

From: [Sunset Advisory Commission](#)
To: [Janet Wood](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Monday, April 09, 2018 11:35:53 AM

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

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Monday, April 09, 2018 10:48 AM
To: Sunset Advisory Commission
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS STATE BOARD EXAMINERS MARRIAGE AND FAMILY THERAPISTS

First Name: Aaron

Last Name: Robb

Title: Program Director

Organization you are affiliated with: Forensic Counseling Services

Email: aaron@texascounseling.org

City: Frisco

State: Texas

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

First, thank you for a comprehensive review of the largest behavioral health Boards. Also, apologies in advance, as there are multiple Boards covered by the same report I am submitting this for each of those Boards.

By and large, I agree with the Sunset Commission's assessment of multiple issues outlined in the report. As a Licensed Professional Counselor, as well as a member of both the Texas Counseling Association and the National Association of Social Workers, I have seen many of these problems in for years and agree that the Boards do not appear able to resolve these problems themselves or they would have done so already. We keep asking them to fix the broader system they operate within when they have no ability to do so as subordinate agencies. The Boards linkage to HHSC has failed the public and has failed licensees. Continued attempts to reshuffle the same deck of cards will produce no new outcomes; consolidation is the right direction to go.

The consolidated structure of a Behavioral Health Executive Council is something that I and many practitioners have supported for years. There is no need for multiple Boards writing nearly identical rules to regulate therapy, parenting facilitation, child custody evaluations, and other professional mental health services as currently exists. Significant cost savings are available if we cut that administrative burden (e.g. each agency spending Board and staff time debating and publishing minutely different rules in the Texas Register) and have one unified set of rules for all mental health professionals based not on guild but on services performed. Economies of scale are achievable with consolidation, hopefully streamlining the abysmal delays that both licensees and the public experience when dealing with the independent Boards.

We should not simply stop at the four Boards reviewed, however (counselors, marriage and family therapists, social workers, and psychologists), but we should include all behavioral sciences licenses (LCDCs, LSOTPs, and others) under this Executive Council. Such a larger agency could still have specialty rules for the different sub-groups of mental health professionals, such as the specialized care issues encountered by LSOTPs, or the non-clinical work of

LMSWs, but these would work in harmony with the base rule set established by the agency (rather than in conflict as we sometimes see now). Such a move would also streamline enforcement actions, as complaints against licensees who hold multiple credentials (e.g. LPCs who are also LMFTs or LCDCs) could be heard by one complaints process rather than duplicative parallel processes.

Setting and enforcing clear, ethical training and practice standards for mental health professionals can only be accomplished by a professionally specialized licensing Board. A professionally specialized licensing Board can only exist with the full input of the professionals who are being regulated.

While moving past the “guild” structure that historically dominated behavioral health services is important, omitting licensed professionals from any level of decision making (whether individual Boards or the “executive council”) would be a mistake. Voting professional members should be included at every level of regulation. Professionals working in cooperation with members of the public helps insure that all needs are fully addressed, provides consistency in understanding professional practices, and mirrors accepted best practices seen with other boards (such as the Board of Medical Examiners). Having professionals from different license backgrounds working in conjunction through the Executive Council would also enhance consistency in standards for all the subordinate Boards.

Finally, the multiple due process and privacy/confidentiality protections noted in the 2016-2017 review by the Commission should be legislatively mandated on the Board, along with directives to insure staff screening of complaints so that frivolous and non-jurisdictional complaints occupy as minimal an amount of Board time as possible. While the Boards have made some strides in addressing these issues, we still see reports of what some of the Boards “intend” to do, rather than completion of this critical change.

The need for the Board to close non-jurisdictional complaints (such as when a family court litigant complains about the outcome of a court case to the Board rather than the Court of Appeals, simply because they disliked the opinion of a mental health professional involved in the case) efficiently has already been recognized by the Legislature. In 2015 the Legislature, through HB 1449, instructed the Board to enact rules that “specify that any complaint relating to the outcome of a child custody evaluation or adoption evaluation conducted by a person licensed by any of the Boards must be reported to the court that ordered the evaluation.” Rather than continue to piecemeal these instructions to the Board, there should be an overarching directive that when no breach of ethical duty is alleged by a complainant then the Board should close the case. Unfortunately, disgruntled litigants, and even unhappy extended family members who were never in a professional relationship with a licensee, are creating an increased workload for the Boards which interferes with the Boards addressing actual protection of the public.

Any Alternative or New Recommendations on This Agency:
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My Comment Will Be Made Public: I agree

From: [Sunset Advisory Commission](#)
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Date: Monday, April 09, 2018 11:35:33 AM

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

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Monday, April 09, 2018 10:49 AM
To: Sunset Advisory Commission
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS STATE BOARD SOCIAL WORKER EXAMINERS

First Name: Aaron

Last Name: Robb

Title: Program Director

Organization you are affiliated with: Forensic Counseling Services

Email: aaron@texascounseling.org

City: Frisco

State: Texas

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

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Sent: Monday, April 09, 2018 10:30 AM
To: Sunset Advisory Commission
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Agency: TEXAS STATE BOARD EXAMINERS PROFESSIONAL COUNSELORS

First Name: Aaron

Last Name: Robb

Title: Program Director

Organization you are affiliated with: Forensic Counseling Services

Email: aaron@texascounseling.org

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State: Texas

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