



**Sunset Advisory Commission
Testimony on Sunset Staff Report: Department of State Health Services
Gary Floyd, MD
July 25, 2014**

Good afternoon, Madame Chair and Members of the commission. My name is Dr. Gary Floyd. I am a pediatrician, and I serve as chief medical officer at the John Peter Smith Hospital in Fort Worth and the Tarrant County Hospital District. I am board certified in pediatrics. I'm also a member of the Texas Medical Association (TMA) Board of Trustees.

It is a pleasure to be here today representing the more than 47,000 physicians and medical students of TMA to testify on the sunset staff report for the Department of State Health Services (DSHS). My comments today will focus on the regulation of various health care providers under Sunset Recommendation No. 3.

The fact TMA chose to have multiple physicians here today to testify is evidence of the breadth and scope of your deliberations ... and our concerns. No one physician can address every area of this report with expertise, so instead we are sharing our individual expertise with you.

Nevertheless, we strongly agree with the suggestion of sunset staff to reduce the size and footprint of DSHS. To achieve this, we agree shrinking the regulatory tasks of DSHS is needed.

TMA, however, is concerned about the proposal that would eliminate licensure of critical health care professions such as medical physicists, radiologic technologists, perfusionists, and respiratory therapists. Each of these health care providers has a specialized and unique role in patient care and is valuable member of the health care team.

Hospitals — and the physicians who staff these facilities — rely upon the state to verify the license and qualifications for each of these skilled providers. While a number of them do indeed have national certification, it is helpful — if not critical — that an appropriate state licensure process be in place to ensure each and every professional group is maintaining its qualifications, and upholding standards of practice ... ultimately, for the benefit of good patient care.

The impact of medical errors in the system is well documented. Because of this, we must ensure accountability for all providers who have the privilege of practicing in our great state.

TMA would oppose placement of any health care professions at the Texas Department of Licensing and Regulation (TDLR). It does not have appropriate leadership, resources, or background in health care policy or public health matters. If it's not possible to keep the licensure and regulatory functions of these providers in their current location, a more relevant location would be the Texas Medical Board (TMB). Each type of provider could maintain its independent board of review just as Texas physician assistants and acupuncturists already do at TMB. In the case of medical radiologic technologists, this would align with the noncertified

technologist regulation already maintained at TMB. You will find other comments today from Texas radiologists on this topic.

An even stronger concern for TMA is moving lay midwives to TDLR. We strongly question the wisdom of placing supervision of those who assist with the birth of a child under the same agency that supervises refrigerator repairs. We urge the commission to consider a placement alternatives for midwives, such as under the Texas Board of Nursing, where nurse midwives are already licensed. I believe you have received comments from the Texas Chapter of the American College of Obstetrics and Gynecology in regards to this topic as well.

Finally, a number of behavioral health professions are recommended for movement to TDLR, such as licensed counselors, marriage and family therapists, chemical dependency counselors, and social workers. Most of these might be better aggregated under the Board of Psychologists, which handles similar investigation needs. It is likely a name change could occur to accommodate adding these professions.

Again, we fail to see the wisdom in placing behavioral health specialties at an agency tasked with regulating tow trucks and horse breeders.

Conclusion

Madame Chair and Members, I appreciate the opportunity to share the thoughts of the Texas Medical Association on the Department of State Health Services' Recommendation No. 3 today. We offer our assistance to commission members as you make important decisions impacting our health care system.