

From: [Sunset Advisory Commission](#)
To: [Janet Wood](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
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From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Tuesday, April 10, 2018 9:33 PM
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:

The Texas Counseling Association (TCA) is a non-profit membership organization of more than 6500 professional counselors who work in an array of settings across Texas. We appreciate the opportunity to submit comments on the Sunset Advisory Committee Staff Report, Texas State Board of Examiners of Marriage and Family Therapists, Texas State Board of Examiners of Professional Counselors, Texas State Board of Social Work Examiners, Texas State Board of Psychologists.

Issue 1: The Structure of the State's Behavioral Health Licensing Agencies is Antiquated and Inefficient.

TCA agrees with the Key Recommendation in Issue 1 to "consolidate the Board of Examiners of Marriage and Family Therapists, Board of Examiners of Professional Counselors and Board of Social Work Examiners with the Board of Examiners of Psychologists to create the Texas Behavioral Health Executive Council." We also agree that each board should retain their current governor-appointed board with each board's current composition.

While TCA endorses the creation of the Texas Behavioral Health Executive Council, we do not agree with the staff recommendation regarding the structure of the Council. TCA strongly supports the model proposed during the 85th Legislative Session to include a public and professional member from each of the four regulatory boards as voting members of the Texas Behavioral Health Executive Council, with a public member appointed by the Governor to serve as the presiding officer.

None of the boards that regulate health professionals is composed exclusively of public members. Given that Sunset Commission staff did not recommend that the Board of Medical Examiners or any board that regulates health care professionals transition to a public only or public majority board, we find their justification for appointing professional members to serve only in ex officio roles to be without merit.

Implementing the structure recommended last session to include one professional and one public member appointed by each board with the Governor appointing a public member as the presiding officer will effectively address concerns involving the protection of the state's immunity from restraint of trade claims. It will also protect against any anti-competitive rulemaking by the independent boards. Each of the four boards will have full rulemaking authority over scope of practice, qualifications for licensure and training requirements. BHEC would have authority to review and approve or reject rules promulgated by the independent boards to ensure that they are consistent with statutes, are not anti-competitive, do not result in restraint of trade, or cause monopoly concerns. Inclusion of one professional member from each board 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.

Issue 2: Key Elements of the Behavioral Health Boards' Statutes, Rules and Policies Do Not Conform to Common Licensing Standards.

TCA commends 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. Despite these efforts, the administrative attachment of these boards to HHSC impairs the functioning of these important regulatory boards. TCA continues to hear from our members that long waits for license approvals keep them in limbo, prevents them from finding work, and causes them to lose job offers.

TCA agrees that these boards would benefit from improvements to processes around criminal background checks. We also support efforts to ensure that qualifications for licensure be reasonable and objective.

Issue 6: Texas Should Adopt the Psychology Interjurisdictional Compact.

While this recommendation is specific to the Texas State Board of Examiners of Psychologists, Licensed Professional Counselors also experience challenges with the transfer of their licenses to Texas or from Texas to other states.

Given the horrific mental health workforce shortage in Texas, TCA requests that the Texas State Board of Examiners of Professional Counselors also be directed to consider the portability recommendations being promulgated by the American Counseling Association as well as the National Board for Counselor Certification.

Thank you for your consideration.

Any Alternative or New Recommendations on This Agency: Create the Texas Behavioral Health Executive Council to house all four of the behavioral health professional licensing boards. Include a public and professional member from each Board to the Council. Encourage the Boards to adopt license portability standards to expedite licensure across states and reduce the mental health workforce shortages in Texas.

My Comment Will Be Made Public: I agree