

**From:** [Sunset Advisory Commission](#)  
**To:** [Janet Wood](#)  
**Subject:** FW: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Tuesday, April 10, 2018 8:04:11 AM

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

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]  
Sent: Monday, April 09, 2018 5:49 PM  
To: Sunset Advisory Commission  
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS STATE BOARD EXAMINERS PROFESSIONAL COUNSELORS

First Name: Joy

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

What I am in favor of: “. . . the consolidated agency [TSBEMFT, TSBEPC, 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.”

o “More efficient and effective regulation of these professions will not only provide improved services and increased responsiveness to licensees but also will better protect behavioral health care consumers.”

What I am opposed to: “. . . 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.” We recommend the structure of BHEC as proposed during the last Sunset Review to include one professional and one public member appointed by each board, with the presiding officer appointed by the Governor.

- None of the boards that regulate health professionals is composed exclusively of public members. In fact, the Sunset Commission staff recommendations for the Board of Medical Examiners does not propose to restructure that Board to create an all or majority public member structure.
- The original recommendation for BHEC still creates a public majority board. 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.
- The behavioral health regulatory boards currently housed at HHSC work collaboratively with respect for the uniqueness of each specialization. This is evidenced by their implementation of consistent disciplinary matrices and alignment of rules where appropriate.
- 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.

Any Alternative or New Recommendations on This Agency:

I 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.

Overall, we agree with the Sunset Commission staff finding that the behavioral health licensing boards need to continue to address processes around criminal background checks and the reporting of outside disciplinary data. We also support efforts to ensure that qualifications for licensure be reasonable and objective.

The licensing brings in lots of money. This should be budgeted out appropriately!!!

My Comment Will Be Made Public: I agree