

**From:** [Sunset Advisory Commission](#)  
**To:** [Janet Wood](#); [Brittany Roberson](#)  
**Subject:** FW: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Friday, June 06, 2014 11:58:33 AM

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

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]  
Sent: Friday, June 06, 2014 9:31 AM  
To: Sunset Advisory Commission  
Subject: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)

Submitted on Friday, June 6, 2014 - 09:31

Agency: DEPARTMENT STATE HEALTH SERVICES DSHS

First Name: Jan

Last Name: Friese

Title: Executive Director

Organization you are affiliated with: Texas Counseling Association

City: Austin

State: Texas

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

The Texas Counseling Association (TCA) is a membership organization representing more than 7200 professional counselors across Texas. TCA provides leadership and advocacy for the counseling profession while supporting optimal development and education for all. TCA appreciates the opportunity to comment on the Sunset Advisory Committee Staff Report on the Department of State Health Services (DSHS).

TCA is primarily commenting on Issue 3. Specifically, TCA opposes recommendation 3.2 to reconstitute the Texas State Board of Examiners of Professional Counselors and the other mental health licensing boards as advisory committees housed at the Texas Department of Licensing and Regulation. TCA also recommends that any action to modify the structure and function of the Texas State Board of Examiners of Professional Counselors be postponed until completion of its Sunset Review in 2017.

The regulation by DSHS of occupations that are unrelated to the protection of public safety has constrained its operations and focus on protecting public health. It has impacted the allocation of resources to the independent mental health licensing boards and the efficiency of their operations.

TCA agrees that eliminating or transferring agencies that are unrelated to public health will allow DSHS to better focus on its mission which includes oversight of behavioral health services. The efficiencies achieved by the elimination and transfer of unrelated occupations should allow DSHS to more effectively achieve its mission and support the independent mental health licensing boards that regulate the providers of behavioral health services and must also protect public health and safety.

Each of the mental health professional licensing boards recommended for restructuring and transfer are scheduled

for Sunset Review in 2016 and reauthorization in 2017. Postponing action now on the restructuring of these independent boards has no fiscal implications. It will allow appropriate time for a detailed analysis to determine the impact of the transfer of unrelated occupations on the agency's overall operations and on the efficiency and effectiveness of the handful of independent mental health licensing boards remaining at DSHS.

The Sunset Commission staff acknowledges on page 42 that "Given the enormous scope of DSHS and the difficult task of the Sunset review to understand and identify its appropriate mission, goals and objectives, the luxury of a detailed analysis of each regulatory program was simply not possible." This is precisely the reason a restructuring of the mental health licensing boards should be postponed.

More than 45,000 mental health professionals who provide services to hundreds of thousands of Texas citizens are regulated by the mental health licensing boards housed at DSHS. A detailed analysis of the most effective structure of these boards is certainly not a luxury. A detailed analysis of the operations of each mental health licensing board should be required prior to taking any action that would relegate the oversight of these health care providers to advisory committees housed at an agency with no experience regulating health professions. Setting and enforcing clear, ethical training and care standards for mental health care professionals can only be accomplished by a professionally specialized and independent licensing board. Oversight of mental health professionals is beyond the scope of TDLR.

None of the occupations regulated by TDLR require graduate degrees or provide services that impact the mental health of their clients or the safety of the general public. Licensed Professional Counselors are health care providers who use clinical skills to diagnose and treat patients. LPCs are required at a minimum to complete a 48-hour Master's degree, pass a rigorous licensure exam, complete 3,000 hours of post-graduate supervision by a fully licensed and Board approved LPC-Supervisor, and maintain continuing education in ethics and professional practices.

Regulation of Licensed Professional Counselors by an independent board that includes both Licensed Professional Counselors and public members aligns with the DSHS mission to protect public health and safety as well as its duty to oversee behavioral health and substance abuse programs. The professional oversight of the Texas State Board of Examiners of Professional Counselors has consistently ensured that patients receive the best care possible and that Licensed Professional Counselors practice with integrity and professionalism.

At a time when people across Texas are experiencing high levels of stress and psychological disorders, when our veterans are waiting months to see a mental health professional, when our communities and schools are reeling from violent and deadly outbursts, when our children contemplate suicide in the face of emotional trauma, appropriate regulation of the mental health providers who treat these fragile consumers is essential. It is not a luxury to take the time to conduct a detailed analysis to determine the most efficient and effective structure of our licensing boards to protect the public from unqualified and unethical providers; it is a mandate.

There is no data to support that reducing the structure of the Texas State Board of Examiners of Professional Counselors to an advisory committee will improve services, protect the public, or increase efficiency in the operation of DSHS or the Board. No operational deficiencies within the Texas State Board of Examiners of Professional Counselors have been identified to support this recommendation. Protecting the public by appropriately regulating our mental health professionals demands a detailed analysis of the mental health licensing boards before major revisions to their operational structures are made.

TCA respectfully requests that the Sunset Commission recommend:

- 1) The Texas State Board of Examiners of Professional Counselors remain an independent licensing board housed at the Department of State Health Services; and
- 2) The Sunset review of the Texas State Board of Examiners of Professional Counselors and the other mental health licensing boards be conducted in 2016 as scheduled in current statute.

Any Alternative or New Recommendations on This Agency:

- 1) The Texas State Board of Examiners of Professional Counselors remain an independent licensing board housed at the Department of State Health Services; and
- 2) The Sunset review of the Texas State Board of Examiners of Professional

Counselors and the other mental health licensing boards be conducted in 2016 as scheduled in current statute.

My Comment Will Be Made Public: I agree