

**From:** [Sunset Advisory Commission](#)  
**To:** [Janet Wood](#)  
**Subject:** FW: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Tuesday, April 10, 2018 10:12:08 AM

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

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]  
Sent: Tuesday, April 10, 2018 10:09 AM  
To: Sunset Advisory Commission  
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS STATE BOARD EXAMINERS PROFESSIONAL COUNSELORS

First Name: Angel

Last Name: Landrum

Title: Landrum Counseling & Consulting, PLLC

Organization you are affiliated with: Landrum Counseling & Consulting, PLLC

Email:

City: Austin

State: Texas

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

I support the Texas Counseling Association Recommendation for Sunset Commission Staff Report. I've attached their points for changes and those opposed.

TCA concurs with the staff findings that:

o “. . . the boards are acting in good faith and have made notable strides in addressing the previously identified problems. . . However, significant problems and challenges remain that cannot be resolved within the current structure.”

o “. . . the continued administrative attachment of the marriage and family therapy, professional counseling and social work boards to a large agency. . . is still not working. . . The dysfunction created by such a model places the livelihoods of licensees in jeopardy and puts the public at risk.”

• TCA supports the staff recommendation that:

o “. . . the consolidated agency [TSBEMFT, TSBEP, 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.”

• TCA disagrees with the staff recommendation that:

o “. . . 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.

#### TCA Comments on Specific Issues

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

Overall, we agree with the Sunset Commission staff finding in Issue 1 to consolidate the four behavioral health boards into a single agency – the Behavioral Health Executive Council.

- We commend 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. We also agree that despite these efforts, the administrative attachment of the TSBEP, TSBEMFT and TSBSWE to HHSC continues to impair the functioning of these programs. We also hear from our members that long waits for license approvals keeps them in limbo, prevents them from finding work and/or losing job offers.
- We agree that a consolidated agency structure offers distinct advantages to the current behavioral health regulatory system. The Behavioral Health Executive Council will leverage the benefits of consolidation without sacrificing the quality, independence, accessibility and accountability of the four behavioral health licensing boards. In addition, this collaborative effort allows BHEC to realize economies of scale in the areas of information technology, human resources and staff training while fostering a spirit of cooperation to achieve regulatory best practices, protect the public, and better serve their respective constituencies.
- We also support transitioning the administrative structure of the Texas State Board of Examiners of Psychologists to transform an existing agency focused on one profession into an agency that incorporates all four of the behavioral health professions currently under Sunset Review.

- We 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. 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.

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

Issue 6: Although Issue 6 specifically addresses the Psychology Interjurisdictional Compact, each of the behavioral health professions undergoing Sunset review has portability challenges. This Sunset review presents an opportunity to explore strategies to address those challenges for all behavioral health professionals.

Any Alternative or New Recommendations on This Agency: it is important to make some changes as the current system is not providing the support needed.

My Comment Will Be Made Public: I agree