
Implementation Report Senate Bill 202, Article 1

**As Required By
Senate Bill 202, Section 1.301, 84th Regular Session, 2015**



**Texas Department of Licensing and Regulation
December 2018**

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Executive Summary

This report is provided by the Texas Department of Licensing and Regulation (TDLR) in accordance with the requirements of S.B. 202, Article 1, 84th Regular Session of the Texas Legislature, 2015. S.B. 202, Article 1 implemented the Sunset Advisory Commission's recommendation to transfer 13 occupational licensing programs from the Department of State Health Services (DSHS) to TDLR. The recommendation was intended to reduce the regulatory responsibilities assigned to DSHS and result in more effective administration of the programs at TDLR.

S.B. 202, Article 1 has now been fully implemented. The bill required the transfer of the programs to TDLR in two phases. The first seven programs were required to be transferred no later than August 31, 2017. The remaining six programs were required to be transferred no later than August 31, 2019.

As required by Sec. 1.300 of the bill, DSHS and TDLR adopted a transition plan in April 2016 to provide for the orderly transfer of powers, duties, functions, programs, and activities. Under the terms of the transition plan, the first seven programs were successfully transferred to TDLR on October 3, 2016. The remaining six programs were successfully transferred to TDLR on November 1, 2017. The transfers occurred well in advance of the deadlines established in the bill.

Legislative Requirements

S.B. 202 (2015), Article 1, Sec. 1.301, requires the development and submission of this report.

“(a) The Texas Department of Licensing and Regulation shall, not later than December 1 of each year, submit a report regarding the implementation of this article with respect to that calendar year to:

- (1) the Sunset Advisory Commission;
 - (2) each standing committee of the senate and house of representatives having primary jurisdiction over matters related to health and human services or the occupational licensing of health-related professions; and
 - (3) each advisory board or committee established to advise the Texas Department of Licensing and Regulation with regard to a program transferred to the department under this article.
- (b) A report submitted under this section must include:
- (1) detailed information regarding:
 - (A) the status of the implementation of the transition plan adopted under Section 1.300 of this Act, including an explanation of any delays or challenges in implementing the plan;
 - (B) appointments to each advisory board or committee established to advise the Texas Department of Licensing and Regulation with regard to a program transferred to the department under this article; and
 - (C) the establishment and operation of the health professions division of the Texas Department of Licensing and Regulation; and
 - (2) any other information the Texas Department of Licensing and Regulation considers relevant to the transfer of programs to the department under this article.

(c) In preparing a report required by this section, the Texas Department of Licensing and Regulation shall solicit input from the Department of State Health Services and each advisory board or committee established to advise the Texas Department of Licensing and Regulation with regard to a program transferred to the department under this article.

(d) The Texas Department of Licensing and Regulation shall make each report submitted under this section available to the public on the department's Internet website.

(e) This section expires January 1, 2020.”

Status of Implementation of the S.B. 202 Transition Plan

Effective November 1, 2017, the transition plan is fully implemented.

TDLR and DSHS adopted a detailed transition plan with several components:

- Summary of all transition and planning activities completed after the enactment of S.B. 202 and prior to the adoption of the transition plan;
- Summary of programs to be transferred, including current governance structure and projected transfer dates; and
- Specific activities to be accomplished in each phase of the transfers, with designation of the responsible agency and projected completion dates.

The transition plan projected the transfer date of the first seven programs (Phase One) to be October 1, 2016. Those programs include:

- Athletic trainers
- Dietitians
- Dyslexia therapists and practitioners
- Fitters and dispensers of hearing instruments
- Midwives
- Orthotists and prosthetists
- Speech-language pathologists and audiologists

These seven programs were successfully transferred to TDLR on October 1, 2016, and there were no delays or challenges associated with the transfers. The success of the transfer was due to extensive pre-transfer planning, as well as the collaborative working relationship that exists between TDLR and DSHS.

Upon adoption of the transition plan in April 2016, the projected transfer date of the remaining six programs (Phase Two) could not be determined. Both agencies agreed that the transfer date for the second phase would be determined after completion of the first phase. TDLR and DSHS subsequently agreed that the remaining programs would transfer on November 1, 2017. These programs include:

- Code enforcement officers
- Laser hair removal professionals and facilities
- Massage therapists, instructors, schools, and establishments

- Mold assessors and remediators
- Offender education providers
- Sanitarians

Abolishment of Existing Boards

S.B. 202, Sec. 1.300(c) required that on the date specified in the transition plan for the transfer of a program to TDLR, the existing board associated with the program is abolished. In accordance with this provision, the following boards and committees were abolished on October 1, 2016:

- Advisory Board of Athletic Trainers
- Texas State Board of Examiners of Dietitians
- Dyslexia Therapists and Practitioners Advisory Committee
- State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments
- Texas Midwifery Board
- Texas Board of Orthotics and Prosthetics
- State Board of Examiners for Speech-Language Pathology and Audiology

TDLR Advisory Board and Advisory Committee Appointments

Phase One Programs

On October 14, 2015, the Texas Commission of Licensing and Regulation established the new advisory boards and committees and began appointing members. TDLR hosted an Advisory Board Summit on October 28-29, 2015, and boards began meeting in early 2016.

The Advisory Board of Athletic Trainers consists of five members serving six-year terms expiring on January 31 of each odd-numbered year. Members are David Weir, Presiding Officer, College Station; Darrell Ganus, Kilgore; Dr. David Schmidt, San Antonio; Brittney Webb, San Marcos; and Michael Fitch, Richardson.

The Dietitians Advisory Board consists of nine members serving staggered six-year terms expiring September 1 of each odd-numbered year. Members are Janet Suzanne Hall, Presiding Officer, Georgetown; Irma G. Gutierrez, Georgetown; Matilde Ladnier, Houston; Aida “Letty” Moreno-Brown, El Paso; LeAnne Skinner, Austin; Mary Kate “Suzy” Weems, Waco; and Grace E. White, Watauga. Currently, the advisory board has two vacant public member position.

The Dyslexia Therapy Advisory Committee consists of five members serving six-year terms expiring on December 31 of each odd-numbered year. Members are Robin G. Cowsar, Presiding Officer, Fredericksburg; Beatriz “Betty” Daniels-Mills, Brownsville; Misty Dempsey, Kingwood; Helen M. Macik, Hutchins; and Letricia “Puff” L Niegos, Canyon.

The Hearing Instrument Fitters and Dispensers Advisory Board consists of nine members serving staggered six-year terms with the terms of three members expiring on February 1 of each odd-numbered year. Members are Benjamin Norris, Presiding Officer, Waco; Jackie Cooper, Spring; Richard Davila, Lubbock; Dr. James Fowler, Brownwood; Gary Haun, San Angelo; T.J. McDow, Dallas; Jesus Rangel, Longview; Detra Stewart, Houston; and Amy Trost, Seguin.

The Midwives Advisory Board consists of nine members serving staggered six-year terms with the terms of three members expiring on January 31 of each odd-numbered year. Members are Meredith Rentz Cook, Presiding Officer, Keller; Brenda Buffington, Livingston; Janet Dirmeyer, Comfort; Laurie Fremgen, Austin; Dr. Charleta Guillory, Houston; Destiny Hooper, Pearland; Victoria Meinhardt, Austin; Helen Nelson, Grand Prairie; and Dr. Michael Nix, Austin.

The Orthotists and Prosthetists Advisory Board consists of seven members serving staggered six-year terms with the terms of two or three members expiring on February 1 of each odd-numbered year. Members are Miguel Mojica, Presiding Officer, Coppell; David Ahrens, Denton; Randall Duncan, McKinney; Kevin C. Matthews, Converse; Catherine A. Mize, Double Oak; and Kathryn Paszkowski, Houston.

The Speech-Language Pathologists and Audiologists Advisory Board consists of nine members serving six-year terms with the terms of three members expiring September 1 of each odd numbered year. Members are Sherry Sancibrian, Presiding Officer, Lubbock; Emanuel Bodner, Houston; Cheval Bryant, Sugar Land; Dr. Tammy Camp, Shallowater; Dr. Cristen Plummer-Culp, Round Rock; Kristina Kelley, Dallas; Kimberly Ringer, Pflugerville; Elizabeth Sterling, Austin; and Michelle Tejada, San Antonio.

Phase Two Programs

On October 20, 2017, the Texas Commission of Licensing and Regulation established the new advisory boards and committees and began appointing members. TDLR hosted an Advisory Board Summit on November 8-9, 2017 and boards began meeting in late 2017.

The Code Enforcement Officers Advisory Committee consists of nine members serving six-year terms expiring on February 1 of each odd-numbered year. Members are Teresa Adrian, Presiding Officer, Irving; Richard Adams, El Paso; Jennifer Bernal, Kingsville; Marie Brown; Flint; Matthew Christianson, College Station; Sylvia Flood, San Antonio; Christylla Miles, Houston; Mariola Sullivan, Austin; and Stuart Walker, Lubbock.

The Registered Sanitarian Advisory Committee consists of nine members serving six-year terms expiring on February 1 of each odd-numbered year. Members are Jim Dingman, Presiding Officer, Plano; Erin Dunn, College Station; Dalton Knight, Tyler; Steven Kotsatos, Austin; Shaun May, Amarillo; Lisa Pomroy, Fort Worth, and Terry Ricks, San Antonio. Currently, the advisory committee has two vacancies.

The Massage Therapy Advisory Board consists of nine members serving six-year terms expiring on September 1 of each odd-numbered year. Members are David Lauterstein, Presiding Officer, Austin; Antonio Gracia, Jr., Houston; Caroline Guerin, Spring; Roberta Hutson, San Antonio; Russell Rust, Dallas; Susan Sparks, Corpus Christi; Paul Stone, Tyler; Karen Vasquez, McKinney; and Carol Willess, Round Rock.

Laser Hair Removal, Mold Assessors and Remediators and Offender Education Programs have no legally-required advisory boards. Historically, these programs had no advisory committee roles

and TDLR believes the programs will continue functioning well without advisory board requirements.

Implementation of Phase One Program Transfers

TDLR issued a Statement of Work for vendors to bid on a licensing system for the new programs. The contract was awarded in March 2016 to Iron Data (Micropact) for the Versa product, the same system that is in use at DSHS. TDLR hired the necessary staff and formed a project team.

TDLR formed the Health Professions Consolidation Team in July 2016 to coordinate and facilitate internal activities and planning. Each functional area of the agency (licensing, customer service, enforcement, financial services, information technology, regulatory program management, general counsel, strategic communications, innovation, web services) was represented at the team's weekly meetings. DSHS staff also participated as members of the team. The team coordinated the creation of new web content, the revision of forms and publications, and public outreach to license holders via e-mails and a mass mailing. The team analyzed and resolved challenges and concerns related to go-live, staff training, the transfer of records from DSHS to TDLR, and external inquiries.

For the first three business days after the program transfers, TDLR staffed a command center to monitor all aspects of the transfer, including information technology issues, the volume of customer contacts by telephone and e-mail, the timeliness of responses to customer contacts, and the processing of initial and renewal license applications. After analysis of TDLR's performance in these areas for the first three days, the command center was discontinued due to the overall success of the transfer operation.

Implementation of Phase Two Program Transfers

Upon the conclusion of the Phase One program transfers, the TDLR Health Professions Consolidation Team performed a comprehensive evaluation of the transfer process. The team implemented streamlining and improvements to the process, resulting in the success of the Phase Two program transfers.

TDLR expanded the scope of the Phase One information technology project to include the Phase Two project. A Statement of Work was issued in January 2017 for vendors to bid on a licensing system for the Phase Two programs. The contract was awarded in April 2017 to Iron Data (Micropact) for the Versa product, the same system that is in use at DSHS and at TDLR for the Phase One programs. The Phase Two project was formally initiated on July 11, 2017 and consisted of four phases: Planning and Preparation, Requirements and Design, Build/Construction, and Acceptance/Go-Live. The project was completed on schedule and within budget.

In preparation for Phase Two, the TDLR Health Professions Consolidation Team continued its work of coordinating and facilitating internal activities and planning. Each functional area of the agency (licensing, customer service, enforcement, financial services, information technology, regulatory program management, general counsel, strategic communications, innovation, web services) was represented at the team's weekly meetings. During Phase Two, the number of DSHS

staff who participated as members of the team was increased to ensure representation and expertise from each transferring program area. The team coordinated the creation of new web content, the revision of forms and publications, and public outreach to license holders. The team analyzed and resolved challenges and concerns related to go-live, staff training, the transfer of records from DSHS to TDLR, and external inquiries.

For the first three business days after the program transfers, TDLR staffed a command center to monitor all aspects of the transfer, including information technology issues, the volume of customer contacts by telephone and e-mail, the timeliness of responses to customer contacts, and the processing of initial and renewal license applications. Health Professions Consolidation Team members were assigned to the various functional areas to monitor the transfers and provide real-time training and support to front-line staff. After analysis of TDLR's performance for the first three days, the command center was discontinued due to the overall success of the transfer operation.

The ultimate success of Phase Two was due to legislative approval of Exceptional Item One, described in TDLR's FY 2018-2019 Legislative Appropriations Request. Since Phase Two was not scheduled to occur within the FY 2016-2017 biennium, funding was not included in the 2015 General Appropriations Act. Successful program consolidation requires sufficient and timely funding to evaluate the programs, solicit and select information technology bids, streamline and adopt program rules, identify and select office locations, train existing staff, and hire and train new staff.

In addition, TDLR's 2017-2021 Strategic Plan proposed several statutory changes for programs transferred in Phases One and Two to eliminate unneeded or redundant licenses and regulatory requirements, eliminate licensing impediments and other excessive requirements, and eliminate burdens and government interference with business practices. These recommendations were adopted by the Legislature to better align the transferring programs with TDLR's existing and successful regulatory model.

Stakeholder and Advisory Board Outreach

Outreach During Transfer of Programs to TDLR from DSHS

TDLR believes that proactive communication with licensees and interested parties is essential to the ongoing successful operation of its licensing programs. During Phase One and Phase Two of the program transfers, E-mail subscribers received a *Welcome to TDLR* notice on the morning of transition. TDLR also posted information regarding the transfers on its Facebook and Twitter accounts.

Staff within the TDLR Regulatory Program Management Division served as a point of contact for professional associations and advisory board chairs during the important post-transition periods. Staff conducted telephone calls to share specific information regarding the status of the transition and to solicit input and concerns from the regulated community. TDLR received useful information from stakeholders, which allowed for improvements in service delivery. TDLR also received significant positive feedback regarding the transition planning effort. Outreach included each of the ten advisory board chairs, as well as the following associations:

Phase One

- Academic Language Therapy Association
- Texas State Athletic Trainers Association
- Texas Academy of Audiology
- Texas Speech-Hearing-Language Association
- Texas Academy of Nutrition and Dietetics
- Texas Hearing Aid Association
- Association of Texas Midwives
- Texas Association of Orthotists and Prosthetists
- American Academy of Orthotists and Prosthetists, Texas Chapter

Phase Two

- Texas Environmental Health Association
- Code Enforcement Officers Association of Texas
- American Massage Therapy Association – Texas Chapter

Information Forums

In January and March 2017, TDLR hosted information forums in Dallas, Houston, and Austin and invited licensees and stakeholders from the Phase Two programs. During the forums, TDLR staff presented information about TDLR, including regulatory philosophy, core values, agency organization and overview, and the rulemaking process. At the March 2017 forum, TDLR staff presented draft proposed rules for each program, soliciting and incorporating input on the rules prior to publication in the Texas Register.

The Health Monitor Newsletter

TDLR produces a quarterly newsletter, [*The Health Monitor*](#), that spotlights the TDLR Medical and Health Professions programs. The newsletter is distributed via email to more than 20,000 subscribers. Articles highlight programmatic and innovative changes, successes within the regulated community, upcoming outreach activities, advisory board/committee and commission meeting dates, how to find a licensee, and how to file a complaint. Current newsletters are also posted to the program webpages and past issues are available on the TDLR webpage.

Strategic Planning

Every two years TDLR seeks the input of our licensees, industry leaders, and the public by holding face-to-face public meetings around Texas. The purpose of these meetings is to find out how well TDLR is meeting their needs and how we can improve our services. Because listening to people we serve is essential, in the spring of 2018, TDLR facilitated strategic planning sessions in North Texas (Arlington), Central Texas (Austin), West Texas (El Paso), Southeast Texas (Houston), and South Texas (McAllen). In addition, TDLR offered an online survey to allow our customers and others to share their observations and suggestions. Input gathered from these meetings, surveys and through social media helped develop the agency goals and strategic initiatives that are included in the TDLR 2019-2023 Strategic Plan.

Establishment and Operation of the TDLR Health Professions Division

TDLR provides services to programs through its proven and successful model, consisting of major functional divisions, such as licensing, customer service, enforcement, regulatory program management, and education/examinations. TDLR has staff within each functional division who are dedicated to serving the medical and health professions programs and who possess the necessary health-related expertise. The Medical and Health Professions Section within the Regulatory Program Management Division is the division identified in S.B. 202, Sec. 1.299(e). For operational purposes, as described above, TDLR administers the medical and health professions programs throughout its functional alignment.

Innovation and Efficiency

TDLR strives to remove redundancies and impediments, streamline regulations, and ensure our licensing processes are easier for our licensees while protecting the public. TDLR is delivering on our promise to promote transparency and accountability, reduce fees, protect the health and safety of all Texans, and eliminate unnecessary barriers to doing business. To that end, TDLR has made some significant strides in implementing innovative regulatory improvements to increase program efficiency and reduce costs.

Fee Reductions

As part of our mission to deliver improved service to Texans at a lower cost, TDLR reduced and eliminated numerous fees for many of the transferred programs. Thanks to these reductions, Texas health professionals have kept more than \$1.1 million in their pockets since regulation of their profession transferred to TDLR. TDLR's functional alignment model creates efficiencies and savings by distributing work by purpose, not program. TDLR annually reviews licensing fees in comparison to program administration costs to ensure they are in balance and proposes fee reductions whenever warranted.

Streamlined Rules

TDLR streamlined the rules for the 13 transferred programs to improve readability, remove duplicate or obsolete rules, and reorganize the rules into smaller, more distinct rule sections. TDLR reduced the word count in each program's administrative rules to make them clear, concise, and easier to read without impacting their effectiveness. Overall, the total word count was reduced by 45 percent in streamlined rules for the transferred programs.

Speech, Language Pathology Online Supervision Changes

TDLR implemented an online system for reporting changes in supervision of speech-language pathology assistants and interns. Since May 2017, when the online system was launched, 16,056 supervisory records have been added, deleted or changed. Prior to implementation of the online system, the supervisor had to send forms to TDLR for processing and approval. This process could take several days or weeks. The new online system eliminated the paper forms and the changes made by the licensed supervisor are immediate. The system also allows supervisors to print a summary of their current assistants and interns.

Audiology Online Supervision Changes

TDLR also implemented an online system for reporting changes in supervision of audiology assistants and interns in August 2018. There have been 9 supervisory records added, deleted or changed since the online system went live.

Online Mold Notifications

TDLR implemented online mold project notification functionality for the mold assessors and remediators program to make submission quicker and more efficient. TDLR's online notification system replaced the previous DSHS paper notification process. Persons submitting a project notification also use the system to pay the notification fee at the time of submission. DSHS had a cumbersome invoicing process that often led to enforcement proceedings to collect fees.

Temporary Mold Remediation Worker Registration

TDLR updated the online licensing system to immediately issue a temporary mold remediation worker registration to persons who complete the online application for mold remediation worker registration. This improvement enables applicants to work while their full license applications, including TDLR's criminal history checks, are being processed.

Web Content Initiative

In December 2017, TDLR implemented a Web Content Initiative. The goal of the initiative is to compile program information into a collection of easy-to-navigate webpages. Through this initiative, TDLR is reorganizing the public website to reduce the amount of time it takes to find information. The licensing process has been simplified by providing customers with web pages that identify all needed information, requirements, and fees to obtain or renew a license in an easy to follow, step-by-step format. Sidebar menus have been expanded so that finding information is quicker and easier. TDLR has completed the web content initiative for all but one of the transferred programs (midwives), which is currently undergoing changes to the administrative rules. This program will be updated when the rulemaking process is completed in early 2019.

Because of the Web Content Initiative, the time spent by visitors to the medical and health-related program pages has been reduced by 27.5 percent. These results show that visitors are finding the information they need and finding it faster.

Key Statistics

Licensing Statistics for Phase One Transfer Programs, FY 2018

Program	License Renewals	New Licenses	Total Population
Athletic Trainers	1,479	427	3,922
Dietitians	2,232	644	5,965
Dyslexia Therapists & Practitioners	332	90	938
Hearing Instrument Fitters & Dispensers	305	201	858
Midwives	106	46	294
Orthotists & Prosthetists	290	103	912
Speech Language Pathologists & Audiologists	8,043	2,325	24,319
TOTALS	12,787	3,836	37,208

Licensing Statistics for Phase Two Transfer Programs, FY 2018

Program	License Renewals	New Licenses	Total Population
Code Enforcement Officers	979	358	2,571
Laser Hair Removal	550	1,269	3,357
Massage	13,788	2,430	34,540
Mold Assessors & Remediators	907	1,204	5,789
Offender Education Programs	546	245	4,077
Sanitarians	542	109	1,336
TOTALS	17,312	5,615	51,670

Customer Service Statistics for Phase One Transfer Programs, FY 2018

Program	Phone Calls Answered	Email Responses
Athletic Trainers	2124	2827
Dietitians	3116	3920
Dyslexia Therapists & Practitioners	356	352
Hearing Instrument Fitters & Dispensers	1550	835
Orthotists & Prosthetists	942	709
Midwives	335	319
Speech-Language Pathologists/Audiologists	15718	17654
TOTALS	24,141	26,616

Customer Service Statistics for Phase Two Transfer Programs, FY 2018

Program	Phone Calls Answered	Email Responses
Code Enforcement Officers	2264	1149
Laser Hair Removal	2460	1368
Massage	19839	10647
Mold Assessors & Remediators	3906	3697
Offender Education Programs	4983	3221
Sanitarians	1131	693
TOTAL	34583	20775

Exams Administered for Phase One Transfer Programs, FY 2018

Program	Exams Administered
Athletic Trainers	664
Dietitians	2,241
Dyslexia Therapists & Practitioners	No Exam Requirement
Hearing Instrument Fitters & Dispensers	167
Licensed Prosthetists & Orthotists	75
Midwives	82
Speech Language Pathologists & Audiologists	2,106
TOTAL	5,335

Exams Administered for Phase Two Programs, FY 2018

Program	Exams Administered
Code Enforcement Officers	346
Laser Hair Removal	No Exam Requirement
Massage Therapy	1,883
Mold Assessors and Remediators	231
Offender Education Programs	No Exam Requirement
Sanitarians	91
TOTAL	2,551