

**From:** [Sunset Advisory Commission](#)  
**To:** [Cecelia Hartley](#)  
**Subject:** FW: Notice of opposition  
**Date:** Monday, November 28, 2016 11:23:15 AM

---

**From:** Barr, Tracey D  
**Sent:** Monday, November 28, 2016 11:05 AM  
**To:** Sunset Advisory Commission  
**Subject:** Notice of opposition

I am writing to express my opposition to the recommendations to the 85<sup>th</sup> legislature from the recently published *Health Licensing Consolidation Project Staff Report*. **I urge the Sunset Advisory Commission to adopt Recommendation 4.1 from the original April 2016 report on the Executive Council of Physical Therapy and Occupational Therapy Examiners (ECPTOTE), maintaining the existing structure and functions of ECPTOTE in support of the Texas Board of Occupational Therapy Examiners (TBOTE) and the Texas Board of Physical Therapy Examiners (TBPTE).**

**Including ECPTOE in the consolidation of health professions is not necessary nor in the best interest of Texas consumers and taxpayers for the following reasons:**

- ECPTOTE's history is one of effective and efficient licensing and regulatory oversight of over **42,000** professionals with no hint of "operational dysfunction."
- ECPTOTE issues a new or renewed license in an average of **2.54 days** whereas the TDLR requires over 10 days on average.
- ECPTOTE is effective and efficient, providing **excellent customer service** to Texas consumers.
- ECPTOTE investigations personnel are **effective in prioritizing complaints**, which are investigated and resolved in **less than 4 months** on average, compared to an average of 7 months for TDLR.
- ECPTOTE **staff resignations/retirements are low risk**. When turnover occurs, the process is well managed within the agency with no negative impact on agency operations.
- ECPTOTE has **more public members than professional members**. It is not controlled by the licensed professions of either TBOTE or TBOTE.

The *Health Licensing Consolidation Project* report for the 85th legislature notes **consolidation within TDLR as recommended would result in 38 licensing programs with more than 168 license types and approximately 700,000 licensees** (p. 9)! While public and private sector businesses are well advised to seek economies of scale, there comes a point where consolidation falls victim to the law of diminishing returns, and both efficiency and effectiveness deteriorate. I assert that due to the historic growth of the population of licensees in our state, **the number of boards under consideration for consolidation under TDLR creates long-term risk for poor performance that outweighs any short-term savings to the state**. Consumers of health services in our state cannot afford to take on such a risk. Finally, after a year at ECPTOTE investigating agency operations, **the Sunset staff identified NO ANNUAL SAVINGS by moving TBOTE and TBPTE to TDLR, and in fact noted a**

**\$440,000 expense to taxpayers as a cost incurred by the move.** Sunset staff data lead them to recommend in 4.1 that ECPTOTE be maintained as a stand-alone agency. **The only action necessary is for Commission members is to reject ECPTOTE as part of the proposed consolidation and adopt Recommend 4.1 from to maintain ECPTOTE in its current structure.**

Thank you for the opportunity to comment on this important issue.

**Tracey Barr, PT**  
**Harris County Department of Education**  
**Physical Therapist, School-Based Therapy Services Division**



*Essential Partners Creating Brighter Futures for All Learners*