



**TEXAS STATE BOARD OF EXAMINERS OF
MARRIAGE AND FAMILY THERAPISTS**
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APR 10 2018

Jennifer Smothermon, MA, LMFT-S, LPC-S
Chair

Sarah Faszholz, MBA
Interim Executive Director

April 10, 2018

Mr. Ken Levine
Director
Texas Sunset Advisory Commission
1501 North Congress Avenue, 6th Floor
Austin, TX 78701

Dear Mr. Levine:

The members of the Texas State Board of Examiners of Marriage and Family Therapists, the Texas State Board of Examiners of Professional Counselors, and the Texas State Board of Social Work Examiners would like to thank you for the opportunity to work with you as we move forward in the review process. We also would like to commend Mr. Robert Romig and your staff for their hard work and professionalism. We appreciate Sunset staff's commitment to providing such a complete picture for the Legislature to make its decision. Although the Boards have not had the opportunity to formally discuss the Sunset Advisory Commission Staff Report (staff report) in open meetings, please accept this letter, based on their individual responses to this report and their support of the Commission's recommendation to the 85th Legislature.

Issue 1 The Structure of the State's Behavioral Health Licensing Agencies is Antiquated and Inefficient

Recommendation: Consolidate the Board of Examiners of Marriage and Family Therapists, Board of Examiners of Professional Counselors, and Board of Social Work Examiners and the Board of Examiners of Psychologists to create the Texas Behavioral Health Executive Council.

The report has captured many of the challenges that the Boards have faced under the administrative attachment model. The Boards are all heartened by the Commission's recommendation that this arrangement be replaced through the creation of the Texas Behavioral Health Executive Council. We are in complete agreement that a stand-alone agency will best serve the needs of these important professions and the Texans they serve. We believe that ultimately the model will serve to enhance public protection by effectively addressing the issues pointed out in the staff report. We also agree with the recommendation to update board member training.

Though we agree in principle, there are areas we would like to see improvement in the recommendation.

Structure of the Executive Council:

We recognize the need to assure no profession has sway over another and that steps be taken to minimize the possibility of legal action as a result of the recent Supreme Court decision in North Carolina. However, we feel the lack of representation by professional members on the Council robs it of the experience and knowledge these members currently provide. Public welfare is the main charge of our boards as well as our professions. Professional representation would ensure the agency's staff are guided by appointees knowledgeable in ethics and standards of practice, thereby helping to safeguard the public. We look forward to working with you and the Sunset Committee to find a solution where professional representation and input is an integral part of the Council.

Mechanics of the Transfer:

Transfer of regulatory responsibility from one agency to another is a complex endeavor. Having observed the recent transitions mandated by SB 200 and SB 202 from the 84th Session, some important lessons have been learned.

First, ensure funding during the transition phase be secure. Language in SB 202 gave the agencies two years to transfer the duties but withdrew funding for the programs being transferred immediately. This oversight caused tremendous strain on already taxed agencies and was an enormous obstacle during the transition.

Next, experienced staff is important. The Boards recognize the need for experienced staff, especially during the creation of a new agency. The Boards therefore request the existing staff for each profession be transferred to the Texas Behavioral Health Executive Council.

Lastly, the transition language in the legislation should include a requirement that a transition plan agreed to by all involved agencies be developed and put in place before the transition begins.

Issue 2: Key Elements of the Behavioral Health Board's Statutes, Rules and Policies Do Not Conform to Common Licensing Standards.

Key Recommendations: Require the boards to conduct fingerprint-based background checks of all licensure applicants and licensees. Authorize the boards to check for disciplinary actions in other states or from other licensing boards, and pursue any necessary actions based on results. Remove the statutory limitation currently restricting the boards' authority to lower fees.

The boards agree with the need for fingerprint-based criminal background checks of all licensure applicants and licensees. We foresee the phase-in to follow suit with that of the Texas

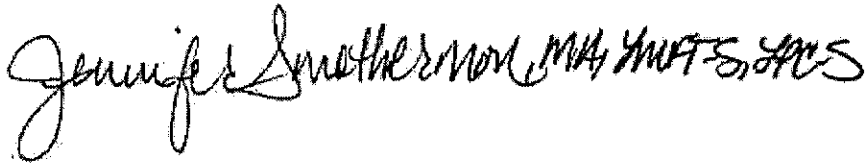
State Board of Examiners of Psychologists, and we believe this will enhance public protection. We agree with the recommendation to authorize boards to utilize the National Practitioner Data Bank to check for disciplinary actions in other states or from other boards and believe this will support protection of the public. We agree with the recommendation to standardize licensing criteria by removing "good moral character" from Chapter 53 and Section 502.253 of the Texas Occupations Code. We agree with the recommendation to remove the fee floor in statute for all three boards. We agree with removing the statutory provision requiring a Licensed Marriage and Family Therapy applicants to have 750 hours of direct clinical services to couples and families and to allow the MFT Board to establish the criteria by rule.

Issues 3, 4, 5, 6

Our boards take no position on these recommendations as they are directly related to the Texas State Board of Examiners of Psychologists.

Thank you for your time and consideration in these matters. We look forward to meeting with the Sunset Committee during the upcoming hearing and to working on these important issues as the Sunset process continues. If you have any questions or need additional information, please contact Sarah Faszholz, Interim Executive Director for the Texas State Board of Examiners of Marriage and Family Therapists at sarah.faszholz@hhsc.state.tx.us.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Smothermon, MA, LMFT-S, LPC-S". The signature is written in a cursive, flowing style.

Jennifer Smothermon, MA, LMFT-S, LPC-S
Chair, Texas State Board of Examiners of
Marriage and Family Therapists