

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, December 07, 2016 12:38 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:

“Hi, I am from the government, and I am here to help.”

I am an Entrepreneur.

I understand that being in business requires me to embrace all of what it brings. This includes who governs my license. Government starts out with good intentions. Government control of any/all professions and occupations is a given today. There is no escape for me, the licensee.

Most of time time, numbers don't lie. And certainly, the empirical data assembled by you, the Sunset Commission, is compelling you to move my LPC licensure and 49,850 other mental health licenses, from DSHS to TDLR jurisdiction while dismantling the LPC/LMFT/Social Worker boards to an advisory role.

My formal statement is registered as per CAQH and other entities (their requirements) regarding experience of the complaint process:

"I had a former partner sue me because I objected to her selling her interest in the business to a then current client, who was a LCSW (which was and still is against what the rules allow therapists to do under Texas law). In addition to this civil lawsuit and the 8 complaints I had to go through, I was also accused of assault by Judy, LPC, something that didn't happen, in an effort to help the former partner in her civil lawsuit. The entire matter was dropped on the day of the assault trial (one year later) when Judy LPC found out she would have to testify, under oath, which she could not do. The rouse of 7 fictitious complaints filed against me and my business colleagues, occurred, as a result of my one and only complaint I was forced to file."

The rouse ended up failing and I ended up winning everything, while wrong doing was confirmed by the LPC Board in the complaint I had to render.

After Math Facts Regarding My Complaint Process (2009-2013):

- 1.The LPC complaint process took 4 years while my legal venues took 3.
- 2.The LCSW Board declined to interview it's own LCSW, due to the LCSW executive director "did not have time" to investigate it's member's dual relationship violation. The LCSW knew this was a dual relationship, yet nothing happened to her.
- 3.The LPC Board rendered an initial decision and found the LPC guilty of a dual relationship but failed to follow through on their initial recommendation, due to the informal conference settlement.
4. The LCSW who was never investigated, is still a Social Worker.
5. Both LPC's involved continue to be practicing clinicians.
6. Did DSHS protect, me, Joe Citizen? No, it did not.

Three issues cited in the 59 page report by Sunset are as it pertains to the 84th legislative session in 2015:

ISSUE 1: Moving Three Mental Health Boards to TDLR.

Streamline efficiency : TDLR touts having a better standard ISSUE 2: Dysfunctional Enforcement Processes Failure

Poor and untimely complaint process ISSUE 3: Behavioral Health Boards' Statutes, Rules, and Policies V. Common Licensing Standards.

Lack of difference between behavioral license v occupational licensing issues.

Most of Sunset's findings listed in Issues #1 and #2 are true. For one to look away or have denial about this issue, is silly. Numbers don't lie.

There is no denying that DSHS, not the licensing board, has been poorly managed throughout the years. DSHS continues to be a dismal failure in it's protection of the citizens of Texas. Providing additional manpower and other resources it takes to protect the citizens of Texas would help, by allowing the Board's expertise to make decisions with a multitude of various complexities in mental health situations that TDLR does not have the expertise to render.

DSHS is the responsible agent for mismanagement of their licensing boards, licensees and Texas citizens. It's not the LPC board's fault for improper staffing, it is DSHS for not properly staffing or funding things in order to make it proper.

99% Texas LPC's are Texas citizens. And we are not treated as such.

The time span for all LPC's and LPC-Interns application, is daunting and has an unacceptable time table for resolution. There is no justice served to the lengthy timeline and no real "fast track" is offered for special exception cases. Most Texas LPC's, are both Texas citizen and clinician. We take a number and do the Big-Fat-Wait for the government to resolve the issue.

My concerns for both Sunset for the December 8-9 meeting:

- 1.How is TDLR prepared to absorb and manage 49,851 mental healthcare professionals, while simultaneously dismantling and reducing the LPC/LMFT and Social Worker boards reduced to "advisory" in nature? How is this a positive action?
- 2.What prior experience can TDLR demonstrate to us mental health professionals, that it fully understands the complexity of mental health complaint cases?
- 3.Why will the transfer of 49,851 Texas LPC/LMFT/Social Worker licensees, from one governance to another, reduce the backlog and suddenly become more efficient?
- 4.What kind of new power and control will TDLR render for mental health professionals as the board is reduced to an advisory role help protect the Texas citizen from harm?

Any Alternative or New Recommendations on This Agency:

1. Do not dismantle the LPC licensing board. Instead, empower them with more resources to give them the

opportunity to improve their performance. Put the LPC Board a 2 year performance plan to give them the opportunity to clean things up.

2. Form and implement a stringent performance plan to give DSHS and LPC licensing board the opportunity to dramatically improve efficiency rates as mentioned in Issues #1 and #2.

3. Require monthly Board meetings to help expedite both the complaint process and application-credentialing issues.

4. Give DSHS a 2 year time frame to help and properly equip the LPC licensing board to make swift improvements to in the complaint resolution process, reducing the average complaint process by 50%. Streamline and expedite the credentialing of new LPC-Interns and other new clinician applicants while incorporating a proper background check as mentioned in Issue #3.

5. Directly allocate funds to the LPC board, not DSHS, to increase both manpower and other resources in order to gain more efficiency.

6. Require DSHS to hire additional staffing, immediately, with the necessary funds it takes to implement a more sophisticated system for all processes.

Implement a more efficient call center system for licensees when questions/concerns occur. The funding is already available by the current income the LPC board raises through fees. NO increases need to occur.

Respectfully

Kathleen Mills, LPC-S, CEAP, CEO

My Comment Will Be Made Public: I agree