

**From:** [Sunset Advisory Commission](#)  
**To:** [Janet Wood](#)  
**Subject:** FW: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Monday, April 09, 2018 7:58:45 AM

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-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]  
Sent: Sunday, April 08, 2018 10:16 AM  
To: Sunset Advisory Commission  
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS STATE BOARD EXAMINERS PROFESSIONAL COUNSELORS

First Name: Carl

Last Name: Bello

Title: Licensed Professional Counselors

Organization you are affiliated with: Carl Bello Psychotherapy, PLLC

Email:

City: Austin

State: Texas

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

As a practicing LPC in Austin, these matters are extremely important to me, as well as my many colleagues and our clients. The decisions made affecting the licensing boards have a significant impact on our efficacy as providers. Regarding the recent Sunset Committee report, I agree that the boards are acting in good faith and have made notable strides in addressing the previously identified problems. . . However, significant problems and challenges remain that cannot be resolved within the current structure I also concur with their finding that: “. . . the continued administrative attachment of the marriage and family therapy, professional counseling and social work boards to a large agency. . . is still not working. . . The dysfunction created by such a model places the livelihoods of licensees in jeopardy and puts the public at risk.”

I support the Committee's recommendation that:

“. . . the consolidated agency [TSBEMFT, TSBEP, TSBSWE and TSBEP] structure of the Behavioral Health Executive Council presents the best approach to align the regulation of these behavioral health professions and elevate the attention and oversight of these programs.”

I concur with the TCA and disagree with the following sunset recommendation:

“. . . The executive council would be composed of one public member appointed by each of the four boards and an independent presiding officer appointed by the governor.”

Any Alternative or New Recommendations on This Agency:

As an I alternative, I concur with the position of the TCA:

We commend the work of the behavioral health boards housed at HHSC to streamline licensing procedures by eliminating unnecessary paperwork, adopting policies to expedite complaint resolution, and developing penalty matrices to provide clarity and consistency in disciplinary actions. We also agree that despite these efforts, the administrative attachment of the TSBEP, TSBEMFT and TSBSWE to HHSC continues to impair the functioning

of these programs. We also hear from our members that long waits for license approvals keeps them in limbo, prevents them from finding work and/or losing job offers.

- We agree that a consolidated agency structure offers distinct advantages to the current behavioral health regulatory system. The Behavioral Health Executive Council will leverage the benefits of consolidation without sacrificing the quality, independence, accessibility and accountability of the four behavioral health licensing boards. In addition, this collaborative effort allows BHEC to realize economies of scale in the areas of information technology, human resources and staff training while fostering a spirit of cooperation to achieve regulatory best practices, protect the public, and better serve their respective constituencies.
- We also support transitioning the administrative structure of the Texas State Board of Examiners of Psychologists to transform an existing agency focused on one profession into an agency that incorporates all four of the behavioral health professions currently under Sunset Review.
- We disagree with the Sunset Staff recommendation for the Behavioral Health Executive Council composition and authority. We recommend that BHEC be structured as proposed during the last Sunset Review to include one professional and one public member appointed by each board with the presiding officer, a public member, appointed by the Governor. This structure will effectively address concerns involving the protection of the state's immunity from restraint of trade claims and will also protect against any anti-competitive rulemaking from the independent boards. Each of the four behavioral health boards would have full rulemaking authority over scope of practice, qualifications and training. BHEC would have authority to review and approve or reject rules promulgated by the independent licensure boards to ensure they are consistent with statutes, are not anticompetitive, do not result in restraint of trade, or cause monopoly concerns. Inclusion of one professional member from each of the respective licensing boards helps to ensure that professional expertise is reflected in BHEC's decisions. This model has proven to be very effective for other regulatory entities such as the Occupational Therapy and Physical Therapy Executive Council.

Thank you for your attention in this matter.  
Carl Bello, LPC

My Comment Will Be Made Public: I agree