

From: [Sunset Advisory Commission](#)
To: [Cecelia Hartley](#)
Subject: FW: OPPOSE
Date: Wednesday, November 30, 2016 8:08:46 AM

From:
Sent: Tuesday, November 29, 2016 2:31 PM
To: Sunset Advisory Commission
Subject: OPPOSE

Dear Sunset Commission:

As a physical therapist student in Texas, I am dissatisfied with the flawed process that led to the surprise “motion to table” request by the Sunset Director at the [Aug 22nd](#) Sunset meeting. The Sunset Staff Recommendation (4.1) for the Texas Board of Physical Therapy Examiners (TBPTE), published on multiple occasions and confirmed in meetings over the course of months, was to retain the TBPTE as an independent state licensure agency for the next 12 years (2029). None of the stakeholders, the public, nor many of the Sunset Commission members were made aware of the “motion to table” request. In fact, the Sunset staff recommendation, initially published in April, reaffirmed at the [June 23rd](#) public hearing and again in the meeting materials provided in advance of the [Aug 22nd](#) hearing, as well as the published meeting materials distributed in the hearing room the morning of the [Aug 22nd](#) meeting, confirmed that recommendation 4.1---retention of the TBPTE as an independent agency *was the Sunset staff recommendation*.

The Sunset Director’s “motion to table” at the [Aug 22nd](#) Sunset meeting undermined 6 months of stakeholder input, education efforts and lobbying support. Now, there is insufficient time for stakeholders and the public to respond. In a private meeting between representatives of our professional association (Texas Physical Therapy Association) and the Sunset Director in October, Mr. Levine told us that the Sunset staff had decided that a consolidation of health profession licensing agencies was their chosen course of action back in mid-summer. Why did the Sunset Commission staff prepared published materials *continue to recommend leaving the TBPTE as an independent state licensure agency*? The commission response

was "...that was a mistake". This course of events does not reflect the transparency that is expected of the political decision-making process in Texas.

The Sunset staff proposal to move the Physical Therapy Licensure Board to the Texas Department of Licensing and Regulation (TDLR) is not well-conceived, is not in the public's best interest, and is not in keeping with the state's interests for running an effective and cost-efficient healthcare licensing board for the profession of Physical Therapy. For example:

1. The Sunset staff stated that cost effectiveness was one of the drivers of the healthcare consolidation proposal. The cost per licensee at TDLR is \$44, at the Texas Board of Physical Therapy Examiners the cost per licensee is \$32 dollars and demonstrates 37% more cost effectiveness compared to TDLR. **The cost effectiveness argument for consolidation is not supported by the data.**
2. The Sunset staff told us that complaint resolution time was another factor supporting the consolidation proposal; comparing agency effectiveness, the TDLR takes 217 days to resolve complaints against licensees, the PT Board take 113 days. A significant factor is that complaints against currently licensed occupations at TDLR, e.g. hairdressers, well-diggers and tow-truck operators, is likely to be less complex than the kind of nuanced clinical complaints for a healthcare profession where 'hands on patient care' is the standard for daily practice. **The complaint resolution time argument for consolidation is not supported by the data.**
3. The Sunset staff told us that the size of the agency---scalability, was an issue that argued for the consolidation approach. At TDLR the ratio of agency full-time employee (FTE) to licensees is 1:1630, at the PT board the ratio is 1:2125. **The scalability argument for consolidation is not supported by the data.**

The Sunset staff also indicated that while the numbers related to agency efficiency and effectiveness were important, no one number told the entire story... multiple data-points need to be considered. The examples above represent a sampling of multiple data points---there are many others that we expect to have the opportunity to present to the Sunset Commission members at the December public hearing.

However, none of these examples address the bigger issue. Are public safety and the long-term interests of the state best served by the dissolution of the Texas Board of PT Examiners and replacing it with an agency that will lack the institutional knowledge and experience of decades of regulatory control of Physical Therapists, who are doctoral-level educated healthcare professionals?

Your time and attention to my concerns and comments are greatly appreciated.