

From: [Sunset Advisory Commission](#)
To: [Janet Wood](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Wednesday, April 11, 2018 4:36:16 PM

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

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Wednesday, April 11, 2018 4:20 PM
To: Sunset Advisory Commission
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS STATE BOARD EXAMINERS PROFESSIONAL COUNSELORS

First Name: Rachel

Last Name: Shakin

Title:

Organization you are affiliated with:

Email:

City: Corpus Christi

State: Texas

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

I acknowledge the need for counseling board consolidation to safeguard the general public, as well as to increase the efficacy of regulating licensure for behavioral health professions.

I disagree with the recommendation to reorganize board structure with all or majority public members. The Behavioral Health Executive Council must include the voice of professionals from their respective licensing boards to ensure that professional expertise is reflected and properly utilized. To safeguard the public to an even greater degree, the executive council must mirror the fundamental right to the preservation of our civil liberties; specifically, justice served through fair conclusions by peers.

The U.S. and Texas Constitutions both guarantee the right to an impartial trial by a jury of one's peers for the purpose to fairly and impartially listen to the cases presented. In our democratic society, the jury system puts justice in the hands of the people. Texas has six types of trial courts, each of which carries the peer-jury evaluation method.

These counseling and social work professions that are under review carry credibility from other health professions (as peers) due to their recognized differences in educational programming, course content, internships and post-graduate trainings, theoretical orientations, and applications of practice. The public's knowledge about the inner-workings of these differences requires extensive research that is not guaranteed to come from scholarly sources. A public member seeking the definition of counselor on www.merriam-webster.com would come across the following:

- 1 : a person who gives advice or counseling; a marriage counselor.
- 2 : lawyer; specifically : one that gives advice in law and manages cases for clients in court; The defendant conferred with his counselor.
- 3 : one who has supervisory duties at a summer camp; The counselor led the campers on a hike through the woods.

In the above definition, three separate roles are grouped under one umbrella term. This is problematic for multiple reasons, besides the fact that counselors do not give advice; one such example is that each of these roles carry distinct confidentiality parameters. Even among the Texas Administrative Code, the distinct differences among mental health counselors is acknowledged through eighteen examples.

The Texas State Board of Examiners of Professional Counselors Title 22 Texas Administrative Code, Subchapter B. Authorized Counseling Methods and Practices, §681.31 Counseling Methods and Practices is quoted "The use of specific methods, techniques, or modalities within the practice of professional counseling is limited to professional counselors appropriately trained and competent in the use of such methods, techniques, or modalities."

Further along in Subchapter C. Code of Ethics, §681.41. General Ethical Requirements, rules are specified about licensees' services. Several examples of these specifications are 1) the effectiveness of services; 2) qualifications, capabilities... training... education; e-2) counseling purposes and goals. Additional examples of the breadth of services that counselors provide are from §681.49 Advertising and Announcements: 3) compares a health care professional's services with another health care professional's services unless the comparison can be factually substantiated; and 5) causes confusion or misunderstanding as to the credentials, education, or licensure of a health care professional.

These are only a few of the government examples that support my recommendations to include the voice of professionals from their respective licensing boards.

Any Alternative or New Recommendations on This Agency: I recommend the Behavioral Health Executive Council be structured as proposed during the last Sunset Review; one professional and one public member appointed by each board, with the presiding officer appointed by the Governor.

My Comment Will Be Made Public: I agree