

# **Self-Evaluation Report**

## **Texas State Board of Examiners of Marriage and Family Therapists**



Presented to the

**Sunset Advisory Commission  
August 2003**

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## **Texas State Board of Examiners of Marriage and Family Therapists Self-Evaluation Report**

### **I. Key Functions, Powers, and Duties**

**A. Provide an overview of the agency's mission, key functions, powers, and duties. Specify which duties are statutory.**

The Texas State Board of Examiners of Marriage and Family Therapists is the licensing and regulatory authority for marriage and family therapists in Texas. The board's primary mission is to enforce licensure rules and ethical standards for marriage and family therapists as a means to protect and promote public health and welfare. The board accomplishes its mission within the parameters established by Texas Occupations Code, Chapter 502.

The board's mission was set out in its enabling statute, which was intended to regulate marriage and family therapists in Texas in order to improve standards of the profession and to protect the public. The board accomplishes these goals by establishing the qualifications for licensure and renewal and establishing and enforcing ethical standards for the practice of marriage and family therapy.

The board is organizationally placed within the Professional Licensing and Certification Division, Texas Department of Health (TDH). TDH employs staff and provides necessary facilities and infrastructure to carry out the board's functions. In accordance with the Occupations Code §502.051, the governor of Texas appoints the nine members to the board. Five of the members must be licensed marriage and family therapists in good standing and four must be public members. The board is empowered to promulgate rules necessary to carry out its duties (Occupations Code § 502.151).

Key functions, powers, and duties of the Texas State Board of Examiners of Marriage and Family Therapists are:

- To determine the qualifications and fitness of an applicant for a license, license renewal, or provisional license (Occupations Code § 502.151(1)).
- To adopt a code of professional ethics for license holders (Occupations Code § 502.151(2)).
- To adopt rules establishing the board procedures (Occupations Code § 502.152).
- To establish, by rule, fees for the board's services in amounts reasonable and necessary to cover the costs of administering the regulatory program without accumulating an unnecessary surplus (Occupations Code § 502.153(a)).
- To determine the times and places for licensing examinations (Occupations Code § 502.155)
- To adopt rules establishing the board's procedures (Occupations Code, § 502.152).
- To prepare a registry of persons licensed as marriage and family therapists (Occupations Code § 502.157(a)).
- To adopt a form to standardize information concerning complaints made to the board and prescribe information to be provided to a person when the person files a complaint with the board (Occupations Code § 502.158).
- To prepare and distribute information of public interest describing the regulatory functions of the board and the procedures by which complaints are filed with and resolved by the board (Occupations Code § 502.201(a)).

- To adopt rules concerning the investigation and disposition of a complaint filed with the board. (Occupations Code § 502.204).
- To establish the minimum number of hours of continuing education required when renewing a marriage and family therapist license. (Occupations Code § 502.303(a)).

**B. Does the agency's enabling law correctly reflect the agency's mission, key functions, powers, and duties?**

Yes.

**C. Please explain why these functions are needed. Are any of these functions required by federal law?**

Public health, safety, and welfare considerations lead to the conclusion that persons practicing marriage and family therapy should be regulated. This includes demonstrating minimum educational achievement and experience, as well as adherence to professional standards in the delivery of marriage and family therapy services. Marriage and family therapists should be required to further their knowledge and skill levels annually and report to the board events (such as criminal convictions) that could affect their fitness to practice.

Since each jurisdictional complaint is potentially a situation in which the client's well-being is compromised, each complaint should be investigated thoroughly. When an investigation indicates that a violation has occurred, it is in the public's interest to initiate disciplinary proceedings against the licensed marriage and family therapist. Depending on the situation, a range of discipline may be imposed, up to and including revocation of the professional's right to practice in this state.

Public information is necessary to inform marriage and family therapists and citizens of Texas of the standards of competent practice of marriage and family therapy and complaint procedures regarding licensed marriage and family therapists or those holding themselves out to be licensed as marriage and family therapists.

The functions of the Texas State Board of Examiners of Marriage and Family Therapists are required and/or authorized by state, not federal, law.

**D. In general, how do other states carry out similar functions?**

According to the Association of Marriage and Family Therapy Regulatory Boards (AMFTRB), 43 states regulate the practice of marriage and family therapy through licensure or certification programs established under state boards or agencies. These states vary in defining marriage and family therapy practice and in the titles that licensees may use in professional practice.

**E. Describe any major agency functions that are outsourced.**

Occupations Code §502.155 requires the Texas State Board of Examiners of Marriage and Family Therapists to determine the times and places for licensing examinations at least twice each calendar year. The law also requires that the board give reasonable public notice of the examinations.

Currently the board utilizes the national examination administered by the Association of Marriage and Family Therapy Regulatory Boards (AMFTRB). The AMFTRB examination allows for state boards to evaluate the knowledge of applicants for licensure. There is a wide diversity of education backgrounds among the applicants who seek licensure. AMFTRB provides a standardized examination to determine if these applicants have attained the knowledge considered essential for entry-level professional practice and to provide a common element in the evaluation of candidates to provide consistency from one state to another. Of those jurisdictions regulating marriage and family therapists, only one does not utilize the national examination.

The procedures used by the AMFTRB Examination Advisory Committee are a best effort to be consistent with the technical guidelines recommended by the American Educational Research Association, the American Psychological Association and the National Council on Measurement in Education and to adhere to the Uniform Guidelines on Employee Selection adopted by the Equal Employment Opportunity Commission, Civil Service Commission, Department of Labor and Department of Justice.

The exam is offered nationally three times annually via computer at various Professional Examination Service (PES) test center locations across the country for three weeks. Applicants are approved by the board prior to their registration with PES and selection of a test center location. Applicants register directly with the test location for a time to sit for the exam. Scores are reported directly to the board.

**F. Discuss anticipated changes in federal law and outstanding court cases as they impact the agency's key functions.**

None anticipated. There is discussion at the Federal level to allow the marriage and family therapist to bill for services to Medicare.

**G. Please fill in the following chart, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact the agency. Do not include general state statutes that apply to all agencies, such as the Public Information (Open Records) Act, the Open Meetings Act, or the Administrative Procedure and Texas Register Act. Provide the same information for Attorney General opinions from FY 1999 - 2003, or earlier significant Attorney General opinions, that affect the agency's operations.**

<b>Texas State Board of Examiners of Marriage and Family Therapists Exhibit 1: Statutes/Attorney General Opinions</b>	
<b>Statutes</b>	
<b>Citation/Title</b>	<b>Authority/Impact on Agency</b> (e.g., "provides authority to license and regulate nursing home administrators")
Occupations Code, Chapter 502 Licensed Marriage and Family Therapists Act	Creates the Texas State Board of Examiners of Marriage and Family Therapists within the Texas Department of

	Health and provides authority to regulate and discipline marriage and family therapists.
Occupations Code, Chapter 101 Health Professions Council Act	Creates the Health Professions Council and defines membership to include the licensing boards and programs of the health licensing division of Texas Department of Health (including the Texas State Board of Examiners of Marriage and Family Therapists).
Occupations Code, Chapter 53 Consequences of Criminal Conviction	Provides authority to revoke, suspend, or deny a license based on criminal convictions in certain circumstances.
Education Code, § 57.491 Loan Default Ground for Non-renewal of Professional or Occupational License	Prohibits the board from renewing the license of a licensee whose name is on a default list provided by the Texas Guaranteed Student Loan Corporation.
Family Code, Chapter 232 Suspension of License	Requires the board to suspend a license upon receipt of a court order suspending the license for failure to comply with the terms of a child custody order or failing to pay child support.
Title IV, Public Law 99-660, Health Care Quality Improvement Act of 1986 and 45 CFR Part 60.	Established the National Practitioners Data Bank. Requires the board to report certain disciplinary actions to the NPDB.
<b>Attorney General Opinions</b>	
<b>Attorney General Opinion No.</b>	<b>Impact on Agency</b>
No current opinions impacting the agency.	

**H. Please fill in the following chart:**

<b>Texas State Board of Examiners of Marriage and Family Therapists Exhibit 2: Agency Contacts</b>				
	<b>Name</b>	<b>Address</b>	<b>Telephone &amp; Fax Numbers</b>	<b>E-mail Address</b>
<b>Agency Head</b>	Andrew T. Marks, LMSW Executive Director	1100 West 49 <sup>th</sup> Street Austin TX 78756	(512) 834-6657 (512) 834-6623 fax	andrew.marks@ tdh.state.tx.us
<b>Board Chair</b>	Marvarene Oliver, Ed.D. LMFT, LPC Professional Member			
<b>Agency's Sunset Liaison</b>	Stephen Mills Program Specialist	1100 West 49 <sup>th</sup> Street Austin TX 78756	(512) 834-6628 (512) 834-6677 fax	stephen.mills@ tdh.state.tx.us

## II. History and Major Events

**Provide a time line discussion of the agency's history, briefly describing the key events in the development of the agency, including:**

- the date the agency was established;
- the original purpose and responsibilities of the agency;
- major changes in responsibilities or statutory authority;
- agency/policymaking body name and composition changes;
- the impact of state/federal legislation, mandates, and funding;
- the impact of significant state/federal litigation that specifically affects the agency's operations; and
- key organizational events, and areas of change and impact on the agency's organization (e.g., a major reorganization of the agency's divisions or program areas).

**1991** The 72<sup>nd</sup> Legislature enacted the Licensed Marriage and Family Therapists Act to be effective September 1, 1991. The law was codified in Vernon's Texas Civil Statutes, Article 4512c-1. Texas Association of Marriage and Family Therapists worked closely with legislators as the bill went through the legislative process. The Act created a title and practice protection regulatory program under the general direction of the Texas State Board of Examiners of Marriage and Family Therapists.

**1991** The Texas State Board of Examiners of Marriage and Family Therapists first met on November 25, 1991, at Texas Department of Health in Austin, Texas. The board was empowered to qualify, license, and regulate marriage and family therapists in order to protect the public health, safety, and welfare. The board was administratively attached to the Texas Department of Health and organizationally placed in the Professional Licensing and Certification Division (PLCD).

**1992** Final rules to implement the regulatory program were approved by the board on April 27, 1992

**1993** First administration of the state examination held on October 25, 1993.

**1994** Board approves plan to approve supervisors and criteria for direct supervision on May 9, 1994.

**1995** The 73<sup>rd</sup> Legislature amended the Act to create the associate level of licensure (temporary license). With the development of this license post-graduate supervised experience to count towards full licensure must be received after the issuance of the LMFT-A. This action regulated individuals under supervision but not at full licensure, as a means to increase public protection.

**1996** The board transitioned from the administration of a state exam to the acceptance of the national exam. This provided for great reciprocity and portability for licensees and for more standardized national criteria to be administered on the exam. Additionally, the board's time and resources were no longer devoted to concerns regarding examination administration, security, and validity.

**1999** The 76<sup>th</sup> Legislature recodified the Act as Texas Occupations Code, Chapter 502.

**1999** The board modified the application process to require applicants for licensure to successfully complete the exam prior to qualifying for the associate license. This change provides greater public

protection by having applicants demonstrate competency skills via examination prior to beginning the post-graduate supervised experience.

**2003** The 78<sup>th</sup> Legislature amended the Act to authorize the board to suspend a license on an emergency basis in certain circumstances.

**2003** The board's program and staff, along with 19 other regulatory programs housed within TDH's Professional Licensing and Certification Division (PLCD), are reorganized along functional lines, instead of a programmatic arrangement that has been in place since the division's inception in 1985. The PLCD budget (5B508 building block) was reduced by 4.5 FTEs for the biennium. The reorganization is scheduled for implementation on September 1, 2003.

### III. Policymaking Structure

<b>Texas State Board of Examiners of Marriage and Family Therapists Exhibit 3: Policymaking Body</b>					
<b>Member Name</b>	<b>6 Year Terms/ Appointment Dates/ Appointed by ____</b>	<b>Qualification</b>	<b>Address</b>	<b>Telephone &amp; Fax Numbers</b>	<b>E-mail Address</b>
Marvarene Oliver, Chair	February 1997 – February 2003  Governor	Licensed Marriage and Family Therapist			
Sandra DeSobe	February 2000 – February 2007  Governor	Licensed Marriage and Family Therapist			
Waymon Hinson	February 2000 – February 2007  Governor	Professional Marriage and Family Therapist Educator			
Brenda VanAmburgh	February 1999 – February 2005  Governor	Licensed Marriage and Family Therapist			
Jackie M. Weimer	February 1999 – February 2005  Governor	Licensed Marriage and Family Therapist			
Joe Ann Clack	February 1997 – February 2003  Governor	Public/Consumer			
Reverend B.W. McClendon	February 2000 – February 2007  Governor	Public/Consumer			
Antonio A. Morales	February 1997 –	Public/Consumer			

	February 2003 Governor				
Bishop William H. Watson	February 1999 – February 2005 Governor	Public/Consumer			

**B. How is the chair of the policymaking body appointed?**

Occupations Code § 502.055(a) provides that “The governor shall designate a member of the board as presiding officer. The presiding officer serves in that capacity at the will of the governor.”

**C. Describe the primary role and responsibilities of the policymaking body.**

Powers and duties of the board are set out in Occupations Code, §§ 502.151-160.

The board’s primary role is to adopt and enforce rules relating to the licensure and regulation of marriage and family therapists, including discipline of marriage and family therapists found to be in violation of the Licensed Marriage and Family Therapist Act or board rules.

**D. List any special circumstances or unique features about the policymaking body or its responsibilities.**

There are no special circumstances or unique features that distinguish the board from other regulatory boards administratively attached to TDH, Professional Licensing and Certification Division.

**E. In general, how often does the policymaking body meet? How many times did it meet in FY 2002? in FY 2003?**

Occupations Code § 502.058 requires the Texas State Board of Examiners of Marriage and Family Therapists to meet at least semiannually. In FY 2002, the board held four meetings. In FY 2003, the board held four meetings.

**F. What type of training do the agency’s policymaking body members receive?**

Occupations Code § 101.101 requires the Health Professions Council to establish a training program for the governing bodies of state agencies that regulate health professions. The member must complete the training program prior to assuming the member’s duties. The training curriculum created by the Health Professions Council was adapted for regulatory programs within the Professional Licensing Division, Texas Department of Health.

The training program includes information regarding the enabling legislation; the functions of the licensing program; the role of the program and the board; the rules of the board with an emphasis on the rules that relate to disciplinary and investigatory authority; the current budget for the board; the requirements of the open

meetings law, Chapter 551, Government Code; the requirements of the open records law, Chapter 552, Government Code; the requirements of the administrative procedure law, Chapter 2001, Government Code; the requirements of the conflict of interest laws and other laws relating to public officials; and any applicable ethics policies adopted by the Texas Ethics Commission. Additionally, board members receive information concerning the board’s unique placement within the Texas Department of Health and the staff, structure, and strategic plan of the Professional Licensing and Certification Division.

**G. Does the agency have policies that describe the respective roles of the policymaking body and agency staff in running the agency? If so, please describe these policies.**

A division of responsibilities policy is not in effect at this time. The board will be considering such a policy at its next regularly scheduled meeting.

**H. If the policymaking body uses subcommittees or advisory committees to carry out its duties, please fill in the following chart.**

<b>Texas State Board of Examiners of Marriage and Family Therapists Exhibit 4: Subcommittees and Advisory Committees</b>			
<b>Name of Subcommittee or Advisory Committee</b>	<b>Size/Composition/How are members appointed?</b>	<b>Purpose/Duties</b>	<b>Legal Basis for Committee</b>
Ethics Committee	3 members  1 public board member and 2 professional board members.  The Chair of the board appoints committee members for one-year terms. Members serve at the will of the board chair.	To consider complaints filed against licensed marriage and family therapists or those holding themselves out to be licensed marriage and family therapists. Determines whether matters should be closed, referred for more investigation or whether disciplinary action proposed.	The Licensed Marriage and Family Therapist Act in § 502.152 provides that the board may adopt procedures necessary to perform the duties of the board. Committee functions are promulgated in board rules at 22 TAC § 801, specifically § 801.11(f)
Application Review Committee	3 members  1 public and 2 professional board members  The Chair of the board appoints committee members for one-year terms. Members serve at the will of the board chair.	To review applications submitted for licensure who are deficient in meeting criteria or are requesting waiver of requirements	The Licensed Marriage and Family Therapist Act in § 502.152 provides that the board may adopt procedures necessary to perform the duties of the board. Committee functions are promulgated in board rules at 22 TAC § 801, specifically § 801.11(f)

<p>Supervision Committee</p>	<p>3 members 1 public and 2 professional board members  The Chair of the board appoints committee members for one-year terms. Members serve at the will of the board chair.</p>	<p>To consider matters relating to supervision of applicant for licensure and licensees desiring the supervisor designation.</p>	<p>The Licensed Marriage and Family Therapist Act in § 502.152 provides that the board may adopt procedures necessary to perform the duties of the board. Committee functions are promulgated in board rules at 22 TAC § 801, specifically § 801.11(f)</p>
<p>Continuing Education Committee</p>	<p>3 members 1 public and 2 professional board members  The Chair of the board appoints committee members for one-year terms. Members serve at the will of the board chair.</p>	<p>To consider matters relating to continuing education of licensee and providers of continuing education.</p>	<p>The Licensed Marriage and Family Therapist Act in § 502.152 provides that the board may adopt procedures necessary to perform the duties of the board. Committee functions are promulgated in board rules at 22 TAC § 801, specifically § 801.11(f)</p>
<p>Rules Committee</p>	<p>3 members 1 public and 2 professional board members  The Chair of the board appoints committee members for one-year terms. Members serve at the will of the board chair.</p>	<p>To consider matters relating to rule amendments, new rules, and rule reviews.</p>	<p>The Licensed Marriage and Family Therapist Act in § 502.152 provides that the board may adopt procedures necessary to perform the duties of the board. Committee functions are promulgated in board rules at 22 TAC § 801, specifically § 801.11(f)</p>
<p>Alternative Methods of Therapy Committee</p>	<p>3 members 1 public and 2 professional board members  The Chair of the board appoints committee members for one-</p>	<p>To consider matters relating to professional and regulatory trends and make recommendations to the board for rule amendments, new rules,</p>	<p>The Licensed Marriage and Family Therapist Act in § 502.152 provides that the board may adopt procedures necessary to perform the duties of the board.</p>

	year terms. Members serve at the will of the board chair.	or other action.	Committee functions are promulgated in board rules at 22 TAC § 801, specifically § 801.11(f)
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**I. How does the policymaking body obtain input from the public regarding issues under the jurisdiction of the agency? How is this input incorporated into the operations of the agency?**

The Texas State Board of Examiners of Marriage and Family Therapists uses a variety of mechanisms to obtain and incorporate public input. The board considers obtaining and using public input to be of critical importance in carrying out its duty to protect and promote the public health and safety by regulating the practice of marriage and family therapy.

Each committee and board meeting agenda has a public comment item. Agendas are posted in the Texas Register in compliance with the Government Code, Chapter 551, Open Meetings Act. Agendas are provided to stakeholder groups prior to the meeting dates. Controversial or difficult issues and public comments on those issues are comprehensively discussed in both committee and board meetings. The board’s stakeholders regularly avail themselves of the opportunity to address the board and its committees.

The board’s membership structure and committee composition lend themselves to considerable input from the public. Four board members represent the public. Each board committee has at least one public member.

In the area of rulemaking, the board notifies stakeholders of rule issues early in the development phase. Stakeholders are encouraged to participate in committee and board meetings in which rules are drafted, discussed, or approved. Additionally, the board has established, by rule, provisions for any person to petition the board for the adoption of a rule. Finally, the board fully considers all written comments received during the statutory public comment period. Rule proposals and adoptions are posted on the board’s website and regularly updated.

As funds allow, the board and its staff attend statewide and national conferences relating to the regulation of counseling and local area meetings to receive direct input from the regulated community, to provide information, and to answer questions regarding the board and its functions. One member attends, as the delegate, the annual conferences of the Association of Marriage and Family Therapists Regulatory Boards (AMFTRB).

**IV. Funding**

**Introduction**

The Texas State Board of Examiners of Marriage and Family Therapists is administratively attached to Texas Department of Health (TDH). TDH provides staff, facilities, and infrastructure necessary to accomplish the board’s mission and functions. This unique arrangement has implications for much of the information requested in Section IV (Funding) and V (Organization) of this Self-Evaluation Report.

The board is funded through a shared appropriation to TDH to fund the C.1.1. strategy (Health Care Standards). The legislative appropriation is made to TDH, not to the board. The General Appropriations Act (GAA) does not contain a line-item appropriation to the board, in fact, the GAA does not mention the board. Consequently, the board does not prepare a Legislative Appropriations Request. All revenue and expenditures are processed, accounted for, tracked, and audited through the TDH budget, fiscal, and audit structures.

It is important to note that the fee revenues exceed the direct and indirect costs of operating the board's program.

Due to the absence of a legislative appropriation, the board is unable to hire staff or expend funds in its own name. The requested information regarding Equal Employment Opportunity statistics and policy, Historically Underutilized Business purchases, expenditures by strategy, objects of expense from the GAA, and FTE cap is not available by program. The information is available regarding TDH in an agency-wide format. Expenditure allocation tracking by program activity code in the Health and Human Services Accounting System (HHSAS) is the foundation for tracking program costs. Some information requested in Section IV (Funding) and V (Organization) is available in a format that is specific to the board, with some necessary modifications, and the modified information is submitted in this report.

**A. Describe the agency's process for determining budgetary needs and priorities.**

For each of the 19 programs, TDH Professional Licensing and Certification Division management use the following process to project operating costs for the fiscal year. First salaries are projected using the labor account default percentages as an estimate of salary categories (direct staff, shared staff, investigation, testing, and general counsel.) Retirement and fringe benefits are projected based on the current percentage. Professional services and per diem (if board members receive it by law) are projected for services that each board will use during the year for special services such as testing, complaint review, and other specialized services. Travel costs are an estimate of the travel needed for board members and staff, based on the amount expended in prior years, current fiscal year needs, and the amount that the division's total allocation can support per program. Other operating costs are projected costs for each program, such as postage, telephone, printing, office supplies, registrations, copier rental, equipment maintenance, training, and membership in the Health Professions Council. This is an estimate based on the amount expended in prior years and the amount that the division's total allocation can support per program. Third party reimbursement is utilized to cover other operating costs for some programs. Information systems charges are an estimate based on a percentage of the prior year's division total cost for infrastructure and direct program support billing. Indirect costs are projected based on the current percentage. Projected revenue is based on the prior year's revenue and last year's third party reimbursement (not all programs collect third party reimbursement.)

**PLEASE FILL IN EACH OF THE CHARTS BELOW, USING EXACT DOLLAR AMOUNTS.**

**B. Show the agency's sources of revenue. Please include all local, state, and federal appropriations, all professional and operating fees, and all other sources of revenue collected by the agency.**

<b>Texas State Board of Examiners of Marriage and Family Therapists Exhibit 5: Sources of Revenue — Fiscal Year 2002 (Actual)</b>	
Source	Amount
General Revenue Fund	231,123
Third party Reimbursement	20,105
<b>TOTAL</b>	251,228

**C. If you receive funds from multiple federal programs, show the types of federal funding sources.**

<b>Texas State Board of Examiners of Marriage and Family Therapists Exhibit 6: Federal Funds — Fiscal Year 2002 (Actual)</b>				
Type of Fund	State/Federal Match Ratio	State Share	Federal Share	Total Funding
<b>TOTAL</b>		N/A		

**D. If applicable, please provide detailed information on fees collected by the agency.**

<b>Texas State Board of Examiners of Marriage and Family Therapists Exhibit 7: Fee Revenue and Statutory Fee Levels — Fiscal Year 2002</b>				
Description/ Program/ Statutory Citation	Current Fee/ Statutory maximum	Number of persons or entities paying fee	Fee Revenue	Where Fee Revenue is Deposited (e.g., General Revenue Fund)
License fee Occupations Code § 502.153	45.00/None	30	1,350	General Revenue Fund
Renewal fee Occupations Code § 502.153	65.00/none	2900	188,500	General Revenue Fund
Application fee Occupations Code § 502.153	40.00/None	150	6,000	General Revenue Fund
Inactive status fee Occupations Code § 502.153	75.00/None	290	21,750	General Revenue Fund
Continuing education provider fee Occupations Code § 502.153	50.00/None	400	20,000	Third Party Reimbursement

**E. Show the agency's expenditures by strategy.**

Please see the Section IV introductory information.

Texas State Board of Examiners of Marriage and Family Therapists Exhibit 8: Expenditures by Strategy — Fiscal Year 2002 (Actual)	
Goal/Strategy	Amount
<b>GRAND TOTAL:</b>	

**F. Show the agency's expenditures and FTEs by program.**

Texas State Board of Examiners of Marriage and Family Therapists Exhibit 9: Expenditures and FTEs by Program — Fiscal Year 2002 (Actual)					
Program	Budgeted FTEs, FY 2002	Actual FTEs as of August 31, 2002	Federal Funds Expended	State Funds Expended	Total Actual Expenditures
Licensing and Regulation of Marriage and Family Therapists	2.6	2.6	N/A	137,492	137,492
<b>TOTAL</b>	2.6	2.6	N/A	137,492	137,492*

\* This represents direct program staff and investigation staff, without fringe benefits and without indirect cost rate applied.

**G. Show the agency's objects of expense for each category of expense listed for your agency in the General Appropriations Act FY 2004-2005.**

Please see the Section IV introductory information and also see Attachment 8. The board's funding is within the attached building block.

Texas State Board of Examiners of Marriage and Family Therapists Exhibit 10: Objects of Expense by Program or Function -- Fiscal Year 2004			
Object-of-Expense Informational Listing	Strategy, Program, Division, or Function ____ (insert strategy, division or program name)	Strategy, Program, Division, or Function ____ (insert strategy, division or program name)	Strategy, Program, Division, or Function ____ (insert strategy, division or program name)
<b>Total, FY 2004 Object-of-Expense Informational Listing</b>			

Objects of Expense by Program or Function -- Fiscal Year 2005			
Object-of-Expense Informational Listing	Strategy, Program, Division, or Function ____ (insert strategy, division or program name)	Strategy, Program, Division, or Function ____ (insert strategy, division or program name)	Strategy, Program, Division, or Function ____ (insert strategy, division or program name)
<b>Total, FY 2005 Object-of-Expense Informational Listing</b>			

**H. Please fill in the following chart.**

Please see the Section IV introductory information.

Texas State Board of Examiners of Marriage and Family Therapists Exhibit 11: Purchases from HUBs

<b>FISCAL YEAR 2000</b>				
<b>Category</b>	<b>Total \$ Spent</b>	<b>Total HUB \$ Spent</b>	<b>Percent</b>	<b>Statewide Goal</b>
<b>Heavy Construction</b>				11.9%
<b>Building Construction</b>				26.1%
<b>Special Trade</b>				57.2%
<b>Professional Services</b>				20.0%
<b>Other Services</b>				33.0%
<b>Commodities</b>				12.6%
<b>TOTAL</b>				
<b>FISCAL YEAR 2001</b>				
<b>Category</b>	<b>Total \$ Spent</b>	<b>Total HUB \$ Spent</b>	<b>Percent</b>	<b>Statewide Goal</b>
<b>Heavy Construction</b>				11.9%
<b>Building Construction</b>				26.1%
<b>Special Trade</b>				57.2%
<b>Professional Services</b>				20.0%
<b>Other Services</b>				33.0%
<b>Commodities</b>				12.6%
<b>TOTAL</b>				
<b>FISCAL YEAR 2002</b>				
<b>Category</b>	<b>Total \$ Spent</b>	<b>Total HUB \$ Spent</b>	<b>Percent</b>	<b>Statewide Goal</b>
<b>Heavy Construction</b>				11.9%
<b>Building Construction</b>				26.1%
<b>Special Trade</b>				57.2%
<b>Professional Services</b>				20.0%
<b>Other Services</b>				33.0%
<b>Commodities</b>				12.6%
<b>TOTAL</b>				

**I. Does the agency have a HUB policy? How does the agency address performance shortfalls related to the policy?**

Please see the Section IV introductory information.

**J. For agency with contracts valued at \$100,000 or more:**

Not applicable

	<b>Response / Agency Contact</b>
Does your agency follow a HUB subcontracting plan to solicit bids, proposals, offers, or other applicable expressions of interest for subcontracting opportunities available under contracts of \$100,000 or more? (Tex. Government Code, Sec. 2161.252; TAC 111.14)	

**K. For agencies with biennial appropriations exceeding \$10 million:**

Not applicable

	<b>Response / Agency Contact</b>
Do you have a HUB coordinator? (Tex. Government Code, Sec. 2161.062; TAC 111.126)	
Has your agency designed a program of HUB forums in which businesses are invited to deliver presentations that demonstrate their capability to do business with your agency? (Tex. Government Code, Sec. 2161.066; TAC 111.127)	
Has your agency developed a mentor-protege program to foster long-term relationships between prime contractors and HUBs and to increase the ability of HUBs to contract with the state or to receive subcontracts under a state contract? (Tex. Government Code, Sec. 2161.065; TAC 111.128)	

**V. Organization****Introduction**

The Texas State Board of Examiners of Marriage and Family Therapists is administratively attached to Texas Department of Health (TDH). TDH provides staff, facilities, and infrastructure necessary to accomplish the board's mission and functions. This unique arrangement has implications for much of the information requested in Section IV (Funding) and V (Organization) of this Self-Evaluation Report.

The board is funded through a shared appropriation to TDH to fund the C.1.1. strategy (Health Care Standards). The legislative appropriation is made to TDH, not to the board. The General Appropriations Act (GAA) does not contain a line-item appropriation to the board, in fact, the GAA does not mention the board. Consequently, the board does not prepare a Legislative Appropriations Request. All revenue and expenditures are processed, accounted for, tracked, and audited through the TDH budget, fiscal, and audit

structures.

It is important to note that the fee revenues exceed the direct and indirect costs of operating the board's program.

Due to the absence of a legislative appropriation, the board is unable to hire staff or expend funds in its own name. The requested information regarding Equal Employment Opportunity statistics and policy, Historically Underutilized Business purchases, expenditures by strategy, objects of expense from the GAA, and FTE cap is not available by program. The information is available regarding TDH in an agency-wide format. Expenditure allocation tracking by program activity code in the Health and Human Services Accounting System (HHSAS) is the foundation for tracking program costs. Some information requested in Section IV (Funding) and V (Organization) is available in a format that is specific to the board, with some necessary modifications, and the modified information is submitted in this report.

**A. Please fill in the chart below. If applicable, list field or regional offices.**

Texas State Board of Examiners of Marriage and Family Therapists Exhibit 12: FTEs by Location — Fiscal Year 2002			
Headquarters, Region, or Field Office	Location	Number of Budgeted FTEs, FY 2002	Number of Actual FTEs as of August 31, 2002
Central Headquarters Texas Department of Health	Austin	2.6	2.6
<b>TOTAL</b>		2.6	2.6

**B. What was the agency's FTE cap for fiscal years 2002 - 2005?**

Please see the Section V introductory information.

**C. How many temporary or contract employees did the agency have as of August 31, 2002?**

None

**D. Please fill in the chart below.**

Texas State Board of Examiners of Marriage and Family Therapists Exhibit 13: Equal Employment Opportunity Statistics				
FISCAL YEAR 2000				
Job	Total	Minority Workforce Percentages		
		Black	Hispanic	Female

Category	Positions	Agency		Civilian Labor Force %		Agency		Civilian Labor Force %	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration			5%		8%				26%
Professional			7%		7%				44%
Technical			13%		14%				41%
Protective Services			13%		18%				15%
Para-Professionals			25%		30%				55%
Administrative Support			16%		17%				84%
Skilled Craft			11%		20%				8%
Service/Maintenance			19%		32%				27%

FISCAL YEAR 2001									
Job Category	Total Positions	Minority Workforce Percentages							
		Black		Hispanic		Female			
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %		
Officials/Administration			5%		8%				26%
Professional			7%		7%				44%
Technical			13%		14%				41%
Protective Services			13%		18%				15%
Para-Professionals			25%		30%				55%
Administrative Support			16%		17%				84%
Skilled Craft			11%		20%				8%
Service/Maintenance			19%		32%				27%

FISCAL YEAR 2002									
Job Category	Total Positions	Minority Workforce Percentages							
		Black		Hispanic		Female			
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %		
Officials/Administration			5%		8%				26%
Professional			7%		7%				44%
Technical			13%		14%				41%
Protective Services			13%		18%				15%
Para-Professionals			25%		30%				55%
Administrative Support			16%		17%				84%
Skilled Craft			11%		20%				8%

Service/Maintenance			19%		32%		27%
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**E. Does the agency have an equal employment opportunity policy? How does the agency address performance shortfalls related to the policy?**

Please see the Section V introductory information.

**VI. Guide to Agency Programs**

**A. Please complete the following chart.**

Texas State Board of Examiners of Marriage and Family Therapists Exhibit 14: Program or Function Information — Fiscal Year 2002	
<b>Name of Program or Function</b>	Licensing and Regulation of Marriage and Family Therapists.
<b>Location/Division</b>	Professional Licensing and Certification Division Texas Department of Health 1100 W. 49 <sup>th</sup> Street Austin TX 78756 (512) 834-6657
<b>Contact Name</b>	Andrew T. Marks, LMSW, Executive Director
<b>Number of Budgeted FTEs, FY 2002</b>	2.6
<b>Number of Actual FTEs as of August 31, 2002</b>	2.6

**B. What are the key services of this function or program? Describe the major activities involved in providing all services.**

Key services and activities are:

- The issuance of new and renewal letters to qualified licensed marriage and family therapists (LMFT) and licensed marriage and family therapists associates (LMFTA)
- The processing, evaluation, and approval of applications to become a LMFT/LMFTA
- The processing, evaluation, and approval of applicant examination scores
- The processing, evaluation, and approval of continuing education providers
- The processing, evaluation and approval of supervisors for LMFTAs seeking full licensure
- The processing of consumer complaints against LMFTs and LMFTAs
- The investigation and presentation of complaints to the Ethics Committee; the imposition of enforcement sanctions against LMFT/LMFTAs in violation of the law or rules
- The provision of public information concerning LMFT/LMFTA regulation.

The Program Operating Plan for the board/program (July 2002) is included as Attachment 23. A revised POP will be available in Fall 2003 through the TDH website at <http://www.tdh.state.tx.us/oshp/pop/default.htm>

**C. When and for what purpose was the program or function created? Describe any statutory or other requirements for this program or function.**

The functions were created in 1991 in order to protect and promote public health, safety, and welfare. Texas Occupations Code, Chapter 502 sets out requirements for these functions.

**D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program or function will no longer be needed?**

The key functions of the Texas State Board of Examiners of Marriage and Family Therapists are ongoing and will continue to be needed as long as Texas citizens seek out mental health counseling services. The regulation of marriage and family therapists is intended to ensure that citizens are availing themselves of the services of a qualified and competent marriage and family therapist.

The services and functions have not changed from the original intent of the 1991 Act. Since 1991, persons who provide marriage and family therapy services must be licensed by the board, unless exempt.

Generally speaking, amendments to the Licensed Marriage and Family Therapists Act have strengthened the intent of the licensing and regulatory functions over time. Examples include the authority to regulate interns through a temporary license and the authority for additional enforcement sanctions.

**E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.**

The functions directly affect Texas consumers of counseling and mental health services and Texas marriage and family therapists. There are approximately 3100 licensed marriage and family therapists and 280 licensed marriage and family therapists associates. It is not known how many clients those licensees serve on a daily basis although the majority of mental health services, including direct care and counseling services, in the state and country are provided by marriage and family therapists, social workers, psychologists and professional counselors.

Qualifications to become a LMFT/LMFTA are set out in the Occupations Code § 502.252 and board rules 22 TAC § 801. Persons applying for examination must be enrolled in or have completed a graduate internship in marriage and family therapy or an equivalent internship approved by the board. The examination is a written examination prescribed by the board, administered by the Association of Marriage and Family Therapy Regulatory Board (AMFTRB), which has been validated by an independent psychometrician. The exam is recognized nationally by those entities regulating marriage and family therapists. Licensure candidates must have a master's or doctorate in marriage and family therapy or a master's or doctorate in a related mental health field with course work and training determined by the board to be substantially equivalent to a graduate degree in marriage and family therapy from a regionally accredited institution of higher education or an institution of higher education approved by the board. Documentation of 3,000 direct client contact hours and 200 hours of supervision must also be submitted.

**F. Describe how the program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.**

Rulemaking processes are carried out in accordance with the Administrative Procedure Act.

The application process for marriage and family therapist licensure is detailed in the flowchart labeled Attachment 24. Applications for approved supervisor status and continuing education provider follow a similar approval process.

The renewal process is detailed in the flowchart labeled Attachment 25. Renewals for supervisors and continuing education providers follow a similar process.

The complaint processing and enforcement processes are detailed in the flowchart labeled as Attachment 26.

**G. If the program or function works with local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency.**

Program staff do not routinely interact with local units of government. Occasionally, there is a need for cooperation or coordination with local law enforcement concerning a complaint investigation. The board cooperates with investigations into licensee wrongdoing and takes action either in conjunction with other agencies or in response to other agency information regarding licensee professional behavior and actions.

**H. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).**

General revenue fund	\$231,123
Third party reimbursement	\$20,105

**I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.**

Overall, current funding resources are appropriate to achieve the program's mission and goals. Some board members have expressed concern at the lack of funding available for in-state and out-of-state travel, which hampers the board's ability to exchange information with its regulatory counterparts in other states and gain information regarding national trends in counseling regulation.

**J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.**

There are no other state government programs engaged in the regulation of marriage and family therapists. There are state boards and councils that license and regulate other mental health-related occupations, such as psychologists, social workers, professional counselors, and sex offender treatment providers.

**K. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question J and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

N/A

**L. Please provide any additional information needed to gain a preliminary understanding of the program or function.**

**M. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. If this is a regulatory program, please describe:**

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

The regulation of marriage and family therapists is necessary as a means to protect and promote public health, safety, and welfare. The regulation of marriage and family therapists is intended to ensure that persons seeking mental health counseling or marriage and family therapy services are availing themselves of the services of a qualified and competent therapist.

The Licensed Marriage and Family Therapist Act does not provide authority for routine inspections or compliance audits of licensee's worksite. When a jurisdictional consumer complaint is filed, the matter is investigated. Violations of law or rule, verified through a complaint investigation, are presented to the Ethics Committee for consideration and the imposition of disciplinary action, if appropriate. The board does audit a percentage of licensees regarding continuing education compliance as well as those providing continuing education opportunities.

When non-compliance is identified, a number of follow-up actions may be taken. In a complaint matter, the marriage and family therapist may be required to complete additional graduate level or continuing education in addition to enforcement sanctions, such as probation or suspension. In some enforcement matters, the Ethics Committee requires supervision by another licensed marriage and family therapist (LMFT) or other licensed mental health professional if a LMFT is not available with quarterly progress reports submitted for board review. Program staff monitors these enforcement orders and reports non-compliance to the Ethics Committee for additional action. If another complaint is received or if there is reason to believe the problem has not been resolved, program staff re-investigate or submit the complaint to the Investigations Unit and provide additional investigative results to the Ethics Committee for action.

The Texas State Board of Examiners of Marriage and Family Therapists is authorized to impose a broad range of enforcement sanctions to ensure compliance with the Act and rules. These sanctions include application or renewal application denial, administrative penalties, emergency suspension, reprimand, suspension, probation, and revocation. Additionally, the board may resolve contested cases through the use of agreed orders, requirements for additional education, and practice limitations. (See Occupations Code § 502.351-355.)

Procedures for handling consumer complaints against marriage and family therapists are illustrated in the flowchart labeled Attachment 26.

**N. Please fill in the following chart for each regulatory program. The chart headings may be changed if needed to better reflect the agency's practices.**

--

<b>Texas State Board of Examiners of Marriage and Family Therapists</b>		
<b>Exhibit 15: Complaints <u>Against</u> Regulated Entities or Persons – Fiscal Years 2001 and 2002</b>		
	<b>FY 2001</b>	<b>FY 2002</b>
<b>Number of complaints received</b>	28	46
<b>Number of complaints resolved</b>	34	26
<b>Number of complaints dropped/found to be without merit</b>	29	26
<b>Number of sanctions</b>	8	8
<b>Number of complaints pending from prior years</b>	20	9
<b>Average time period for resolution of a complaint</b>	136 days	99 days
<b>Number of entities inspected or audited by the agency</b>	NA	NA
<b>Total number of entities or persons regulated by the agency</b>	2964	2993

## VII. Agency Performance Evaluation

### A. What are the agency's most significant accomplishments?

Since the enabling legislation passed in 1991 the accomplishments of the board include regulation of marriage and family therapy practice and title, the creation of the standards of practice and code of ethics for licensees, creation of standards of education for the practice of marriage and family therapy, and the development of standards for continued professional development

**Implementation of Legislative Initiatives** Modifications to the scope of the board's regulatory authority and the licensing processes for marriage and family therapists occurred through amendments to the Licensed Marriage and Family Therapist Act in the 1990's. These included the granting of authority to regulate marriage and family therapist-associates through temporary licensing, the increase in academic requirements for licensure, and the modification in the post-graduate experience requirement to occur after passage of the examination and receipt of the Associate level of licensure. Each of these initiatives required the board to engage in the rulemaking process utilizing stakeholder input, to compose and distribute public information, and to implement new or modified automation and workflow processes. The creation of the Licensed Marriage and Family Therapist Associate was a significant development for the board. This creation developed a method for those individuals seeking full licensure to become regulated during the internship hours. Additionally, it created a revenue source for the state as well as heightened protection for consumers by regulation of these individuals once unregulated.

**Rulemaking** During 2000, the board's Executive Director and Attorney met with the board chair concerning the need to implement the comprehensive rule review process required by Government Code, § 2001.039, and due to be completed by August 31, 2003. Staff identified numerous possibilities for improvements throughout the board's rules at 22 Texas Administrative Code, Chapter 801. Rules Committee meetings were held in early 2000 to conduct intensive review sessions of each existing rule. Association representatives were present throughout these sessions and provided valuable input, recommendations, and information. The board proposed changes as a result of the review and

promulgated final rules. The board will again begin the process in 2004 as required by the Government Code. The existing Chapter 801 is labeled as Attachment 7.

**Enforcement and Complaint Processing** In 1997, representatives of TDH's Professional Licensing Division and the TDH Office of General Counsel implemented a process improvement team to study procedures for processing complaints, managing hearings, and making recommendations for improvements to current complaint and enforcement processes for the Texas State Board of Social Worker Examiners, the Texas State Board of Examiners of Marriage and Family Therapists, and the Texas State Board of Examiners of Professional Counselors (the boards). The team was formed in December 1997 and a Steering Committee charge to the team was developed. The team included chairs of the affected boards, executive directors, investigators, and program attorneys. The Steering Committee included board chairs, the TDH General Counsel, and the TDH Associate Commissioner for Health Care Quality and Standards. The team collected data, identified problem areas, and developed 27 recommendations for process improvement. A final report was written and most recommendations were implemented by early 1999. This significant accomplishment resulted in evaluation and upgrading of the complaint tracking systems, adoption of uniform investigation referral and case referral documents, streamlined routing of complaints for investigation, monthly meetings between mental health board management to review common cases, adoption of a uniform Report of Investigation, increased use of informal conferences to avoid the time and expense of formal hearings, the assignment of regular investigators and attorneys for mental health board cases, uniform case presentation formats to boards and committees, and other improvements intended to reduce the processing time associated with enforcement and to prioritize severity levels of allegations and findings.

**Examination Administration** Since the move to utilize the national examination, the board has provided a more streamlined process for applicants for licensure to take the exam. Additionally, the exam allows for licensees to have more reciprocity opportunities with other jurisdictions. This is critically important as marriage and family therapy practice begins to emerge in new areas such as Internet therapy.

**National Perspectives in Marriage and Family Therapists Regulation** The board has maintained continued and active involvement with the Association of Marriage and Family Therapy Regulatory Boards (AMFTRB). The association is an affiliation of state marriage and family therapy regulatory board members and staff that meet to consider regulatory issues and problems of mutual concern. One board member, Waymon Hinson, is currently serving as a member at large on the national board of the AMFTRB.

**B. Describe the internal process used to evaluate agency performance, including how often performance is formally evaluated and how the resulting information is used by the policymaking body, management, the public, and customers.**

At each board meeting, members are briefed by the division director on budgetary matters (relating specifically to the board and to the Professional Licensing and Certification Division), relevant legislation (proposed or passed), legal opinions, and current policy issues. The program administrator also provides a report regarding programmatic issues at each meeting. As policy or other issues develop (Sunset Review, PLCD reorganization), program staff contacts board members by e-mail.

Shared performance measure reporting associated with the appropriation to TDH in the C.1.1. strategy (Health Care Standards) is compiled quarterly. This information includes the number of new applications and renewal applications processed, the number of jurisdictional complaints received, the number of

jurisdictional complaints resolved, the number and types of disciplinary action taken, and the average number of days required to resolve a complaint. The annual report of the Health Professions Council provides similar information for the Texas State Board of Examiners of Marriage and Family Therapists and is distributed to board members. The report is an opportunity for the board to assess its performance in those areas and provides statistical information used for staffing and resource allocations.

Program staff is evaluated by TDH in accordance with agency policy and procedure. The Professional Licensing Division also performs specific activities related to assessing customer service, including a customer comment survey. Survey results in summary form are provided to the staff and board for analysis and improvements.

### **C. What are the agency's biggest opportunities for improvement?**

The board has opportunities for improvement in license application and license renewal processing. Senate Bill 1152 (78<sup>th</sup> Leg.) requires Texas Department of Health and its programs to participate in the Texas Online project administered by the Texas Online Authority through the Department of Information Resources (DIR). TDH staff met with DIR representatives in July 2003 to discuss implementation of online application and renewal processing for professional counselors, as well as other TDH regulatory programs. DIR is moving forward with the initiative and the board will be providing baseline information for the project during the fall of 2003. Other licensing agencies currently using the online renewal system are realizing significant efficiencies and cost savings associated with online renewals.

An opportunity for improvement in terms of the program's placement within the Professional Licensing and Certification Division (PLCD) is currently underway. In June 2003, division management implemented a functional reorganization plan to better position the licensing and certification programs to implement legislative initiatives, address concerns arising from a reduced budget, and assimilate duties of retiring positions. The division has been organized along programmatic lines since its inception in 1985. The current plan to reorganize division staff (61 FTEs) based on function is scheduled for implementation on September 1, 2003. The reorganization will be closely monitored, evaluated, and adjusted as necessary during a 120-day transition period that ends December 31, 2003. The division's Reorganization Implementation Team, made up of division supervisors, managers, and program administrators, is charged with implementation and evaluation. The Reorganization Plan is labeled as Attachment 29.

### **D. How does the agency ensure its functions do not duplicate those of other entities?**

Currently the board works closely with the Texas State Board of Social Workers, Texas State Board of Examiners of Professional Counselors and Council on Sex Offender Treatment regulatory bodies regarding complaints and other functions. If one program receives a complaint, the investigations unit verifies the licensure status of the licensee. If licensee falls within multiple jurisdictions, the complaint is referred to all appropriate jurisdictions. Although each board initially hears the complaint case independently, often the boards will hold collaborative informal settlement conferences with a licensee who is licensed by more than one board to save on administrative costs of the hearing and the travel expenses of witnesses. The board also refers complaints not within the jurisdiction of the TSBEMFT to those programs that may regulate the individual.

There are no other entities involved in functions related to the regulation of marriage and family therapists. Program staff regularly communicate with other entities, including regulatory boards for social workers, marriage and family therapists, and sex offender treatment providers, to coordinate on matters of mutual interest to mental health care providers.

**E. Are there any other entities that could perform any of the agency's functions?**

No. Marriage and family therapists occupy a unique role in the field of mental health care.

**F. What process does the agency use to determine customer satisfaction and how does the agency use this information?**

Customer surveys are provided with initial licenses and renewed licenses. The information is analyzed and maintained by PLCD staff and forwarded to board staff for review by the board. Survey cards bearing a name or identifying information that request or require a response is a high priority for staff.

All specific and general suggestions for improvements or complaints are considered when the survey is received. The information is then provided to the board. The board and staff believe that customer feedback and satisfaction levels are important indicators of the need to clarify or simplify licensing processes.

**G. Describe the agency's process for handling complaints against the agency, including the maintenance of complaint files and procedures for keeping parties informed about the process. If the agency has a division or office, such as an ombudsman, for tracking and resolving complaints from the public or other entities, please provide a description.**

Due to the board's organizational placement, the customer service policies and procedures of TDH apply. Please see Attachment 27 (TDH Complaint Resolution Policy and Procedures) and Attachment 28 (TDH Compact with Texans.)

**H. Please fill in the following chart. The chart headings may be changed if needed to better reflect the agency's practices.**

The information requested in Exhibit 16 for complaints filed against the board is not available. Due to the board's organizational placement within the larger structure of TDH, the information is not maintained at the program level. Please see Attachment 30 (Customer Service at the Texas Department of Health for Fiscal Years 2000-2002.)

<b>Texas State Board of Examiners of Marriage and Family Therapists Exhibit 16: Complaints <u>Against the Agency</u> – Fiscal Years 2001 and 2002</b>		
	<b>FY 2001</b>	<b>FY 2002</b>
<b>Number of complaints received</b>		
<b>Number of complaints resolved</b>		

<b>Number of complaints dropped/found to be without merit</b>		
<b>Number of complaints pending from prior years</b>		
<b>Average time period for resolution of a complaint</b>		

**I. What process does the agency use to respond to requests under the Public Information (Open Records) Act?**

Requests under the Public Information Act are processed in accordance with TDH Operating Procedure OP-1355 (Handling Requests for Public Information), the TDH Procedural Checklist for Public Information Requests, and the Public Information Act. Please see Attachment 21.

**J. Please fill in the following chart with updated information and be sure to include the most recent e-mail address if possible.**

<b>Texas State Board of Examiners of Marriage and Family Therapists Exhibit 17: Contacts</b>			
<b>INTEREST GROUPS</b> (groups affected by agency actions or that represent others served by or affected by agency actions)			
<b>Group or Association Name/ Contact Person</b>	<b>Address</b>	<b>Telephone &amp; Fax Numbers</b>	<b>E-mail Address</b>
National Association of Social Workers – Texas Chapter Vicki Hansen, Executive Director	810 W. 11 <sup>th</sup> Street Austin TX 78701	512-474-1454 512-474-1317 (fax)	vhansen@naswtx.org
Texas Counseling Association (TCA) Jan Friese, Executive Director	316 West 12 <sup>th</sup> Street Suite 402 Austin TX 78701	(512) 472-3403  (512) 472-3756 fax	jan@txca.org
<b>INTERAGENCY, INTRA-AGENCY, STATE, OR NATIONAL ASSOCIATIONS</b> (that serve as an information clearinghouse or regularly interact with the agency)			
<b>Group or Association Name/ Contact Person</b>	<b>Address</b>	<b>Telephone &amp; Fax Numbers</b>	<b>E-mail Address</b>
Texas Association of Marriage and Family Therapists – Chris Shields Executive Director	1005 Congress, Suite 470 Austin TX 78701	512-708-1593 512-476-7297 (fax)	tamft@cshiledspc.com
American Association for Marriage and Family Therapy	112 South Alfred Street Alexandria, VA 22314-3061	Phone: (703) 838-9808 Fax: (703) 838-9805	MemberService@aamft.org
<b>LIAISONS AT OTHER STATE AGENCIES</b> (with which the agency maintains an ongoing relationship, e.g., the agency's assigned analyst at the Legislative Budget Board, or attorney at the Attorney General's office)			
<b>Agency Name/Relationship/ Contact Person</b>	<b>Address</b>	<b>Telephone &amp; Fax Numbers</b>	<b>E-mail Address</b>
Office of the Governor Appointments Division Doris White	Office of the Governor P.O. Box 12428 Austin, Texas 78711-2428	512-463-6395	dwhite@governor.state.tx.us
Health Professions Council Charles Horton, Administrative Officer	333 Guadalupe Street, Tower 2, Suite 220 Austin TX 78701-3942	(512) 305-8550  (512) 305-8553	Charles.Horton@hpc.state.tx.us

## VIII. 78th Legislative Session Chart

Texas State Board of Examiners of Marriage and Family Therapists Exhibit 18: 78th Legislative Session Chart		
Legislation Enacted - 78th Legislative Session		
Bill Number	Author	Summary of Key Provisions/Intent
HB 2985	Capelo	Relating to the establishment of an office of patient protection within the Health Professions Council.
HB 2292	Wohlgemuth	Reorganizes the Health and Human Services enterprise, including reorganization and consolidation activities at the Texas Department of Health (TDH.) Requires that all licenses issued by TDH, or any entity attached to TDH, be issued for a term of two years effective January 1, 2005. Requires that all TDH licensing programs set fees in amounts designed to recover from license holders all direct and indirect costs of the licensing program.
SB 161	Nelson	Relating to the granting of certain enforcement sanctions to TDH licensing programs. The bill authorizes the Texas State Board of Examiners of Marriage and Family Therapists to assess administrative penalties for violations of the law or rules.
HB 660	Allen	Grants specific authority to TDH programs to perform both DPS and FBI criminal history record checks.
SB 1152	Shapleigh	Relating to the use of Texas Online. Requires TDH programs to participate in online license application and renewal functions.
Legislation Not Passed - 78th Legislative Session		
Bill Number	Author	Summary of Key Provisions/Intent/Reason the Bill did not Pass
None		

## IX. Policy Issues

### A. Brief Description of Issue

Should the Texas State Board of Examiners of Marriage and Family Therapists remain within TDH, be moved to another agency, or reconfigured to serve in an advisory capacity to another board or commission within the Texas Health and Human Services system?

### B. Discussion

Two recent studies related to the TDH Professional Licensing and Certification Division (PLCD) have examined the different regulatory models housed within PLCD (and state government generally.) See *Report on Texas Department of Health Regulatory Programs, Recommendations for Consolidating, Restructuring, or Moving Health-Related Regulatory Programs, December 15, 2000*, Texas Health and Human Services Commission; and *Texas Department of Health Business Practices Evaluation*, Elton Bomer, Consultant, August 31, 2001.

Both reports examined challenges associated with an umbrella agency housing regulatory boards and programs that possess certain authority independent of the umbrella agency's authority. The Bomer report found that "independent boards, functioning as quasi-agencies unto themselves, yet operating within the structure of a larger agency, are a fundamental organizational mistake."

The HHSC report examined five models for organizing regulatory programs and identified challenges associated with the TDH administration of PLCD regulatory programs. One of the commission's recommendations was to give "more of a voice" in decisions "related to policy, budget, and Legislative Appropriations Requests" to the licensing, certification, and advisory boards administratively attached to TDH. The commission's rationale for the recommendation follows:

The programs attached to the Professional Licensing and Certification Division are required to raise the revenue to operate their programs from the professionals they regulate. Yet independent boards have not routinely been involved in major decisions such as Legislative Appropriations Requests, development of the agency Five-Year Strategic Plan, and establishment of annual operating budgets. TDH has established the principle that the executive director of each program will bring any funding needs, issues, or concerns to TDH management. This has not proven to be sufficient in the opinions of members of the boards, committees, advisory bodies, and HHSC. Additional mechanisms should be developed to improve two-way communication – both from TDH to the statutorily established bodies, and from those bodies to TDH. Such mechanisms should include opportunities for the statutorily established bodies to have periodic access to the Board of Health.

The TDH Associate Commissioner for Health Care Quality and Standards (now Consumer Health Protection) formed the Council of Independent Licensing Board Chairs in 2001 in response to recommendations in the HHSC report and as a means to enhance communication between administratively attached boards and TDH senior management. The Council meets several times a year to discuss issues of mutual concern, to directly address problem areas with TDH senior management, and to recommend solutions to common challenges. The Council also met with members of the Texas Board of Health for a luncheon in 2002.

The commission also recommended “TDH should examine its regulatory programs and determine which ones could benefit from being functionally organized. It may be possible in some cases to combine staff in different programs performing similar activities to carry out common practices, such as licensing, investigations, enforcement, and compliance.” The commission’s rationale was “There may be opportunities for the regulatory programs at TDH to share additional costs and functions by organizing like programs along functional lines. Such arrangements have been demonstrated to be effective and efficient alternatives to having distinct and perhaps duplicative functions when organizing along program lines.”

### **C. Possible Solutions and Impact**

The board is functioning effectively within Texas Department of Health. If the boards and programs of the Professional Licensing and Certification Division are transferred to a new or existing licensing agency in the future, the Texas State Board of Examiners of Marriage and Family Therapists should be transferred with them at that time.

A recent functional reorganization of the TDH Professional Licensing and Certification Division is anticipated to increase efficiencies in marriage and family therapists regulation through the use of shared resources. The Bomer report indicated that independent and quasi-independent boards should be converted to TDH advisory committees, which would result in efficiencies to be achieved through consolidation and uniformity. However, those efficiencies are anticipated through the division’s functional reorganization, which is being implemented within the current statutory framework.

An examination of the different regulatory models set out in the HHSC Report illustrates the options for placement of regulatory programs within state government. The models include regulatory programs as autonomous boards, boards with shared administrative functions, administratively attached boards with shared authority, administratively attached boards with limited authority, and centralized licensing agencies. Each model has perceived advantages and disadvantages in terms of cost-effectiveness, effective consumer protection, and effective professional regulation. The board has closely examined each model, but has not taken an official position on whether it should become a free-standing agency within the Health Professions Council, remain within TDH, or be administratively attached to another agency. The board strongly believes that the Bomer recommendation should not be implemented and that rulemaking and disciplinary authority over licensed marriage and family therapists should remain with the board.

In February 2003, the associations representing the professions of counseling, marriage and family therapy, and social work met to discuss the possibility of creating an independent agency of the boards regulating mental health professions, utilizing a “council” format. The group’s recommendations are available upon request from the Texas Association of Marriage and Family Therapy.