

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: Wednesday, April 11, 2018 6:32 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:

Thank you for this opportunity to share comments and considering the feedback you receive from the public and professional members. These decisions for change will greatly affect the professions of mental health providers and the Texas consumers of mental health services. My current setting is in private practice, but I have also worked in hospitals, inpatient and outpatient mental health and addiction, with the Public Health Department for the City of Dallas, and with insurance companies mental health divisions. I have also served as the Texas Counseling Association's Liaison to the TSBEP, attending those board meetings and reporting to our 7000+ members for over 16 years. My insight and perceptions are guided by these experiences, and as a counselor for over 30 years. Many findings in the Sunset Commission's Report regarding the four mental health boards are accurate and critical changes are necessary, to remedy the problems with administration of new and renewing licensees, and to protect the safety of the public consumers of mental health treatment. Many areas of Texas are under served, due the shortage of mental health providers and the unreasonable delay in the administrative processes to get them licensed is shameful and a danger to the citizens of Texas. The lack of funding for staff personnel, the slowness in hiring, the long wait for communication from staff, and disrespectful, untimely handling of ethical complaints with some boards is dismal and demonstrates to the public that mental healthcare is not a priority for Texas lawmakers and our elected officials. Clearly these mental health boards bring in much more money to the State, than they cost to administrate, but that money is going to the general fund, instead of hiring more board staff relief and investigators. Our hard-working investigators are leaving, due to unreasonable caseloads and low pay.

I do see that the individual board members on the Professional Counselor and Marriage and Family Counselor Boards are making strides in changing rules, within their authority, to respond to the requested changes - for the board complaint delays and undue burdens on interns, provisionally licensed and portability issues. The current model is just not working to serve the majority (over 54,000 licensees, compared to only 9500 psychologists) of licensed mental health providers in this state with social workers, licensed marriage and family counselors and licensed counselors. Texas resources and organizational disparity and policies are failing our citizens and discouraging new professionals from these helping professions. We are losing well educated and trained

professionals to other professions, as they wait unreasonable lengths of time, for the administrative processes to begin their mental health careers.

Issue 1: I agree with the creation of an umbrella agency for all the MH Boards to unite under a new Texas Behavioral Health Council. The model of the Psychology Board is operating efficiently and will help unite the other boards with more consistent policies and procedures, as well as ethical violation matrixes.

Working under HHSC is failing our professionals and citizens, despite efforts at changing policies and rules since the last Sunset Commission's set of recommendations. Making these changes must be a priority during the next legislative session, as our patience with our elected officials is wearing thin, after the last unproductive session ended without resolving these concerns.

We know the individual board members are doing their best, with the understaffed support and lack of authority to make changes that must be made by the legislative process. Working separately under HHSC is failing our most vulnerable citizens. So, overall, I agree with many of the recommended changes of the Sunset Commission's: to create the Behavioral Health Executive Council, with all the mental health professions administrative processes under one roof, with the model of the psychologists' board. BUT, the resources for investigative and staff support MUST be provided for the numbers of licensees appropriately, to accomplish the goals of timely licensing, board over-site for rules, and efficient, sensitive, and upholding privacy laws in ethics violation processes. Rules, administrative processes and ethical violations investigations may be streamlined, to become more uniform, fairly and efficiently acted upon by adequate numbers of trained staff and individual boards, which can deal with rules and changes within each unique profession, then supported by the BHEC. If the new organizational structure is also underfunded for staff support and inefficient with communication, licensing processes and protection of the public, we will be in the same position we face now.

I STRONGLY disagree with the recommendation for an all public member composition of a new BHEC, with a governor appointed chair. I support a BHEC with one professional and one public member of each mental health board, with a governor appointed chair, and all members would have voting rights. This structure would ensure that each profession is fairly represented from a professional perspective, as rules, laws, and community standards change with state and national mental health trends, with respect to privacy laws, antitrust and monopoly concerns or restraint of trade issues. There are already other similar models operating successfully in Texas.

Issue 2: Key Elements of the Behavioral Health Boards' Statutes, Rules and Policies Do Not Conform to Common Licensing Standards Overall, I agree with the intent to implement better, more consistent methods of collecting criminal histories and outside disciplinary actions data. Those efforts need to be supported by adequate staff, reasonable and with streamlined, consistent procedures.

Initial criminal background checks and fingerprinting are important for new licensees, as well as routine checks, for renewals and incoming professionals. The availability of interstate criminal background checks would also be vital to help protect the public and hold licensees accountable for any unlawful behavior.

Issue 6:

Although only the Psychology Interjurisdictional Compact is addressed, each of the other boards face inconsistent and delayed portability issues. All the professional boards must be able to create profession specific, ethical rules and processes to address portability and telemental health or technology assisted mental health practice needs in our under-served state.

Any Alternative or New Recommendations on This Agency:

1. Appropriate funding of mental health boards and the newly created Behavioral Health Executive Council under this new shared structure, is critical. Adequately staffing and providing resources is necessary to carry out the important work that the professionals are trained to practice, to truly manage the mental health needs for the citizens of Texas. That would be a NEW version of the administration of these independent boards with the BHEC's over-site, to protect the public and ensure that well trained professionals are regulated consistently, fairly, and practicing ethically in our state. These boards have been historically underfunded for many years.

2. Appoint a professional and public member from each independent board with full voting rights, along with a Governor appointed chairperson, to ensure profession specific input, explanations of consequences for change in each profession with laws and mental health specific trends, with public input to balance the advocacy for the

consumers of our professions.

3. Apply new authority in clear legislative language for each profession - to create consistent, streamlined avenues for license attainment/renewals, portability, inclusion of telemental health or technology assisted mental health practices, and flexibility within rule making for individual boards.

Without this authority, in statute, mental health care will not be available to vulnerable citizens of Texas. More precious lives will be lost to suicide, addiction, absenteeism at work, misuse of hospital emergency rooms, overburdened family practice physicians, and overwhelmed families of caregivers without these changes in our state's delivery system of mental health care.

My Comment Will Be Made Public: I agree