



The Texas Association for Marriage and Family Therapy (TAMFT) is the state professional organization representing the mental health profession of Marriage and Family Therapy within Texas and is a formally recognized division within the national organization representing family therapists from all states and districts within the United States, the American Association for Marriage and Family Therapy (AAMFT). TAMFT serves over 3,000 licensed Marriage & Family Therapists practicing in all areas of mental health including; universities, colleges, community mental health centers, employee assistance programs, local as well as faith-based and state agencies, private practice, managed care and social service organizations.

Marriage and Family Therapists are professionals trained and licensed to independently diagnose and treat mental health disorders and substance abuse problems. The Federal government has designated Marriage and Family Therapy as a core mental health profession along with psychiatry, psychology, social work and psychiatric nursing. The state of Texas recognized the license of Marriage and Family Therapy in 1991 and our profession has been delivering quality mental health services to individuals, couples, and families ever since.

Licensed Marriage and Family Therapists are health care providers who use clinical skills to diagnose and treat patients. LMFTs are required, at a minimum, to complete a Master's degree, pass a rigorous national licensure exam, complete 3,000 hours of post-graduate training under the supervision of fully licensed and Board approved LMFT-Supervisor, and maintain continuing education in ethics and professional practice. TAMFT appreciates the opportunity to comment on the Sunset Advisory Committee Staff Report on the Department of State Health Services (DSHS).

TAMFT's primary concern focuses on Issue 3. Specifically, TAMFT disagrees with Sunset staff's assessment that the TSBEMFT and the other mental health professional regulatory boards are not part of DSHS core public health mission. Consequently, we oppose the recommendation to reconstitute the Texas State Board of Examiners of Marriage and Family Therapists. Specifically, we do not support the reformulation of this important regulatory body along with those of other mental health licensing boards to become advisory committees housed within the Texas Department of Licensing and Regulation (TDLR). While the goal of streamlining and narrowing DSHS' regulatory function over an array of occupational licenses, certifications and registrations is laudable, transferring, front-line licensed mental health providers is misguided at best given the agencies public mission to provide prevention, treatment and recovery services for mental and substance abuse disorders. At a minimum, TAMFT recommends that any action to modify the structure and function of the Texas State Board of Examiners of Marriage and Family Therapists and the other licensed mental health professionals be postponed until completion of its Sunset Review in 2017 given the direct effect such action potentially poses for the welfare of the public. Reformulation of the regulatory board should, in our opinion, take into account the likely negative ramifications for the practice of Marriage and Family Therapy throughout the state with specific attention to public health outcomes.

In addition, as a licensed Marriage and Family Therapist we are designated as healthcare providers by Chapter 74 of the Civil Practice and Remedies Code of the Texas Medical Liabilities Act. The legislature has recognized a specific chapter for liability purposes concerning health care providers. It does not make sense to have Marriage and Family



Therapists regulated by any other industry other than the healthcare industry. Placing Marriage and Family Therapist in the same category with non-healthcare licensees who do not have the same level of training or education is counterintuitive. We agree that the regulation by DSHS of occupations that are unrelated to health care have made it difficult to fulfill its role in protecting the public. As a result, it would appear that the elimination or transferring of regulatory duties that are unrelated to public health may potentially foster enhanced efficiency and efficacy by DSHS. The transfer of regulatory responsibility for non-health related occupations can potentially improve the functioning of DSHS in its efforts to support the independent mental health licensing boards that regulate the providers of behavioral health services and consequently remain effective in its mission to protect the public.

We believe that transferring the regulatory duties of the Texas State Board of Examiners of Marriage and Family Therapists to an advisory committee composite with the transferred duties of other independent mental health boards, would place the citizens of Texas at risk, create unnecessary barriers to already limited mental health services and hamper public protection. In order to ensure the highest level of public welfare, it is imperative that individuals with educational expertise oversee the professional licensure processes of Marriage & Family Therapists, particularly in light of continuing advancements in health care. We believe that maintaining an independent board for the regulation of the practice of Marriage and Family Therapy in Texas is vital to public welfare. We contend that appropriate regulation of this discipline requires particular understanding of the profession and a variety of discipline specific regulatory issues including: telehealth, continuing competency, the assessment and discipline of practitioners, the proper supervision and treatment of those disciplined practitioners for whom it is appropriate, and the determination and assessment of appropriate education and qualifications for those entering the profession. In addition specialized knowledge of the behavioral sciences including knowledge of clinical assessment, diagnosis and treatment protocols are essential in overseeing the practice and licensure of Marriage & Family Therapists. All these issues are related to public safety, and we believe the staff recommendation for mental health licensees is inappropriate and uncondusive with TDLR's basic administrative support function. Knowledge and understanding of the mental health profession and its standard of care is paramount to protecting the public and currently none of the occupations regulated by TDLR require specialized advanced graduate degrees or provide services that impact the mental health of their clients or the safety of the general public as it relates to the healthcare of Texas citizens.

Moving licensed mental health professionals away from DSHS sends the wrong signal to the public and will have unintended consequences to the public and licensees for a number of reasons: 1) Pursuant to HB 1023 last session, DSHS issued a report documenting the state shortage of mental health providers and parity with other health services is mandated as essential health care. The move will further complicate the health oriented pipeline and curriculum. In addition, separating mental health from physical health is not consistent with today's modern understanding of complete health; 2) adopting the recommendation further complicates and creates unwarranted concerns from a portability standpoint, for Texas licensees in other states and other licensees wishing to move to Texas, thus increasing concerns about public access to already limited mental health services for families, children, couples, and veterans; and 3) to our knowledge, no other state, other than Oklahoma, has made such a move, and their experience has been detrimental from a provider perspective and has negatively impacted public access to qualified mental health professionals.



We also believe there are practical problems with this recommendation: 1) The Texas State Board of Examiners of Marriage and Family Therapists has a history of fiscal responsibility with licensing fees and contributes financially positive to the general revenue, so assessing a "temporary surcharge" seems to be unwarranted and punitive; 2) The recommendation, as proposed, allows a three member Public Board to override recommendations of an advisory committee of health professionals, which places the public at risk and places a high level of liability on the public member lacking specialized training in the mental health profession; 3) mental health professionals need the ability to have independent rulemaking authority, that is not possible under an advisory board system run by non-health professionals; and 4) LMFTs are subject to Sunset review in 2016, so making a move without knowing what potential changes would be made is ill timed. Sunset staff has raised the timing questions by recommending postponement on continuation of DSHS until all of the functions and structure can be assessed along with all of the other elements of the health and human service system.

We note, along with others, that 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 another important reason a restructuring of the mental health licensing boards should not be adopted. Texas citizens need our best efforts to protect their safety, and we cannot adequately know what actions are in the best interest of Texan's without a detailed analysis of the most effective structure of these boards. We agree that 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.

There is no data to support that reducing the structure of the Texas State Board of Examiners of Marriage and Family Therapists 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 Marriage and Family Therapists have been identified to support this recommendation. Protecting the public by appropriately regulating our mental health professionals demands oversight by those trained in their respective professions.

TAMFT respectfully requests that the Sunset Commission recommend that The Texas State Board of Examiners of Marriage and Family Therapists remain an independent licensing board housed at the Department of State Health Services. We also recommend that the Sunset review of the Texas State Board of Examiners of Marriage and Family Therapists and the other mental health licensing boards be conducted in 2016 as scheduled in current statute.