

From: [Elizabeth Jones](#)
To: [Trisha Linebarger](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Wednesday, June 24, 2020 2:35:19 PM

From: sunset@sunset.texas.gov On Behalf Of Texas Sunset Commission
Sent: Wednesday, June 24, 2020 2:34:30 PM (UTC-06:00) Central Time (US & Canada)
To: Sunset Advisory Commission
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS DEPARTMENT LICENSING AND REGULATION

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State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

The following are comments related to the proposal by the Sunset Advisory Commission regarding the Texas Dept. of Licensing and Regulation.

Comment area 1: Scope of TDLR

I Agree with the following observations and recommendations from the Advisory Commission report. That TDLR be continued (as noted on pg. 1 of the report).

I further agree the statement "...While TDLR has generally incorporated new programs successfully, its ability to take on additional responsibilities without jeopardizing the quality of service to licensees and the general public is not limitless." The addition of new and very different programs to TDLR has led to an inability to both understand the nuances of each area and to oversee with understanding.

I Disagree with that the way to relieve the range of oversight is to simply do away with specific licensing requirements. This feels like surrender. The same logic could drive a decision to do away with speed limits just because we do not want to fund the Highway Patrol. The limits, and the licenses exist, because people can be hurt by irresponsible actions of others.

Removal of licenses simply sets the stage for more events of harm leading to more re-licensure later.

I Suggest a more measured approach of systematic reduction of requirements to allow a measured assessment of the impact of the changes rather than a wholesale discarding of licensure rules.

Comment area 2: Advisory Groups

I Agree with the following observations and recommendations from the report that better use could be made of the Advisory Groups (pg. 2 of the report).

Cases have occurred when the legitimate advise of Advisory groups and the public they represent have met with the attitude of “we know best” by the TDLR staff. The intent may be to gain efficiency but it is at the cost of effectiveness and trust.

I Disagree that TDLR should be allowed to “...call meetings as needed...” (pg. 2 of the report) of the Advisory groups. This leaves to TDLR the decision if they “need” input from the group. I contend that sets the stage not for more efficient use of advisory bodies for them to be more readily ignored.

I Suggest a simple change is verbiage that keeps in place a minimum number of annual meetings but give permission to call additional meetings. This would guarantee a fixed amount of committee involvement while allow expanded input if a situation warrants it. Further I suggest that meeting of the body can be called if a majority of the Advisory Group member request it. This would further insure that the State agency must hear the concerns of the group.

Comment area 3: Barbering and Cosmetology

I Agree that the current rules governing Barbering and Cosmetology be replaced with a single common standard. I concur with the statement “...This distinction and the contrasting cultural perceptions of each profession are rooted in the outdated tradition of barbers focusing on men’s hair and shaving, while cosmetologists focus on women’s hair and other services. Today, men and women work in both occupations, serve diverse clientele, and sometimes offer services side-by-side.” (pg. 41)

I Disagree with the following:

1. That the requirement for an instructor’s license for Barbering & Cosmetology be discontinued. The teaching of a subject is very different from the practice of the subject. The report makes an assumption that in the doing of the job, people would naturally develop the skills needed be able to instruct other. This is a false assumption.

Here are these clear problems with the proposal:

- the teaching of others requires a very specific skill set. Included are the ability to conceptualize a complex set of skills and information into a progressively building learning flow.
- the ability to communicate information effectively using techniques of verbal, written, and now technological skills.
- the knowledge of how to design, implement and assess whether learning is happening is not a skills set taught in gaining the basic cosmetology license nor is it a naturally developed skill that would evolve with the provision of services to clients.
- the ability to see beyond what you already know, to expand your own repertoire and integrate those new skills and knowledge into a curriculum.
- it leaves the judging of instructor quality purely to the schools that hire them. While some instructional entities (such as college and public schools) have their own oversight entities that speak to instructor qualifications, no such oversight exists for the private instructional salons.
- without such oversight on the quality of who provides instruction, we create a system where the education quality of the next generation of provides cannot be assured That decline in quality of instruction lets that stage for a decline in the quality of service provided, undermining the overarching mandate to protect the health and safety of the public.
- the only requirement listed in the Sunset recommendation is that criminal background check be passed, a mandate that has nothing to do with the quality of instruction.

In summary, the teacher of any knowledge or skill is the most important tool in the learning of the student. A poorly prepared teacher sets the stage for poorly prepared students. Therefore the first point of control in the development of a quality professional is to address the quality of instruction they receive and the quality of the person providing that instruction.

I Suggest that is part of the recommendation be set aside. The merger of the practice of barber and cosmetology would set the stage for a re-evaluation of the preparation of those who teach others this new and blended practice. Rather than being abolished, the preparation of those teaching should be examined and enhanced to include all facets of the new combined skills and knowledge.

In Conclusion, the State of Texas created the process of licensing to assure the safety of the population by requiring those who perform a task to demonstrate they are truly skilled in that task. That should include those who train novices in how to do the task. We now have an opportunity to make that function better—not to step away from our obligation. Increased respectful use of Advisory Groups, better focus on the part of those functioning State agencies, and better skill building on the part of those who train practitioners are actions that could make for better services provided in professional and safe methods to the people of Texas.

Any Alternative or New Recommendations on This Agency:

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My Comment Will Be Made Public: I agree