

Mark Kirchner

Sunset Advisory Commission

June 25, 2014

Dear Committee,

I would like to start off by saying I appreciate the opportunity to be here and testify on behalf of the Orthotic and Prosthetic industry here in the great state of Texas. My name is Mark Kirchner and I am a Texas Licensed and Board Certified Prosthetist and Orthotist. I have been practicing in San Antonio for over 25 years where I worked in private practice before opening my own offices and employing 40 individuals. I am here to ask for the support of The Commission and the Legislature to enforce compliance within the Professional Licensing and Certification Unit under the Department of State Health Services.

I **strongly oppose** the recommendation to move the Orthotic & Prosthetic Licensing program to TDLR from the PLCU department. All that is necessary is to hold the DSHS and the PLCU department **accountable in their responsibility to comply with the intent of the legislature** when they passed the Orthotic and Prosthetic Licensing Act. As history has shown, the **lack of follow through to comply with the decisions of the O&P Licensing Board** from the PLCU department, staff and especially the management of DSHS has been unacceptable. The committee report **outlines the failures of the PLCU and DSHS departments** and shows that there is **a necessity for the agency to review their policies and do what is required of them**, instead of using the excuse that they do not have the needed resources to complete their responsibilities. In transferring the O&P Licensing and other programs over to TDLR it will leave the programs useless because there will be no more investigations regarding complaints or enforcement.

I have been fortunate enough to attend at least 95% of Orthotic & Prosthetic board meetings since the licensing bill was implemented in 1996. During those times I have seen multiple appointed members, executive directors and support staff come and go. The one common denominator is that management positions have not changed within the department, and any staff that has shown any regard for upholding the law has either resigned or been replaced, i.e. executive directors, attorneys and other support staff. This can be verified with state records and the dismissal of cases that showed harm towards the citizens of our great state of Texas. The disregard from DSHS and the PLCU for upholding the Licensing Act as it was intended, needs to be fixed which I and other practitioners agree with; however transferring their job responsibilities to another department is not the answer.