



December 20, 2016

VIA ELECTRONIC MAIL
sunset@sunset.texas.gov

Mr. Ken Levine
Director
Sunset Advisory Commission
Post Office Box 13066
Austin, Texas 78711

*Re: Sunset Review of the
Texas State Board of Podiatric Medical Examiners*

Dear Director Levine:

As you recall, The Texas Podiatric Medical Association (TPMA) supported the Sunset Staff issues (as modified) that were published in the Decision Meeting Material for the Texas State Board of Podiatric Medical Examiners (TSBPME) and approved by the Sunset Advisory Commission members on December 8, 2016.

Just to clarify TPMA's position, we have been supportive of almost all of the Sunset Staff review recommendations, but we have been steadfast in opposing the transfer of the TSBPME to the Health Professions division at TDLR as recommended in the Sunset Staff Report on the Health Licensing Consolidation Project because the model proposed by the Sunset Staff would reconstitute the TSBPME as an **advisory board and eliminate its rulemaking authority.**

Although the (TSBPME) has apparently advised the Commission that they support the transfer of the TSBPME and are urging the move to TDLR as recommended in the Sunset Staff Report, that is not the position of the TPMA and our members.

TPMA strongly believes that it is in the State's best interest to continue the TSBPME as currently constituted (6 DPMs and 3 consumers appointed by the Governor) which going forward would retain its current statutory authority to regulate the practice of podiatry and the podiatric medical profession in the State of Texas. We firmly believe this model of peer regulation and enforcement is necessary to maintain safe guards on patient safety and public health.

TPMA'S REQUEST TO THE SUNSET ADVISORY COMMISSION MEMBERS

- **Continue the TSBPME as Currently Constituted** – TPMA respectfully requests that the Commission continue the TSBPME as currently constituted (6 DPMs and 3 consumers appointed by the Governor) with its current statutory and rulemaking authority to regulate the practice of podiatry and the podiatric medical profession in the State of Texas.
- **Implement Changes in Statute and Management Actions** – TPMA respectfully requests that the Commission implement the changes in statute and management actions that were published in the Decision Meeting Material for the TSBPME and approved by the Sunset Advisory Commission members on December 8, 2016.

ADDITIONAL COMMENTS FROM TPMA

- **The Addition of a Medical Director** – TPMA agrees to support a license renewal fee increase (if needed) during the 2017 Legislative Session as may be necessary to fully fund TSBPME's request for an additional position for a medical director as an exceptional item in its 2018-2019 LAR.
- **Assistance from TDLR** – TPMA supports and encourages the TSBPME to obtain administrative services from TDLR via a Memorandum of Understanding (*MOU*) between the two agencies as may be appropriate to successfully implement and achieve the changes necessary to conform to model licensing standards and best practices as enumerated in the TSBPME Sunset Staff Report and/or to assist in the complaint resolution process.

We believe that the above actions will resolve the long complaint investigation and resolution timelines; make the agency more efficient; and improve licensing and enforcement outcomes to better protect the citizens of Texas.

Thank you for your consideration. Please call if you have questions or require additional information at any time prior to the January 11th hearing.

Respectfully submitted,



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cc: Sunset Advisory Commission Members