

**From:** [Sunset Advisory Commission](#)  
**To:** [Janet Wood](#)  
**Subject:** FW: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Friday, April 06, 2018 11:06:02 AM

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

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]  
Sent: Friday, April 06, 2018 10:45 AM  
To: Sunset Advisory Commission  
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS STATE BOARD EXAMINERS PROFESSIONAL COUNSELORS

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Your Comments About the Staff Report, Including Recommendations Supported or Opposed: In response to the Sunset Commission Staff Report addressing the structure of the TSBEP (along with social workers and other behavioral/mental health professions in Texas), I am in agreement and support the recommendation for a Behavioral Health Executive Council. However, regarding the composition of the council: I agree that the council would be well-served by including a public member for each area. However, it is extremely important to include a professional member representing each area as well. Behavioral and mental health professionals spend years dedicated to their education, and thousands of hours for practicums, clinicals and internships in order to be considered competent and qualified to treat and serve the public. It is important that their expertise is properly represented in collaboration with the perspective and expectations of the public.

Any Alternative or New Recommendations on This Agency: Including professional members brings expertise that would likely be lost if BHEC was composed of public members with professional members relegated to "ex officio" roles.

Including professional members on BHEC is much more likely to enhance consistency in standards than interference on standards of practice, licensing and enforcement decisions since no profession would hold a majority on BHEC. I encourage that the 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.

My Comment Will Be Made Public: I agree