

**From:** [Sunset Advisory Commission](#)  
**To:** [Janet Wood](#)  
**Subject:** FW: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Monday, April 02, 2018 7:55:12 AM

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

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]  
Sent: Friday, March 30, 2018 1:46 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: Michael

Last Name: Shaw

Title:

Organization you are affiliated with: Texas Counseling Association

Email:

City: Hillsboro

State: Texas

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

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.

**Any Alternative or New Recommendations on This Agency:**

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My Comment Will Be Made Public: I agree