k), 94.28, 94.80(a)(3)(b)(3)(f)	57	568	625
Appraiser	16 TAC 94.21, 94.21(A), 94.22, 94.24(c), 94.25(b)(c)(f)(g)(h)(i)(j)(k), 94.28, 94.80(a)(1)(b)(1)(f)	323	2,659	2,982
Collector	16 TAC 94.21, 94.21(C), 94.22, 94.24(c), 94.25(e)(f)(g)(h)(i)(j)(k), 94.28, 94.80(a)(2)(b)(2)	19	151	170
Core Education Provider	Sec. 1151.1015(2), Occupations Code	1	65	66
Service Contract Providers		39	328	367
Service Contract Provider	16 TAC 86.215 – 86.217	22	218	240
Service Contract Administrator	16 TAC 77.22 – 77.23	17	110	127
Tow Trucks		8,436	24,238	32,674
Tow Truck Company	16 TAC 86.215 – 86.217	1,117	6,998	8,115
Incident Management Tow Truck	16 TAC 86.200 & 86.201	3,685	8,249	11,934
Consent Tow Truck	16 TAC 86.200 & 86.203			
Private Property Tow Truck	16 TAC 86.200 & 86.202			
Incident Management Tow Truck Operator	16 TAC 86.207 & 86.209 & 86.214	1,827	6,409	8,236
Consent Tow Truck Operator	16 TAC 86.207 & 86.211 & 86.214	1,716	2,399	4,115
Private Property Tow Truck Operator	16 TAC 86.207 & 86.210 & 86.214	84	183	267
Transportation Network Companies		9	0	9
Transportation Network Company	16 TAC 95.22 – 95.23	9	0	9
Used Automotive Parts Recyclers		696	2,522	3,218
Used Automotive Parts Recycler	16 TAC 87.22 – 87.23	80	622	702
Used Automotive Parts Employee	16 TAC 87.25 – 87.26	616	1,900	2,516
Vehicle Storage Facilities		959	4,994	5,953
Vehicle Storage Facilities	16 TAC 85.201 & 85.203	177	2,981	3,158

Program Name (Followed by License Types)	Qualifications/Eligibility Requirements	FY 2018 Number of Licenses Issued		
		New	Renewed	Total Issued
Vehicle Storage Facility Employee	16 TAC 85.204 & 85.206	782	2,013	2,795
Water Well Drillers and Pump Installers		278	1,934	2,212
Water Well Driller	16 TAC 76.20-76.25	63	1,647	1,710
Pump Installer	16 TAC 76.20-76.25			
Water Well Driller Apprentice	16 TAC 76.27	215	287	502
Pump Installer Apprentice	16 TAC 76.27			
Weather Modification Law		2	8	10
Weather Modification License	16 TAC 79.13-15, 79.51-52	0	7	7
Weather Modification Permit	16 TAC 79.18, 79.21, 79.53.55, 79.61-62	2	1	3
TOTAL		165,055	386,450	551,505

*Barber and Cosmetology Dual Salons and Dual Mini Salons are reported only in Cosmetology numbers in performance measures so that they are not counted twice. Both numbers are listed in this table, but they are not reported separately.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

There are many factors that determine how the Licensing Division processes each application:

1. Which licensing system is it in?
2. How was the application submitted, paper or online?
3. Is it a business license or individual license?
4. Is a DPS or fingerprint criminal history check required?
5. Does it meet statute-defined license requirements such as:
 - Pre-education,
 - Examination,
 - National certifications,
 - Work experience, or
 - Financial security or insurance?

TDLR does not use field offices to accept or process license applications or in any other part of the licensing process.

For illustrative purposes, the following charts describe how an application for a Cosmetology Operator is processed. The Cosmetology program is housed in the TULIP system.

CHART NUMBER	TITLE	DESCRIPTION
Process 1	Licensing Process Overview	Top-level view of license application detail shows the Cosmetology (COS) Operator process. Neubus (www.Neubus.com) is a vendor that scans documentation and provides images in a soft copy format.
Process 2	Licensing Support Services Mailroom Process	Mail room process flow. Detail shows TULIP process.

A Criminal History (CH) background check is required for all Cosmetology license types.

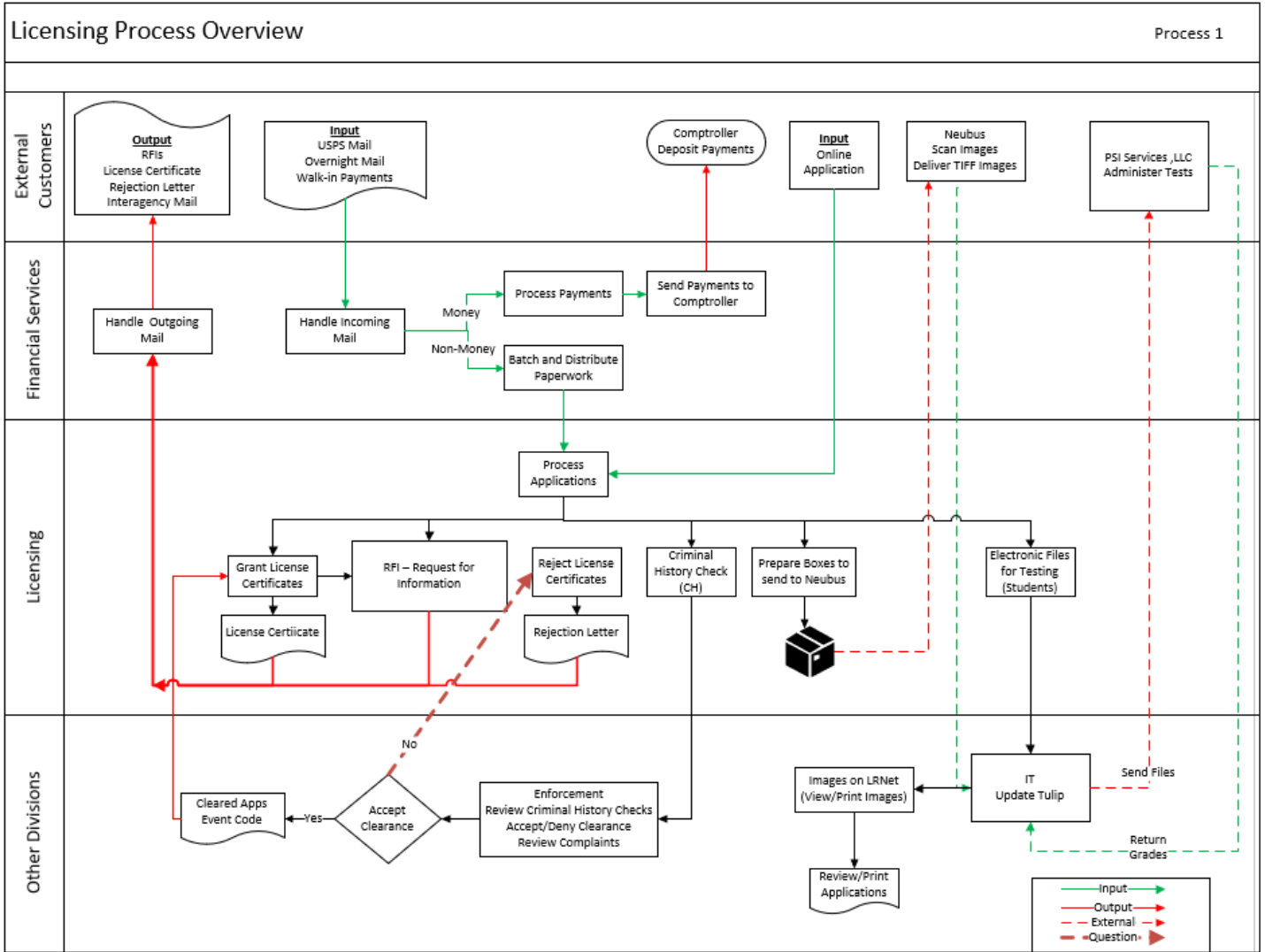
CHART NUMBER	TITLE	DESCRIPTION
Process 3	CH Background Check Process for a COS Operator Initial License Application	This process is initiated from entries made into the TULIP system and includes online and paper applications.
Process 4	CH Background Check Process for a COS Operator Renewal License Application	This process is initiated from entries made into the TULIP system and includes online and paper applications for renewals of an existing license.
Process 5	CH Questionnaire (CHQ) Process for COS Operator License Application	This process is initiated when an applicant includes a CHQ with their application.

There are two fees for an individual seeking a Cosmetology Operator License: A Student Permit Fee, and once the pre-license education is complete, an Initial License Application Fee. The Initial License Application Fee may only be paid once the TULIP system generates a payment coupon.

CHART NUMBER	TITLE	DESCRIPTION
Process 6	COS Operator Initial License Application Process	This process begins when an applicant initiates a license application. For details of the Eligibility for COS Exams Process, the reader will go to Process 10. For the non-online payments process go to Process 9.
Process 7	COS Operator Initial License Application Process – Paper	The paper application and payment process are shown here for both Student Permit and License Coupon Payment.
Process 8	Eligibility for COS Exams Process	This chart shows the requirements for the written and practical exams that an applicant must meet.
Process 9	COS Operator Renewal License Application Process	This process occurs when a licensee renews an existing license.
Process 10	TULIP Data Flows	This shows all the data interfaces for the TULIP system.

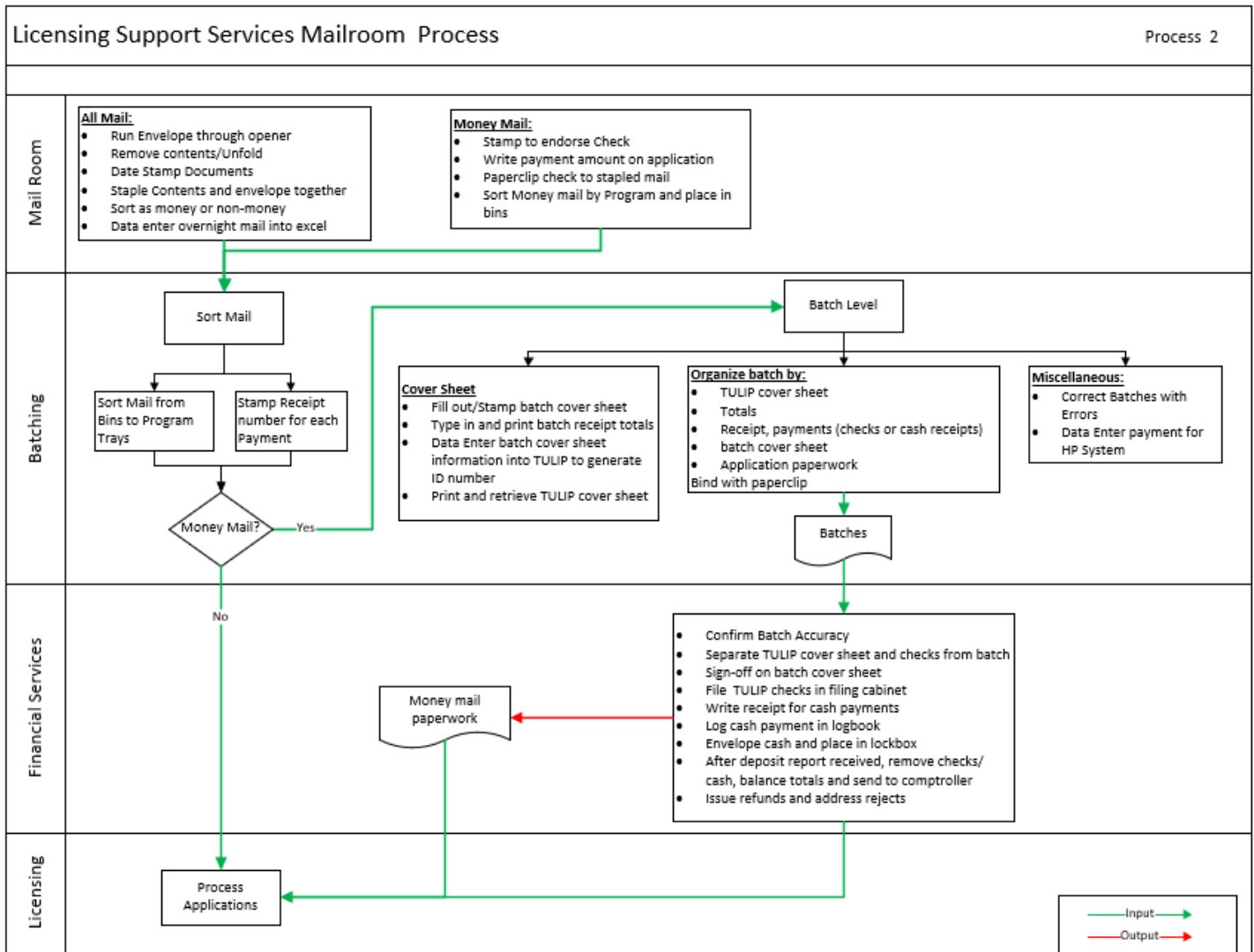
PROCESS FLOWS

Process 1



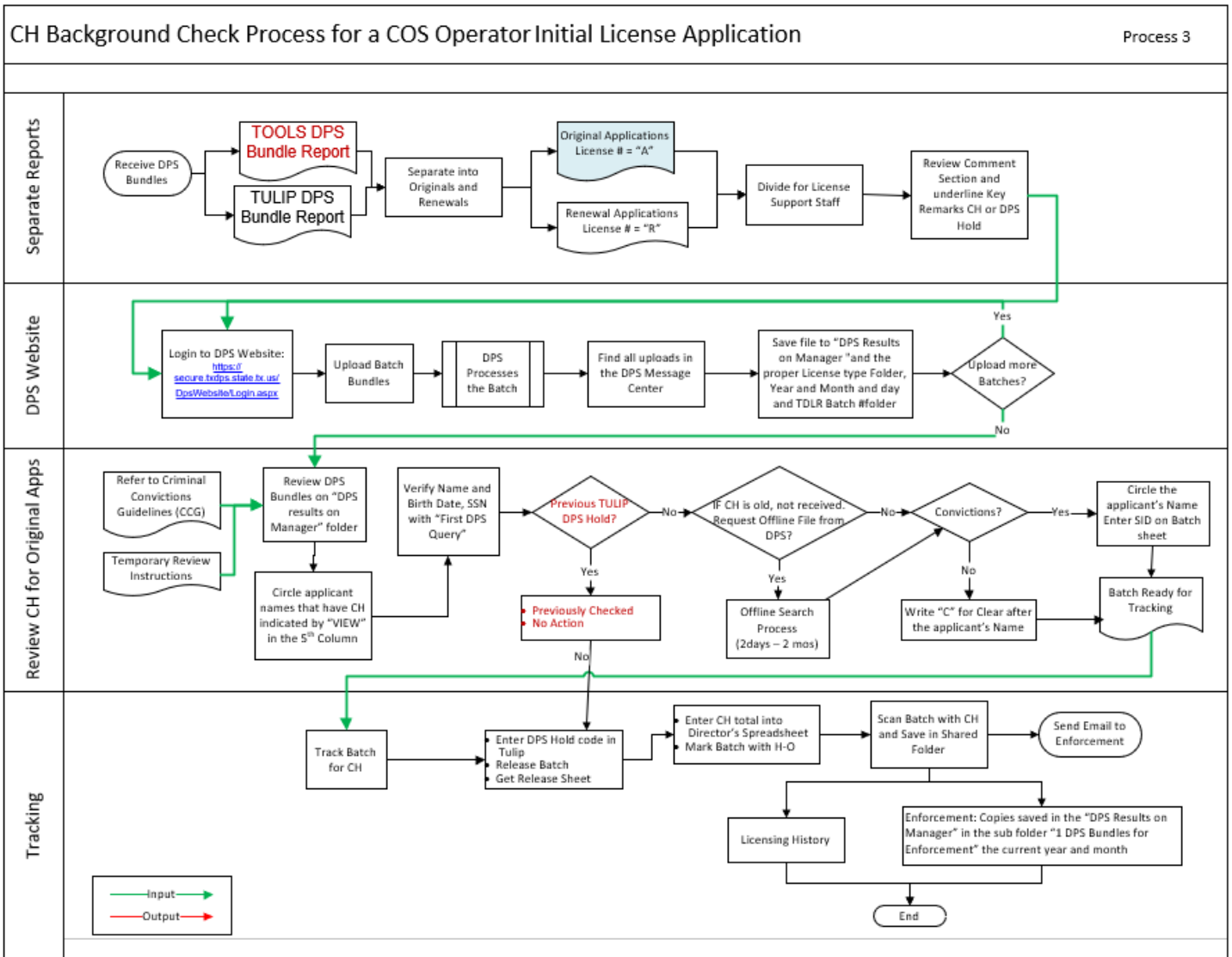
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Process 2



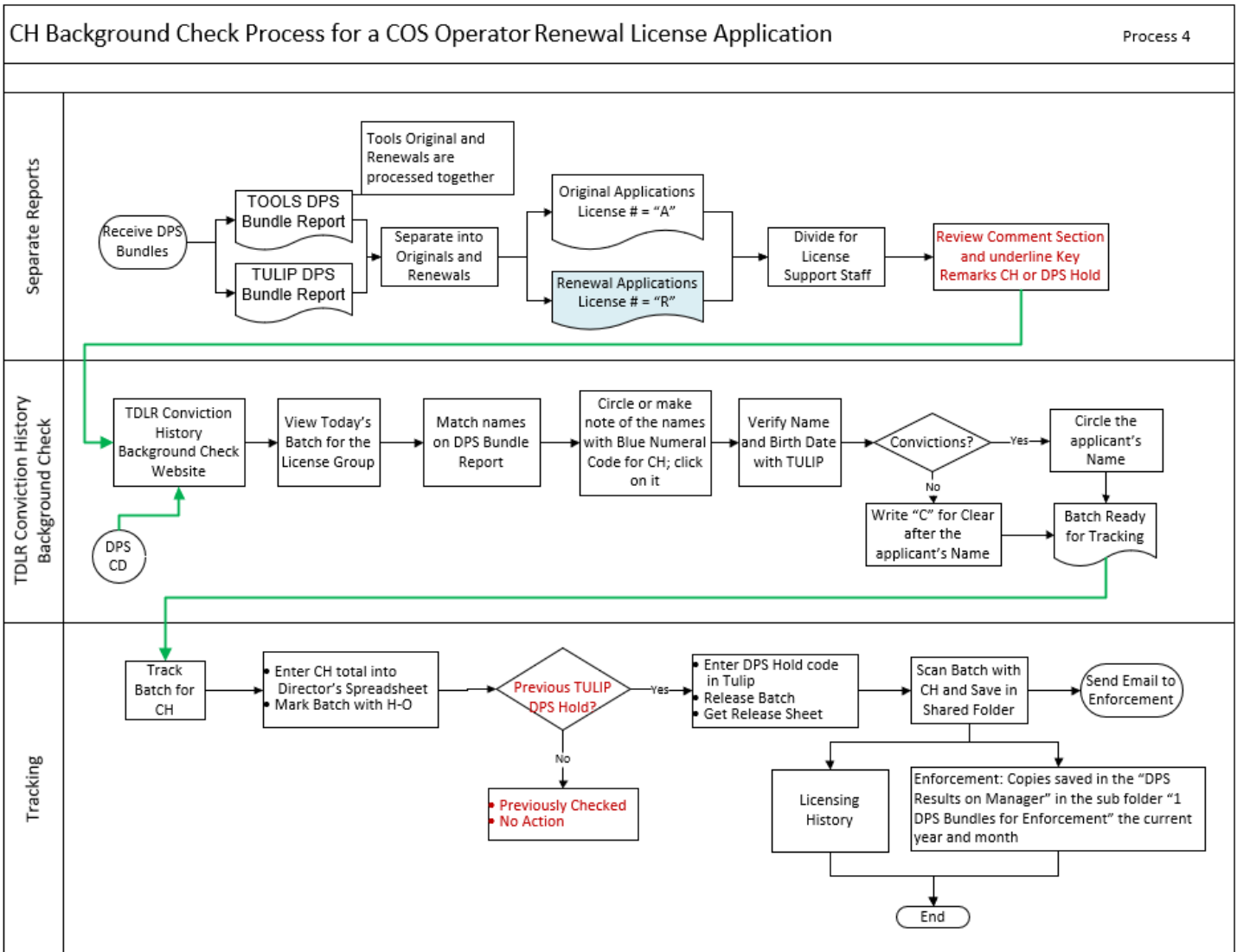
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Process 3



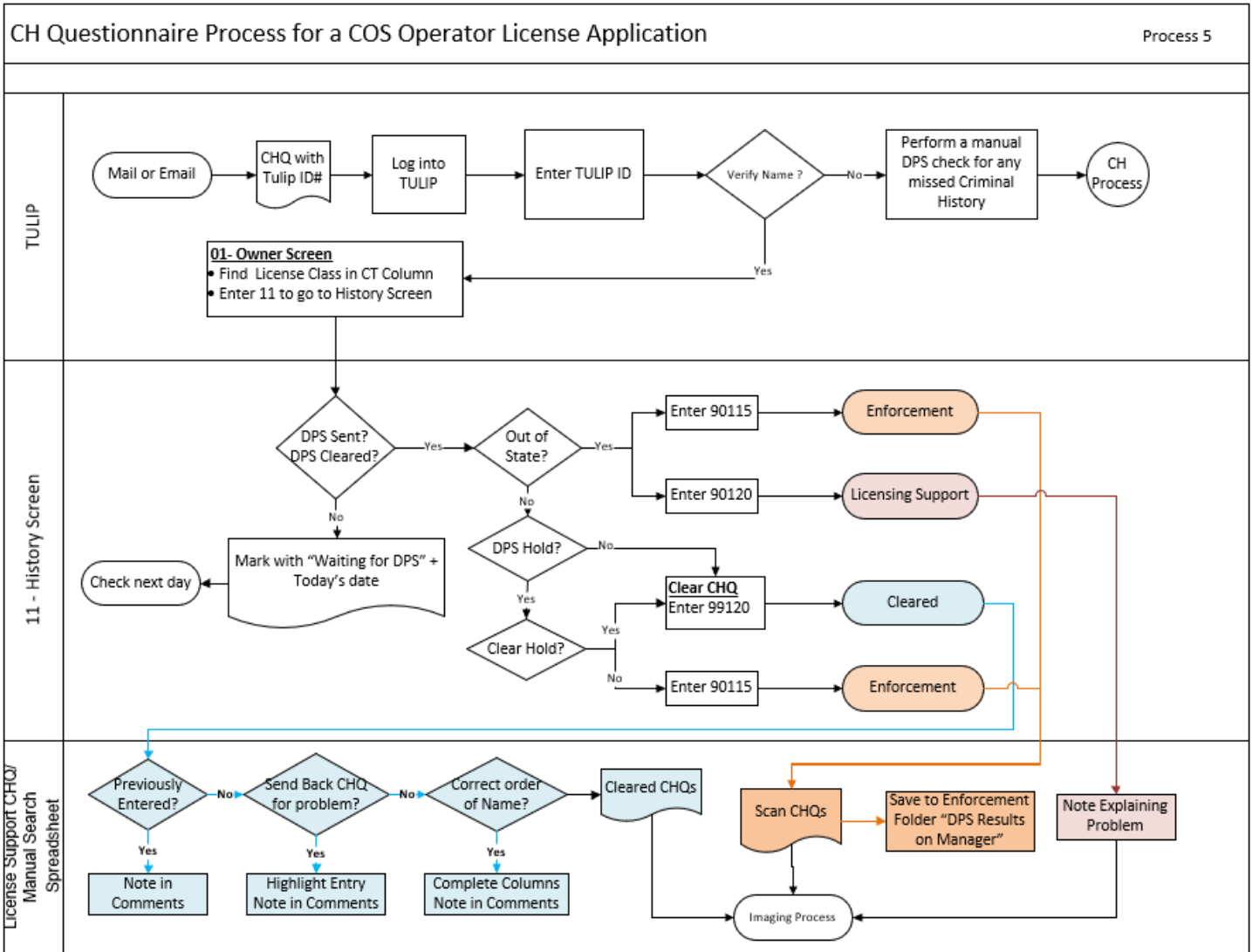
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Process 4



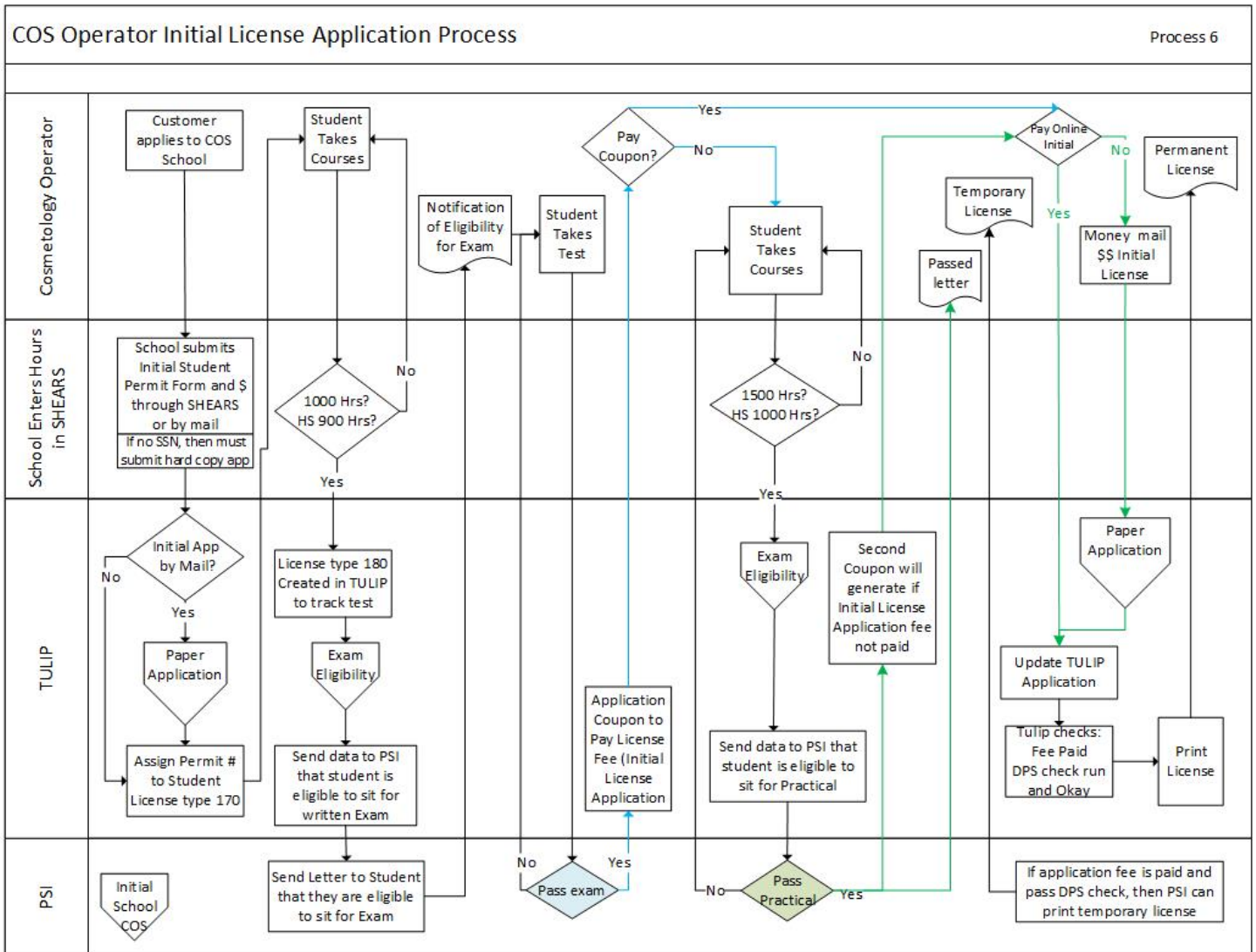
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Process 5



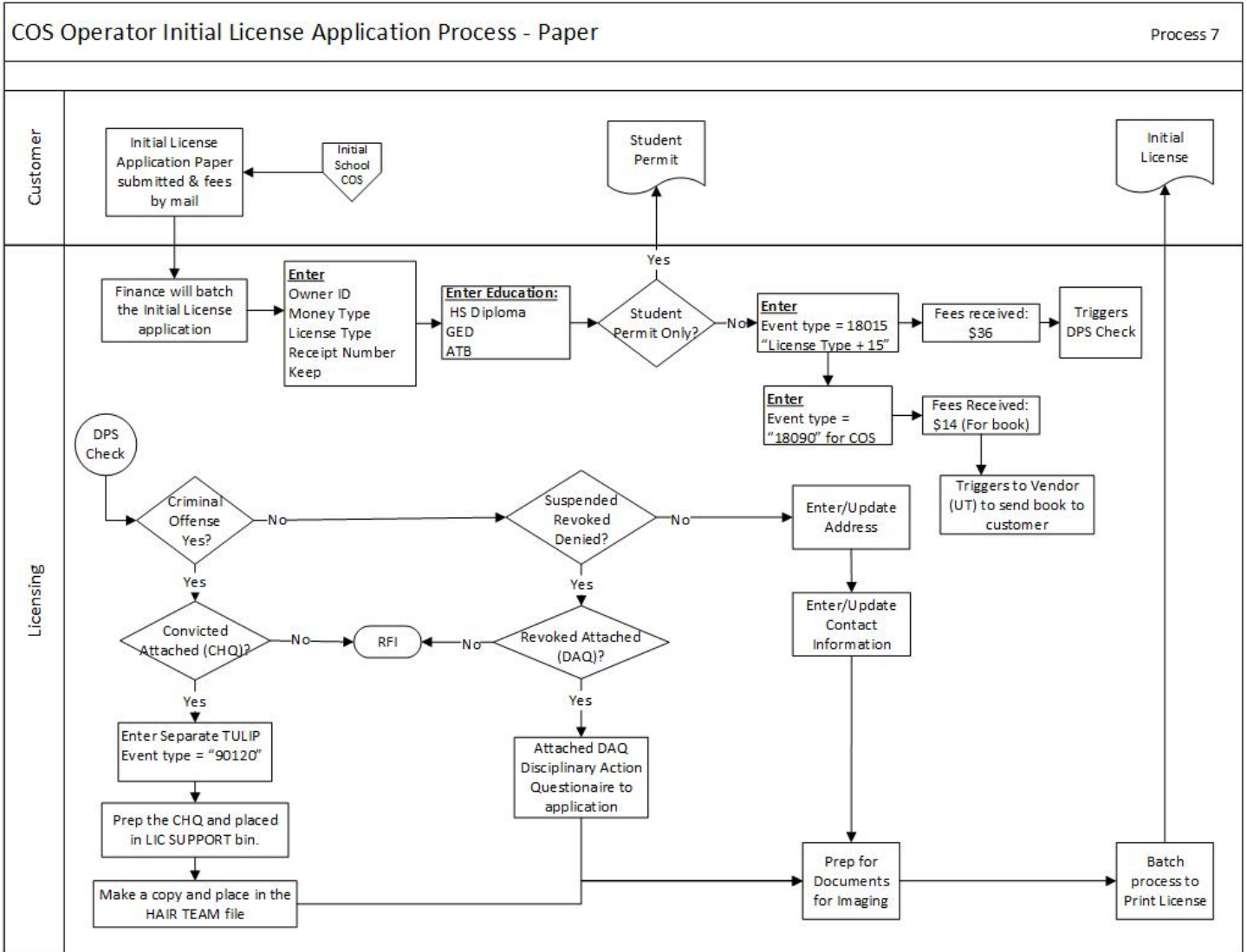
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Process 6



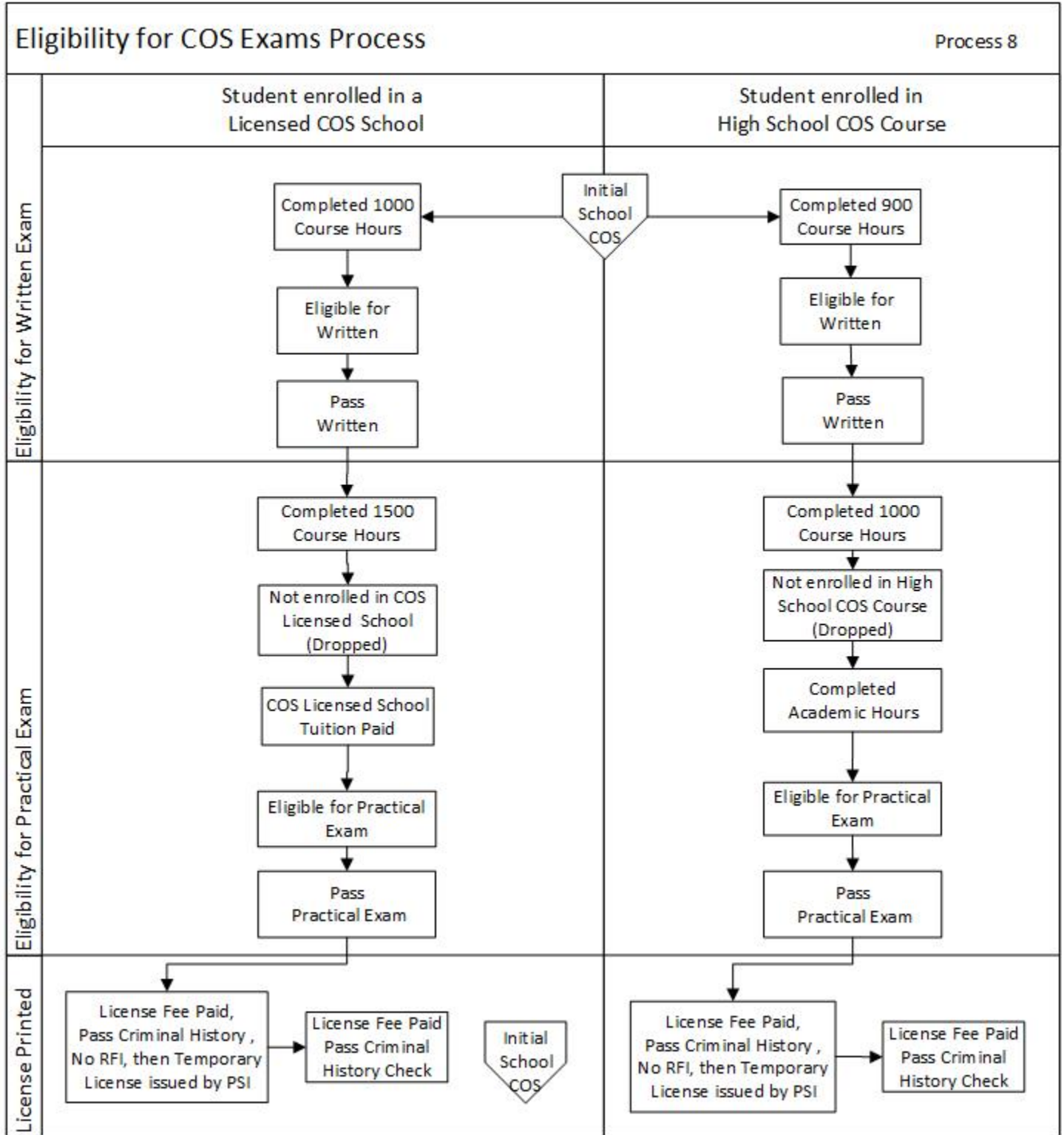
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Process 7



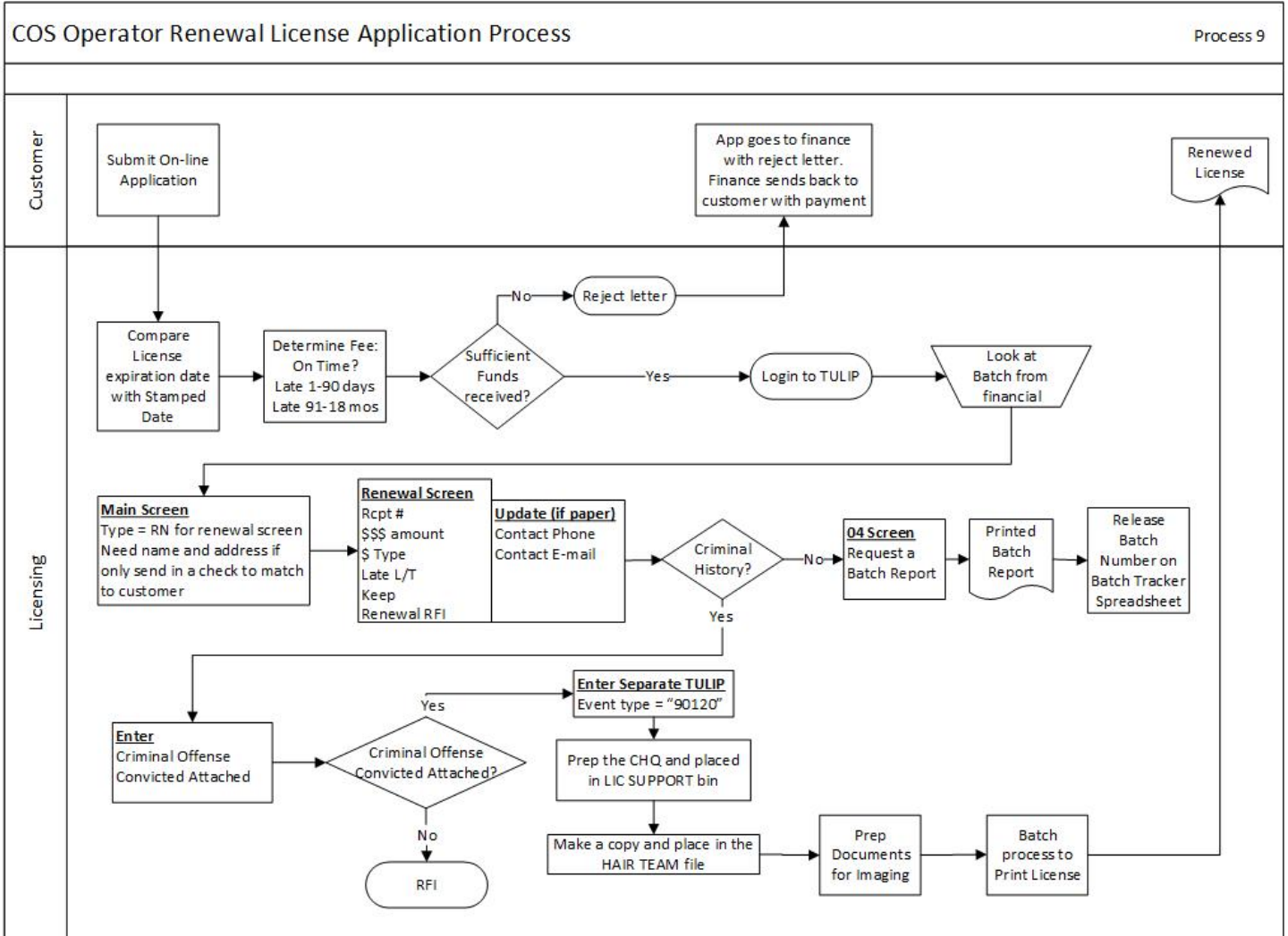
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Process 8



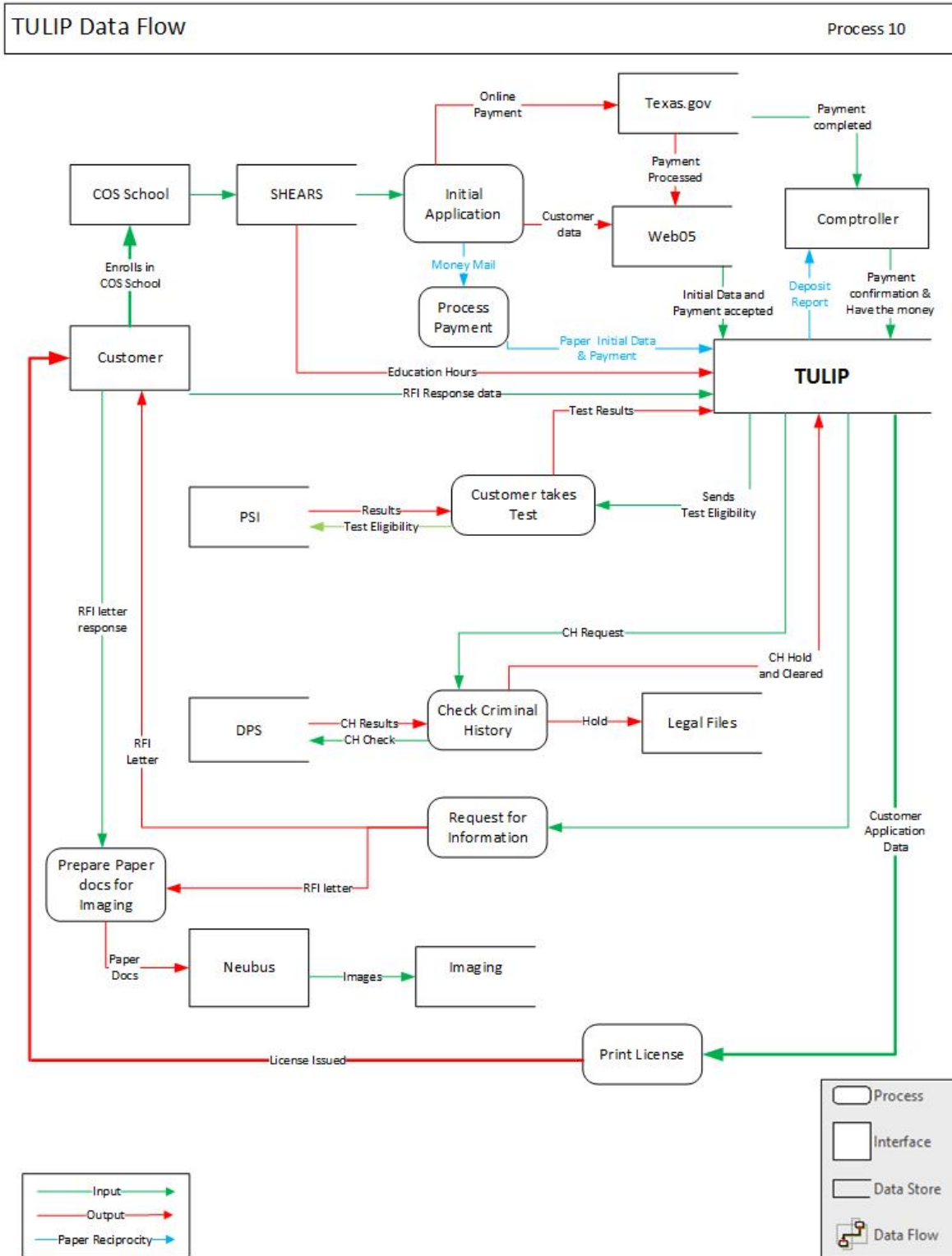
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Process 9



[Back to Process 9 Description](#)

Process 10



[Back to Process 10 Description](#)

- G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).**

The Licensing Division is funded through General Revenue, appropriated receipts, and four contingency riders in Article IX of the General Appropriations Act for Fiscal Years 2018 and 2019 also appropriate funds.

- H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.**

Municipalities issue ordinances that affect some of the industries regulated by TDLR, including electricians, air conditioning contractors, tow trucks, vehicle storage facilities, and elevators. TDLR is unique in the wide variety of programs it oversees, the number of programs and license types it administers, and in the focused use of advisory boards to serve as subject matter experts for the industry.

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

- The Licensing Division does not have any duplication or conflicts with another state agency.
- TDLR participates in a Memorandum of Understanding (MOU) with the Office of the Inspector General of the Texas Health and Human Service Commission, relating to Medicare and Medicaid fraud in some of TDLR's health-related programs. The MOU requires TDLR to confirm that a health care professional is licensed and in good standing for purposes of determining eligibility to participate in Medicaid.
- As part of the licensing process, we share data with the Texas Department of Public Safety to perform criminal history background checks and the Office of Attorney General for child support.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

We do not specifically work with any local, regional, or federal units of government. Local governments often use TDLR's website to verify licenses before a licensee can perform work in those cities or counties for which a license is required.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**
- **the amount of those expenditures in fiscal year 2018;**
- **the number of contracts accounting for those expenditures;**
- **the method used to procure contracts;**
- **top five contracts by dollar amount, including contractor and purpose;**
- **the methods used to ensure accountability for funding and performance; and**
- **a short description of any current contracting problems.**

See Section VII, Indirect Administration for information on contracted expenditures.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

The barriers and challenges that impede the Licensing Division's performance are not easily overcome because they are a natural consequence of the transfer of other agencies or programs to TDLR. The biggest challenges faced in the Licensing Division from a transfer are the addition of another licensing system and the paper files that must be converted to images.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

The sheer number of licenses issued by the Licensing Division is noteworthy and the total variety and diversity of license types is extensive. While many of our licenses are simple to process, several licensing applications require very specialized industry knowledge that can only be acquired through experience in working with each type of application.

For example, employees must know that the National Electrical Code does not cover electrical work done on boats or ships and that that experience does not count towards the experience needed to become a licensed electrician. They also must know the difference between audited financial statement and compiled financial statements and be able to explain the difference to a customer. Fortunately, the time saved on simple applications enables us to focus individualized attention on complex applications.

TDLR takes a proactive approach to licensing through substantial equivalence and reciprocity agreements. There are a few programs with specific reciprocity authority in their laws, but most of them instruct TDLR to waive education and examination requirements if an individual holds a license from a jurisdiction whose license requirements are substantially equivalent to Texas. TDLR researches the licensing requirements of our larger programs in every state to compare those licenses with similar requirements and allow us to waive education and/or examination requirements to obtain a Texas license.

- O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe**
- **why the regulation is needed;**
 - **the scope of, and procedures for, inspections or audits of regulated entities;**
 - **follow-up activities conducted when non-compliance is identified;**
 - **sanctions available to the agency to ensure compliance; and**
 - **procedures for handling consumer/public complaints against regulated entities.**

Twenty-four of TDLR’s 39 programs are subject to review during the 2020-2021 Review Cycle in preparation for the 87th Legislative Session.

Air Conditioning and Refrigeration Contractors	Industrialized Housing and Buildings Licensed Breeders
Auctioneers	Polygraph Examiners
Barbering	Professional Employer Organizations
Behavior Analysts	Property Tax Consultants
Boiler Safety	Property Tax Professionals
Combative Sports	Service Contract Providers
Cosmetologists	Tow Trucks and Operators
Driver Education and Safety	Vehicle Storage Facilities
Electricians	Transportation Network Companies
Elevators, Escalators, and Related Equipment	Used Automotive Parts Recyclers
Elimination of Architectural Barriers	Water Well Drillers and Pump Installers
	Weather Modification

Why the regulation is needed.

State licensing establishes an assurance for consumers and citizens that the service provider they choose has met minimum competency, experience, financial, and education requirements. Without the standards and safeguards offered by occupational licensing, the burden falls entirely on the consumer to investigate potential dangers and hazards.

To help establish minimum competency for applicants, the Legislature created pre-licensure education requirements for the following programs that are currently under review: Auctioneers; Barbering; Cosmetologists; Driver Education and Safety; Elimination of Architectural Barriers (Registered Accessibility Specialists); Polygraph Examiners; Property Tax Consultants; and Property Tax Professionals. TDLR approves all pre-license education providers and curricula.

To help ensure ongoing competency for licensees, the Legislature established continuing education (CE) requirements for the following programs that are currently under review: Air Conditioning and Refrigeration Contractors; Auctioneers; Cosmetologists; Driver Education and Safety; Electricians; Elevators, Escalators and Related Equipment; Polygraph Examiners; Property Tax Consultants; Property Tax Professionals; Registered Accessibility Specialists; Towing Operators; and Water Well Drillers and Pump Installers. TDLR approves all CE providers and curricula, except for Property Tax Professionals, whose content is approved by the Comptroller of Public Accounts.

Trained and licensed individuals and licensed and registered businesses, facilities, and equipment offer a variety of benefits to public health, safety, and well-being.

Air Conditioning and Refrigeration Contractors – Regulation protects the health and safety of Texans by ensuring air conditioning contractors are qualified, skilled, and adequately insured. The regulation of the installation and maintenance of air conditioning and refrigeration systems prevents carbon monoxide poisoning, mold, and fire dangers in homes and businesses. Homes are typically the greatest investment that people make, and regulation prevents death or injury by electrocution, and the insurance policies license holders are required to have offer financial protection to consumers.

Auctioneers – Auctioneers take possession of and are entrusted with money and property of clients. Texans need competent and professional auctioneers to maintain escrow accounts, make deposits in a timely manner, and file important tax documents with relevant taxing authorities. Poorly educated or unethical auctioneers can inflict severe financial harm on consumers. Regulating auctioneers prevents fraud, theft, and deceptive business practices, and ensures auctioneers meet their fiduciary responsibility to their clients. The Auctioneer Recovery Fund also provides protection and compensation for consumers who have been harmed financially by a licensee.

Barbering and Cosmetology – Regulation ensures adequate sanitation in shops and salons to protect the public health and safety. The regulation of these industries ensures healthful

practices in schools and establishments, prevents transmission of staph infections and communicable diseases, promotes safe use and storage of dangerous chemicals, bleach, and dyes, and requires education that teaches the identification of potential cancerous lesions, head lice, and other ectoparasites. Barbers and cosmetologists are also taught how to identify and report physical and sexual abuse and potential human trafficking.

Behavior Analysts – Regulation protects consumers and employers from individuals who are not adequately trained, or whose practice is not consistent with the profession’s ethical and disciplinary standards. The unregulated practice of behavior analysis could significantly harm or endanger vulnerable populations such as children with autism spectrum disorders. Without regulation, those who are harmed by unregulated practitioners would have little or no protection or legal recourse.

Boiler Safety – Regulation ensures safe installation and operation through registration and inspection of boilers and related equipment. Regulation prevents equipment failures, catastrophic explosions, fires, and loss of life and property wherever boilers are used, including places such as schools, hospitals, hotels, and office buildings.

Combative Sports – Regulation reduces the potential for life-threatening injuries and medical emergencies during an event and helps prevent health dangers for participants from weight cutting and illegal drug usage. The insurance and bonding requirements offer protection to participants, supporting personnel, and the public in the event that a promoter fails to meet financial responsibilities.

Driver Education and Safety – Regulation ensures the safety and wellbeing of not only Texas drivers, but the students taking the Driver Education and Driving Safety classes as well. Instructors undergo criminal history checks, sex offender registry checks, driver record history reviews, and must meet all lawful requirements before they can instruct classes or drive with students. Regulation ensures schools teach the most up-to-date curriculum, including any changes in education requirements mandated by legislation. Regulation ensure that Texas drivers receive training on the most current information and use legal and responsible driving practices, thus minimizing risk factors on Texas roads.

Electricians – Regulation protects Texans and their property from hazards that would arise from the improper installation and delivery of electricity. Regulation ensures electricity is safely installed and maintained by trained and licensed electricians, while also protecting their safety when working with electricity. Regulation prevents fire danger to homes and businesses, death or injury by electrocution in homes, businesses, and swimming pools, and the insurance requirements for electrical contractors offer financial protection to consumers.

Elevators, Escalators, and Related Equipment – Regulation protects persons riding or working near elevators, escalators, and related equipment from physical injury by ensuring that equipment is installed and maintained according to required safety codes and

standards. Regulation helps prevent accidents and equipment failures that could result in injury or death.

Elimination of Architectural Barriers – Regulation ensures that building and facility construction, renovation, or alterations are accessible to and usable by persons with disabilities. Regulation identifies, prevents, and remedies physical impediments and lack of accessibility by ensuring businesses and public spaces comply with the Texas Accessibility Standards. Regulation also ensures that the third-party entities who perform reviews of building plans and inspections of completed buildings have the education and training to perform the reviews and inspections in a competent and professional manner.

Industrialized Housing and Buildings – Regulation ensures that industrialized housing, buildings, and components are safe for the people who live or work in those structures. Modular construction occurs in factories throughout the United States. To ensure that houses and buildings constructed in those factories for use in Texas meet our building codes, state regulation is required. Regulation ensures that all units are inspected and compliant with the mandatory building codes and can be accepted by local officials. Regulation also prevents deceptive business practices and enforcing the required building codes ensures fire and electrical safety.

Licensed Breeders – Regulation ensures persons required to be licensed as dog or cat breeders provide adequate and humane care for the animals they breed, keep the animals properly sheltered, and provide adequate veterinary attention. Regulation prevents those who have been convicted of animal cruelty from obtaining a license and requires TDLR inspectors who witness instances of animal cruelty to report it to appropriate local law enforcement.

Polygraph Examiners – Regulation ensures polygraph examiners are trained to apply a consistent set of standards and are competent to provide their services to courts, parole officials, law enforcement agencies, and the public. The consequences of a poorly designed or administered polygraph test can be dire and may include incarceration or loss of employment for the examinee.

Professional Employer Organizations – Regulation ensures that Professional Employer Organizations (PEO)—from which Texas businesses procure services to manage human resources, meet payroll, and provide benefits and other back-office requirements—are qualified to fulfill the services requested by their clients. Regulation allows businesses to know that the PEO they hire has relevant education, managerial and business experience, has undergone a background investigation, and has demonstrated positive working capital requirements.

Property Tax Consultants – Regulation ensures that property tax consultants have the necessary education, training, and competency to properly assist and represent property

owners who are protesting their taxes. Regulation includes standards of practice, conduct, and ethics for registrants.

Property Tax Professionals – Regulation ensures that those who appraise real property and assess and collect property taxes are knowledgeable, competent, and ethical. Regulation includes registering tax appraisers, assessor-collectors, and collectors and monitoring their progress toward certification, implementing a chief appraiser training program, and establishing standards of professional practice, conduct, education, and ethics for registrants. TDLR regulation does not include county tax assessor-collectors.

Service Contract Providers – Regulation allows Texas consumers who purchase service contracts for many important high-value items such as automobiles, appliances, and consumer electronics to know that the service contract providers will be able to fulfill the requirements of the contracted services paid for by consumers. Regulation ensures that service contract providers have the required financial security to pay any and all payments required by the contracts, and that those contracts contain all required information and disclosures for potential contract holders. Regulation further serves as a deterrent to fraud and protects consumers in the event of bankruptcy or financial mismanagement.

Tow Trucks, Tow Operators, and Vehicle Storage Facilities – Regulation safeguards vehicle owners by ensuring that vehicles are properly, safely, and legally towed and stored, and that all charges are authorized by law and not in excess of fee maximums. Regulation also ensures vehicle owners are notified of the towing and storage of a vehicle as required, and that towing operators are properly trained to perform towing operations and are alcohol and drug-free.

Transportation Network Companies – Regulation ensures the safety and well-being of the Texas public by establishing regulatory requirements for criminal history checks, sex offender registry checks, and driver record history reviews. While TDLR does not directly regulate drivers, the company is required to ensure that each driver is vetted and meets all lawful requirements that help ensure each passenger who requests a ride via a transportation network company is placed with a driver who has no relevant criminal history and is deemed a safe driver according to their driving record. These regulations help provide security and peace of mind to all passengers. Additionally, regulations passed in Texas guarantee that persons with disabilities, service animals, and passengers of all races, ethnicities, and sexes are offered rides equally.

Used Automotive Parts Recyclers – Regulation curtails criminal activities associated with unlicensed and unregulated used automotive parts recyclers including auto theft, dealing in stolen and damaged auto parts, money laundering, and drug trafficking. In addition, illegitimate parts recyclers do not comply with local, state, and federal environmental laws, health and safety codes, or zoning and visual blight ordinances. Unlicensed and unregulated parts recycling operations harm the legitimate industry as well as the public.

Water Well Drillers and Pump Installers – Regulation of water well drillers and pump installers ensures those individuals meet the minimum requirements for well drilling and pump installation standards and comply with environmental laws. Overseeing the correct drilling and finishing out of wells, and the proper installation of pumps, ensures a better quality of groundwater in Texas, since an improperly drilled well could allow contamination and comingling with undesirable groundwater. Regulation also protects landowners from inferior or inoperative wells and provides a system for the detection and capping of abandoned and deteriorated wells.

Weather Modification – Regulation of individuals and organizations conducting weather modification (cloud seeding) activities ensures that operations are confined to authorized areas and in ways that will not bring material detriment to people or property in those areas and beyond. Regulation ensures that methods of rain enhancement and hail suppression are scientifically based and will not significantly dissipate clouds nor prevent their natural course of development.

The scope of, and procedures for, inspections or audits of regulated entities.

Chapter 51, Occupations Code, authorizes TDLR to conduct inspections or investigations as necessary to enforce the laws administered by the agency.

Air Conditioning and Refrigeration Contractors – Inspections and audits are not specifically authorized in this program’s statute. TDLR uses subject matter experts within the Regulatory Program Management Division to work with agency investigators in the Enforcement Division to provide direction and perform inspections related to complaints. These experts may also provide testimony relating to mechanical integrity and other technical matters. In some cases, TDLR will contract with licensed air conditioning professionals who have been approved to perform needed on-site inspections.

Auctioneers – Inspections and audits are not specifically authorized in this program’s statute, but auctions and distributions from auctions may be examined by TDLR enforcement division investigators and prosecutors. Audits and inspections or investigations can result from a complaint filed with the agency.

Barbering and Cosmetology – TDLR Field Inspections Division staff perform inspections of schools twice a year and shops and salons once every two years. Inspections are not scheduled in advance with the shop, salon, or school and the inspector is required to provide the business owner or designee with a written copy of the report.

Behavior Analysts – Inspections and audits are not specifically authorized in this program’s statute, but persons violating the Behavior Analyst Licensing Act may be investigated by TDLR enforcement division investigators and prosecutors.

Boiler Safety – Boiler inspections are scheduled on a one-, two-, or three-year inspection cycle depending on the boiler type. The boiler is inspected on a schedule that is established and implemented by an Authorized Inspection Agency or by TDLR Regulatory Program Management Division staff, without the boiler owner having to schedule the inspection.

Upon completion of a successful inspection and payment of the inspection fee and/or certificate fee, the owner of the boiler will receive a Certificate of Operation for the boiler. Other inspections will be performed when a boiler is thought to be operating in an unsafe condition regardless of payment of inspection fees by the owner.

TDLR will also perform special inspections of companies who fabricate boilers or pressure vessels in accordance with American Society of Mechanical Engineers (ASME) standards or companies who make, repair, or alter these vessels in accordance with the National Board Inspection Code (NBIC). These special inspections are conducted on the behalf of ASME and the National Board of Boiler and Pressure Vessel Inspectors (NBBI). The inspection entails a detailed review of the applicant’s written Quality Control System along with their ability to follow, fabricate, and test in accordance with the applicable codes.

Combative Sports - Combative Sports contract inspectors ensure uniform compliance with the Combative Sports Act and associated TDLR rules in 16 Texas Administrative Code, Chapter 61. To ensure the fairness of events and the safety of contestants that participate in combative sports contests and exhibitions contract inspectors perform routine inspections and monitoring services during combative sports events and related activities, including weigh-ins, drug testing, and hand wrapping.

Driver Education and Safety – The Field Inspections Division conducts an initial inspection of a driver education school before the school can begin operation and conducts annual inspections thereafter. Driving safety schools are not subject to inspections, but audits are conducted to ensure the curriculum complies with the law and rules.

Electricians – Inspections and audits are not specifically authorized in this program’s statute. TDLR uses subject matter experts within the Regulatory Program Management Division to work with agency investigators in the Enforcement Division to provide direction and perform inspections related to complaints. These experts may also provide testimony relating to mechanical integrity and other technical matters.

Elevators, Escalators, and Related Equipment – Building owners hire third-party Qualified Elevator Inspectors (QEIs) to perform annual inspections of building elevators, escalators, and related equipment. QEIs must perform inspections according to technical requirements adopted by TDLR. Inspections are required to be performed on an annual basis, and the building owner is responsible for scheduling the inspection. Additionally, TDLR staff conduct inspections and audits in connection with investigations of alleged violations and accidents.

Elimination of Architectural Barriers – Third-party Registered Accessibility Specialists perform two key functions for this program. First, prior to construction, they conduct plan reviews of registered building projects to ensure that regulated buildings have been designed in accordance with the Texas Accessibility Standards (TAS). Secondly, within one year of the completion of construction, they complete an inspection to ensure the building was constructed in compliance with TAS.

TDLR conducts audits of Registered Accessibility Specialists that involve periodic assessments of their work. Registered Accessibility Specialists are notified of any unsatisfactory performance and given an opportunity to correct or improve performance prior to any action being taken against their registration.

Industrialized Housing and Buildings – TDLR conducts inspections of manufacturing facilities and units constructed in these facilities to ensure the units are code-compliant. The manufacturer first goes through a certification inspection performed by agency staff to certify the facility. Manufacturers may not be certified if the inspection shows that the manufacturer is unable to ensure construction complies with the law, rules, and mandatory buildings codes. An inspection of unit construction methods is also performed. Any deviations are noted during the inspection and must be corrected prior to certification of the unit.

TDLR also conducts a review of unit construction documents previously approved by the Design Review Agency (DRA) during the certification inspection process, which provides TDLR with information that is used to monitor the performance of a DRA. TDLR notifies the DRA and manufacturer of any problems discovered in the approved documents and they must correct any issues prior to manufacturer certification.

TDLR conducts audits of certification labels (decals and insignia) to ensure that manufacturers are accurately reporting the disposition of the labels, i.e., that all units have been inspected in the plant, units are released only to industrialized builders or installation permit holders, and all labels are accounted for. The manufacturer reports information about each certification label that TDLR issued to them. Manufacturers are notified of any discrepancies so they can be corrected.

Licensed Breeders – Licensed breeders are inspected by TDLR’s Field Inspections Division once every 18 months to ensure compliance with state laws and rules. Breeder operations are also inspected prior to licensure to check that facilities meet all pre-licensure requirements.

Polygraph Examiners – Inspections and audits are not specifically authorized in this program’s statute, but all documents related to a polygraph test may be examined by TDLR Enforcement Division investigators and prosecutors as a result of a complaint filed with the agency.

Professional Employer Organizations – Inspections are not specifically authorized in this program’s statute, but audits of records are performed by the executive director’s designee.

Property Tax Consultants – Inspections and audits are not specifically authorized in this program’s statute, but inspections and investigations can result from a complaint filed with the agency.

Property Tax Professionals – Inspections of documents are authorized in this program as part of an investigation of a complaint.

Service Contract Providers – Inspections and audits are not specifically authorized in this program’s statute, but licensees are required to make records available for investigations.

Tow Trucks and Tow Operators – Periodic inspections are authorized for this program. To avoid duplication of effort, TDLR no longer performs towing inspections since municipalities and other local authorities perform these inspections.

Transportation Network Companies – The regulation of TNCs does not include routine inspections of TNC facilities or databases. TDLR does ensure that TNCs follow and comply with the requirements of the Accessibility Pilot Program. The Accessibility Pilot Program requires that a TNC conduct a pilot for assisting fixed-frame wheelchair patrons in one of their four largest markets in the state.

Used Automotive Parts Recyclers – Inspections are conducted by Field Inspections Division staff once every two years to ensure compliance. Inspections may be also conducted at any time during business hours at the place of business, or any place at which TDLR has reasonable cause to believe that a license holder is in violation of the law, rules, or an order of the Commission or executive director.

Vehicle Storage Facilities – Field Inspections Division staff perform required inspections to ensure proper licensing of the establishment, proper insurance coverage is in place, and that all records are maintained as required. Inspections are conducted once every two years.

Water Well Drillers and Pump Installers – Completed wells to be inspected are determined by software that generates a list of random well reports for a specified region of Texas. When TDLR’s Regulatory Program Management Division water well staff are in that region, they inspect the listed wells for compliance. The inspectors visually inspect the top of the well to make sure that there are no openings in the casing above land surface and dig a hole down the side of the well to determine if the driller properly sealed the annular space of the well. The dimensions of the surface completion are measured, as is the distance of the well to any potential source of contamination and to the property line. The inspectors will collect water samples if the well owner is complaining about poor water quality or if the driller noted on the well report that he encountered injurious water while drilling the well.

Weather Modification – Inspections and audits are not specifically authorized in this program’s statute, but data generated by cloud seeding projects is routinely examined to ensure compliance with terms of permits issued for those projects.

Follow-up activities conducted when non-compliance is identified.

Facility owners are required to make corrective modifications to address violations identified during an inspection within ten days and provide verification to TDLR. In each program for which inspections are required, TDLR has developed a list of violations that are considered egregious and a risk to health and safety. These violations are referred to the Enforcement Division for further action when identified. Those referrals then follow standard enforcement procedures for complaints.

Sanctions available to the agency to ensure compliance.

TDLR has established an enforcement plan pursuant to the Texas Occupations Code, Sec. 51.302(c). The plan describes the specific ranges of penalties and license sanctions that apply to specific alleged violations of the statutes and rules enforced by TDLR. This plan also presents the criteria that are considered by TDLR’s Enforcement staff in determining the amount of an administrative penalty or the magnitude of a sanction to be pursued.

Content of the Enforcement Plan

The enforcement plan contains a separate segment for each type of person or entity regulated by TDLR. For example, under the Elevator statute, there are three types of regulated persons/entities: building owners, elevator inspectors, and elevator contractors. Therefore, the plan contains three segments related to the Elevator statute: one for building owners, one for inspectors, and one for contractors.

Each segment of the plan contains a brief description of each individual violation that may be committed by the regulated person or entity, a citation to the statute and rule provision for each violation, and a range of penalties and/or sanctions applicable to each violation. The violations are organized into classes, typically three to five classes, which denote the relative seriousness of the offenses. A range of penalties and sanctions is presented for each class of violation. Specifically, a range is presented for the first, second, and third occurrence of each class of violation. For purposes of the plan, a previous complaint alleging a violation of the statute or rules is counted as a “violation” only if it resulted in a formal disciplinary action by TDLR (Agreed Order, Final Order, or Reprimand).

The administrative penalty amounts presented for each class of violation will be pursued on a “per violation” basis. In other words, if a respondent commits three violations of the same class, the respondent will be subject to a maximum penalty of three times the highest dollar amount specified in the range.

Where both a penalty and a sanction are provided, a connector of “and/or” indicates that TDLR has discretion to pursue only a penalty, only a sanction, or both a penalty and a sanction. A connector of “plus” indicates that TDLR is expected to pursue both a penalty and a sanction.

Where the sanction of “revocation” is provided, TDLR will read this to also authorize denial of an original license application or renewal application, to the extent denial authority exists in the law.

Statutes and Rules Referenced in the Enforcement Plan

The enforcement plan conforms with statutes and rules currently in effect on the date the plan was published. The plan is revised to reflect changes in statutes and rules. Most of the violations referenced in the plan will arise from the statute and rules specific to that program. The plan also contains some references to violations arising under TDLR’s enabling statute, Chapter 51 of the Occupations Code, and the rules attendant to that statute, Title 16 Texas Administrative Code, Chapter 60.

While the plan is intended to present a fairly comprehensive list of the violations that may be committed under the current statutes and rules, the plan does not in any way restrict or limit TDLR’s authority to pursue violations that may have been omitted from the plan.

Applicability of the Enforcement Plan

The enforcement plan establishes a structure within which TDLR’s prosecuting attorneys will make decisions about the relief to be sought in their cases. The plan is not binding upon the Commission and Executive Director when acting as the final decision-makers in contested cases. The Commission and Executive Director are bound only by the limits of the law, specifically, Chapter 51 of the Texas Occupations Code and the individual program statutes administered by TDLR.

TDLR’s prosecuting attorneys are generally expected to seek penalties and sanctions that are within the ranges presented in this plan. Pursuit of a penalty or sanction outside the stated range is permitted only with the express approval of TDLR’s Director of Enforcement, when exceptional circumstances warrant a departure from the plan.

The specific ranges of penalties and license sanctions for each type of person or entity are available on TDLR’s website at <https://www.tdlr.texas.gov/enforcement.htm>.

Procedures for handling consumer/public complaints against regulated entities.

See Section VII, Enforcement for procedures for handling consumer and public complaints against regulated entities.

- P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.**

See Section VII, Enforcement for complaint investigation and resolution information, including:

- a summary overview for total complaints against regulated persons and entities regulated by TDLR; and
- specific information for each regulatory program currently under review.

VII. Guide to Agency Programs – Regulatory Program Management

A. Provide the following information at the beginning of each program description.

Name of Program or Function: *Regulatory Program Management Division*

Location/Division: *1106 Clayton Lane, Suite 325E, Austin, Texas, 78723*

Contact Name: *David Gonzales, Director of Regulatory Program Management*

Statutory Citation for Program: *Occupations Code, Chapter 1302 (Air Conditioning and Refrigeration Contractors); Occupations Code, Chapter 1802 (Auctioneers); Occupations Code, Chapters 1601 and 1603 (Barbering); Occupations Code, Chapter 506 (Behavior Analysts); Health and Safety Code, Chapter 755 (Boiler Safety); Occupations Code, Chapter 2052 (Combative Sports); Occupations Code, Chapters 1602 and 1603 (Cosmetologists); Occupations Code, Chapter 1305 (Electricians); Health and Safety Code, Chapter 754 (Elevators, Escalators, and Related Equipment); Government Code, Chapter 469 (Elimination of Architectural Barriers); Occupations Code, Chapter 1202 (Industrialized Housing and Buildings); Occupations Code, Chapter 802 (Licensed Breeders); Occupations Code, Chapter 1703 (Polygraph Examiners); Labor Code, Chapter 91 (Professional Employer Organizations); Occupations Code, Chapter 1152 (Property Tax Consultants); Occupations Code, Chapter 1151 (Property Tax Professionals); Occupations Code, Chapter 1304 (Service Contract Providers); Occupations Code, Chapter 2308 (Tow Trucks and Tow Operators); Occupations Code, Chapter 2303 (Vehicle Storage Facilities); Occupations Code, Chapter 2309 (Used Automotive Parts Recyclers); and Occupations Code, Chapters 1901 and 1902 (Water Well Drillers and Pump Installers).*

B. What is the objective of this program or function? Describe the major activities performed under this program.

The objective of the Regulatory Program Management Division (RPM) is to assist the regulated community in achieving compliance with applicable laws, rules, codes, and standards for the benefit of consumers and the public. RPM staff consists primarily of TDLR's technical and industry experts for our programs. Their skills and experience are critical to the agency's role in safeguarding the public and assuring that Texans are served by qualified professionals.

Major activities include:

- providing subject matter expertise and a single point of contact for TDLR programs;
- monitoring program activities and responding to technical and procedural questions from licensees, stakeholders, the public, and TDLR staff;
- determining code compliance for buildings and equipment through plan reviews and inspections;

- assisting the Enforcement Division, Licensing Division, and Office of General Counsel with complex reviews, research, consultations, investigations, and inspections;
- conducting inspections that require specialized knowledge due to complex health and safety concerns;
- providing code and rule interpretations and preparing and disseminating technical memoranda;
- considering and evaluating waivers and variances, and enforcing code requirements;
- providing expert testimony and advising and assisting the general counsel with rule drafting;
- providing subject matter expertise to the Education and Examination Division for the development of licensing exams;
- managing and conducting industry studies and research, comparisons of license requirements in other jurisdictions, and technical requirements in various programs;
- providing information through participation in industry and association conferences, and participating in speaking engagements, forums and training for stakeholders;
- maintaining dedicated resources for year-round emergency and disaster response planning; and
- answering questions from building professionals about regulations relating to:
 - accessibility to buildings and facilities for persons with disabilities;
 - proper installation of electrical wiring and air conditioning systems; and
 - safe installation and operation of boilers, elevators, escalators, and industrialized housing and buildings.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

Texas Department of Licensing and Regulation
Exhibit 12: Program Statistics and Performance Measures – Fiscal Year 2018

Program Statistics or Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Output Measure: Number of Inspections Completed	105	Total number of inspections from all sources.	125,355	143,276	114.30%
Outcome Measure: Inspection Coverage Rate	105/106	The numerator for this measure is the total number of inspections completed during the reporting period. The denominator is the total number of inspections completed during the reporting period, plus inspections still due at the end of the reporting period. The result is multiplied by 100 to achieve a percentage.	86.00%	88.61%	103.03%
Total Number of Architectural Barrier Inspections Completed by Agency and Third-Party Inspectors	107	Total number of Architectural Barriers inspections completed during the reporting period.	18,149	18,575	102.35%
Number of Plan Reviews Completed (Output Measure)	108	Total the number of plan reviews from the reports for the current reporting period.	22,065	25,618	116.10%

Table 12 Exhibit 12 Program Statistics and Performance Measures – Fiscal Year 2018

The data in Exhibit 12 reflects the combined activities of the Field Inspections, Regulatory Program Management, and third-party inspectors.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

In July 2013, key inspection responsibilities were transferred from the Compliance Division – now known as Regulatory Program Management – to the newly created Field Inspections Division to emphasize the importance of ensuring that regulated industries operate in a safe and ethical manner.

In March 2018, TDLR undertook an organizational calibration to meet the increased responsibilities resulting from new and transferred programs added in Fiscal Years 2016 to 2018. Part of this restructuring involved streamlining the functions of the Compliance Division into the new Regulatory Program Management (RPM) Division.

This process was also set in motion due to tragedy, following the sudden death of Compliance Division director, George Ferrie, in the fall of 2017. George had served as division director since 1999. Out of this grief grew a renewed sense of purpose for the division to shed those responsibilities not relevant to its mission and to focus on the division's strengths – program expertise, stakeholder outreach, consultation, and cross-functional coordination.

David Gonzales was selected as the new division director in April 2018 to lead the RPM division into this new era. He brings 23 years of TDLR experience and knowledge to the position.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

See response in Section VII, Licensing, Question E and Section VII, Education and Examination, Question E for licensing qualifications.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

RPM is organized into four Regulatory Program Sections, with critical input and assistance provided by our Support and Training Group and our Strategic Response Coordinator:

- Business and Professionals Section
- Building and Mechanical Section
- Business and Consumer Safety Section
- Medical and Health Professions Section

RPM provides management and oversight for the following programs:

- **Business and Professionals Section:** Barbering; Cosmetology; Boiler Safety (including agency and third-party inspections, field investigations, and accident response and investigation); Combative Sports (including event inspection and oversight by agency and contract inspectors); and Massage Therapy.
- **Building and Mechanical Section:** Air Conditioning and Refrigeration Contractors (including field investigations); Code Enforcement Officers; Electricians (including field investigations); Elevators, Escalators & Related Equipment (including performing plan reviews, oversight of third-party inspections, field investigations, and accident response and investigation); Industrialized Housing and Buildings (including TDLR and third-party plan reviews and inspections, oversight of those entities, and field investigations); and Mold Assessors and Remediators (TDLR contracts with the Department of State Health Services Consumer Protection Division, Surveillance Section to perform inspections).
- **Business and Consumer Safety Section:** Architectural Barriers (including oversight of third-party plan reviews and inspections); Auctioneers; For-Profit Legal Service Contract Providers (deregulation effective September 1, 2019); Licensed Breeders; Polygraph Examiners; Professional Employer Organizations; Property Tax Consultants; Property Tax Professionals; Service Contract Providers; Tow Trucks, Tow Operators, and Vehicle Storage Facilities; Used Automotive Parts Recyclers; and Water Well Drillers and Pump Installers (including TDLR compliance inspections).
- **Medical and Health Professions Section:** Athletic Trainers; Behavior Analysts; Dietitians; Dyslexia Therapists; Hearing Instrument Fitters and Dispensers; Laser Hair Removal; Midwifery; Orthotics and Prosthetics; Podiatry; and Speech Pathologists and Audiologists.
- **Support and Training Group:** Two executive assistants provide support to four RPM Section Managers, overseeing high-level administrative operations and other support services for division programs. Seven key program staff provide consultative, technical, and administrative services to division and agency staff.
- **Strategic Response Coordinator:** Serves as agency liaison and performs advanced consultative and technical work in the planning, development, and implementation of policies, procedures, standards and techniques to address human trafficking prevention and program-related incidents, including preparation for and response to critical disasters and emergency events affecting TDLR programs and operations. Oversees coordination and communicates with TDLR employees to ensure consistent implementation of department protocols during critical response actions such as law enforcement referrals, department emergency/disaster response, and school closure damage control.

RPM staff:

- Conduct inspections of equipment, events, facilities, and wells for the Boiler, Combative Sports, Industrialized Housing and Buildings (IHB), and Water Well Drillers and Pump Installers programs;

- Facilitate and oversee third-party inspections for the Elimination of Architectural Barriers (EAB), Boiler, Elevator, and IHB programs. Staff also coordinate third-party contract inspectors in the oversight of Combative Sports events;
- Conduct joint reviews of facilities that manufacture and/or repair boilers on behalf of the National Board of Boiler and Pressure Vessel Inspectors and the American Society of Mechanical Engineers;
- Review building, facility, and equipment plans for compliance with IHB building and safety codes and elevator and escalator safety codes;
- Oversee third-party plan reviews for the EAB and IHB programs;
- Provide dedicated subject-matter experts, industry expertise, and technical support for many of TDLR's programs;
- Assist in development and interpretation of administrative rules and procedures for programs;
- Review, propose, administer, and interpret technical standards for the Air Conditioning and Refrigeration Contractors, Boiler, Electricians, Elevator, and IHB programs;
- Develop, propose, administer, and interpret technical standards for the EAB, Licensed Breeders, Vehicle Towing, Vehicle Storage Facilities, and Water Well Driller/Pump Installer (WWD) programs;
- Create newsletters for the medical and health professions programs, provide educational presentations and seminars, and represent TDLR and our programs at industry and association trade shows and conventions to provide information to licensees, consumers, and municipal officials;
- Process and make determinations on requests for variances, waivers or delays for the EAB, Boiler, Elevator, and WWD Programs;
- Provide expert investigative and field support for enforcement activities for the EAB, ACR, Boiler, Electricians, Elevator, IHB, WWD, and other programs;
- Facilitate advisory board workgroup meetings for discussion of law and rule interpretations, standards of care, and other industry concerns; and
- Provide and coordinate strategic disaster response and manage anti-human trafficking initiatives.
- Review of financial statements, surety bonds, and insurance requirements for Combative Sports, Professional Employer Organizations, and Service Contract Providers.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The Regulatory Program Management Division is funded through General Revenue, appropriated receipts, and general revenue dedicated accounts. All appropriations are fee revenue; four contingency riders in Article IX of the General Appropriations Act for Fiscal Years 2018 and 2019 also appropriate funds.

- H. **Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.**

Elevators, Escalators, and Related Equipment Program: Chapter 754, Health and Safety Code, exempts from TDLR oversight any municipality that has an elevator regulatory program at least as stringent as the state's program. Currently, only the City of Houston has such an equivalent program. The City of Houston has administered an elevator program since the late 1960s. Houston and TDLR have maintained an excellent working relationship. In the past, Houston's City Mechanical Inspector served on TDLR's Elevator Advisory Board. RPM also works with fire marshals, contractors, electricians, and sprinkler installers to ensure compliance with the elevator code.

- I. **Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

Water Well Drillers and Pump Installers Program: Pursuant to Senate Bill 279 (78th Legislature, 2003) and signed in 2005, the Texas Department of Licensing and Regulation (TDLR) and the Texas Commission on Environmental Quality (TCEQ) entered into a Memorandum of Understanding (MOU) to coordinate the efforts of TDLR, the field offices of TCEQ, and groundwater conservation districts (GCDs), relating to investigative procedures for referrals of complaints regarding abandoned and/or deteriorated wells.

- J. **If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.**

To ensure electrical safety in Texas, the electrical program cultivates relationships with local municipalities, state and national organizations, and certifying agencies; and assists all entities as requested. Through outreach efforts, RPM staff develop relationships with appropriate units of government to ensure coordination.

RPM Electricians Program staff:

- coordinate with local building officials to ensure building official participation in exam development;
- participate in post-disaster assessments to determine whether property is safe for habitation; and
- attend regional chapter meetings of the Independent Electrical Contractor Association.

RPM Water Well Drillers and Pump Installers Program staff:

- coordinate with Groundwater Conservation Districts to help identify abandoned wells; and

- work with county health departments to ensure that septic systems and wells are in compliance with setback requirements.

RPM Elimination of Architectural Barriers Program staff:

- coordinate with the United States Architectural and Transportation Barriers Compliance Board and the United States Department of Justice to obtain clarification regarding Americans with Disabilities Act requirements, which may be similar to Texas Accessibility Standards.

TDLR works closely with the following agencies to streamline the review and inspection processes and facilitate compliance with the Standards through Interagency Agreements and Memoranda of Understanding:

- **Texas Historical Commission:** Through a Memorandum of Understanding, TDLR facilitates the use of the minimum requirements for historic buildings and designates a single point of contact to aid design professionals and county officials who participate in the Texas Historic Courthouse Preservation Program.
- **Governor’s Committee on People with Disabilities:** RPM staff serve as advisory members and submit quarterly reports to the committee on agency activities.

As required by Chapter 469, Government Code, TDLR reports to the Texas Board of Architectural Examiners, the Texas Board of Professional Engineers, or another appropriate licensing authority, design professionals who fail to submit construction documents.

TDLR makes available easily accessible information to local government officials and permitting authorities regarding the statutory requirement relating to verifying project registration.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**
- **the amount of those expenditures in fiscal year 2018;**
- **the number of contracts accounting for those expenditures;**
- **the method used to procure contracts;**
- **top five contracts by dollar amount, including contractor and purpose;**
- **the methods used to ensure accountability for funding and performance; and**
- **a short description of any current contracting problems.**

See Section VII, Indirect Administration for information on contracted expenditures.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

See Section IX, Major Issues.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

N/A

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

See Section VII, Licensing for information on each regulatory program currently under review.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

See Section VII, Enforcement for complaint investigation and resolution information, including:

- a summary overview for total complaints against regulated persons and entities regulated by TDLR; and
- specific information for each regulatory program currently under review.

VIII. Statutory Authority and Recent Legislation

- A. Fill in the following charts, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact your agency. Do not include general state statutes that apply to all agencies, such as the Public Information Act, the Open Meetings Act, or the Administrative Procedure Act. Provide information on Attorney General opinions from FY 2013–2018, or earlier significant Attorney General opinions, that affect your agency’s operations.

**Texas Department of Licensing and Regulation
Exhibit 14: Statutes / Attorney General Opinions**

Statutes

Citation / Title	Authority / Impact on Agency
Occupations Code, Chapter 51	Enabling statute for the Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation
Programs Currently Under Review	
Occupations Code, Chapter 1302	Air Conditioning and Refrigeration Contractors
Occupations Code, Chapter 1802	Auctioneers
Occupations Code, Chapters 1601 and 1603	Barbering
Occupations Code, Chapter 506	Behavior Analysts
Health and Safety Code, Chapter 755	Boiler Safety
Occupations Code, Chapter 2052	Combative Sports
Occupations Code, Chapters 1602 and 1603	Cosmetologists
Education Code, Chapter 1001	Driver Education and Safety
Education Code, Section 29.902	Driver Education and Safety
Education Code, Section 51.308	Driver Education and Safety
Occupations Code, Chapter 1305	Electricians
Health and Safety Code, Chapter 754	Elevators, Escalators, and Related Equipment
Government Code, Chapter 469	Elimination of Architectural Barriers
Occupations Code, Chapter 1202	Industrialized Housing and Buildings
Occupations Code, Chapter 802	Licensed Breeders
Occupations Code, Chapter 1703	Polygraph Examiners
Labor Code, Chapter 91	Professional Employer Organizations
Occupations Code, Chapter 1152	Property Tax Consultants
Occupations Code, Chapter 1151	Property Tax Professionals
Occupations Code, Chapter 1304	Service Contract Providers
Occupations Code, Chapter 2308	Tow Trucks and Tow Operators
Occupations Code, Chapter 2303	Vehicle Storage Facilities
Occupations Code, Chapter 2402	Transportation Network Companies
Occupations Code, Chapter 2309	Used Automotive Parts Recyclers
Occupations Code, Chapters 1901 and 1902	Water Well Drillers and Pump Installers
Agriculture Code, Chapters 301 and 302	Weather Modification

Table 14 Exhibit 14 Statutes

Attorney General Opinions

Opinion #	Summary of AG Opinion
<u>KP-0080</u>	Unilateral, voluntary surrender of license - A court would likely determine that the Texas Board of Professional Geoscientists has implied authority under Occupations Code chapter 1002 or any other law to accept the unilateral, voluntary surrender of a license
<u>KP-0115</u>	Deference to agency interpretation, Texas courts defer only when the agency adopts the construction as a formal rule or opinion after formal procedures and only upon finding an ambiguity exists in the statute and that the construction is reasonable and consistent with the plain language
<u>GA-0064</u>	Circumstances in which a licensing agency must revoke professional license upon licensee's felony conviction
<u>GA-0092</u>	Claims for unused tuition against barber school tuition protection account not limited by source of tuition
<u>GA-0292</u>	Texas Electrical Safety and Licensing Act, Section 1305.003(14) employs terms that are ambiguous and vague and therefore it is impossible to apply
<u>GA-0432</u>	Owner or manager of barber or cosmetology shop or school must provide for sterilization of instruments by means of an autoclave
<u>GA-0519</u>	The Public Information Act provides for the confidentiality of social security numbers of living persons, exempts such SSNs from disclosure requirements under the Act, and authorizes a clerk to redact such numbers from public information to be disclosed under the Act without seeking an attorney general decision.
<u>GA-0825</u>	Residential appliance installer, authority to work on pools
<u>GA-0921</u>	Absent statutory definitions of appropriate terms or other meaningful guidance from the Legislature or Texas courts on the meaning of the phrase "retail hearing instrument company," in section 402.053(d) of the Occupations Code, we cannot definitively determine the scope of that phrase
<u>JC-0090</u>	Rule requiring water well to be located minimum distance from property line within scope of Department's rule-making authority
<u>JC-0189</u>	State agency's authority to create advisory committee may be express or implied (Modifies Tex. Att'y Gen. LO-98-009 to the extent of conflict)
<u>JC-0201</u>	Department may not by rule require HIV testing for professional boxers
<u>JC-0204</u>	Search without a warrant of polygraph examiner's commercial premises by Polygraph Examiners Board is unconstitutional where inspection is not in response to formal complaint
<u>JC-0251</u>	Law assigning half of parking spaces for vehicles used by disabled persons for the exclusive use of vehicles used by persons with permanent mobility disabilities and remaining spaces to vehicles used by persons with any disability does not require two disabled parking spaces and does not conflict with ADA or TDLR guidelines
<u>JC-0274</u>	Inspections, Texas State Board of Podiatric Medical Examiners not authorized to conduct warrantless, on-site compliance inspections
<u>JC-0303</u>	A manufacturer, retailer, rebuilder, or installer of manufactured homes need not be licensed or registered in order to purchase refrigerants under the Air Conditioning and Refrigeration Contractor License Law
<u>JC-0322</u>	Persons offering service contracts governed by article 9034, Revised Civil Statutes, must be registered with the Texas Department of Licensing and Regulation
<u>JC-0510</u>	Elevators, escalators, and related equipment, Department may not adopt revisions of American Society of Mechanical Engineers (ASME) codes adopted subsequent to 1995 amendments to section 754.014 of Health and Safety Code
<u>DM-0110</u>	Cable television company charging pay-per-view fee for live simulcast of boxing match is not boxing promoter; gross receipts tax on admission fees to view

Opinion #	Summary of AG Opinion
	boxing match does not apply to pay-per-view fees charged by cable television company to subscribers for live simulcast
DM-0286	Licensing agencies' authority to refuse to renew license by reason of licensee's failure to disclose social security number
JM-1168	Person may not operate unregistered tow truck for compensation
LO90-026	Inmate who performs barbering during period of incarceration is exempt from barber licensing requirements
LO90-046	Department of Licensing and Regulation has duty to enforce Boxing and Wrestling Act
LO90-087	Cosmetologist who rents a booth in a licensed shop as an independent contractor
LO92-064	Business that styles hair, applies makeup, and takes portrait for a single fee is subject to Commission's licensing authority
LO92-069	Disposition of interest on auctioneer education and recovery fund
LO94-096	Elevator, escalator, and related equipment in commercial establishment, Department may adopt standards regulating (Modified by Tex. Att'y Gen. LO-96-045)
LO96-040	Department has authority to regulate martial arts events in which contestants exchange blows with hands, arms, feet, or legs
LO96-045	Department's authority to regulate elevators in industrial facilities, private homes, and residential facilities inhabited by members of religious orders
LO96-050	Rule-making duties of advisory committee and relationship to state board
LO96-143	Commissioner authorized to assess administrative penalties for violation of Staff Leasing Services Act
LO98-009	Advisory committee may not be set up by Department of Licensing and Regulation without statutory authority (Modified by Tex. Att'y Gen. Op. No. JC-0189 (2000))

Table 15 Exhibit 14 Attorney General Opinions

- B. Provide a summary of significant legislation regarding your agency by filling in the charts below or attaching information already available in an agency-developed format. Briefly summarize the key provisions. For bills that did not pass but were significant, briefly explain the key provisions and issues that resulted in failure of the bill to pass (e.g., opposition to a new fee, or high cost of implementation). Place an asterisk next to bills that could have a major impact on the agency.**

**Texas Department of Licensing and Regulation
Exhibit 15: 86th Legislative Session**

Legislation Enacted

Bill Number	Author	Summary of Key Provisions
HB 105	Minjarez	Amends the Education Code to require the Texas Commission of Licensing and Regulation by rule to require that information relating to methods of safely operating a motor vehicle near an oversize or overweight vehicle, including safe following distances and safe passing methods, be included in the curriculum of each driver education course and driving safety course.
HB 125	Martinez	Prohibits TDLR from including the home address of a licensed Dyslexia Practitioner or Dyslexia Therapist in a roster, registry, or other database TDLR publishes on TDLR's website unless the person requests TDLR do so; provides that the home address that is included in a roster, registry, or other database TDLR maintains is public information and is not excepted from required disclosure under Chapter 552, Government Code.

Bill Number	Author	Summary of Key Provisions
HB 1140	King, Tracy O.	Amends current law relating to fees for vehicles stored at vehicle storage facilities, authorizes fee increases and decreases, eliminates a fee, and eliminates a minimum fee. The new fee will be calculated by the commission by rule every two years, based on the Consumer Price Index.
HB 1342*	Leach	Prohibits licensing authorities from revoking, suspending, or denying a license when the individual's offense history does not directly relate to the occupation of the license sought.
HB 1385*	King, Tracy O.	Amends Section 1202.002(c), Occupations Code, to delete existing text providing that industrialized housing does not include a residential structure that exceeds four stories or 60 feet in height.
HB 1576	Phelan et al.	Includes Transportation Network Companies in the Texas Medical Transportation Program administered by the Health and Human Services Commission.
HB 1865*	Landgraf	Removes the provision making a person convicted of a violation relating to massage therapy ineligible for a license until the fifth anniversary of the date of the conviction; authorizes TDLR to conduct a criminal background check on all massage therapy license renewals; requires applicants to submit a complete and legible set of fingerprint for obtaining criminal history record information from DPS and the FBI; requires a student enrolled in a massage school to hold a student permit; requires a massage school to maintain a monthly progress report regarding each student attending the school that certifies the daily attendance record of each student and the number of credit hours earned by each student during the previous month; requires the school to notify TDLR when the student has completed the required number of hours and is eligible to take the appropriate examination. TDLR Strategic Initiative
HB 1899	Bonnen, Greg	Amends current law relating to the revocation or denial of certain health care professional licenses and the reporting of the grounds for revocation or denial.
HB 2059	Blanco	Requires human trafficking prevention training as a condition of registration permit or license renewal for certain health care practitioners and certain employees of health care facilities.
HB 2214	Hernandez	Requires TDLR to review each type of license issued to an individual to identify the types for which a significant number of military service members, military veterans, or military spouses submit applications; requires TDLR, not later than December 1, 2020, to submit to the governor, the lieutenant governor, the speaker of the house of representatives, and each legislative standing committee with primary jurisdiction over TDLR a report on the results of the review and any recommendations related to the efficient issuance of licenses to qualified military service members, military veterans, and military spouses.
HB 2228	Geren	Provides for longer extensions of intervals between boiler inspections under certain conditions.
HB 2452*	Goldman	Allows TDLR to contract with third-party experts when investigating complaints and provides immunity to those experts for their assistance unless the contracted party engages in fraudulent behavior; enhances TDLR's ability to accept anonymous complaints. TDLR Strategic Initiative
HB 2546	Guillen	Amends current law relating to the energy efficiency performance standards for construction of certain industrialized housing and buildings.
HB 2584	Cortez	Amends current law relating to the authority of a code enforcement officer performing official duties to possess or carry an instrument used for deterring an animal bite.
HB 2698*	Goldman	Authorizes a barber school, private beauty culture school, or a public secondary or postsecondary beauty culture school approved by TDLR to administer the practical examination for licensing as a barber or cosmetologist. TDLR Strategic Initiative
	Hernandez	
HB 2699*	Goldman	Updates statutory language in the hearing instrument fitters and dispensers program to conform with TDLR standard testing and examination language; clarifies that tests will contain written and practical, but not oral, portions; removes outdated language specifying that the exam be given at least twice a year and validated by a professional (TDLR's exam process allows a qualified person to schedule and sit for an exam at any time throughout the year); clarifies that TDLR's test provider can give test takers information on when and where to go for an exam; clarifies that exams can be re-taken for those who fail them and that for the practical exam only the portions that were previously failed will be re-tested; removes a set passing score in statute, stating simply that the required exam must be passed as part of a condition of obtaining a license. TDLR Strategic Initiative

Bill Number	Author	Summary of Key Provisions
HB 2747*	Ortega Landgraf Thompson, Senfronia Harless Ramos	Prohibits a massage establishment from allowing any individual, including a student, license holder, or employee, to reside on the premises of the massage establishment; requires each massage therapist license posted in a massage establishment to have a photograph of the massage therapist attached to the front of the license; requires each massage establishment and massage school to display a sign concerning services and assistance available to victims of human trafficking.
HB 2847*	Goldman	TDLR omnibus cleanup bill with statutory amendments to TDLR's Chapter 51 authority and to the following programs: driver education; laser hair removal; podiatrists; elevators; midwives; audiologists; orthotists and prosthetists; dietitians; barbers and cosmetologists; and used automotive parts recyclers. TDLR Strategic Initiative
HB 3163	Springer	Requires the standards and specifications adopted by the Texas Commission of Licensing and Regulation relating to the limitation of architectural barriers to provide that if an accessible parking space provided in accordance with a requirement of the standards and specifications is paved, the international symbol of access must be painted on the parking space and the words "NO PARKING" must be painted on any access aisle adjacent to the parking space; and a sign identifying an accessible parking space must include a statement regarding the potential consequences of illegally parking a vehicle in the space, including the towing of the vehicle or the assessment of a fine or other penalty against the vehicle owner or operator.
HB 4120	Lucio III	Amends current law relating to the financial security requirement for providers obligated under certain service contracts regulated by TDLR.
SB 37	Zaffirini	Amends current law relating to a prohibition on the use of student loan default or breach of a student loan repayment or scholarship contract as a ground for refusal to grant or renew an occupational license or other disciplinary action in relation to an occupational license.
SB 72	Nelson	Creates a State Human Trafficking Prevention Coordinating Council, to develop a state plan and collaborate and coordinate human trafficking-related expenditures amongst state agencies; includes one representative from TDLR.
SB 237	Nelson	Requires Sunset, as part of their review of an agency that licenses an occupation or profession, to determine whether the agency has made an evaluation regarding the type of personal information of license holders available on the agency's website, based on the following factors: the type of information the public needs to file a complaint with the agency; the type of information the public needs to locate an existing or potential service provider; the type of information the public needs to verify a license; and whether making the information available on the agency's website could subject a license holder to harassment, solicitation, or other nuisance.
SB 616*	Birdwell	Follows the recommendations of the Sunset Advisory Commission to transfer the motorcycle and off-highway vehicle operator training programs to TDLR.
SB 1200*	Campbell	Authorizes a military spouse, under certain conditions, to engage in a business or occupation for which a license is required without obtaining the applicable license if the spouse is currently licensed in good standing by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state.
	Buckingham	
SB 1531	Hancock	Amends the Occupations Code to remove a person's conviction of a felony or a crime that involves moral turpitude from the grounds on which the Texas Commission of Licensing and Regulation (TCLR) or TDLR may refuse to admit a person to an examination and to issue a license to practice podiatry; removes a person's conviction of a misdemeanor involving moral turpitude or a felony from the grounds on which TCLR or TDLR may discipline a licensed midwife, refuse to renew a midwife's license, or refuse to issue a license to an applicant; revises the manner in which the license of a licensed breeder is revoked by establishing that a license is revoked by the operation of law if the licensed breeder (or a controlling person of the licensed breeder) pleads guilty or nolo contendere to, is convicted of, or receives deferred adjudication for animal cruelty or neglect in Texas or any other jurisdiction; removes the requirement that an applicant for an electrician license demonstrate the applicant's honesty, trustworthiness, and integrity; and removes from the eligibility requirements for an auctioneer's license that an individual has not been convicted of a felony during the five years preceding the date of application.

Bill Number	Author	Summary of Key Provisions
SB 2119*	Alvarado	Transfers to TDLR from TDA all provisions relating to the regulation of motor fuel metering and motor fuel quality; repeals certain Agriculture Code provisions relating to a motor fuel metering device, the standard for liquid capacity for purposes of the retail sale of motor fuel, and the sale and regulation of certain fuel mixtures.

Table 16 Exhibit 15 Legislation Enacted 86th Leg

Legislation Not Passed

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
HB 201	Stephenson	Would have added a chiropractor to the Combative Sports Advisory Board. The bill failed to receive a committee hearing in the Senate after passing the House.
HB 625	Neave	Would have extended the time for a vehicle owner to request a tow hearing in Justice of the Peace courts. The bill passed the House but did not receive a committee hearing in the Senate.
HB 910	Shaheen	Eliminated the requirement that an auctioneer be licensed. The bill never received a committee hearing in the House.
HB 1121	Sanford	Would have allowed certain vehicle owners to recover property from vehicle stored at certain vehicle storage facilities. The bill never received a committee hearing in the House.
HB 1141	King	Exempted certain equipment from the requirements of the electrician law. The bill was not voted on in committee.
HB 1275	Lucio III	Would have TDLR regulate sports betting in Texas. The bill did not receive a committee hearing.
HB 1538	VanDeaver	Would have certain driver safety course instructors not be subject to licensing fees. The bill did not receive a committee hearing.
HB 1670	Lambert	Would have transferred the regulation of plumbers from the Texas State Board of Plumbing Examiners to TDLR. The bill was not voted on in committee.
HB 1683	Shaheen	Removed licensing requirements for orthotic and prosthetic technicians. The same provisions are found in HB 2847, which passed.
HB 1684	Shaheen	Removed the requirement that a boiler's certificate of operation be placed under glass. The same provision is found in HB 2874, which passed. HB 1684 passed the House but was not referred to a Senate committee.
HB 1705	Shaheen	Eliminated the licensing requirements for barbering and cosmetology. The bill did not receive a committee hearing at the request of the bill author.
HB 2101	Capriglione	Would have TDLR regulate re-roofing contractors. The bill did not receive enough votes on the House Floor to advance.
HB 2237	Goldman	Removed requirements that an audiologist register with TDLR their intent to perform the job for which they are licensed. Added requirements for information included on written contracts. The same provisions are found in HB 2847, which passed.
HB 2289	Ortega	Would transfer the regulation of amusement rides from the Texas Department of Insurance to TDLR. The bill was not placed on a House Calendar.
HB 2444	Thompson	Would have lowered the hours required to obtain a cosmetology operator license from 1,500 to 1,000. This change is a part of HB 2847, which passed.
HB 2464	Hernandez	Required massage schools to issue permits to students. The same provisions are found in HB 1865, which passed. HB 2464 did not receive a Senate Committee hearing.
HB 2466	Hernandez	Required elevator mechanics to be licensed by TDLR. The bill did not receive a committee hearing.
HB 2523	Hernandez	Would require cosmetology sanitation rules to use terminology consistent with terms used in the cosmetology industry. The bill was not placed on a House calendar.
HB 2593	Coleman	Would permit the delegation of certain acts by a Podiatrist to someone supervised by the Podiatrist. The same provisions are found in HB 2847, which passed.
HB 2667	Guillen	Omnibus TDLR bill impacting the Driver Education and Safety Program, agency operations, massage, barbering and cosmetology, orthotic and prosthetic and mold programs. The bill did not receive a Senate Committee hearing. Provisions in the bill were included in HB 2847, which did pass.
HB 2669	Guillen	Would have TDLR license and regulate gaming establishments. The bill was left pending in committee.
HB 2815	Klick	Would have TDLR license genetic counselors. The bill was not placed on a House Calendar.

HB 2827	King, P.	Prohibits a state licensing agency from adopting a rule that infringes on a licensee’s right to exercise freely held religious beliefs. The bill did not receive a committee hearing.
HB 2850	Goldman	Provided the ability to keep certain confidential information confidential in investigations by TDLR. The provisions are contained in HB 2847 which passed. HB 2850 was not heard in committee.
HB 2851	Goldman	Required continuing education hours to renew a laser hair removal license. The bill was not heard but the same provisions are in HB 2847, which did pass.
HB 2852	Dutton	Would remove the ability to revoke or suspend or deny a barber’s license for certain convictions. The bill did not receive a committee hearing.
HB 2853	Goldman	Allowed for TDLR to contract with an expert witness for complaint investigation in the podiatry program. The bill was not heard in committee, but its provisions are contained in HB 2847 which passed.
HB 3032	Lambert	Required licensing agencies to adopt rules regarding military applicants and to report to the Texas Workforce Commission on substantially similar requirements of Texas occupational licenses to those of other states. The bill was not heard in committee.
HB 3049	Flynn	Would require Texas occupational licenses to issue an equivalent license to an out of state applicant whose licensure requirements are similar to Texas requirements. The bill did not receive a committee hearing.
HB 3151	Capriglione	Would have TDLR regulate re-roofing contractors. The bill was not heard in committee.
HB 3229	Bucy	Proposed to increase the number of hours of behind-the-wheel training for students pursuing a driver’s license. The bill was left pending in committee.
HB 3244	Miller	Added definitions of “dyslexia” dyslexia therapy to the Occupations Code; provided a license exemption for school employees. The bill was not heard in committee.
HB 3434	Oliverson	Prohibited certain practices to occur between body shops and vehicle storage facilities. The bill was not heard in committee
HB 3530	Moody	Would have allowed certain vehicles to be transferred to and disposed of by a vehicle storage facility when the vehicle is taken as part of the enforcement of a lien. The bill passed the House but was not referred to a Senate Committee.
HB 3565	White	Would have created certain pilot programs to encourage economic and educational opportunities in certain regions of this state. The bill was left pending in committee.
HB 3624	Thompson	Mandated a reduced fee for a license holder who becomes a parent. The bill was not set on a House Calendar.
HB 3701	Miller	Would have waived license fees for military members coming to Texas who hold a similar license. The bill did not receive a committee hearing.
HB 3790	Swanson	Provided an avenue through the judicial system for anyone subject to a state and local regulatory license requirement to argue that the local regulation should not be enforced. The bill did not receive a committee hearing.
HB 4006	Thompson	Modified the exam requirements for a journeyman lineman. The bill did not receive a committee hearing.
HB 4226	Nevarez	Created a new state agency, the Trades Board, which would have transferred the air conditioning and electrician programs from TDLR to the new agency. The bill was not heard in committee.
HB 4413	Buckley	Provided more avenues for military members to receive state occupational licenses. The bill was not heard in a Senate committee.
HB 4467	Thierry	Proposed to regulate roofing contractors at TDLR. The bill did not receive a committee hearing.
HB 4608	White	Would have allowed TDRL to contract with local jurisdictions to perform electrical inspections. The bill was not heard in committee.
HJR 128	Swanson	Constitutional amendment prohibiting burdensome regulation on an occupation. The HJR did not receive a committee hearing.
SB 17	Perry	Prohibits a state licensing agency from adopting a rule that infringes on a licensee’s right to exercise freely held religious beliefs. The bill did not receive a committee hearing in the House.
SB 238	Nelson	Would have required TDLR to license and regulate flotation tanks. The bill did not receive a committee hearing.
SB 444	Perry	Prohibits a state licensing agency from adopting a rule that infringes on a licensee’s right to exercise freely held religious beliefs. The bill did not receive a committee hearing.

SB 621	Nichols	This bill would have transferred the regulation of plumbers from the Texas State Board of Plumbing Examiners to TDLR. The bill passed both the House and Senate, with amendments. The House failed to concur with Senate amendment and therefore the bill failed to finally pass.
SB 754	Huffman	Would have TDLR license genetic counselors. The bill did not receive a committee hearing.
SB 787	Hancock	Mandated a reduced fee for a license holder who becomes a parent. The bill passed the Senate but was not set on a House Calendar.
SB 889	Menendez	Would have TDLR license and regulate gaming establishments. The bill did not receive a committee hearing.
SB 964	Alvarado	Allowed plumbing, electrical, and air conditioning work to be performed by licensees outside of Texas during a disaster. The bill did not receive a committee hearing.
SB 1004	Creighton	Exempted certain equipment from the requirements of the electrician law. The bill did not receive a committee hearing.
SB 1185	Creighton	Would have allowed certain vehicles to be transferred to and disposed of by a vehicle storage facility when the vehicle is taken as part of the enforcement of a lien. The bill was not again placed on Senate Intent and did not advance out of the Senate.
SB 1168	Zaffirini	Would have TDLR regulate re-roofing contractors. The bill did not receive a Senate Committee hearing.
SB 1495	Paxton	Would transfer the regulation of amusement rides from the Texas Department of Insurance to TDLR. The bill did not receive a hearing in the Senate.
SB 1506	Schwertner	Would require cosmetology sanitation rules to use terminology consistent with terms used in the cosmetology industry. The bill did not receive a Senate Committee hearing.
SB 1507	Schwertner	Would have lowered the hours required to obtain a cosmetology operator license from 1,500 to 1,000. This change is a part of HB 2847, which passed.
SB 1532	Hancock	This is the companion bill to HB 2847, which passed.
SB 1533	Menendez	Would permit the delegation of certain acts by a Podiatrist to someone supervised by the Podiatrist. The same provisions are found in HB 2847, which passed.
SB 1581	West	Would have TDLR regulate cannabis and cannabis products in Texas. The bill did not receive a committee hearing in the Senate.
SB 1625	Zaffirini	Removed the requirement that a boiler's certificate of operation be placed under glass. The same provision is found in HB 2874, which passed. SB 1625 did not receive a hearing.
SB 1626	Zaffirini	Eliminated the requirement that mold assessors and remediators be licensed. The same provision was in the filed version of HB 2847 but was removed prior to the passage of HB 2847. SB 1626 never received a committee hearing in the Senate.
SB 1627	Zaffirini	Removed requirements that an audiologist register with TDLR their intent to perform the job for which they are licensed. Added requirements for information included on written contracts. The same provisions are found in HB 2847, which passed.
SB 1628	Zaffirini	Removed licensing requirements for orthotic and prosthetic technicians. The same provisions are found in HB 2847, which passed.
SB 1630	Zaffirini	Removed the risk-based inspection provisions for the Used Automotive Parts Recyclers Program. The same provisions are found in HB 2847, which passed.
SB 1671	Taylor	Prohibited certain practices to occur between body shops and vehicle storage facilities. The bill was not heard in committee.
SB 1851	Campbell	Provided an avenue through the judicial system for anyone subject to a state and local regulatory license requirement to argue that the local regulation should not be enforced. The bill did not receive a committee hearing.
SB 2380	Hughes	Would have created certain pilot programs to encourage economic and educational opportunities in certain regions of this state. The bill was left pending in committee.

Table 17 Exhibit 15 Legislation Not Passed 86th Leg

IX. Major Issues

Issue 1. Standardize Advisory Board Appointments and Compositions; Authorize the Texas Commission of Licensing and Regulation to Create Interdisciplinary Advisory Committees

A. Brief Description of Issue

The Texas Commission of Licensing and Regulation (Commission) and the Texas Department of Licensing and Regulation (TDLR) benefit greatly from the insights, expertise, and participation of 31 separate advisory boards. The advisory boards' differing statutory requirements increase the intricacy of operations for TDLR based on differences in the length of members' terms, and duties and compositions of the boards.

The Commission lacks general authority to create interdisciplinary advisory boards for similar industries. As an example, TDLR regulates the Electricians, Air Conditioning and Refrigeration Contractors, Industrialized Housing and Buildings, and Elimination of Architectural Barriers programs, and during the 86th Legislative Session the Sunset Commission recommended transferring the Plumbing program to TDLR. During session, the Legislature also considered a measure to enhance coordination among building trades by creating a Trades Board for the State of Texas, which would have incorporated the Electricians, Air Conditioning and Refrigeration Contractors, and Plumbing programs. Rather than creating a new agency, such coordination could be achieved at TDLR if the Commission had the authority to create interdisciplinary boards.

Since consideration of that issue by the Legislature, the need for TDLR to coordinate the expertise of these industries has grown as the agency prepares to take on additional responsibilities including regulation of motor fuels quality and metering and regulation of motorcycle and all-terrain vehicle safety, which will further increase the number of advisory boards. For TDLR's medical and health programs, issues such as telehealth, telemedicine, and human trafficking prevention could be better addressed through coordinated action of an interdisciplinary advisory committee.

B. Discussion

Background.

- **What specific problems or concerns are involved in this issue?**

TDLR's recognized success with implementing new and transferred regulatory programs is due in part to the technical expertise and industry input TDLR receives from over 250 advisory board members. A key responsibility of advisory boards is to provide input for administrative rulemaking for the 31 related programs. As the agency grows, and the number of advisory boards and members continues to grow, failing to standardize certain

processes will increase inefficiencies and reduce agency response to regulated entities and the public.

- **Who does this issue affect?**

This issue affects regulated professions and industries, TDLR staff, advisory board members, and the public. Advisory boards serve as one of the main agency resources for rulemaking. In addition to aiding agency staff with rule and policy issues, experienced advisory board members assist agency staff in providing orientation and training to new appointees, enabling Texans who may never have served in state government to perform their duties with confidence and purpose.

- **What is the agency's role related to the issue?**

The agency provides all advisory boards and members with guidance, support, and training on the Administrative Procedures Act, Open Meetings Act, and Public Information Act. The agency's Advisory Board Support staff prepare and publish information to recruit potential advisory board members, ensure members appointed meet statutory requirements, and facilitate meetings by filing and publishing the agenda and keeping minutes.

- **Any previous legislative action related to the issue?**

During the past two legislative sessions there have been efforts to create interdisciplinary boards for similar industries or professions.

- **HB 1501/SB 611 (86R)** Relating to the creation of the Texas Behavioral Health Executive Council and to the continuation and transfer of the regulation of psychologists, marriage and family therapists, professional counselors, and social workers to the Texas Behavioral Health Executive Council; providing civil and administrative penalties; authorizing a fee.
- **HB 4226 (86R)** Relating to the creation of the Trades Board for the State of Texas; the licensure and regulation of plumbers, electricians, and air conditioning and refrigeration contractors; authorizing a fee.
- **HB 2898/SB 311 (85R)** Relating to the creation of the Texas Behavioral Health Executive Council and to the continuation and transfer of the regulation of sex offender treatment providers, psychologists, marriage and family therapists, professional counselors, chemical dependency counselors, and social workers to the Texas Behavioral Health Executive Council; providing civil and administrative penalties; authorizing a fee.

Additionally, the 86th Legislature authorized TDLR to convene a joint meeting between the Motorcycle Safety Advisory Board and the Driver Training and Traffic Safety Advisory Committee to collaborate on matters important to both industries.

- **SB 616 (86R)** Relating to the continuation and functions of the Department of Public Safety of the State of Texas, the conditional transfer of the driver licensing program to the Texas Department of Motor Vehicles, the abolition of the Texas Private Security Board, the transfer of the motorcycle and off-highway vehicle operator training programs to the Texas Department of Licensing and Regulation, and the regulation of other programs administered by the Department of Public Safety; imposing an administrative penalty; authorizing and repealing the authorization for fees. (See Article 8, Section 8.004.)

C. Possible Solutions and Impact

- **How will the proposed solution fix the problem or issue?**

Standardizing the terms and composition of TDLR's various advisory boards will increase efficiency for agency staff and improve advisory board member and public interactions.

Allowing the Commission and TDLR to create and convene interdisciplinary advisory committees will help provide similar professions and industries with broader and more varied perspective on rulemaking and policy issues.

- **How will the proposed change impact any entities or interest groups?**

Standardization will ensure that the interested entities, groups, associations, and organizations are adequately represented by each advisory board. For example, this change will ensure public input on advisory boards is available. Currently, there are three advisory boards that do not statutorily require public members (Barbers, Industrialized Housing and Building, and Used Automotive Parts Recyclers). Ensuring that all advisory boards have a public member voice is important to ensure rules and policies promulgated by advisory boards are adequately vetted and do not conflict with the United States Supreme Court decision in *North Carolina Board of Dental Examiners v. Federal Trade Commission*.

- **How will your agency's performance be impacted by the proposed change?**

As previously stated, TDLR currently works with 31 advisory boards with over 250 advisory board members, any standardization in processes will improve efficiency overall. TDLR has staff specifically devoted to advisory board support. These proposed changes ensure all members are properly rotated when terms expire and that training and ethics requirements for all members are kept up-to-date.

- **What are the benefits of the recommended change?**

The main benefit of the recommended change is the increased accountability on the part of the agency to the public. Standardizing these issues will allow TDLR to remain nimble

and increase our efficiencies, allowing agency staff to focus on the work of the advisory boards, not the procedural aspects of administering a program.

- **What are the possible drawbacks of the recommended change?**

The large number of advisory boards, varied programs, and specific or unique aspects of each program may prove difficult to standardize.

- **What is the fiscal impact of the proposed change?**

No potential fiscal impact is anticipated as a result of these proposed change.

Issue 2. Improvements Are Needed for the Elevator Safety Law

A. Brief Description of Issue

Clarify Statute to Ensure that Only Registered Contractors Install Elevators in Single-Family Dwellings. On August 6, 2019, the Texas Commission on Licensing and Regulation adopted a Proposal for Decision from a State Office of Administrative Hearings (SOAH) administrative law judge on the installation and alteration of residential elevators. The decision concluded that any contractor, including an unregistered contractor, may install elevator, escalators, or related equipment in a single-family dwelling.

Section 754.0141(a), Health and Safety Code imposes specific requirements on equipment installed in a single-family dwelling and states that it shall be code compliant and inspected by a registered inspector. In the past, the term “contractor” in this section had been interpreted consistent with the rest of the statute (i.e., subject to the requirement that any elevator contractor be registered with TDLR). This section was interpreted to exempt only the equipment (the elevator) from regulations in the statute such as those requiring an annual inspection.

The code-compliant installation of an elevator directly affects the safety of those in the single-family dwelling, including the owner, family, and visitors as well as the workers installing, maintaining, and repairing the equipment.

The proposed change to statute is as follows:

Sec. 754.0141. Standards for Equipment in Single-Family Dwellings; Required Information.

(a)-(c) [[no changes]]

(d) A registered contractor is not required to report to the department any information, concerning equipment in a single-family dwelling or the contractor's work on the equipment.

(e) On completing installation of equipment in a single-family dwelling, a registered contractor shall provide the dwelling owner with relevant information, in writing, about use, safety, and maintenance of the equipment, including the requirement [~~advisability~~] of having the equipment periodically and timely inspected by a registered elevator inspector.

In addition, the following two changes would also enhance the safety of Texans.

Add Residential Plan Review Requirement and Required Inspections. Due to the safety concerns regarding residential equipment and to ensure the homeowner receives the appropriate equipment from the manufacturer, TDLR should perform a plan review prior to installation and require the performance of an acceptance inspection upon installation. An inspection should be required once a new installation is complete, and then any time

the residence is sold to a new owner. These inspections should be reported to TDLR just as commercial inspections are already reported, so that any safety hazards may be swiftly identified and repaired. Homeowners would not be required to submit their inspection reports to TDLR.

Provide TDLR with Authority to Adopt Updated Codes by Rule. The law, Sec. 754.014. Standards Adopted by Commission specifies the version of the code (ASME CODE A17.3) that the agency can enforce. Other licensing laws allow TDLR to adopt updated versions of the codes, rather than requiring a change to the law. Section 754.014, Health and Safety Code requires that the standards adopted by the Texas Commission of Licensing and Regulation specify the version of the code that TDLR can enforce. Other licensing laws allow TDLR to adopt updated versions of the codes, rather than requiring a change to the law.

B. Discussion

Background.

- **What specific problems or concerns are involved in this issue?**

The SOAH case in question provided an example of the risks involved in allowing an unregistered business to install elevator equipment. The residential elevator equipment was not installed as required by code (lack of structural support for the equipment) and as a result, extensive damage was done to the single-family dwelling. Plan reviews would help to ensure that equipment is properly designed.

- **Who does this issue affect?**

The installation of an elevator directly affects the safety of those in the single-family dwelling, including the owner, family, and visitors as well as the workers installing, maintaining, and repairing the equipment.

- **What is the agency's role related to the issue?**

As the agency having jurisdiction, TDLR's role is to mandate code compliance and establish and enforce minimum standards for the elevator and escalator industry.

- **Any previous legislative action related to the issue?**

No.

C. Possible Solutions and Impact

- **How will the proposed solution fix the problem or issue?**

Registered elevator contractors are required to comply with the applicable codes and carry insurance. They are required to designate a code-knowledgeable, experienced, responsible party to ensure compliance with TDLR requirements for the registration. In the event of a

complaint, TDLR can hold registered contractors accountable for the standard of work they perform and ensure the consistent installation of elevators across the state. Currently, TDLR conducts plan reviews for elevators with the exception of those installed in single-family residential dwellings.

- **How will the proposed change impact any entities or interest groups?**

The change will affect any person installing elevators in residential single-family dwellings and benefit consumers who have had problems with the installation of elevators in residential single-family dwellings and who currently do not have recourse.

- **How will your agency's performance be impacted by the proposed change?**

No impact is anticipated.

- **What are the benefits of the recommended change?**

Amending statute to clearly require that the installation of residential elevators be performed by a registered contractor will reduce the chance of a serious accidents and protect homeowner investments. Plan reviews would help to avoid improper installation, potential damage, and elevator entrapment. In the United States, at least eight children have been killed and two seriously injured from elevator entrapment in home elevators since 1981, according to the Consumer Products Safety Commission.

- **What are the possible drawbacks of the recommended change?**

TDLR does not anticipate any major drawbacks resulting from these changes.

- **What is the fiscal impact of the proposed change?**

A small fiscal impact (\$115 initial application and \$115 annual renewal fees plus insurance costs) is anticipated to any unlicensed elevator contractors that may still exist in Texas. All elevator contractors have been required to register with TDLR since 2004, and past complaints related to residential elevators have resulted in contractors becoming registered.

Issue 3. Ensure Electrical Inspections Are Performed Only by Registered or Licensed Electrical Inspectors

A. Brief Description of Issue

Statute defines an electrical inspector as a person certified by the International Association of Electrical Inspectors or International Code Council. However, TDLR currently lacks statutory authority to enforce the requirement that electrical inspectors be certified.

Residential and commercial electrical inspectors play an important role by verifying that all work is done to code. TDLR staff have observed that some electrical work is inspected by persons who are untrained or unqualified to determine code compliance. Clearly authorizing TDLR to take enforcement action against uncertified electrical inspectors would better protect the public.

B. Discussion

Background.

- **What specific problems or concerns are involved in this issue?**

TDLR Electricians program staff have observed that some electrical installations, mostly in the unincorporated and rural areas of Texas, are not being performed up to code. Some residential home inspections conducted in these areas are inadequate and do not follow the applicable code requirements because individuals performing these inspections do not have the requisite code certifications or qualifications.

- **Who does this issue affect?**

This change would benefit all Texans, particularly those located in unincorporated and rural areas.

- **What is the agency's role related to the issue?**

TDLR regulates the Electricians program.

- **Any previous legislative action related to the issue?**

During the 78th Legislative Session, House Bill 1487 defined who an electrical inspector is; however, it did not establish any enforcement mechanism to ensure compliance with the requirement. During the 86th Legislative Session, HB 4608 was introduced and would have allowed TDLR to contract with local inspectors to enforce or assist in the enforcement of the Texas Electrical Safety Licensing Act.

C. Possible Solutions and Impact

- **How will the proposed solution fix the problem or issue?**

Adding statutory language that would require all electrical inspections to be performed by registered or licensed electrical inspectors would enhance public health and safety. For certification, the Elevator statute provides a model through registered elevator inspectors. For licensure, the Plumbing statute provides a model through plumbing inspectors. Also, providing TDLR with enforcement authority would ensure that electrical inspectors are held accountable for the work they perform for the public.

- **How will the proposed change impact any entities or interest groups?**

Small municipalities and entities in unincorporated areas of Texas counties that have hired electrical inspectors would be required to ensure that the individuals they have hired are registered or licensed to do the work.

- **How will your agency's performance be impacted by the proposed change?**

This change may lead to an increase in enforcement activity.

- **What are the benefits of the recommended change?**

This change will enhance public health and safety by ensuring electrical work is done in compliance with applicable codes and inspections are conducted by registered or licensed individuals.

- **What are the possible drawbacks of the recommended change?**

None.

- **What is the fiscal impact of the proposed change?**

None.

Issue 4. Modernize Regulation of Mold Assessors and Remediators Program and Transfer the Program Back to the Department of State Health Services

A. Brief Description of Issue

Note: The Mold Assessors and Remediators program is not currently under Sunset review. TDLR will seek input on this policy issue during its 2020 Strategic Planning process and in preparation for the 87th Legislative Session.

During the Sunset review of the Department of State Health Services (DSHS), Sunset Commission staff initially recommended deregulating the Mold Assessors and Remediators program. The Sunset Commission did not adopt that staff recommendation. During the 84th Legislative Session, the Legislature enacted SB 202, which transferred regulation of the Mold Assessors and Remediators program to TDLR. TDLR began regulating the program on November 1, 2017.

In TDLR's Strategic Plan for fiscal years 2019-2023, TDLR recommended deregulating the Mold Assessors and Remediators program or transferring the program back to DSHS. During the 86th Legislative Session, the Legislature considered, but did not adopt legislation, to repeal the statewide licensing requirement. HB 2667 and SB 1626 were introduced to deregulate the program, but neither bill passed. The Texas Mold Assessors and Remediators Association was active during the legislative session.

Currently, DSHS continues to regulate related environmental health programs including Environmental Lead and Asbestos. In addition, DSHS performs inspections for the Mold Assessors and Remediators program on TDLR's behalf—through an interagency contract—because TDLR does not have the relevant inspection expertise in-house.

In lieu of deregulation, we recommend:

- modernizing the program based on experience gained from Hurricane Harvey; and
- transferring the program back to DSHS.

In the wake of Hurricane Harvey, and in response to the Governor's Disaster Proclamation and prior to transfer of the program to TDLR, DSHS reduced certain regulatory burdens for licensees in an effort to shorten the amount of time that residents were displaced and businesses were closed. These reduced burdens included waiving the required mold assessment prior to remediation and allowing unlicensed companies that had properly trained staff and the required insurance to register with DSHS and perform mold remediation services in the counties that were included in the proclamation. Upon transfer

of the mold program, TDLR continued the exemptions and they remain in effect until the proclamation is allowed to expire.

B. Discussion

Background. Include enough information to give context for the issue. Information helpful in building context includes:

- **What specific problems or concerns are involved in this issue?**

TDLR does not have the relevant inspection expertise in-house to effectively administer all aspects of the program.

- **Who does this issue affect?**

Anyone who might require mold assessment or remediation services.

- **What is the agency's role related to the issue?**

TDLR currently regulates the program.

- **Any previous legislative action related to the issue?**

Yes. Senate Bill 202 (84R), HB 2667 (86R), and SB 1626 (86R).

C. Possible Solutions and Impact

- **How will the proposed solution fix the problem or issue?**

Transferring the program back to DSHS will allow for more effective regulation of the profession. DSHS has in-house environmental expertise and experience regulating the profession and other environmental and consumer health hazards such as asbestos, lead, hazardous consumer products, and abusable volatile chemicals. DSHS staff are trained and skilled at inspecting mold remediation sites and training provider programs.

- **How will the proposed change impact any entities or interest groups?**

TDLR does not anticipate any negative impact to entities or interest groups through the transfer of the program to DSHS. The profession would be regulated by an agency that has expertise in environmental health consumer protection.

- **How will your agency's performance be impacted by the proposed change?**

TDLR will have minimal performance impact if the program is transferred. TDLR has implemented online notification processes and electronic transfers to increase efficiency

and the program is small relative to other TDLR-regulated professions. This program does not have dedicated staff. TDLR staff who use a portion of their time working for the program would allocate their time to other TDLR programs.

- **What are the benefits of the recommended change?**

Currently, DSHS continues to regulate related environmental health programs including Environmental Lead and Asbestos. DSHS performs inspections for TDLR's Mold Assessors and Remediators program. Consolidating all aspects of the program within DSHS would allow the agency to achieve greater efficiencies based on the similar regulation for which it is currently responsible.

- **What are the possible drawbacks of the recommended change?**

No drawbacks are anticipated.

- **What is the fiscal impact of the proposed change?**

No significant fiscal impact is expected.

Issue 5. Improve Enforcement for the Massage Therapy Program

A. Brief Description of Issue

Note: The Massage Therapy program is not currently under Sunset review. TDLR will seek input on this policy issue during its 2020 Strategic Planning process and in preparation for the 87th Legislative Session.

During the 86th Regular Legislative Session, the Legislature did not adopt TDLR Strategic Initiative Recommendations 5.3 and 5.4 to improve enforcement for the Massage Therapy Program. Recommendations 5.3 and 5.4 were included in earlier versions of SB 20, but the recommendations were not included in the final version of the bill.

Recommendation 5.3 would have provided TDLR with clear authority to act expeditiously in instances of sexual offense convictions by Massage Therapy licensees.

Recommendation 5.4 would have streamlined enforcement provisions for the Massage Therapy Program.

B. Discussion

Background. Licensees and TDLR would benefit from changes to Chapter 455, Occupations Code. Current Massage Therapy statute is overly punitive in some instances and limits TDLR's case-by-case discretion to suspend, deny, revoke, or refuse to renew a license or reprimand a licensee for certain offenses. Instead, statute requires TDLR to take action in all cases.

Further, TDLR lacks the authority to pursue administrative action when an individual attempts to obtain a license by fraud, misrepresentation, or concealment of material facts. In addition, TDLR lacks discretion in revoking a massage school or establishment license based on the actions of a student or employee.

C. Possible Solutions and Impact

TDLR's proposed statutory changes were included in SECTION 6.07 of the Senate Committee Report version of SB 20 (86R).

Issue 6. Improve Court-Ordered Programs to Better Serve the Public

A. Brief Description of Issue

Note: Offender Education Programs, which TDLR rebranded as Court-Ordered Programs, are not currently under Sunset review. TDLR will seek input on this policy issue during its 2020 Strategic Planning process and in preparation for the 87th Legislative Session.

During the 86th Regular Legislative Session, the Legislature did not adopt TDLR Strategic Initiative Recommendation 9.1 to create a unified statute for court-ordered programs that are under TDLR's jurisdiction. HB 2667 was introduced to create a unified statute for the program, but the bill did not pass.

B. Discussion

Background. In recent years, TDLR has begun to operate several court-ordered programs, including Offender Education Programs that were transferred to TDLR from the Department of State Health Services in November 2017 and the Responsible Pet Owner Program created by legislation in 2017. Although TDLR operates these court-ordered programs as a single program, the efficiency and effectiveness of TDLR's operations are hampered by the lack of a unified statute. Instead, individuals who are ordered to complete a program, and TDLR staff who operate the programs, must consult a tangled web of statutes.

C. Possible Solutions and Impact

TDLR's proposed statutory changes were included in HB 2667 (86R), which did not pass.

X. Other Contacts

- A. Fill in the following charts with updated information on people with an interest in your agency, and be sure to include the most recent email address.

Exhibit 16 contains information on Interest Groups; Interagency, State, or National Associations; and Liaisons at Other State Agencies.

Texas Department of Licensing and Regulation Exhibit 16: Contacts

Group, Association, or Agency Name / Contact Person	Address	Telephone	Email Address
Texas Air Conditioning Contractors Association (TACCA) - Austin / Susan Lundgren		512-507-4826	ACCAAustin@yahoo.com
AFL-CIO Field Education and Research / Joe Arabia		512-477-6195	joe@texasaflcio.org
AFL-CIO Texas Building & Construction Trades Council / Michael Cunningham		512-472-4111	michael@texasbuildingtrades.org
Air Star Heating and Air Conditioning / David Munoz		210-496-2753	dmunoz@airstar-hvac.com
Association of Plumbing, Heating, Cooling Contractors of Texas / Alicia Dover	145 Trademark Drive, Buda, TX 78610	512-523-8094	alicia@phcc-tx.org
Austin Energy / Jeff Megerle		512-845-3361	jeff.megerle@austinenergy.com
Austin Energy Green Building / John Umphress		512-289-1312	john.umphress@austinenergy.com
City of Dallas / Lonnie Erwin		214-948-4464	lonnie.erwin@dallascityhall.com
City of Houston / Roel Garcia		832-395-2455	Roel.Garcia3@houstontx.gov
City of Houston / Mark Savasta		832-394-9494	Mark.Savasta@houstontx.gov
City of McAllen / Luis Vasquez		956-681-1300	lvasquez@mcallen.net
City of Pasadena / Sam McInnis		713-475-7275	www.cipasadena.tx.us
City of San Antonio / Rolando Maldonado		210-207-8242	maldonado@sanantonio.gov
City of San Marcos / David McMillan		512-805-2630	mcmillan.david@ci.san-marcos.tx.us
City of Uvalde / Richard Laura		830-278-3316	rlara@uvaldetx.gov
City of Gun Barrel City / Shannon Wiggins		903-887-1087	swiggins@gunbarrelcity.net
City of Brownwood / Sonny McGinn		325-643-6626	smcginn@brownwoodtexas.gov
United Association Local 286 / Joe Cooper		512-385-1817	jcooper@local286.org
Fire Marshal - Harlingen, TX / Juan Saucedo		956-216-5790	jsauceda@myharlingen.us
Fire Marshal - Pharr, TX / Felipe Pedraza		956-638-6460	fpedraza28@yahoo.com
Austin Energy District Cooling / James Collins		512-322-6426	jim.collins@austinenergy.gov
Entergy Texas Inc / Kelley Carson		713-816-8987	kcarso1Dentergy.com
Environmental Air Systems Inc / Robert (Bob) Eloff		713-680-3274	bob@environmentalair.com

Group, Association, or Agency Name / Contact Person	Address	Telephone	Email Address
Everest Institute of San Antonio / Ray Gutierrez		210-732-7800	rgutierr@cci.edu
HERS Raters Home Energy Ratings - Indoor Air Quality / Larry Taylor		817-921-2966	larryt@hersraters.com
Pipe Fitters Local Union #211 - HVACR Training Coordinator / Randel Beal		713-649-0201	
International Association of Plumbing and Mechanical Officials (IAPMO) / John Mata		281-856-2029	mata@iapmo.org
Independent Electrical Contractor (IEC) - Gulf Coast Chapter / C.J. Treadway		512-751-0743	ctredway@austin.rr.com
SPEER South-central Partnership for Energy Efficiency as a Resource / Todd McAlister		512.279.0758	www.eepartnership.org
SPEER South-central Partnership for Energy Efficiency as a Resource / Christine Herbert		512-279-0752	cherbert@eepartnership.org
SPEER South-central Partnership for Energy Efficiency as a Resource / Doug Lewin		512-279-0753	dlewin@eepartnership.org
Swiki Anderson and Associates Inc / Swiki Anderson		979-779-6085	swiki@saal-svc.com
Texas State Technical College of Harlingen / Rogelio Longoria		956-364-4671	rogelio.longoria@harlingen.tstc.edu
Texas State Technical College of Harlingen / Ruben Del La Rosa		659-364-4667	ruben.delarosa@harlingen.tstc.edu
The Home Depot / Alex Arca		770-384-3988	alex_arca@homedepot.com
The Home Depot / Dolores Compean III (ACR Board Chair)		281-846-8141	dolores_compeanIII@homedepot.com
Texas Department of Housing and Community Affairs / Doug Misenheimer		512-936-7826	doug.misenheimer@tdhca.state.tx.us
Texas Department of Housing and Community Affairs / Sharon Gamble		512-475-0471	sharon.gamble@tdhca.state.tx.us
Texas HERO Home Energy Renovation Organization / CT Loyd		817-721-0293	ctloyd@txhero.org
Commission on Accreditation of Athletic Training Education / Danielle Duran Baron	Austin, TX	512-733-9700	Danielle@caate.net
Board of Certification, Inc. / Shannon Fleming	Omaha, NE	402-559-0091	Shannonf@bocatc.org
National Athletic Trainers Association / Dave Saddler	1620 Valwood Pkwy, Suite 115, Carrollton, TX 75006	214-637-6282	
Texas State Athletic Trainers Association / Michael "Spanky" Stephens	2251 CR 127, Georgetown, TX, 78626	512-656-1892	trainerex@earthlink.net
Texas Auctioneers Association / Krista Richter	201 Stillwater, Ste. 8, Wimberley, TX, 78676	512-285-2727	taa.execdir@gmail.com
National Auctioneers Association / Hannes Combest	8880 Ballentine St., Overland Park, KS, 66214	913-563-5423	hcombest@auctioneers.org

Group, Association, or Agency Name / Contact Person	Address	Telephone	Email Address
Texas Association of Tonsorial Artists / Andre Crawford	Tyler, TX	903-521-2300	ADMIN@TEXASBARBERSASSOCIATION.COM
Association for Behavior Analysis International / Maria Malott	550 W. Centre Ave, Portage, MI, 49024	269-492-9310	mmalott@abainternational.org
Association of Professional Behavior Analysts / Dr. Gina Green	3443 Camino del Rio South, Suite 210, San Diego, CA, 92108	619-255-7734	info@apbahome.net
Qualified Applied Behavior Analysis Credentialing Board / Dr. Kathy Niager	7545 Irvine Center Dr., Suite 200, Irvine, CA 92618	877-220-1839	info@qababoard.com
Texas Association of Behavior Analysts / Sarah Lechago			txaba@txaba.org
Texas Association of Behavior Analysts Public Policy Group / Dr. Gordon Bourland			BehaviorAnalysisPublicPolicyTX@gmail.com
National Board of Boiler and Pressure Vessel Inspectors / David Douin		614-888-8320	ddouin@nationalboard.org
American Society of Mechanical Engineers / Janet Hill		212-591-8581	hillj@asme.org
Association of Boxing Commissions & Combative Sports / Michael Mazzulli		860-862-7583	mmazzulli@moheganmail.com
World Boxing Organization / Francisco "Paco" Valcarcel	1056 Muñoz Rivera Ave., Suite 711-714, San Juan, PR 00927	(787) 765-4444	pacoval@wboboxing.com
World Boxing Council / Mauricio Sulaimán	Lindavista, Mexico		contact@wbcboxing.com
World Boxing Association /	Av. Aquilino de la Guardia & Calle 47, Marbella, Panama	507-203-7680	http://www.wbaboxing.com/contact-us#.XW7BpWzsaHs
International Boxing Federation / Jeanette Salazar	899 Mountain Ave., Suite 2C, Springfield, NJ 07081	973-564-8046	jsalazar@ibfboxing.com
Top Rank /	Las Vegas, NV	702-732-2717	info@toprank.com
Golden Boy Promotions /	Los Angeles, CA	213-489-5631	info@goldenboypromotions.com
Ultimate Fighting Championship (UFC) /	Las Vegas, NV		info@ufc.com
Bellator / BZA Public Relations	6901 Canby Ave. #105, Reseda, CA 91335	818-462-5600	
Legacy Fighting Alliance / Ryan Bevins, Director of Communications	Houston, TX		
Texas Humane Legislation Network / Laura Donahue	PO BOX 685283, Austin, TX, 78768-5283	888-548-6263	laura@texashumanenetwork.org
Texas Animal Control Association (TACA) / Patti Stepp	4206 Selina Ct., Arlington, TX, 76016	(979) 906-0432	contacttaca@gmail.com
Sheriffs Association of Texas / Norma Vasquez	601 S. Interstate 35, Austin, TX, 78741-2503	512-554-5888	norma@txsheriffs.org

Group, Association, or Agency Name / Contact Person	Address	Telephone	Email Address
Texas Unites / Rebecca Langevin	PO Box 6551, McKinney, TX, 75071	972-890-4773	info@texasunites.com
Code Enforcement Association of Texas (CEAT) / Lupe Guerrero	P.O. Box 4115, Beaumont, TX, 77725	409-782-0655	Ceattexas1985@gmail.com
Texas Engineering Extension Service (TEEX) / Kathy Fraser	P. O. Box 40006, College Station, TX, 77842-4006	800-723-3811	Itsi@teex.tamu.edu
Career Colleges & Schools of Texas / Jerry Valdez	823 Congress Ave, Ste 230, Austin, TX 78701	512-402-7797	valdez@thevaldezcompany.com
Cosmetology Instructors in Public Schools (CIPS) / Shawndelle Herrington	6125 East Belknap Street, Haltom City, TX 76117	806-470-7886	Shawndelle.harrington@birdville schools.net
Professional Beauty Association /	7755 E. Gray Rd, Scottsdale, AZ 85260	480-281-0424	info@probeauty.org
Commission on Dietetic Registration / Kay Manger-Hague	120 South Riverside Plaza, Suite 2190, Chicago, Illinois, 60606	312/899-4777	khague@eatright.org
Texas Academy of Nutrition and Dietetics / Debra King	P.O. Box 431219, Houston, TX, 77243	469-213-8651	tand@eatrighttexas.org
Academic Language Therapy Association /	7310 Manchaca Rd, PO Box 152075, Austin TX 78715-2075	512-851-1411 x106	office@altaread.org
The International Multisensory Structured Language Education Council (IMSLEC) /	14070 Proton Rd. Suite 100, Dallas, TX, 75244		janaj@smu.edu
ADAPT of Texas / Bob Kafka	1100 I-35, Austin, TX 78702	512-442-0252	bob.adapt@sbcglobal.net
Coalition of Texans with Disabilities / Dennis Borel	1716 San Antonio, Austin, TX, 78701	512-478-3366	info@txdisabilities.org
Texas State Independent Living Council / Sandra Breitengross Bitter	1524 South I 35, Ste, 320, Austin, TX, 78704	512-371-7353	sandra@txsilc.org
Health and Human Services Commission / Rebekah Eaddy	701 West 51st St., MC E-250, Austin, TX, 78751	512-438-2765	rebekah.eaddy@hhsc.state.tx.us
Accessibility Professionals Association, LLC / Shirley Knox	9433 Bee Cave Rd. Bldg. II, Suite 203, Austin TX 78733	(512) 415-5938	executivedirector@accessibilityp rofessionals.org
Building Officials Association of Texas / Mike Olson	1821 Rutherford Ln. Suite 400, Austin TX 78754- 5128	(512) 231-7400	molson@mcgregor-texas.com
Texas Society of Architects / James Perry	500 Chicon St. Austin TX 78702	(512) 478-0528	james@texasarchitects.org

Group, Association, or Agency Name / Contact Person	Address	Telephone	Email Address
United States Access Board / David Capozzi	1331 F St NW, Ste. 1000, Washington, DC, 20004-1111	(202) 272-0010	david.capozzi@access-board.gov
Texas Board of Architectural Examiners / Julie Hildebrand	333 Guadalupe, Ste. 3-250, A, Austin, TX, 78701-3942	512-305-9000	julie.hildebrand@tbae.state.tx.us
Texas State Technological College / Michael Hubbard	3801 Campus Drive, Waco, TX, 76705	254-867-4872	mshubbard@tstc.edu
Texas Historical Commission / Charles Johnson	P.O. Box 12276, Austin, TX, 78711-2276	512-463-5860	charles.johnson@thc.texas.gov
Texas Board of Professional Engineers / Lance Kinney	1417 South IH 35, Austin, TX, 78741	512-440-7723	lance.kinney@engineers.texas.gov
Accessibility Professionals Association / Shirley Knox	3355 Bee Care Rd #301B, Austin, TX, 78746	512-415-5938	scknox@sbcglobal.net
Texas Department of Transportation / Pete Krause	200 E Riverside Drive, Austin, TX, 78704	512-416-2714	pete.krause@txdot.gov
Governor's Committee on People with Disabilities / Ron Lucey	P.O. Box 12428, Austin, TX, 78711	512-463-5742	Ron.Lucey@gov.texas.gov
Texas School for the Blind and Visually Impaired / Scott Meyer	1100 West 45th Street, Austin, TX, 78746	512-377-0332	scott.meyer@twc.state.tx.us
Texas Workforce Commission / Claudia Paden	101 East 15th Street, Austin, TX, 78778	512-936-3446	claudia.peden@twc.state.tx.us
Texas Board of Architectural Examiners / Jack Stamps	333 Guadalupe, Ste. 3-250, Austin, TX, 78701-3942	512-305-6982	jack.stamps@tbae.state.tx.us
Texas Commission on Jail Standards / Brandon Wood	P.O. Box 12985, Austin, TX, 78711	512-463-5505	brandon.wood@tcjs.state.tx.us
U.S. Access Board / Dave Yanchulis	1331 F St NW, Ste. 1000, Washington, DC, 20004	202-272-0026	Info@access-board.gov
Brooks Myers / Brooks Myers	The Home Depot – Gulf Region, 2455 Paces Ferry Rd, Atlanta, Ga. 30339	281-846-8434	brooks_m_myers@homedepot.com
National Fire Protection Association (NFPA) / Jeff Sargent	117 Kensington Road, Hampton Falls, NH 03844	617-799-4769	jsargent@nfpa.org
Texas Association of Builders / Ned Munoz	313 East 12th Street, Suite 210, Austin, Texas 78701	512-476-6346	ned@texasbuilders.org
Building Officials Association of Texas (BOAT) / Teresa Adrian	1821 Rutherford Ln #400, Austin, TX 78754	972-721-2320	tadrian@cityofirving.org

Group, Association, or Agency Name / Contact Person	Address	Telephone	Email Address
Eaton Corporation / Allen Clark	3413 North Sam Houston Pkwy W, Houston, TX 77086	713-280-3412	allenclark@eaton.com
National Electrical Manufacturers Association (NEMA) / Bryan Holland	1300 North 17th Street, Suite 900, Arlington, Virginia 22209	941-613-6802	bryan.holland@nema.org
Underwriters Laboratories (UL) / Mark Ode		919-549-1726	mark.c.ode@ul.com
Trinity River Authority of Texas / Mark Waters	P.O. Box 60 Arlington, TX 76004	936-365-2292	watersm@trinity.org
National Electrical Contractors Association (NECA) / Allen Grainey	3 Bethesda Metro Center, Suite 1100, Bethesda, MD 20814	713-977-2522	agrainey@setxneca.org
CenTex Independent Electrical Contractors / David Johnson, Executive Director	8868 Research Blvd., Ste 502, Austin, TX 78758	512-832-1333	djohnson@centexiec.com
International Association of Electrical Inspectors (IAEI) / David Clements, Executive Director	901 Waterfall Way, Suite 602, Richardson, TX 75080	972-235-1455 x29	dclements@iaei.org
Texas Sign Association / Leona Stabler	2651 Boonville Rd Suite 140, Bryan, TX 77808	979-268-7500	leona@txsigns.org
ABC Electrical Apprenticeship Training Program / Jon Fisher		512-470-5756	alex@electricianapprenticehq.com
Texas AFL-CIO / Joe Arabie	1106 Lavaca St. #200, Austin TX 78701	512-477-6195	joe@texasaflcio.org
AFL-CIO / Michael Cunningham		512-472-4111	michael@texasbuildingtrades.org
Texas Industrial Vocation Association (TIVA) / Linda Holcombe	316 W 12th St #301, Austin TX 78701	512-478-0761	linda@tiva.org
City of Abilene / David Sartor	PO Box 60 Abilene, TX 79604	325-676-6272	david.sartor@abilenetx.com
City of Addison / James Bruce Ellis	5300 Belt Line Road Dallas, TX 75254	972-450-2888	jellis@ci.addison.tx.us
City of Aledo / Jack Liford	PO Box 61 Aledo, TX 76008-0061	682-352-5442	
City of Alice / Chris Walker	500 E. Main St. Alice, TX 78332	361-668-4385	chrishwalker@gmail.com
City of Alamo / H Acosta		956-787-0006	hacosta@alamotexas.org
City of Alamo Heights / Nathan Lester		210-832-2245	nlester@alamoheightstx.gov
City of Allen / Donna Pearce		214-509-4132	dpearce@cityofallen.org
City of Alvarado / Doug Ballard		817-790-3351	vasss@cityofalvarado.org
City of Alvin / Roy Sosa		281-388-4200	rsosa@psf.cityofalvin.com
City of Amarillo / Ron Gibbs		806-378-3045	ron.gibbs@ci.amarillo.tx.us
City of Andrews / Scott Wallace		432-523-4820	swallace@cityofandrews.org
City of Angleton / Robert Owens		979-849-4364	rowens@angleton.tx.us

Group, Association, or Agency Name / Contact Person	Address	Telephone	Email Address
City of Argyle / Codi Delcambre		940-464-7273	cdelcambre@argyletx.com
City of Arlington / Joe Riley		817-459-6510	rileyj@ci.arlington.tx.us
City of Athens / Gary Creclies		903-672-6615	garycoa@cox-internet.com
City of Austin / Alex Verver		512-974-6476	alex.verver@ci.austin.tx.us
City of Austwell / Earl Bluhm Jr.		361-286-3523	bluhm3940@hughes.net
City of Balch Springs / C. Murphree		972-557-6070	cmurphree@cityofbalchsprings.com
City of Bastrop / Stacy Snell		512-321-0457	ssnell@cityofbastrop.org
City of Bay City / Bill Shipp		979-245-5311	bshipp@cityofbaycity.org
City of Baytown / Kevin Byal		281-420-6544	kevin.byal@baytown.org
City of Beaumont / Don Burrell		409-880-3762	dburrell@ci.beaumont.tx.us
City of Bedford / Russell Hines		817-952-2144	rhines@ci.bedford.tx.us
City of Bee Cave / Stephen Myrick		512-767-6673	smyrick@beecavetexas.com
City of Beeville / Sonya Soto	400 N Washington St Beeville, TX 78102-3912	361-358-4641	sonya.soto@beevilletx.org
City of Bellaire / Lee Cabello		713-662-8235	lcabello@ci.bellaire.tx.us
City of Belton / Rex Robertson		254-933-5815	rrobertson@ci.belton.tx.us
City of Benbrook / Wayne Carlisle		817-249-3000	wcarlisle@cityofbenbrook.com
City of Big Spring / Todd Darden		432-264-2500	tdarden@ci.big-spring.tx.us
City of Boerne / Jesse Aguirre		830-249-9511	jaguirre@ci.boerne.tx.us
City of Bonham / David Kincade		903-583-7555	bldgcode@cablone.net
City of Borger / Larry Mullenix		806-273-0910	lmullenix@amaonline.com
City of Bowie / David Rainey		940-872-1114	bowiecode@cityofbowietx.com
City of Brenham / Paul Kendall		979-337-7211	pkendall@ci.brenham.tx.us
City of Bridgeport / Greg Damron		940-683-3410	gdamron@cityofbridgeport.net
City of Brownfield / Mitch McElry		806-637-4647	mdmcelroy@valornet.com
City of Brownsville / Evaristo Gamez		956-550-8345	egamez@cob.us
City of Brownwood / Joe Roady		325-643-8282	jroady@ci.brownwood.tx.us
City of Bryan / Russel Fox		979-209-5014	rfox@bryantx.gov
City of Burleson / Jeff Phillips		817-447-5400	jphillips@burlesontx.com
City of Burnet / John C. Goble		512-756-6093	kgoble@cityofburnet.com
City of Cameron / Stanley Garrison		254-697-6361	sgarrison@tlabwireless.net
City of Canyon / Marvin Gaddy		806-655-5014	codef@wtcoxmail.com
City of Canton / Coy Prather		903-567-2826	cprather@cantontex.com
City of Carrollton / Gary Heubach		972-466-3238	gary.heubach@cityofcarrollton.com
City of Carthage / David Thompson		903-693-8544	
City of Cedar Hill / Johnny Kendro		972-291-5100	johnny.kendro@cedarhilltx.com
City of Cedar Park / Mark Lewis		512-258-2530	lewis_m@cedarparktx.us
City of Cleburne / Willie Stevenson		817-645-0900	wills@cleburne.net
City of Cleveland / John Davis		281-659-0240	jdavis@ins.citycleveland.net
City of Clute / Gene Tumlinson		979-265-7939	gtumlinson@ci.clute.tx.us
City of College Station / Chris Haver		979-764-6254	chaver@cstx.gov
City of Colleyville / Bill Elliott		817-503-1030	elliottb@ci.colleyville.tx.us
City of Columbus / Jerry Krenek		979-732-2366	manager@columbustexas.net
City of Commerce / Stephen Wilson		903-886-1101	srwilson@koyote.com
City of Conroe / Randy George		936-522-3110	rgeorge@cityofconroe.org
City of Converse / Ward Richmond		210-658-8285	bldginspector@conversetx.net
City of Coppell / Gregg Jones		972-304-3506	gjones@ci.coppell.tx.us
City of Copperas Cove / Mike Morton		254-547-4221	mmorton@ci.copperas-cove.tx.us

Group, Association, or Agency Name / Contact Person	Address	Telephone	Email Address
City of Corinth / Shirley Mohrenweiser		940-498-3200	smohrenweiser@cityofcorinth.com
City of Corpus Christi / David L. Lewis		361-826-3268	davidl@cctexas.com
City of Corsicana / Richard Tate		903-654-4815	
City of Crowley / Cheryl McClain		817-297-2201	cmcclain@ci.crowley.tx.us
City of Dallas / Larry Heckler		214-948-4480	heckler@mail.ci.dallas.tx.us
City of Dayton / Byron Kennard		936-258-2642	bkennard@dayontx.com
City of Decatur / David M. Love		940-627-9600	dlove@decaturtx.org
City of Deer Park / Jerry Golden		281-479-2394	
City of Del Rio / Alejandro Garcia		830-774-8693	cityengineer@cityofdelrio.com
City of Denison / Rick Christensen		903-465-2720	rchristensen@cityofdenison.com
City of Denton / Kurt Hansen		940-349-8360	kurt.hansen@cityofdenton.com
City of Desoto / Eric Gray		972-230-9610	egray@ci.desoto.tx.us
City of Dickinson / Chad Leveritt		281-337-2489	cleveritt@ci.dickinson.tx.us
City of Double Oak / Charlie Wright		972-539-9464	cwright@double-oak.com
City of Dumas / Greg Tanner		806-935-4101	gtanner@ci.dumas.tx.us
City of Duncanville / Jack Lacy		972-780-5041	
City of Eagle Pass / Juan C. Nandin		830-773-1111	
City of Edinburg / Pablo Cerda		956-292-2088	pcerda@ci.edinburg.tx.us
City of El Campo / Larry Staff	315 E. Jackson, El Campo, TX 77437	979-541-5020	lstaff@cityofelcampo.org
City of El Paso / Leo Barraza		915-541-4556	barralx@elpasotexas.gov
City of Ennis / Harold Markham		972-878-1234	bmarkham@ennispublicsafety.net
City of Euless / Kurt Kasson		817-685-1656	kkasson@ci.euless.tx.us
City of Everman / Lisa Minnis		817-293-0525	lminnis@evermantx.net
City of Eastland / Bill Dolen		254-629-3349	citypz@txol.net
City of Fairfield /		903-389-2633	citystaff@fairfieldtexas.net
City of Fairview / Bud Ooton		972-562-0522	booton@fairviewtexas.org
City of Farmers Branch / Jay Hughes		972-919-2543	jay.hughes@farmersbranch.info
City of Farmersville / Charles Horton		972-782-6151	linda@farmersvilletx.net
City of Flatonía / Gregory Robinson		361-865-3413	grobinsn@ci.flatonia.tx.us
City of Flower Mound / David Summers		972-874-6355	david.summers@flower-mound.com
City of Forney / Dan Gibson		972-552-2291	dgibson@cityofforney.org
City of Forest Hill / Michael Duehring		817-531-5700	foresthillpw@usa.com
City of Fort Stockton / Raymond Casas		432-336-8525	rcasas@ci.fort-stockton.tx.us
City of Fort Worth / Ronnie Roberts		817-392-6193	ronnie.roberts@fortworthgov.org
City of Fredericksburg / Marlin Hartmann		830-990-2023	mhartmann@fbgtx.org
City of Freeport / Doug Caffey		979-233-3526	dcaffey@freeport.tx.us
City of Friendswood / F Manigold		281-996-3285	fmanigold@ci.friendswood.tx.us
City of Frisco / Phill Climer		972-335-5551	pclimer@friscotexas.gov
City of Gainesville / Roy E. Lewis		940-668-4504	rlewis@cogtx.org
City of Galena Park / Alexis Alvarez	2000 Clinton Drive, Galena Park, TX 77547-3406	713-672-2556 x301	aalvarez@cityofgalenapark-tx.gov
City of Galveston / Gary Saenz		409-797-3500	saenzgar@cityofgalveston.org
City of Garland / James Boren		972-205-2000	jboren@ci.garland.tx.us
City of Georgetown / David F. Hall		512-930-2550	dfh@georgetown.org
City of Giddings / Eric Cupit		979-540-2715	eric@giddings.net

Group, Association, or Agency Name / Contact Person	Address	Telephone	Email Address
City of Gilmer / Mike Catron		903-843-8200	mcatron@etex.net
City of Gladewater / Larry Player	118 East Richmond, Giddings TX 78942	903-845-2011	info@cityofgladewater.com
City of Glenn Heights / Gerry Tremblay		972-274-5100	buildinginspector@glennheights.com
City of Granbury / Richard McKinley		817-573-9692	mckinley@granbury.org
City of Grand Prairie / Doug Boggus		972-237-8240	dboggus@gptx.org
City of Granite Shoals / Ken Francis		830-598-2424	citysecretary@graniteshoals.org
City of Grapevine / Scott Williams		817-410-3158	scottw@ci.grapevine.tx.us
City of Greenville / Steve Methven		903-457-3139	smethven@ci.greenville.tx.us
City of Haltom / Roy Castro		817-222-7700	rcastro@haltomcitytx.com
City of Harker Heights / D. G. Kingsley		254-953-5648	hhcbo@harkerheights.com
City of Harlingen / Eddie Olvera		956-427-8730	eolvera@myharlingen.us
City of Henderson / Claud Reese		903-657-6551	creese@hendersontx.us
City of Helotes / Bruce Bealor		210-695-8877	ecruz@helotes-tx.org
City of Hereford /		806-363-7103	webmaster@hereford-tx.org
City of Hewitt / Bruce Braley		254-666-6173	bbraley@cityofhewitt.com
City of Hidalgo / Virgil Gonzales		956-843-2286	hidvirgil@aol.com
City of Highland Park / Kirk Smith		214-521-4161	ksmith@hptx.org
City of Highland Village / Billy Spencer		972-317-5558	bspencer@highlandvillage.org
City of Hill Country Village / Bruce Bealor		210-494-3671	info@hcv.org
City of Hillshire Village / Charlie (Chuck) Erwi		713-973-1779	hilviltx@hilshirevillagetexas.com
City of Hitchcock / Janie Avila	7423 Highway 6, Hitchcock, TX 77563	409-986-5591	javila@cityofhitchcock.org
City of Houston / N. A. Weiman		713-535-7555	n.a.weiman@cityofhouston.net
City of Humble / Brandy Walker		281-446-6228	bwalker@cityofhumble.net
City of Huntsville / Mike Roempke		936-294-5772	mroempke@huntsvilletx.gov
City of Hurst / Vince King		817-788-7041	vking@ci.hurst.tx.us
City of Hutto / Dan McDowell		512-759-5972	dan.mcdowell@huttotx.gov
City of Ingleside / Wes Felts		361-776-2517	ingbuild@cableone.net
City of Irving / Robert Chatham		972-721-4888	rchatham@ci.irving.tx.us
City of Jacinto City / Kyle Reed, Director of Public Works	12202 Market St., Houston TX 77015	713-453-7411	kyle.reed@jacintocity-tx.gov
City of Jacksonville / Jody Watson		903-589-3510	jvilleb@plash.net
City of Jamaica Beach / John Brick		409-737-1142	cityadmin@ci.jamaicabeach.tx.us
City of Jasper / Kenneth/Bo Duck		409-384-4651	bduck@jas.net
City of Jourdanton / Jesse Flores		830-769-3589	cityofjourdanton@hotmail.com
City of Katy / Daniel Langford		281-391-4819	dlangford@cityofkaty.com
City of Kaufman / Tim Yates		972-932-2216	codeenf@kaufmantx.org
City of Keller / Jeremy Booker		817-743-4115	jbooker@cityofkeller.com
City of Kerrville / Brian Whitton		830-257-8000	brianw@kerrville.org
City of Kilgore / Mike Green		903-988-4114	mike.green@cityofkilgore.com
City of Killeen / Earl Abbott		254-501-7605	eabbott@ci.killeen.tx.us
City of Kingsville / Terry Schlomack		361-595-8021	electrical@cityofkingsville.com
City of Krum / Karen Blakey		940-482-3491	kblakey@ci.krum.tx.us
City of Kyle / Mario Perez		512-268-5341	mperez@cityofkyle.com

Group, Association, or Agency Name / Contact Person	Address	Telephone	Email Address
City of Lacy Lakeview / Jerry Gerick		254-799-2458	connie_foreman@lacy-lakeview.org
City of La Grange / Aaron Girard		979-968-5805	agirard@cityoflg.com
City of Lakeway / Doug Dailey		512-314-7540	codeinspector@cityoflakeway.com
City of Lake Worth / Barry Barber		817-237-1211	bbarber@lakeworthtx.org
City of La Marque / Terry Key		409-938-9204	t.key@ci.la-marque.tx.us
City of Lampasas / Lance Carlson		512-556-6831	lance@cityoflampasas.com
City of La Porte / Mark Huber		281-471-5020	huberm@laportetx.gov
City of Lake Jackson / Mathew Houston		979-415-2430	mhouston@ci.lake-jackson.tx.us
City of Lancaster / Ed Dryden	211 N Henry, Lancaster, TX 75146	972-218-1212	bdryden@lancaster-tx.com
City of Laredo / R. Salinas		956-794-1625	rsalinas0@ci.laredo.tx.us
City of League City / Sean Landis		281-554-1428	slandis@leaguecity.com
City of Leander / Bill Walden		512-528-2700	bwalden@ci.leander.tx.us
City of Leon Valley / Melinda Smith		210-684-1391	m.smith@leonvalleytexas.gov
City of Levelland / Jeff Hemphill		806-894-0113	jhemphill@door.net
City of Lewisville / Jimmy Vaughn		972-219-3400	jvaughn@cityoflewisville.com
City of Liberty / Roy Gilliland		936-334-7114	cparker@cityofliberty.org
City of Liberty Hill / Jonny Ubelhor	926 Loop 332, Liberty Hill, TX 78642	512-778-5449 x 107	jubelhor@libertyhilltx.gov
City of Lindale / Charles West		903-882-6861	charlesw@lindaletx.gov
City of Little Elm / Dale McKendric		214-975-0456	dmcken@littleelm.org
City of Live Oak / Sandy Edwards		210-653-9140	sedwards@ci.live-oak.tx.us
City of Livingston / Dewayne Oates	200 W. Church St., Livingston TX 77351	936-327-4311	
City of Llano / Randy Farnsworth		325-247-4158	rfarns@tstar.net
City of Lockhart / Michael L. Catching		512-398-3461	mcatching@lockhart-tx.org
City of Longview / John Burciaga		903-237-1000	jburciaga@ci.longview.tx.us
City of Lubbock / Travis Burrow		806-775-2086	travisburrow@mylubbock.us
City of Lufkin / Brian McCollum		936-633-0298	bmccollum@cityoflufkin.com
City of Magnolia / Luann Drake		281-356-2266	ldrake@cityofmagnolia.com
City of Manor / Thomas Bolt		512-272-5555	tbolt@cityofmanor.org
City of Mansfield / Scott Lingo		817-216-4200	scott.lingo@ci.mansfield.tx.us
City of Manvel / Jim Sullivan		713-202-5558	egramham@cityofmanvel.com
City of Marble Falls / Terry Pelton		830-693-3615	tpelton@ci.marble-falls.tx.us
City of Marshall / Richard Pheasant		903935-4418	cforester@marshalltexas.net
City of McAllen / Luis Vasquez		956-972-7020	lvasquez@mcallen.net
City of McGregor / Stephen Haire		254-840-2806	shaire@mcgregor-texas.com
City of McKinney / Gary Adams		972-547-7500	gadams@mckinneytexas.org
City of Mercedes / Raul Flores		956-565-3114	rflores@ci.mercedes.tx.us
City of Mesquite / Darren Ennis		972-288-7711	dennis@ci.mesquite.tx.us
City of Midland / Richard Millan		432-685-7389	rschwope@midlandtexas.gov
City of Midlothian / Al Haack		972-775-7134	al.haak@midlothian.tx.us
City of Mineola / Leo Smith		903-569-3987	smitty@mineola.com
City of Mineral Wells / Bobby Fulkersin	P.O. Box 460, Mineral Wells, TX 76067	940-328-7719	inspector@mineralwellstx.gov

Group, Association, or Agency Name / Contact Person	Address	Telephone	Email Address
City of Mission / Jaime Acevedo, Planning Director	1201 E. 8th Street, Mission, TX 78572	956-580-8674	jacevedo@missiontexas.us
City of Missouri City / L Flores		281-403-8600	lflores@ci.mocity.tx.us
City of Mount Pleasant / Eddie Perritt		903-575-4044	eperritt@mpcity.org
City of Murphy / Christi Lambert		972-424-6021	clambert@murphytx.org
City of Nacogdoches / Rusty Berry		936-559-2551	berryb@ci.nacogdoches.tx.us
City of Nassau Bay / Larry Boles		281-333-4211	larry.boles@nassaubay.com
City of Navasota / Jim Ward		936-825-6950	jward@navasotatx.gov
City of Nederland / Rod Hatch		409-723-1502	jhatch@ci.nederland.tx.us
City of New Braunfels / Billy Clark		830-608-2115	rkinsey@nbtexas.org
City of Northlake / Larry Roumel		940-465-1664	lroumel@town.northlake.tx.us
City of North Richland Hills / Penny Peterson		817-427-6310	ppeterson@nrhtx.com
City of Odessa / Ralph McCain		432-335-4105	rmccain@ci.odessa.tx.us
City of Orange / Tommy Reynolds		409-988-7399	treynolds@orangetexas.net
City of Palacios / Don Guynes		361-972-3605	dguynes@cityofpalacios.org
City of Palestine / Warren Oakley		903-731-8419	wdoakley@palestine-tx.org
City of Palmhurst / Heron Longoria Jr.		956-583-8697	hlongoria@bizrev.rr.com
City of Pampa / Danny Winborne		806-669-5740	dwinborne@cityofpampa.org
City of Pantego / Chad Joyce		817-860-1681	cjoycepw@sbcglobal.net
City of Paris / Rick Hundley		903-784-9233	rhundley@paristexas.gov
City of Pasadena / Joe Martino		713-475-7842	martino@ci.pasadena.tx.us
City of Pearland / Kola Olayiwola		281-652-1637	kolayiwola@ci.pearland.tx.us
City of Pflugerville / Blake Overmyer		512-252-8469	blakeo@cityofpflugerville.com
City of Pharr / Rogelio Rodriguez	118 South Cage Blvd., 1st Floor Pharr, TX 78577	956-402-4210 x1701	rogelio.rodriguez@pharr-tx.gov
City of Pilot Point / Randy Hosea		940-686-2165	rhosea@cityofpilotpoint.org
City of Plainview / Delwin Derrick		806-296-1123	dderrick@ci.plainview.tx.us
City of Plano / Keith Schmidt		972-941-7211	keiths@plano.gov
City of Pleasanton / Ron Hughes		830-569-3867	ron.hughes@wireweb.net
City of Port Arthur / Darlene Thomas-Pierre, Dir. of Code Comp.	P.O. Box 1089, Port Arthur, TX 77641	409-983-8261	darlene.pierre@portarthurtx.gov
City of Port Lavaca / Rob Thigpen		361-552-9793	rthigpen@portlavaca.org
City of Port Neches / George Wheeler		409-727-2182	gwheeler@portnechestx.us
City of Portland / Albert Vilches		361-777-4553	avilches@portlandtx.com
City of Pottsboro / David Harlen		903-786-2281	arichardson@totalnet.us
City of Prosper / Steve Freeman		972-346-3502	steve-freeman@prospertx.gov
City of Rhome / Jack Liford		817-636-2462	cityofrhome@earthlink.net
City of Red Oak / Dean Kennedy		972-576-3414	dkennedy@redoaktx.org
City of Richardson / Gary Youngkin		972-744-4196	gary.youngkin@cor.gov
City of Richland Hills / Howard Gregory		817-299-1870	hgregory@richlandhills.com
City of Richmond / Robert Hass		281-232-6871	roberthaas@richmondtd.com
City of Rio Grande City / Gilbert Millan, Jr., Planning Director		956-488-8728	gmillan@cityofrgc.com
City of Roanoke / JR Hames		817-490-1308	jhames@roanoketexas.com
City of Robstown / Jerry Velasco		361-387-0175	cityofrobstown@stx.rr.com
City of Rockport / Gary Payn		390-790-1155	inspector@cityofrockport.com
City of Rockwall / Rick Sherer		972-771-7700	rsherer@rockwall.com
City of Roma / Joe Garza		956-849-1411	jgarza@cityofroma.net
City of Rosenberg / John Brow		832-595-3500	johnb@ci.rosenberg.tx.us

Group, Association, or Agency Name / Contact Person	Address	Telephone	Email Address
City of Round Rock / Gary Lawrence		512-218-5400	glawrence@round-rock.tx.us
City of Rowlett / Danny Denman		972-412-6125	ddenman@ci.rowlett.tx.us
City of Royse City / Richard Bell		972-636-2250	planningdirector@roysecity.com
City of Sachse / Michael Spencer		972-675-1633	mspencer@cityofsachse.com
City of Saginaw / Larry Little		(817) 230-0457	llittle@saginawtx.org
City of San Angelo / Tonya Palerer		325-657-4204	permits@wcc.net
City of San Antonio / Raymond Martinez		210-207-8286	raymondm@sanantonio.gov
City of San Benito / Hector Jalomo		956-361-3800	hjalomo@cityofsanbenito.com
City of San Juan / Bobby Salinas		956-702-6408	sanjuanplanning@yahoo.com
City of San Marcos / David McMillan		512-393-8244	mcmillan_david@ci.san-marcos.tx.us
City of Santa Fe / Benny Davis		409-925-6412	
City of Schertz / Leonard Truitt		210-658-7477	ltruitt@ci.schertz.tx.us
City of Seabrook / S. R. Burgess		281-291-5670	rburgess@ci.seabrook.tx.us
City of Seagoville / Jeff Swaggerty	702 N. Hwy. 175, Seagoville, TX 75159	972-287-2050 x2019	
City of Sealy / Frank Rodriguez Jr.		979-885-1669	frodriquez@ci.sealy.tx.us
City of Shavano Park / Jim Priour		210-477-0956	jpriour@shavanopark.org
City of Seguin / Gil Durant		830-379-3212	buildingofficial@ci.seguin.tx.us
City of Shenandoah / Terry Golden		832-585-8146	tgolden@shenandoah.tx.com
City of Sherman / Scott Shadden		903-892-7206	scotts@ci.sherman.tx.us
City of Snyder / Vick Chambers		325-573-4959	vchambers@ci.snyder.tx.us
City of Socorro / Job Terrazas, Building Official	124 S. Horizon Blvd., Socorro, TX 79927	915-872-8531	jterrazas@ci.socorro.tx.us
City of Sonora /	201 E. Main, Sonora, TX 76950	325-387-2558	
City of South Houston / David Reagan		713-947-7700	david.reagan@baytown.org
City of Southlake / Eddie Wilson		817-829-1983	ewilson@ci.southlake.tx.us
City of Spring Valley / Art Flores		713-465-8308	inspections@springvalleytx.com
City of Stafford / Gene Bane		281-261-3946	gbane@cityofstafford.com
City of Stephenville / Troy Curtis		254-918-1214	tcurtis@ci.stephenville.tx.us
City of Sugar Land / Christian Somers		281-275-2730	csomers@sugarlandtx.gov
City of Sunnyvale / Steve Gilbert		972-203-4188	buildinginspector@townofsunnyvale.org
City of Sweetwater / D. Alderson		325-236-6313	dalderson2002@yahoo.com
City of Taylor / Bob Luke		512-352-3675	bob.luke@ci.taylor.tx.us
City of Temple / James Redden		254-298-5644	jredden@ci.temple.tx.us
City of Terrell / David Denney		972-551-6600	orenteria@cityofterrell.org
City of Texarkana / Nina Walker		903-798-3900	walker@txkusa.org
City of Texas City / Larry J. Iles		409-643-5945	liles@texas-city-tx.org
City of The Colony / Greg Shelton		972-624-3154	
City of Tiki Island / Darrell Hunter		409-935-1427	tikiisland@houston.rr.com
City of Tomball / David Allen		281-351-5484	dallen@ci.tomball.tx.us
City of Trophy Club / Chris King		682-831-4684	buildinginspection@ci.trophyclub.tx.us
City of Tyler / John Hancock		903-531-1151	jhancock@tylertexas.com
City of Universal City / Chuck Padgett		210-659-0333	buildingofficial@universalcitytexas.com
City of University Park / Harry Persaud		214-363-1644	hpersaud@uptexas.org

Group, Association, or Agency Name / Contact Person	Address	Telephone	Email Address
City of Uvalde / Robert Avila		830-278-3316	codeenforcement@uvaldetx.com
City of Vernon / Monica Wilkerson		940-552-9961	wilkinson.monica@gmail.com
City of Victoria / Rick Madrid		361-485-3320	rmadrid@victoriatx.org
City of Vidor / Byron Richard		409-769-0150	brichard@cityofvidor.com
City of Waco / Cathy Groppe		254-750-5970	cathyg@ci.waco.tx.us
City of Watauga / Randy Richards		817-514-5800	randyrichards@cowtx.org
City of Waxahachie / Sanford Smith		972-937-7330	ssmith@waxahachie.com
City of West Columbia / Denise Kemp		979-345-3633	dykemp@warpspeed1.net
City of Weatherford / Don Walden		817-598-4200	dwalden@ci.weatherford.tx.us
City of Westlake Hills / Jim Stearman		512-327-3628	codeinspec@westlakehills.org
City of Webster / Erich Pen		281-316-41316	epen@cityofwebster.com
City of West Orange / Dean Fuller		409-883-3468	dfuller@cityofwestorange.com
City of Weslaco / Raul Gonzalez		956-968-3181	ragonzalez@weslacotx.gov
City of West University Place / Debbie Scarcella		713.662.5893	dscarcella@westutx.gov
City of Westlake / Eddie Edwards		817-490-5718	eedwards@westlake-tx.org
City of Wharton / Ronnie Bollom		979-532-2491	rbollom@cityofwharton.com
City of White Oak / Ron Cherry		903-220-8262	rcherry@cityofwhiteoak.com
City of White Settlement / Tim Dovel		817-246-4971	jwoodrum@wstx.us
City of Wichita Falls / Brad Scates		940-761-8849	brad.scates@cwftx.net
City of Willow Park / Jack Liford		817-441-7108	charris@willowpark.org
City of Wimberley / Bill Bowers		512-847-0025	bbowers@anvilcom.com
City of Windcrest / David Cadena		210-655-0022	dcadena@ci.windcrest.ts.us
City of Winfield / Danny Clark		903-524-2020	winfield@suddenlink.com
City of Woodway / Dean Conner		254-772-4050	dconner@hot.rr.com
City of Wylie / Johnny Bray		972-442-8150	johnny.bray@wylitexas.gov
City of Yoakum / Adam Findeisen		361-293-6321	afindeisen@cityofyoakum.org
Qualified Elevator Inspector Training Fund / Thea Mauer		410-312-1474	tmauer@eiwpf.org
National Association of Elevator Safety Authorities / Bob Shepherd		609-780-5551	bob@naesa.org
Texas Hearing Aid Association / Scott Posposil	P. O. Box 476, Austin, TX, 78767	512-477-1991	info@texashearingaids.org
International Hearing Society / Julia Bellinger	16880 Middlebelt Rd Ste 4, Livonia, MI, 48154	734-522-7200 ex. 236	jbelling@ihsinfo.org
Texas Department of Housing and Community Affairs / Kimbal Thompson		512-475-3887	kimbal.thompson@tdhca.state.tx.us
International Code Council / Kelly Sadler		512-827-6471	ksadler@iccsafe.org
Modular Building Institute (MBI) / Tom Hardiman		434-296-3361 x 158	tom@modular.org
Texas Manufactured Housing Association (TMHA) / DJ Pendleton		512-459-1221	dpendleton@texasmh.com
American Homestar Corporation / Ronda McAllen		281-334-9789	ronda@hstr.com
Williams Scotsman / Douglas Robinson		817-457-5300 x 45401	DoRobins@willscot.com
Ramtech Building Systems / Roland Brown		817-473-9376	rbrown@ramtechgroup.com
Texas Department of Insurance / Paul Maldonado		512-305-7906	paul.maldonado@tdi.state.tx.us

Group, Association, or Agency Name / Contact Person	Address	Telephone	Email Address
International Code Council / Naderi Hamid		512-258-0133	hnaderi@iccsafe.org
RCS Enterprises / Corry Bentley		972-727-8572	corry@rcsent.net
RCS Enterprises / Martin Montgomery		214-202-8287	jmmontg@msn.com
City of Waco / Randy Childers		254-750-5671	randyc@wacotx.gov
City of Denton / Scott McDonald	215 W Hickory St, Denton, TX 76201-4120	940-349-8539	scott.mcdonald@cityofdenton.com
City of Round Rock / Mark Remmert		512-218-5550	markr@roundrocktexas.gov
Federation of State Massage Therapy Boards (FSMTB) / Debra Persinger, PhD	7111 West 151st St, Suite 356, Overland Park, KS 66223	913-681-0380	info@fsmtb.org
Associated Bodywork & Massage Professionals (ABMP) / Les Sweeney	25188 Genesee Trail Road, Suite 200 Golden CO 80401	303-674-8478	expectmore@abmp.com
American Massage Therapy Association (AMTA) – Texas Chapter / Joan Nichols	500 David Street, Suite 900, Evanston, IL 60201	877-905-2700	info@amtamassage.org
Career Colleges & Schools of Texas (CCST) / Lisa Tomsio	823 Congress Ave, Suite 230, Austin, TX 78701	214-630-0568	Whitejdwii@me.com
Midwifery Education and Accreditation Council (MEAC) / Beatrix Packmohr, MS	850 Mt. Pleasant Ave., Ann Arbor, MI 48103	(360) 466-2080 ext. 0	info@meacschools.org
Midwives Alliance of North America / Vicki Hedley	P.O. Box 373, Montvale, NJ 07645	(844) 626-2674	contact@mana.org
Association of Texas Midwives / Brielle Epstein			ATMOffice@texasmidwives.com
Texas Mold Assessors and Remediators Association (TMARA) / Mike Marshall	2512 S IH 35, Suite 110, Austin, TX 78704	77-241-9222	Mike.marshall@moldtx.com
Texas Coalition of Concerned Alcohol-Drug Interventionists / Dean DeSoto		210-681-8655	catsnorth@gmail.com
Commission on Accreditation of Allied Health Education Programs (CAAHEP) / Kathleen Megivern, JD, Executive Director	25400 US Highway 19 North, Suite 158, Clearwater, FL 33763	727-210-2350	mail@caahep.org
National Commission on Orthotic and Prosthetic Education (NCOPE) / Robin Seabrook, Executive Director	330 John Carlyle St., Ste. 200, Alexandria, VA 22314	703-836-7114 ext. 225	rseabrook@ncope.org
Texas Association of Orthotists & Prosthetists / Ken Clark	500 Spring Hill Drive, Suite 200, Spring TX 77386	210-591-8267	taopstaff@gmail.com
Texas Chapter of the American Academy Of Orthotics and Prosthetics / Katie Brinkley, CPO, LPO	P.O. Box 131858, Tyler, TX 75713	940-206-7807	president@txaaop.org
American Orthotic and Prosthetic Association / Eve Lee, MBA, CAE, Executive Director	330 John Carlyle St, Alexandria, VA 22314	571-431-0876	elee@AOPAnet.org

Group, Association, or Agency Name / Contact Person	Address	Telephone	Email Address
American Board for Certification in Orthotics, Prosthetics, & Pedorthics / Catherine Carter, M.A., Executive Director	330 John Carlyle St #210, Alexandria, VA 22314	703-836-7114	ccarter@abcop.org
Board of Certification/Accreditation (BOC) / Claudia Zacharias, MBA, CAE, Exec. Dir.	10461 Mill Run Circle, Ste. 1250, Owings Mills, MD 21117	877-776-2200	claudia.zacharias@bocusa.org
Employer Services Assurance Corporation (ESAC) / Jay Morgan	One Financial Centre, 650 S. Shackelford, Suite 327, Little Rock, AR, 72211	501-219-2045	info@ESACmail.org
Texas Podiatric Medical Association (TPMA) / Brian Carpenter		512-494-1123	Brian@txpma.org
American Podiatric Medical Association (APMA) /	9312 Old Georgetown Road, Bethesda, MD 20814-1621	301-581-9200	https://www.apma.org/index.cfm
Council on Podiatric Medical Education (CPME) / Michael Trepal, DPM (Chair)	9312 Old Georgetown Road, Bethesda, MD 20814-1621	301-581-9200	https://www.cpme.org/index.cfm
National Board of Podiatric Medical Examiners (NBPME) / Alyssa Kay Stephenson, DPM, President	PO Box 510, Bellefonte, PA 16823	814-357-0487	NBPMEOfc@aol.com
Federation of Podiatric Medical Boards (FPMB) / Russell Stoner	12116 Flag Harbor Drive, Germantown, MD 20874-1979	202-810-3762	fpmb@fpmb.org
Texas Association of Law Enforcement Polygraph Investigators (TALEPI) / Robert Young	PO Box 14463, Austin, TX, 78761	n/a	ryoung@co.hood.tx.us
Texas Association of Polygraph Examiners (TAPE) / John Rios			rios.john@sbcglobal.net
American Polygraph Association (APA) /	PO Box 8037, Chattanooga, TN, 3741-0037	800-272-8037	manager@apapolygraph.org
Comptroller Property Tax Assistance Division (PTAD) / Korry Castillo	1711 San Jacinto, Third Floor, Central Services Building, Austin, TX, 78701	512-305-9999	ptad.cpa@cpa.texas.gov
Comptroller Property Tax Assistance Division (PTAD) / Mike Esparza	1711 San Jacinto, Third Floor, Central Services Building, Austin, TX, 78701	512-305-9999	ptad.cpa@cpa.texas.gov
Comptroller Property Tax Assistance Division (PTAD) / Jeff Van Pelt	1711 San Jacinto, Third Floor, Central Services Building, Austin, TX, 78701	512-305-9999	ptad.cpa@cpa.texas.gov
Comptroller Property Tax Assistance Division (PTAD) / Shannon Murphy	1711 San Jacinto, Third Floor, Central	512-305-9999	ptad.cpa@cpa.texas.gov

Group, Association, or Agency Name / Contact Person	Address	Telephone	Email Address
	Services Building, Austin, TX, 78701		
Texas Association of Appraisal Districts (TAAD) / Doris Koch	7700 Chevy Chase Dr, Bldg. 1, Ste. 425, Austin, TX, 78752	512-467-0402	dkoch@taad.org
Texas Association of Assessing Officers (TAAO) / Cherry Kay Abel	2028 E. Ben White Blvd., Suite 305, Austin, TX, 78741	512-926-2511	cherry@taao.org
Texas Rural Chief Appraisers (TRCA) / Bud Black	P.O. Box 1741, Fairfield, TX, 75840	512-522-2405	director@trcai.org
Texas Association of Property Tax Professionals (TAPTP) / Richard Godwin	PO Box 933, Helotes, TX, 78023	210-872-2078	taptpt@taptpt.org
Texas Environmental Health Association (TEHA) - Central Texas Chapter / Rebeca Vera		(210) 882-8917	TheEhealthgroup@gmail.com
Texas Environmental Health Association (TEHA) - Panhandle West Texas Chapter / Anthony Spaniel		806 378-5292	Anthony.spaniel@amarillo.gov
Texas Environmental Health Association (TEHA) - Executive Director / Jodie Heilman-Halter		806-855-4277	jodie.halter@myteha.org
Texas Environmental Health Association (TEHA) - North Texas Chapter / John Dingman		972-941-7143	Jackdi@plano.gov
Texas Environmental Health Association (TEHA) - South Texas Chapter / Joshua Garza		956-254-3001	BuildingInspector@copitx.com
Texas Environmental Health Association (TEHA) - East Texas Chapter / Jessica C Plant		903 278-3378	Jessica.plant@txkusa.org
Texas Environmental Health Association (TEHA) - Gulf Coast Chapter / John Shrader		281 428-2648	Shrader@EHSpecialties.com
National Environmental Health Association (NEHA) / David T. Dyjack, Dr.PH, CIH	720 S. Colorado Blvd., Suite 1000-N, Denver, CO 80246-1926	(303) 756-9090	staff@neha.org
Texas Environmental Health Association (TEHA) / Leisha Kidd-Brooks	PO Box 889, Wolfforth, TX 79382	(806) 855-4277	https://www.myteha.org/Contact?c=164
Texas Public Health Association (TPHA) / Terri Pali	PO Box 9610, Longview, Texas 75608	(903)309-3380	txpha@aol.com
Texas Speech-Language Hearing Association / Larry Higdon		855-330-8742	larry.higdonyx@txsha.org
Texas Academy of Audiology / Matt Lyon		915-532-6935	mlyon@ephearing.com
National Council of State Boards of Examiners for SLPA /	3416 Primm Lane Birmingham, Alabama 35216	205-823-6106	info@ncsb.info
Coalition of Texans with Disabilities / Chase Bearden		512-478-3366	cbearden@txdisabiliites.org

Group, Association, or Agency Name / Contact Person	Address	Telephone	Email Address
Office of the Governor / Ron Lucey		512-463-5742	ron.lucey@gov.texas.gov
Texas Travel Industry Association (TTIA) / Homero Lucero		512-328-8842	homerol@ttia.org
American Disabled for Attendant Programs Today (ADAPT) of Texas / Bob Kafka			bob.adapt@sbcglobal.net
Texas State Independent Living Council / Brian White		512-371-7353	brian@txsilc.org
Texas Towing and Storage Association / Dana Gardiner	26202 I-45 North, The Woodlands, TX, 77386	1-866-924-2088	ttsa@ttsa.org
Southwest Tow Operators / Tommy Anderson	660 N. Central Expressway Suite 230, Plano, TX, 75074	972-247-9454	mail@swtowop.org
Texas Department of Motor Vehicles / Kimberley Jasso		512-465-4026	Kimberley.Jasso@txdmv.gov
Texas Automotive Recyclers Association / Cheryl Lambright	P.O. Box 3547, Galveston, TX, 77552	1-800-710-8272	http://www.texasara.com/contactus.php
Texas Groundwater Protection Committee / Cary Betts		512-239-4506	cary.betz@tceg.texas.gov
Texas Groundwater Association / Dean Robbins	3755 S. Capital of Texas Highway, Ste. 105, Austin, TX, 78704	512-472-7437	drobbins@twca.org
Texas Alliance of Groundwater Districts / Sarah Rountree Schlessinger	P.O. Box 90277, Austin, TX, 78709	512-596-3101	info@texasgroundwater.org
Texas Water Development Board / Alberto Jimenez	P.O. Box 13231, Austin, TX, 78711-3231	512-936-0871	Alberto.Jimenez@twdb.texas.gov
Texas Water Development Board / Heather Dodson	P.O. Box 13231, Austin, TX, 78711-3231	512-936-0847	heather.dodson@twdb.texas.gov
Bandera County River Authority and Groundwater District / David Mauk	P.O. Box 177, Bandera, TX, 78003	830-796-7260	dmauk@bcragd.org
Barton Springs/Edwards Aquifer Conservation District- / Alicia Reinmund-Martinez	1124-A Regal Row, Austin, TX, 78748	512-282-8411	bseacd@bseacd.org
Bee Groundwater Conservation District / Lonnie Stewart	P.O. Box 682, Beeville, TX, 78104	361-358-2244	beegcd@yahoo.com
Blanco-Pedernales Groundwater Conservation District / Ron Fieseler	P.O. Box 1516, Johnson City, TX, 78636	830-868-9196	manager@blancogw.org
Bluebonnet Groundwater Conservation District / Zach Holland	P.O. Box 269, Navasota, TX, 77868	936-825-7303	bgcd@bluebonnetgroundwater.org
Brazoria County Groundwater Conservation District / Kent Burkett	111 E. Locust, Bldg. A-29, Ste. 140, Angleton, TX, 77515	979-864-1078	sherry@brazoria-county.com

Group, Association, or Agency Name / Contact Person	Address	Telephone	Email Address
Brazos Valley Groundwater Conservation District / Alan Day	P.O. Box 528, Hearne, TX, 77859	979-279-9350	aday@brazosvalleygcd.org
Brewster County Groundwater Conservation District / Summer Webb	P.O. Box 465, Alpine, TX, 79831	432-837-6235	bcgwcd@gmail.com
Brush Country Groundwater Conservation District / Felix Saenz	P.O. Box 136, Falfurrias, TX, 78355	361-325-5093	generalmanager@brushcountrygcd.com
Calhoun County Groundwater Conservation District / Tim Andruss	P.O. Box 1395, Port Lavaca, TX, 77979	361-648-9762	admin@calhouncountygcd.org
Central Texas Groundwater Conservation District / Mitchell Sodek	P.O. Box 870, Burnet, TX, 78611	512-756-4900	donnita@centraltexasgcd.org
Clear Fork Groundwater Conservation District / Belynda Rains	P.O. Box 369, Roby, TX, 79543	325-776-2730	clearforkgcd@gmail.com
Clearwater Underground Water Conservation District / Dirk Aaron	P.O. Box 1989, Belton, TX, 76513	254-933-0120	dirk.aaron@clearwaterdistrict.org
Coastal Bend Groundwater Conservation District / Neil Hudgins	P.O. Box 341, Wharton, TX, 77488	979-531-1412	thedistrict@cbgcd.com
Coastal Plains Groundwater Conservation District / Neil Hudgins	P.O. Box 2612, Bay City, TX, 77414	979-323-9170	shorris@co.matagorda.tx.us
Coke County Underground Water Conservation District / Winton Milliff	P.O. Box 1110, Robert Lee, TX, 76945	325-453-2232	ccuwcd@wcc.net
Colorado County Groundwater Conservation District / James E. Brasher	P.O. Box 667, Columbus, TX, 78934	979-732-9300	kim@ccgcd.net or jim@ccgcd.net
Comal Trinity Groundwater Conservation District / Henry Louis Saur	P.O. Box 664, Spring Branch, TX, 78070	830-885-2130	admin@comaltrinitygcd.com
Corpus Christi ASR Conservation District / Bill Green	P.O. Box 9277, Corpus Christi, TX, 78469	361-826-1681	billg@cctexas.com
Cow Creek Groundwater Conservation District / Micah Voulgaris	201 E. San Antonio Ave., Ste. 100, Boerne, TX, 78006	830-816-2504	manager@ccgcd.org
Crockett County Groundwater Conservation District / Slate Williams	P.O. Box 1458, Ozona, TX, 76943	325-392-5156	crockettcountygcd@gmail.com
Culberson County Groundwater Conservation District / Summer Webb	P.O. Box 1295, Van Horn, TX, 79855	432-283-1548	srwebb@culbersongroundwater.org
Duval County Groundwater Conservation District / Luis Pena	P.O. Box 506, Benavides, TX, 78341	361-256-3589	duvalgwdmngn@gmail.com
Edwards Aquifer Authority / Roland Ruiz	900 E. Quincy St., San Antonio, TX, 78215	210-222-2204	info@edwardsaquifer.org
Evergreen Underground Water Conservation District / Russell Labus	110 Wyoming Blvd., Pleasanton, TX, 78064	830-569-4186	info@evergreenuwcd.org
Fayette County Groundwater Conservation District / David A. Van Dresar	255 Svoboda Lane, Room 115, La Grange, TX, 78945	979-968-3135	info@fayettecountygroundwater.com

Group, Association, or Agency Name / Contact Person	Address	Telephone	Email Address
Fort Bend Subsidence District / Michael Turco	P.O. Box 427, Richmond, TX, 77469	281-342-3273	mturco@subsidence.org
Garza County Underground Water Conservation District / Ferrell Wheeler	300 W. Main Street, Post, TX, 79356	806-495-4425	melinda.quintana@co.garza.tx.us
Gateway Groundwater Conservation District / Carrie Dodson	P.O. Box 338, Quanah, TX, 79252	940-663-5722	gatewaygcd@att.net
Glasscock Groundwater Conservation District / Ken Carver	P.O. Box 208, Garden City, TX, 79739	432-354-2430	ggcdone@crcom.net
Goliad County Groundwater Conservation District / Barbara Smith	P.O. Box 562, Goliad, TX, 77963	361-645-1716	gcgcd@goliadcogcd.org
Gonzales County Underground Water Conservation District / Greg Sengelmann	P.O. Box 1919, Gonzales, TX, 78629	830-672-1047	admin@gcuwcd.org
Guadalupe County Groundwater Conservation District / Ron Naumann	P.O. Box 1221, Seguin, TX, 78156	830-379-5969	gcgcd@gcgcd.org
Harris-Galveston Coastal Subsidence District / Michael Turco	1660 West Bay Area Blvd., Friendswood, TX, 77546	281-486-1105	mturco@subsidence.org
Hays Trinity Groundwater Conservation District / Richard Broun	P.O. Box 1648, Dripping Springs, TX, 78620	512-858-9253	manager2@haysgroundwater.com
Headwaters Groundwater Conservation District / Gene Williams	125 Lehmann Dr. Ste 202, Kerrville, TX, 78028	830-896-4110	hgcd@hgcd.org
Hemphill County Underground Water Conservation District / Janet Guthrie	P.O. Box 1142, Canadian, TX, 79014	806-323-8350	info@hemphillwcd.org
Hickory Underground Water Conservation District No. 1 / David Huie	P.O. Box 1214, Brady, TX, 76825	325-597-2785	hickorywcd@yahoo.com
High Plains Underground Water Conservation District No. 1 / Jason Coleman	2930 Avenue Q, Lubbock, TX, 79411	806-762-0181	jason.coleman@hpwd.com
Hill Country Underground Water Conservation District / Paul Tybor	508 S. Washington, Fredericksburg, TX, 78624	830-997-4472	hcuwcd@austin.rr.com
Hudspeth County Underground Water Conservation District No. 1 / Randy Barker	P.O. Box 212, Dell City, TX, 79837	915-964-2932	hcuwcd1@dellcity.com
Irion County Water Conservation District / Scott Holland	P.O. Box 10, Mertzson, TX, 76941	325-835-2015	icwcd@verizon.net
Jeff Davis County Underground Water Conservation District / Janet Adams	P.O. Box 1203, Fort Davis, TX, 79734	432-426-3441	janet@fdwsc.com
Kenedy County Groundwater Conservation District / Andy Garza	P.O. Box 212, Sarita, TX, 78385	361-294-5336	general_manager@kenedygcd.com
Kimble County Groundwater Conservation District / Jerry Kirby	P.O. Box 31, Junction, TX, 76849	325-446-4826	kcwd@cebridge.net

Group, Association, or Agency Name / Contact Person	Address	Telephone	Email Address
Kinney County Groundwater Conservation District / Genell Hobbs	P.O. Box 369, Brackettville, TX, 78832	830-563-9699	kinneyh2o@att.net
Lipan-Kickapoo Water Conservation District / Allan Lange	P.O. Box 67, Vancourt, TX, 76955	325-469-3988	lkwcd@centex.net
Live Oak Underground Water Conservation District / Lonnie Stewart	3460A Highway 281, George West, TX, 78022	361-449-1151	louwcd@yahoo.com
Llano Estacado Underground Water Conservation District / Lori Barnes	200 S.E. Ave C, Seminole, TX, 79360	432-758-1127	leuwcdlb@gmail.com
Lone Star Groundwater Conservation District / Samantha Stried Reiter	655 Conroe Park North Drive, Conroe, TX, 77303	936-494-3436	sreiter@lonestrargcd.org
Lone Wolf Groundwater Conservation District / Sue Young	P.O. Box 1001, Colorado City, TX, 79512	325-728-2027	sueyoung@lwgcd.org
Lost Pines Groundwater Conservation District / James Totten	P.O. Box 1027, Smithville, TX, 78957	512-360-5088	lpgcd@lostpineswater.org
Lower Trinity Groundwater Conservation District / Gary Ashmore	P. O. Box 1879, Livingston, TX, 77351	936-327-9531	ltgcdistrict@gmail.com
McMullen Groundwater Conservation District / Lonnie Stewart	P.O. Box 232, Tilden, TX, 78072	361-449-7017	mcmullengcd@yahoo.com
Medina County Groundwater Conservation District / David Caldwell	1607 Avenue K, Hondo, TX, 78861	830-741-3162	gmmcgcd@att.net
Menard County Underground Water District / Tami Russell	P.O. Box 1215, Menard, TX, 76859	325-396-3670	mcuwd@wcc.net
Mesa Underground Water Conservation District / Harvey Everheart	P.O. Box 497, Lamesa, TX, 79331	806-872-9205	mesauwcd90@gmail.com
Mesquite Groundwater Conservation District / Lynn Smith	802 Ninth Street, Wellington, TX, 79095	806-447-2800	admin@mesquitgcd.org
Middle Pecos Groundwater Conservation District / Ty Edwards	P.O. Box 1644, Fort Stockton, TX, 79735	432-336-0698	mpgcd@mpgcd.org
Middle Trinity Groundwater Conservation District / Joe B. Cooper	930 N. Wolfe Nursery Rd., Stephenville, TX, 76401	254-965-6705	mtgcd1@centurylink.net
Mid-East Texas Groundwater Conservation District / David Bailey	P.O. Box 477, Madisonville, TX, 77864	936-348-3212	david_metgcd@att.net
Neches & Trinity Valleys Groundwater Conservation District / Penny Hanson	P.O. Box 1387, Jacksonville, TX, 75766	903-541-4845	manager@ntvgcd.org
North Plains Groundwater Conservation District / Steven D. Walthour	P.O. Box 795, Dumas, TX, 79029	806-935-6401	swalthour@northplainsgcd.org
North Texas Groundwater Conservation District / Drew Satterwhite	P.O. Box 508, Gainesville, TX, 76241	855-426-4433	ntgcd@northtexasgcd.org

Group, Association, or Agency Name / Contact Person	Address	Telephone	Email Address
Northern Trinity Groundwater Conservation District / Bob Patterson	1100 Circle Dr, Fort Worth, TX, 76119	817-249-2062	lauraschumacher@ntgcd.com
Panhandle Groundwater Conservation District / C. E. Williams	P.O. Box 637, White Deer, TX, 79097	806-883-2501	ahaiduk@pgcd.us
Panola County Groundwater Conservation District / Teresa Griffin	419 W. Sabine Street, Carthage, TX, 75633	903-690-0143	district@pcgcd.org
Pecan Valley Groundwater Conservation District / Charlotte Krause	107 N. Gonzales St, Cuero, TX, 77954	361-275-8188	director@pvgcd.org
Permian Basin Underground Water Conservation District / Donna Springer	P.O. Box 1314, Stanton, TX, 79782	432-756-2136	permianbasin@pbuwcd.com
Pineywoods Groundwater Conservation District / Jackie Risner	P.O. Box 635187, Nacogdoches, TX, 75963	936-568-9292	staff@pgcd.org
Plateau Underground Water Conservation and Supply District / Jon Cartwright	P.O. Box 324, Eldorado, TX, 76936	325-853-2121	jonc@plateauuwcd.com
Plum Creek Conservation District / Johnie Halliburton	P.O. Box 328, Lockhart, TX, 78644	512-398-2383	info@pccd.org
Post Oak Savannah Groundwater Conservation District / Gary Westbrook	P.O. Box 92, Milano, TX, 76556	512-455-9900	admin@posgcd.org
Prairielands Groundwater Conservation District / Kathy Turner Jones	P.O. Box 3128, Cleburne, TX, 76033	817-556-2299	info@prairielandsgcd.org
Presidio County Underground Water Conservation District / Rudy Garcia	P.O. Box 606, Marfa, TX, 79843	432-729-4826	pcuwcd2013@yahoo.com
Real-Edwards Conservation and Reclamation District / Joel Pigg	P.O. Box 807, Camp Wood, TX, 78833	830-597-3322	joelpigg@recrd.org
Red River Groundwater Conservation District / Drew Satterwhite	P.O. Box 1214, Sherman, TX, 75091	800-256-0935	rrgcd@redrivergcd.org
Red Sands Groundwater Conservation District / Armando Vela	P.O. Box 229, Linn, TX, 78563	956-878-7228	info@rsgwd.org
Reeves County Groundwater Conservation District / Gregg Perrin	119 S. Cedar, Pecos, TX, 79772	432-448-3174	info@reevescountygcd.org
Refugio Groundwater Conservation District / Tim Andruss	P.O. Box 116, Refugio, TX, 78377	361-526-1483	admin@rgcd.org
Rolling Plains Groundwater Conservation District / Mike McGuire	P.O. Box 717, Munday, TX, 76371	940-422-1095	mmcguire@rpgcd.org
Rusk County Groundwater Conservation District / Amanda Maloukis	P.O. Box 97, Henderson, TX, 75653	903-657-1900	Amanda@rcgcd.org
San Patricio County Groundwater Conservation District / Lonnie Stewart	P.O. Box 531, Sinton, TX, 78387	361-449-7017	louwcd@yahoo.com
Sandy Land Underground Water Conservation District / Amber Blount	P.O. Box 130, Plains, TX, 79355	806-456-2155	sluwcd@sandylandwater.com
Santa Rita Underground Water Conservation District / Regina Renee Gomez	P.O. Box 849, Big Lake, TX, 76932	325-884-2893	srwcdist@verizon.net

Group, Association, or Agency Name / Contact Person	Address	Telephone	Email Address
Saratoga Underground Water Conservation District / Asa Langford	P.O. Box 231, Lampasas, TX, 76550	512-556-8271	www.co.lampasas.tx.us/default.aspx?Lampasas_County/Saratoga
South Plains Underground Water Conservation District / Lindy Harris	P.O. Box 986, Brownfield, TX, 79316	806-637-7467	spuwcd@spuwcd.org
Southeast Texas Groundwater Conservation District / John Martin	P.O. Box 1407, Jasper, TX, 75951	409-383-1577	jmartin@setgcd.org
Southern Trinity Groundwater Conservation District / Scooter Radcliffe	P.O. Box 2205, Waco, TX, 76703	254-759-5610	stgcd@att.net
Starr County Groundwater Conservation District / Baldemar Garza	601 E. Main St., Rio Grande City, TX, 78582	956-487-2709	reyna.guerra@co.starr.tx.us
Sterling County Underground Water Conservation District / Scott Holland	P.O. Box 873, Sterling City, TX, 76951	325-378-2704	scuwcd@verizon.net
Sutton County Underground Water Conservation District / Jim Polonis	301. S. Crockett Avenue, Sonora, TX, 76950	325-387-2369	sutuwcd7@verison.net
Terrell County Groundwater Conservation District / Scott Mitchell	P.O. Box 927, Sanderson, TX, 79848	432-753-2328	mitchellranch@rionet.coop
Texana Groundwater Conservation District / Tim Andruss	P.O. Box 1098, Edna, TX, 77957	361-781-0624	admin@texanagcd.org
Trinity Glen Rose Groundwater Conservation District / George Wissmann	6335 Camp Bullis Road, Suite 25, San Antonio, TX, 78257	210-698-1155	mail@trinityglenrose.com
Upper Trinity Groundwater Conservation District / Doug Shaw	P.O. Box 1749, Springtown, TX, 76082	817-523-5200	doug@uppertrinitygcd.com
Uvalde County Underground Water Conservation District / Vic Hilderbran	200 East Nopal St., Suite 203, Uvalde, TX, 78801	830-278-8242	ucuwcd@sbcglobal.net
Victoria County Groundwater Conservation District / Tim Andruss	2805 N. Navarro St., Suite 210, Victoria, TX, 77901	361-579-6863	admin@vcgcd.org
Wes-Tex Groundwater Conservation District / Dale Adams	100 E. 3rd Street, Suite 305 B, Sweetwater, TX, 79556	325-236-6033	dale.adams@co.nolan.tx.us
Wintergarden Groundwater Conservation District / Ed Walker	P.O. Box 1433, Carrizo Springs, TX, 78834	830-876-3801	wgcd.swtrea@sbcglobal.net
Texas Weather Modification Association			texas.wma@gmail.com
Texas Department of Information Resources / Daniel Saucedo		512-475-4938	Daniel.Saucedo@dir.texas.gov
Atos / Jerry Bowden		512-923-5098	Jerry.bowden@atos.net
National Association of State Contractors Licensing Association / Angie Whitaker		623-587-9354	angiewhitaker@nascla.org

Exhibit 16 Contacts

XI. Additional Information

- A. Texas Government Code, Section 325.0075 requires agencies under review to submit a report about their reporting requirements to Sunset with the same due date as the SER. Include a list of each agency-specific report that the agency is required by statute to prepare and an evaluation of the need for each report based on whether factors or conditions have changed since the statutory requirement was put in place. Please do not include general reporting requirements applicable to all agencies, reports that have an expiration date, routine notifications or notices, posting requirements, federally mandated reports, or reports required by G.A.A. rider. If the list is longer than one page, please include it as an attachment.

**Texas Department of Licensing and Regulation
Exhibit 17: Evaluation of Agency Reporting Requirements**

Report Title	Legal Authority	Due Date and Frequency	Recipient	Description	Is the Report Still Needed? Why?
Practice of Midwifery	203.154(a), Occupations Code	Not specified in statute	Not specified in statute	Requires TDLR to prepare and publish reports on the practice of midwifery in this state.	No. TDLR already includes information regarding the practice of Midwifery in its report required under Section 114.002, Occupations Code .

Table 21 Exhibit 17 Agency Reporting Requirements

B. Does the agency’s statute use "person-first respectful language" as required by Texas Government Code, Section 325.0123? Please explain and include any statutory provisions that prohibit these changes.

Yes, except as noted in the table below.

Statutory Citation	Program	Suggested Statutory Changes
Occupations Code, Section 1802.102(c)	Auctioneers	(c) Appointments to the advisory board shall be made without regard to the race, color, disability [handicap] , sex, religion, age, or national origin of the appointees.
Occupations Code, Section 2402.113(a)	Transportation Network Companies	(a) Each transportation network company shall conduct, for a period of two years beginning not later than the 90th day after the date the company is issued a permit under Section 2402.051, an accessibility pilot program in one of the four largest markets in which the company operates in this state to: (1) offer their services to persons with disabilities [disabled persons] , including <u>persons with disabilities who are</u> [disabled persons] using a fixed-frame wheelchair; and (2) ensure that, if necessary, referrals to alternate providers of wheelchair-accessible service are made in a manner that does not unreasonably delay the provision of service.

C. Please describe how your agency receives and investigates complaints made against the agency.

Occasionally, TDLR receives a complaint from a member of the public or through an outside agency, such as the State Auditor’s Office through its complaint hotline. These complaints are directed to the Executive Office, Human Resources, or General Counsel. If an allegation of misconduct is made against a TDLR employee, Human Resources with the assistance of the Office of General Counsel will investigate the matter and take any appropriate action if the complaint has merit.

Fill in the following chart detailing information on complaints regarding your agency. Do not include complaints received against people or entities you regulate.

**Texas Department of Licensing and Regulation
Exhibit 18: Complaints Against the Agency — Fiscal Years 2017 and 2018**

	Fiscal Year 2017	Fiscal Year 2018
Number of complaints received	4	4
Number of complaints resolved	4	3
Number of complaints dropped / found to be without merit	4	2
Number of complaints pending from prior years	0	0
Average time period for resolution of a complaint	19 days	19 days

Table 22 Exhibit 18 Complaints Against the Agency

- D. Fill in the following charts detailing your agency’s Historically Underutilized Business (HUB) purchases. Sunset is required by law to review and report this information to the Legislature.

**Texas Department of Licensing and Regulation
Exhibit 19: Purchases from HUBs**

Fiscal Year 2016

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal*	Statewide Goal
Heavy Construction	-	-	0%	-	11.2%
Building Construction	-	-	0%	-	21.1%
Special Trade	\$18,304	-	0%	32.7%	32.9%
Professional Services	\$63,319	\$63,319	100%	23.5%	23.7%
Other Services	\$1,720,525	\$97,090	5.64%	24.6%	26.0%
Commodities	\$1,068,466	\$405,262	37.93%	21%	21.1%
TOTAL	\$2,870,614	\$565,671	19.71%	-	-

Table 23 Exhibit 19 HUB Purchases for FY 2016

Fiscal Year 2017

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
Heavy Construction	-	-	0%	-	11.2%
Building Construction	-	-	0%	-	21.1%
Special Trade	\$739	-	0%	32.9%	32.9%
Professional Services	\$80,571	\$80,571	100%	75%	23.7%
Other Services	\$2,087,716	\$153,472	7.35%	26%	26.0%
Commodities	\$754,873	\$335,098	44.39%	30%	21.1%
TOTAL	\$2,923,899	\$589,141	20.15%	-	-

Table 24 Exhibit 19 HUB Purchases for FY 2017

Fiscal Year 2018

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
Heavy Construction	-	-	0%	-	11.2%
Building Construction	-	-	0%	-	21.1%
Special Trade	-	-	0%	-	32.9%
Professional Services	\$58,784	\$48,247	82.07%	75%	23.7%
Other Services	\$1,794,958	\$53,143	2.96%	8%	26.0%
Commodities	\$707,171	\$367,789	52.01%	40%	21.1%
TOTAL	\$2,560,913	\$469,179	18.32%	-	-

Table 25 Exhibit 19 HUB Purchases for FY 2018

- E. Does your agency have a HUB policy? How does your agency address performance shortfalls related to the policy? (Texas Government Code, Section 2161.003; TAC Title 34, Part 1, Rule 20.286c)**

Yes. TDLR has a HUB policy and has consistently exceeded the statewide procurement goals in 50 percent of the applicable HUB categories during fiscal years 2016 and 2017, and 67 percent in Fiscal Year 2018. The only area that TDLR falls short in achieving the HUB goal is in the category of Other Services. As a part of the agency's procurement procedures, TDLR uses a HUB vendor for purchases whenever possible.

- F. For agencies with contracts valued at \$100,000 or more: Does your agency follow a HUB subcontracting plan to solicit bids, proposals, offers, or other applicable expressions of interest for subcontracting opportunities available for contracts of \$100,000 or more? (Texas Government Code, Section 2161.252; TAC Title 34, Part 1, Rule 20.285)**

TDLR follows a HUB subcontracting plan as written in the Texas Procurement and Contract Management Guide, page 62.

- G. For agencies with biennial appropriations exceeding \$10 million, answer the following HUB questions.**

- 1. Do you have a HUB coordinator? If yes, provide name and contact information. (Texas Government Code, Section 2161.062; TAC Title 34, Part 1, Rule 20.296)**

Carla James
Deputy Executive Director, Resources and Licensing Services
920 Colorado Street
Austin, TX 78701
Ofc: 512-463-3170
Email: Carla.James@tdlr.texas.gov

- 2. Has your agency designed a program of HUB forums in which businesses are invited to deliver presentations that demonstrate their capability to do business with your agency? (Texas Government Code, Section 2161.066; TAC Title 34, Part 1, Rule 20.297)**

TDLR has not designed a program; however, the HUB coordinator is working to develop this program. Additionally, the HUB coordinator will participate in most HUB events and forums such as conferences, professional association events, and events sponsored by legislators, state agencies, institutes of higher education and various other entities. It is anticipated that participation in these events will result in increased purchases from additional HUB-qualified vendors.

3. Has your agency developed a mentor-protégé program to foster long-term relationships between prime contractors and HUBs and to increase the ability of HUBs to contract with the state or to receive subcontracts under a state contract? (Texas Government Code, Section 2161.065; TAC Title 34, Part 1, Rule 20.298)

Yes. TDLR completed implementation of a mentor-protégé program on September 1, 2019.

- H. Fill in the charts below detailing your agency’s Equal Employment Opportunity (EEO) statistics. Sunset is required by law to review and report this information to the Legislature. Please use only the categories provided below. For example, some agencies use the classification “paraprofessionals,” which is not tracked by the state civilian workforce. Please reclassify all employees within the appropriate categories below.

**Texas Department of Licensing and Regulation
Exhibit 20: Equal Employment Opportunity Statistics**

1. Officials / Administration

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2016	21	11.0%	7.4%	14.6%	22.1%	19.5%	37.4%
2017	22	9.2%	7.4%	13.8%	22.1%	26.4%	37.4%
2018	19	10.4%	7.4%	11.7%	22.1%	33.8%	37.4%

Table 26 Exhibit 20 EEO Statistics for Officials/Administration

2. Professional

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2016	113	17.3%	10.4%	25.1%	19.3%	58.8%	55.3%
2017	123	14.8%	10.4%	25.8%	19.3%	58.5%	55.3%
2018	137	14.1%	10.4%	26.3%	19.3%	58.5%	55.3%

Table 27 Exhibit 20 EEO Statistics for Professionals

3. Technical

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2016	109	10.8%	14.4%	30.0%	27.2%	32.3%	55.3%
2017	109	10.1%	14.4%	32.7%	27.2%	32.0%	55.3%
2018	113	12.9%	14.4%	30.9%	27.2%	34.0%	55.3%

Table 28 Exhibit 20 EEO Statistics for Technical

4. Administrative Support (including employees classified as Paraprofessionals)

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2016	175	19.7%	14.8%	40.0%	34.8%	87.9%	72.1%
2017	185	20.7%	14.8%	42.2%	34.8%	87.2%	72.1%
2018	189	19.8%	14.8%	43.9%	34.8%	86.1%	72.1%

Table 29 Exhibit 20 EEO Statistics for Administrative Support

5. Service / Maintenance (TDLR does not have any employees in this job category)

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2016	N/A		12.3%		51.2%		87.9%
2017	N/A		12.3%		51.2%		31.3%
2018	N/A		12.3%		51.2%		31.3%

Table 30 Exhibit 20 EEO Statistics for Service and Maintenance

6. Skilled Craft (TDLR does not have any employees in this job category)

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2016	N/A		10.6%		50.7%		11.6%
2017	N/A		10.6%		50.7%		11.6%
2018	N/A		10.6%		50.7%		11.6%

Table 31 Exhibit 20 EEO Statistics for Skilled Craft

I. Does your agency have an equal employment opportunity policy? How does your agency address performance shortfalls related to the policy?

Yes. TDLR’s Equal Employment Opportunity (EEO) policy seeks to ensure that the agency employs a well-qualified and diverse workforce and that the agency and citizens of Texas benefit from the unique skills and experiences of TDLR’s employees.

The EEO Policy is approved by the Texas Commission of Licensing and Regulation, reviewed annually by TDLR’s Human Resources Director and Human Resources staff and, if necessary, revised to address any shortfalls. The Commission is provided with quarterly EEO data and an annual fiscal report containing information on underutilized groups to ensure appropriate oversight.

In instances where TDLR’s employee demographics do not reflect the desired diversity in any category, additional efforts are made to increase employment of those groups. TDLR assesses positions to ensure job postings use relevant language. In addition, TDLR conducts targeted recruiting efforts such as advertising a position to specific organizations, attending diversity-centered recruiting events and job fairs and/or educational institutions, in addition to the Texas Workforce Commission’s WorkInTexas on-line job site and TDLR’s website. TDLR focuses on military veteran and community outreach, including the use of non-traditional recruiting sources.

XII. Agency Comments

Provide any additional information needed to gain a preliminary understanding of your agency.

N/A

Endnotes

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- ¹ <https://comptroller.texas.gov/transparency/reports/sb2065/96-1810.pdf>, accessed August 5, 2019.
 - ² Ibid, p. 1.
 - ³ <https://www.dca.ca.gov/>, accessed August 5, 2019.
 - ⁴ <https://www.dca.ca.gov/consumers/wll.shtml>, accessed August 5, 2019.
 - ⁵ https://www.colorado.gov/pacific/dora/about_dpo, accessed August 7, 2019.
 - ⁶ <https://www.colorado.gov/pacific/dora/divs>, accessed August 7, 2019.
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