

From: [Sunset Advisory Commission](#)
To: [Janet Wood](#)
Subject: FW: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)
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-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Friday, June 06, 2014 5:04 PM
To: Sunset Advisory Commission
Subject: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)

Submitted on Friday, June 6, 2014 - 17:03

Agency: DEPARTMENT STATE HEALTH SERVICES DSHS

First Name: KImberly

Last Name: Hatley

Title: LPC-S LMFT

Organization you are affiliated with: Texas Counseling Association,

City: Coppell

State: Texas

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

Recommendation 3.2 places the public at risk. The regulatory oversight provided by the Texas State Board of Examiners of Professional Counselors which includes licensed professional counselors as well as public members ensures that all LPCs are well trained and adhere to high professional standards. The impact of LPCs on the health and safety of the clients they serve mandates the oversight of an independent regulatory board that includes experienced licensed professionals. There must be professional members present to educate the public and protect the public consumers of mental health services. It would be a disaster to move this regulatory function over to TDLR, where no health professional boards exist.

Unlike the other professions recommended for transfer to the Texas Department of Licensing and Regulation in Recommendation 3.2, Licensed Professional Counselors, Marriage and Family Therapists and Social Workers must hold advanced graduate degrees and are considered Health Professions under Texas law. None of the occupations currently licensed by TDLR are required to hold even a bachelor's degree.

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
- 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.

· We are concerned that final authority of rules, regulations and

disciplinary actions would rest with a small public board whose primary experience has been in the regulation of industries and trades. TDLR does not currently oversee any health profession licensees. The current licensing board would be an advisory board with no regulatory authority. TCA is concerned that this regulatory structure could negatively impact the perception of LPCs as highly qualified health professionals and that it will dilute appropriate regulation of mental health providers to protect the public.

· We are also concerned because this recommendation is coming without detailed analysis. The staff themselves state on page 44 of the report 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.”

Finally, I am worried that the respect and professionalism of mental health providers will be severely diminished, if the boards are moved to TDLR and become only "Advisory boards". The public needs to see that these licenses are regulated professionally, with members who understand the distinct differences in the mental health professions. We, in Texas, already have such high needs for mental health treatment, so we don't need any more confusion or delay in regulating the licenses, by moving them to a department where they make NO SENSE! LPC's bring in a huge amount of income to the state, which MORE than covers the expense of the professional board.

· TCA contends that a decision of this magnitude merits a detailed analysis. In the absence of any data indicating that the change is based on data to support improved operations, TCA is requesting that any action to restructure the TSBEPC be postponed until the agency goes through its regularly scheduled, independent Sunset Review which is scheduled for 2016 for action by the 2017 Legislative Session (next cycle). Given the timeline that the staff recommends for the restructuring, adhering to the original sunset review timeline set forth in statute would not impose an unreasonable delay.

My Comment Will Be Made Public: I agree