

**From:** [Sunset Advisory Commission](#)  
**To:** [Janet Wood](#)  
**Subject:** FW: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Wednesday, June 25, 2014 4:39:35 PM

---

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

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]  
Sent: Wednesday, June 25, 2014 11:40 AM  
To: Sunset Advisory Commission  
Subject: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)

Submitted on Wednesday, June 25, 2014 - 11:39

Agency: DEPARTMENT STATE HEALTH SERVICES DSHS

First Name: Kathryn

Last Name: Leach

Title:

Organization you are affiliated with: Licensed Marriage and Family Therapists

City: Austin

State: Texas

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

June 25, 2014

Sunset Advisory Commission  
Re: Marriage and Family Therapists

Dear Chairwoman Nelson and Members of the Sunset Commission Committee:

I understand that Sunset staff has recommended moving the licensing of marriage and family therapists (MFTs) from the Department of State Health Services (DSHS) to the Department of Licensing and Regulation (DLR). As an LMFT-Associate, I have both questions and concerns.

First, a bit of background. If you did not know, MFTs are entrenched in a brutal lawsuit with the Texas Medical Association (TMA). TMA is attempting to deny MFTs the ability to diagnose clients with mental disorders by limiting our use of the DSM-V, thus affecting our ability to be members of insurance panels. In our opinion, diagnosing a client does not expand our scope of practice into the practice of medicine, but simply accurately reflects the scope of practice of MFTs. It is crucial MFTs reserve the right to assess, diagnose, and treat mental illness. At this time, our lawsuit is in the appeals process.

My primary concern is whether moving the licensing of MFTs to DLR will delegitimize our profession. A shift in our licensing provider now may give TMA fuel on appeal to use our transfer out of DSHS as an indication by the

Sunset Commission and eventually Members of the Texas Legislature that you do not view us as healthcare professionals. I want to affirm right now that MFTs are healthcare professionals and deserve the same respect, time, and attention from DSHS/DLR as healthcare practitioners. If MFTs are moved under the DLR, I would urge the language of the original bill include an explanation that the move to DLR was purely for efficiency purposes and not as a negative implication regarding the professionalism, education, training, or scope of practice of MFTs.

I fully support streamlining occupational licensing and, having spoken to several staffers in the Texas House, understand that DLR is effective in its tasked duty. However, my colleagues and I believe too many questions remain unanswered. For instance:

1. How will the formation of advisory committees that would replace our boards affect our ability to practice
2. How will such advisory boards reasonably be able to keep up with the rapidly changing therapy modalities employed by MFTs
3. By what standards will the advisory committees will be evaluated
4. How will the regulatory board address the unique services that mental health providers offer, unlike other fields they regulate such as plumbing, in which no specialized skill set is required for board members to be able to adequately protect the public?
5. How would this change impact our profession's ability to continue to expand and to provide accessible and affordable care through insurance.
6. Would the members of the new advisory committee have mental health expertise, and if not, would the public be sufficiently protected?
7. If MFTs are separated from other health care providers in terms of regulation, will this lead to further inconsistent care, confusion for the public, and unequal treatment of professional mental health practitioners.

Marriage and Family Therapists are scheduled to undergo a Sunset Review in 2016. I respectfully urge the Commission to delay changes to MFT licensing until a more thorough review can be conducted. If you wish to discuss this further, I can be reached in my office at 512-430-1822. Thank you for your time.

Any Alternative or New Recommendations on This Agency:

I fully support streamlining occupational licensing and, having spoken to several staffers in the Texas House, understand that DLR is effective in its tasked duty. However, my colleagues and I believe too many questions remain unanswered. For instance:

1. How will the formation of advisory committees that would replace our boards affect our ability to practice
2. How will such advisory boards reasonably be able to keep up with the rapidly changing therapy modalities employed by MFTs
3. By what standards will the advisory committees will be evaluated
4. How will the regulatory board address the unique services that mental health providers offer, unlike other fields they regulate such as plumbing, in which no specialized skill set is required for board members to be able to adequately protect the public?
5. How would this change impact our profession's ability to continue to expand and to provide accessible and affordable care through insurance.
6. Would the members of the new advisory committee have mental health expertise, and if not, would the public be sufficiently protected?
7. If MFTs are separated from other health care providers in terms of regulation, will this lead to further inconsistent care, confusion for the public, and unequal treatment of professional mental health practitioners.

My Comment Will Be Made Public: I agree