

November 30, 2016

TBCE Agency Response to Sunset Healthcare Agency Consolidation Report

The members of the Texas Board of Chiropractic Examiners (TBCE) agree with the recommendations in the initial Sunset Staff report and view implementation of the recommendations as opportunity to continue toward becoming a leaner and more efficient agency. We also recognize the points highlighted in the subsequent consolidation report and support any true opportunities to make state government more effective, without sacrificing quality of work. The Texas Department of Licensing and Regulation (TDLR) is an agency that has been able to achieve economies of scale for many Texas licensing programs, because of the similarity of the licensing and enforcement processes shared by many occupational licenses in Texas.

Separate of the technicalities of the licensing process, however, the TBCE regulates a much more complex group of licensees than TDLR has had to deal with thus far. Doctors of Chiropractic in Texas are regulated the same way that medical doctors are regulated by the Texas Medical Board. Chiropractic is not just a "health care related program." Doctors of Chiropractic are portal-of-entry healthcare providers who treat patients and bill insurance programs such as Medicare. They are physician-level providers in the federal healthcare system and Texas Workers' Compensation system.

In healthcare regulation, a one-size-fits-all approach does not work due to the complex and varying levels of responsibility and oversight that is unique to each licensed profession. Because a chiropractor does not work underneath another provider in the way mid-level providers do (e.g. nurse practitioners, physician assistants), the only oversight chiropractors receive is from a licensing board of their peers, who understand the complexities of practice and can recognize appropriate standards of care. The public is best protected when the profession is closely regulated by respected members of the profession.

The Health Professions Council could provide the kind of support and economy of scale that the Sunset staff has recommended. HPC was created to provide this support for smaller professional healthcare agencies that regulate distinct and complex professions, but do not fit into a consolidation model. Overtime, however, HPC has not grown and adapted to fill the needs of the smaller agencies it was created to support. The TBCE believes it appropriate to explore a solution that allows the TBCE to continue to regulate chiropractors as a standalone agency, with a focus on making HPC more accountable to its member agencies. This effort would better achieve the goals of consolidation without sacrificing the quality of regulation that only an autonomous board can provide. This solution could also save taxpayer dollars given that the structure is already in place. It should be noted that the five standalone professional healthcare agencies proposed for consolidation under TDLR are already conveniently housed in one building. A fresh look at HPC and utilization of its intended function can provide an alternative solution to consolidating several professional healthcare agencies under TDLR.

From: [Carissa Nash](#)
To: [Cecelia Hartley](#); [Robert Romig](#)
Subject: FW: TBCE Response to the Health Licensing Consolidation Report
Date: Thursday, December 01, 2016 12:44:57 PM
Attachments: [Response Sunset Consolidation Report.docx](#)

From: Courtney Ebeier [mailto:courtney@tbce.state.tx.us]
Sent: Wednesday, November 30, 2016 4:15 PM
To: Carissa Nash
Cc: Patricia Gilbert
Subject: TBCE Response to the Health Licensing Consolidation Report

Hello Carissa: attached is the TBCE's brief response to the report.

Thank you,

[Courtney L. Ebeier](#)
General Counsel
Texas Board of Chiropractic Examiners
333 Guadalupe Street, Suite 3-825
Austin, Texas 78701
Email: courtney@tbce.texas.gov
www.tbce.texas.gov