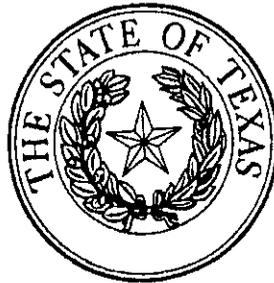


# Health Professions Council Annual Report

to the

**Governor  
Lieutenant Governor  
Speaker of the House of Representatives**



February 1, 2005

## **Agency Health Professions Council Members**

*Board of Chiropractic Examiners  
Board of Dental Examiners  
Board of Medical Examiners  
Board of Nurse Examiners  
Board Of Occupational Therapy Examiners  
Texas Optometry Board  
Board of Pharmacy  
Board of Physical Therapy Examiners  
Board of Podiatric Medical Examiners  
Board of Examiners of Psychologists  
Board of Veterinary Medical Examiners  
Department of State Health Services,  
Professional Licensing and Certification Unit  
Funeral Service Commission  
Office of the Governor*

COUNCIL MEMBERS

Texas Board of Chiropractic Examiners  
Texas State Board of Dental Examiners  
Texas State Board of Medical Examiners  
Texas Optometry Board  
Texas Board of Occupational Therapy Examiners  
Texas State Board of Pharmacy  
Texas Board of Physical Therapy Examiners



Texas State Board of Podiatric Medical Examiners  
Texas State Board of Examiners of Psychologists  
Texas State Board of Veterinary Medical Examiners  
Texas Board of Vocational Nurse Examiners  
Texas Department of Health, Professional  
Licensing and Certification Division  
Office of the Governor  
Texas Funeral Service Commission

Council Chairperson

Katherine A. Thomas, M.N. R.N.

Administrative Officer

John Monk

## Health Professions Council

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Austin, Texas 78701-3942  
Telephone (512) 305-8550  
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January 31, 2005

The Honorable Rick Perry, Governor  
The Honorable David Dewhurst, Lieutenant Governor  
The Honorable Tom Craddick, Speaker of the House of Representatives  
Capitol Building  
Austin, Texas 78711

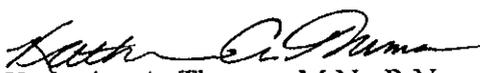
Dear Gentlemen:

I am pleased to report to you on the activities of the Health Professions Council for Fiscal Year 2004, as required by the Texas Occupations Code, Chapter 101.151. The Health Professions Council continues to be a unique entity among State agencies in Texas or any other state. This report will highlight our accomplishments.

There is a growing realization that the State of Texas has created a useful vehicle in the Health Professions Council, as the Council is increasingly called upon to participate in interagency workgroups and health policy initiatives. It is apparent there will continue to be increased demands and new expectations for the Health Professions Council as healthcare issues dominate the public agenda. In the last legislative session the Office of Patient Protection was administratively attached to the Health Professions Council. Their Annual Report is included separately.

We believe there are many exciting possibilities for the Council in the future. We look forward to working together to develop new opportunities for continued growth in efficiency and effectiveness for the Council and to produce even greater benefit to the citizens of Texas.

Sincerely,

  
Katherine A. Thomas, M.N., R.N.  
Chair

# TABLE OF CONTENTS

An Introduction to the Health Professions Council .....	1
Mandated Tasks .....	3
Council Identified Projects.....	4
Request by Legislative or Oversight Entity.....	7
Who Benefits from HPC.....	8
Future Challenges.....	9
Recommendations for Statutory Changes To Improve Regulation of Health Care Professions.....	10
Recommendations for Statutory Changes With Fiscal Implications to HPC Agencies.....	14
Health Professions Council Administrative Office Budget.....	15
Report of Current Licensees & Disciplinary Actions.....	16
Appendices	
Appendix A - Agencies Reports on Disciplinary Action Data	

# The Health Professions Council

The Texas Health Professions Council (HPC) provides a unique solution for the multiple challenges of state regulation of health professions. The State of Texas created HPC to achieve the potentially desirable outcomes of consolidation of small independent health licensing and regulatory agencies without sacrificing the quality, independence, accessibility and accountability of individual boards. Established in 1993, the Council has a membership of 15 agencies currently representing 35 professional licensing boards, certification programs, documentation programs, permit programs or registration programs and the Governor's office.

The Council consists of one representative from each of the following:

- (1) the Texas Board of Chiropractic Examiners;
- (2) the State Board of Dental Examiners;
- (3) the Texas Optometry Board;
- (4) the State Board of Pharmacy;
- (5) the Texas State Board of Podiatric Medical Examiners;
- (6) the State Board of Veterinary Medical Examiners;
- (7) the Texas State Board of Medical Examiners;
- (8) the Board of Nurse Examiners;
- (9) the Texas State Board of Examiners of Psychologists;
- (10) the Texas Funeral Service Commission;
- (11) the entity that regulates the practice of physical therapy;
- (12) the entity that regulates the practice of occupational therapy;
- (13) the health licensing division of the Department of State Health Services;  
and,
- (14) the governor's office.

The Council elects from its members a presiding officer and an assistant presiding officer to conduct the business of the Council. Currently, the presiding officer (Chair) is Katherine A. Thomas, Executive Director for the Board of Nurse Examiners. The assistant presiding officer (Vice-Chair) is Gay Dodson, Executive Director for the State Board of Pharmacy. Council officers serve two-year terms ending August 31 of odd numbered years.

Although member agencies license and regulate health professionals, the Health Professions Council does not license or regulate health professionals. The Council meets at least four times a year. Meetings are open to the public and are posted with the Office of the Secretary of State.

The Health Professions Council was created on the recommendation of the Texas Sunset Commission to achieve the efficiency and effectiveness goals of consolidation while avoiding the creation of a new bureaucracy. Repeated efforts to consolidate boards under one umbrella agency had received only lukewarm support while generating heated

opposition from the professions. Experience in other states had shown that large umbrella agencies sometimes failed to meet the perceived benefits and desired objectives of improved consumer service and decreased costs. Problems of consolidations included increased response time for services, decreased quality of services, lack of expertise in regulated professions, and decreased disciplinary actions against licensees. Studies show consolidations often failed to achieve economies of scale.

The Council has mitigated problems of competition and conflict among the licensed professions by fostering an atmosphere of communication and cooperation. It has provided a forum for discussion of issues and allowed a coordinated response to legislative issues when requested by elected officials. The Council has no authority over member agencies. The Council was cited as an innovation by the Pew Health Professions Commission in its December, 1995 report *Reforming Health Care Workforce Regulation*.

The Health Professions Council employs a small staff (currently 2 FTEs are assigned to the agency), to coordinate and or complete the tasks of the Council. The HPC staff are organized as a separate state agency (#364). Its staff report to the Council directly through supervision of its manager, the Administrative Officer, by the Council Chair. The Council utilizes its staff, along with committees consisting of staff from member agencies to carry out its activities. Operating with a budget of \$144,224 (fiscal year 2005), the Council is funded entirely by transfer of funds from member agencies. A rider in the biennial appropriations bill specifies prorated amounts. Additional amounts are transferred by member agencies to pay for shared services such as technology support and toll-free phone service on a usage basis. A report of financial support by member agencies is provided on page fifteen of this report.

With the exception of the Texas Department of Health, Professional Licensing and Certification Division, member agencies are collocated in the William P. Hobby Building at 333 Guadalupe St. to facilitate resource sharing.

Health Professions Council activities are 1) mandated legislatively; 2) identified by the Council to provide means for member regulatory agencies to coordinate administrative and regulatory efforts; or 3) requested by various legislative entities or oversight bodies, such as the Governor's office, individual members of the Texas Senate or House of Representatives, the LBB, Comptroller's office, etc.

## **Mandated Tasks**

**Telephone Complaint System:** The Council operates a complaint system, which allows consumers to file complaints against any state-licensed health professional by calling one toll-free number. The shared complaint line improves effectiveness and efficiency by providing easy “one-stop” access for consumers and significant cost-savings for individual agencies. The 1-800 line receives an average of 2,250 calls per month, of those calls approximately 500 are routed to HPC staff. HPC receives a variety of inquiries. Many times we refer the public to one of our boards, but we also receive inquiries that we refer to other state agencies. The cost of the system is shared by member agencies, which split the cost of equipment and lines and pay for long distance charges based on the percentage of calls assigned to each agency each month.

**Board Member Training Program:** The Council has established a training program for the governing bodies (boards) of member agencies. The training has been compiled into a training manual. Each agency must customize the basic training program to include agency/board specific information. The training manual is updated every two years, following the Regular Legislative session.

**Annual Report:** The Council prepares an annual report that includes a statistical compilation of numbers of licensees, numbers of complaints and enforcement actions taken by member agencies/boards. The annual report also includes a summary of the Council’s activities over the past year and recommendations for statutory changes to improve the regulation of health care professionals.

**Shared Document Imaging System:** Three sessions ago, the 76<sup>th</sup> Legislature appropriated funds for a document imaging system. All of the member agencies located in the Hobby Building are on board the imaging system with the exception of the Funeral Service Commission. The Funeral Service Commission was not a member of the Health Professions Council until September of 2003. They have expressed an interest in participating in the system and sharing the ongoing costs to maintain the system.

**Member Agency Complaint Process Study:** Two sessions ago, the 77<sup>th</sup> Legislature passed HB 2408, sponsored by Representative Glen Maxey. The bill required HPC to study the process by which complaints are compiled, handled, adjudicated, and the extent to which complaint information is made available to the public. The report was to include recommendations for a standard procedure for the handling of complaints and a method that provided the most complete public access to complaint information.

The study was completed and submitted to the Lieutenant Governor, Speaker of the House, and members of the House Public Health Committee and the Senate Health and Human Services Committee on January 31, 2002. The study resulted in recommendations by the Council in the areas of:

- Complaint Process;
- Disciplinary Process; and,
- Disclosure of Information about Complaints and Disciplinary Orders

This study, along with other emerging issues, led to the creation of the Office of Patient Protection.

**Office of Patient Protection:** In the last regular session, the 78<sup>th</sup> Legislature passed HB 2985, which requires the Health Professions Council (HPC) establish a new Office of Patient Protection (OPP). The OPP is to represent the interests of consumers before the licensing agencies. The office is also to serve as an ombudsman for consumer complaints at licensing agencies and help consumers obtain information about the status of their complaints. The OPP may represent consumers in general before licensing agencies and could appeal decisions on behalf of consumers as a class.

To date, the Health Professions Council has assisted in the development of an ongoing implementation plan. The director was hired and has installed the staff. Additionally, HPC has assisted the Office of Patient Protection in the development of protocols for interaction and procedures for communication between the HPC members and the Office of Patient Protection.

**Executive Order 36:** In July of 2004, the Governor signed Executive Order 36, relating to preventing, detecting, and eliminating fraud, waste and abuse. The Health Professions Council was tasked with convening a workgroup consisting of various state agencies. This group will develop a consistent set of policies for the health professions licensure boards to adopt in order to eliminate fraud in government programs.

To date, the Health Professions Council is developing statutory language to facilitate the sharing of records regarding investigations among agencies.

### **Council Identified Projects**

**Information Technology Sharing:** Over the past year, the Council studied the resources and needs of member agencies for Information Technology support. The Council found that although some of its larger members (the Board of Medical Examiners, the Board of Pharmacy, and the Board of Nurse Examiners) had resources devoted to meet its Information Technology support needs (or at least to address their needs in a prioritized fashion), some of the other smaller members struggled to meet their needs. Some agencies had planned to cut back on already inadequate resources devoted to this area in order to absorb cuts in their budget in the FY 04/05 biennium. The Council created a Consolidation Committee and assigned that committee to investigate models to provide member agencies the most efficient IT support possible. The Committee developed a program that facilitates sharing of information technology knowledge and resources among all of the member agencies in the Hobby building through its Technology Committee. The program also utilizes two staff (one from the Texas State Board of Dental Examiners and one from the Texas Optometry Board) to provide direct ongoing services to eight (8) of the smaller member agencies in the Hobby Building. The staff

positions are funded through contributions from the eight member agencies. This aspect of the program began officially November 1, 2003.

In the past, only limited Network Manager Services had been shared by members of the Council.

**Document reproduction/printing services:** HPC set up a contract with an outside vendor to provide document reproduction/printing services in HPC shared space. The space was also used for a mail center. At this time, the Texas Building and Procurement Commission (TBPC) has taken over the document reproduction center and opened its services to all state agencies in the Hobby Building. The TBPC also utilizes the space for a mail service center. Member agencies may drop interagency mail and mail to be processed by the TBPC staff for US Mail.

**Courier Services:** The Texas State Board of Medical Examiners (TSBME) coordinates the sharing of a courier service with all of the member agencies in the Hobby building to facilitate movement of priority communication, and deposits, etc. with the Comptroller's office. TSBME coordinates the contract, pays the vendor, and bills agencies based on use. Other non-HPC member small state agencies located in the Hobby building participate in this sharing as well.

**Employee Assistance Program:** HPC member agencies participate as a group in an employee assistance program (EAP).

**Shared storage space:** HPC staff coordinate the use of shared storage space.

**Training/Information Dissemination Opportunities:** The member agencies share training opportunities for member agencies. One member agency staff member from the Board of Nurse Examiners offers new employee EEO training. HPC staff handle the coordination and documentation of the training. HPC staff have also coordinated training opportunities available through the State Auditor's Office. The SAO offers training to agencies when the number of attendees is at or above minimums needed to justify providing the training at another location. HPC provides a regular forum to the Employee's Retirement System staff to give presentations to member agency employees on investments through the Citistreet program.

HPC, through a member agency, the Department of State Health Services Health's Professional Licensing and Certification Division, works with the National Certified Investigator/Inspector Training (NCIT) program of the Council on Licensure, Enforcement, and Regulation (CLEAR) to provide that training locally approximately once a year, providing the highest quality training at the lowest possible cost for HPC members and other state agencies employing investigators.

**Legislative Tracking:** HPC member agencies have worked together to improve member agencies' Legislative Tracking. Smaller agencies that could not afford to purchase the services of Legislative Tracking Services, such as Texas Legislative Service or Gallery

Watch, have gained access to that service at a much lower cost by sharing the service. In addition, the HPC Administrative Officer tracks legislation and keeps member agencies aware of legislation that could affect member agencies as a group.

**Representation** in statewide forums: The Council has assigned the Administrative Officer to represent HPC member agencies at meeting involving statewide forums. The Administrative Officer represents the views of member agencies in their licensing/regulatory role, generally. The Administrative Officer communicates back to the member agencies. Member agencies may increase their own participation in these forums, depending on the nature of the issues. The Council, through the HPC Chair also assigns member agencies to “outside” committees, as appropriate. Examples of the forums include the Statewide Health Coordinating Council (SHCC) planning sessions for the state health plan and the East Texas Rural Access Program (ETRAP). This approach allows member agencies to achieve representation and input into these processes more efficiently.

**Liaison with Office of Attorney General (OAG):** HPC, through its legal services committee maintains a liaison with the Office of the Attorney General’s section, which addresses the enforcement of the state’s Medical Records Privacy Law. Through this liaison, the Council has reviewed the requirements of this law. HPC has taken measures to coordinate referrals to and collaboration with the Office of the Attorney General.

**Statewide Health Coordinating Council’s State Health Plan:** HPC member agency staff participated in planning sessions coordinated by the Statewide Health Coordinating Council (SHCC) to develop the *2005-2010 State Health Plan*. The Council had designated member agency staff to participate in further planning efforts in the areas of licensee/workforce data collection, streamlining the licensure of foreign trained professionals, Telehealth-Telemedicine plan initiatives, continuing education in geriatric issues, and core competency testing. HPC will continue to participate in the SHCC planning efforts for the *2005-2010 Texas State Health Plan Update*.

**Improved Customer Service:** The Council has also created a resource list of member agency staff that can communicate in languages other than English. Member agencies have agreed to share staff when it is needed to communicate effectively with customers.

**Policy and Procedure Development:** In the past the Council, through its committees has developed model policies and procedures for risk management, disaster recovery, and workforce policy/procedures. When new reporting requirements are mandated, such as a survey conducted by the Council on Competitive Government on agency resources expended on Human Resources functions, member agency staff meet on an ad hoc basis to review the requirements and instructions. As a group, they clarify expectations and seek further clarification to facilitate quality reporting.

**Peer-to-Peer Sharing/General Sharing:** Member agencies back up each other in administrative functions such as accounting, purchasing, and payroll. These back up arrangements are typically short term in nature, such as for occasions when employees

are out on illnesses, vacations or other short terms. However, in some cases, agencies may provide these services to one another for longer periods of time (such as for an extended vacancy) with or without compensation through interagency contract.

Agencies with certified purchasers assist agencies that are too small to have staff on board with such expertise through a “purchasing pool.”

Member agency employees consult with another, peer to peer, throughout the administrative and regulatory departments and divisions. There is a cost savings to member agencies when their staff share their efforts that cannot be specifically calculated. For example, agency financial staff routinely consult each other when preparing major financial reports such as the Annual Financial Report and the Legislative Appropriations Request. As a result of this relationship between member agency staff, reports are completed quicker, procedures are developed more efficiently, and other state agencies enjoy a reduction in inquiries and clarifications on required reports and procedures.

Examples of sharing between member agencies during the past year include:

- The Board of Medical Examiners provides financial functions for the Health Professions Council
- The Board of Podiatric Medical Examiners share the use of a folding/sealing machine with the Board of Chiropractic Examiners and the Board of Veterinary Medical Examiners
- The Board of Vocational Nurse Examiners and The Board of Chiropractic Examiners shared an accountant
- The accountant at the Board of Chiropractic Examiners provided assistance and consultation to staff at the Executive Council of Physical Therapy and Occupational Therapy Examiners during an absence of their accountant
- The Board of Medical Examiners coordinates the sharing of a courier service with all of the member agencies in the Hobby building
- Board of Nurse Examiners offers new employee and ongoing Equal Employment Opportunity (EEO) training to HPC agencies and other small agencies
- The Board of Nurse Examiners and the Optometry Board had an agreement for sharing accounting services

### **Request by Legislative or Oversight Entity**

HPC has worked closely with the Governor’s Office of Budget, Planning, and Policy through its policy contact, Victoria Ford. Ms. Ford has gathered information/input from HPC agencies through HPC on issues such as Medicaid fraud, homeland security, substance abuse, and planning efforts related to the Office of Patient Protection.

Governor’s Task Force on Homeland Security: The task force identified two key issues with specific impact on HPC member agencies: targeting of continuing education on

reporting of medical events and responding to the consequences of terrorism and development of a system to contact all of the licensees of state health professions licensing boards.

HPC has also worked with the House Committee on Government Reform and the Senate Committee on Government Reform, providing information on the benefits and deficits of various models of organization of state agencies' health professions licensing and regulation.

### **Who benefits from HPC?**

The one-stop complaint line directly benefits consumers who can place one toll-free call to obtain information or initiate a complaint against any licensed health professional. Many consumers lack information necessary to determine which board to go to with their complaint. The greatest benefit to consumers is preservation of independent boards with specific expertise in investigation and resolution of consumer problems. Consumers and taxpayers benefit indirectly from improved efficiency and from cooperation among agencies, which produces cooperative rulemaking and less reliance on the administrative law system to resolve conflicts.

Employees benefit through increased training opportunities, access to employee assistance programs, and opportunities to refine job skills as administrative sharing allows greater staff specialization. The Council network provides opportunities for communication, shared expertise and joint problem-solving, reducing stress and improving performance. Other state agencies benefit from HPCs' board member training manual and meeting rooms.

Licensees benefit from retention of independent boards, which are more responsive and accessible to licensees, and from increased efficiency of the agencies. As more administrative tasks are shared, staff with specific expertise are more available to respond to needs of licensees and consumers.

Participation in the Council has created a new atmosphere of cooperation where member agencies can engage in cooperative rule making instead of settling issues through the administrative law system at great cost to all parties and to the taxpayer.

The Council meetings serve further as a forum for member agency Executive Directors to identify common issues faced in licensing and regulation, share perspectives, and often move toward consistent policy stances.

HPC member agencies tend to embrace the spirit of cooperation within the Health Professions Council. The larger member agencies often allow their staff to assist smaller agencies with tasks that the larger agencies are better equipped to handle. Although it cannot be quantified, it is expected that the assistance provided by larger agencies has

prevented smaller agencies from having to request additional funding for staff to handle the routine administrative requirements of being a state agency.

## **Future Challenges**

It is clear that there is a growing realization that the State of Texas has created a useful vehicle in the Health Professions Council and there will continue to be increased demands and new expectations from within and outside the Council.

During the last interim period, the Sunset Commission staff released a report that reorganized many of the smaller health licensing agencies into a larger umbrella group. The HPC will examine whether any of the roles suggested by that report can be instituted presently. The Health Professions Council sees that challenge as an opportunity to streamline routine procedures and achieve economies of scale.

Another key priority for the Health Professions Council will be the ongoing maintenance of the electronic document imaging system. The Council plans to utilize the Health Professions Council's Information Technology Support Services (ITSS) program to maintain the support for the system itself and to provide consultation and end user support to member agencies utilizing the imaging system. With the budget cuts that affected the current biennium, the Council faces challenges on how to maintain and replace the hardware and software components of the system.

As noted at the beginning of this report, the HPC Consolidation Committee designed the Health Professions Council's Information Technology Support Services (ITSS) program to provide IT support to member agencies at a lower overall cost. HPC is currently working with its Human Resources, Financial Services, and Consolidation Committees to identify the resources that are dedicated to the administrative service needs of member state agencies in financial services and human resources. The Council expects to review recommendations from its Consolidation Committee to provide services in these areas at a lower cost during the FY 04 Fiscal Year.

These are only a few of the increasing demands placed on the Health Professions Council. In view of HPC's limited resources, prioritization of demands will be a challenge as the Council seeks to meet growing expectations while minimizing additional costs to member agencies and their licensees.

# **Recommendations for Statutory Changes To Improve Regulation of Health Care Professions**

## **Collocation of the members of the Health Professions Council**

In 1998, the 76<sup>th</sup> Legislature codified the HPC's Statute from the Texas Revised Civil Statutes, Article 4512p, to the Occupations Code, Chapter 101. In Article 4512p, the Council was directed to "adopt a memorandum of understanding with the General Services Commission to develop and implement a plan to collocate the staffs of the boards listed by Section 1(b) of this article, except that the memorandum shall provide for a study of the feasibility of relocating the health licensing boards of the Texas Department of Health with the collocated staffs." When the statute was written for inclusion in the new Occupations Code, the reference to collocation was deleted because that had been accomplished. The feasibility study determined that it was not feasible to collocate the health licensing division of the Texas Department of Health. The Council recommends that the Chapter 101 of the Occupations Code be amended to include the **continued** collocation of member agencies of HPC (with the exception of the health licensing division of Texas Department of Health).

## **The Texas State Health Plan 1999-2004 (2003-2004 Update):**

### *Minimum Data Set*

The Statewide Health Coordinating Council's 2003-2004 Texas State Health Plan Update recommends (in the Appendix D: Goals, Objectives and Strategies in Strategy 1.1.1, action 3) that the licensing boards for those professions named should change their licensing forms and data systems to include the collection of the minimum data set on an annual or biennial basis. The recommendation also states that the Legislature should appropriate funds to the Texas Department of Health to cover the costs of contracting with licensing boards to implement the minimum data set (MDS). In addition, the recommendation states that the Legislature should raise the FTE cap for those licensing boards and the Health Professions Resource Center, which will be required to implement and maintain the collection of that data.

HPC participated with SHCC to determine the most efficient and effective means of obtaining the needed information. During the past three years, HPC and the member agencies have invested many staff hours in determining the costs, obstacles and possible alternatives for the database. SHCC has reduced the number of data elements in the MDS in an effort to make collection of the desired data less costly. While it is possible to implement the MDS proposals, it will require a great commitment of state resources.

The following issues were resolved by working with SHCC. It is important to HPC agencies that the recommendations are implemented as recommended by SHCC and as stated below:

- **MDS data elements non-mandatory:** SHCC recommends that the reporting of health personnel data is non-mandatory for health professionals, except for those data elements required for board administrative and regulatory purposes. It would be especially difficult and costly to implement the MDS if licensees must provide all of the data elements as a condition of licensure. Making data elements, which, are not required for board administrative and regulatory purposes, mandatory would require follow-up by agency staff for incomplete data and enforcement action for failure to comply.
- **Funding for the MDS:** SHCC recommends that the funding for the MDS come from appropriation to the Texas Department of Health who would contract with agencies to implement the MDS. This is important to HPC member agencies that do not currently have the resources to implement the MDS. It is important to licensees that funding for this initiative come from another source, rather than from increased fees. Factors which impact the cost for the MDS include:
  - **Staff Resources:** Licensing agencies have minimal staff and budget resources and are strained to fulfill current legislative mandates. None of the agencies have sufficient staff or funding to perform additional tasks, especially an initiative of this magnitude. Although SHCC has expressed commitment to support agencies in obtaining sufficient resources, HPC agencies are cognizant of the legislative efforts to control the size of the state workforce and expenditures and the resulting impact on new initiatives.
  - **Licensing Databases:** Some member agencies databases may need programming updates in order to provide information on the minimum data set.

Other issues surrounding the implementation of minimum data set (MDS) that could affect HPC member agencies:

- **Lock Box System Requirements:** Five of the boards use the Comptroller's Lock Box to process license renewals. The lock box system allows the agencies to meet the state's three-day deposit requirement and it generates considerable additional state revenue by assuring immediate deposit of funds to the state treasury. The Comptroller has set exact requirements for items it will process including limits on paper size. Collection of MDS information within the licensing renewal process will require the support of the Comptroller in changing current lock box regulations. If agencies must withdraw from the lock box system, they would require additional staff to perform the work that is now done by Comptroller staff.

- **Loss of Reappropriated Funds:** Currently the Comptroller's Revenue Estimates for licensing agencies include "reappropriated funds" which are generated by fees for the provision of licensee information. Any distribution of licensee information by the Health Professions Resource Center or other entities could result in decreased revenue for licensing boards.
- **Race/Ethnicity Data:** Due to potential liability, agencies are reluctant to collect sensitive information that they do not need. An agreement to make provision of this information optional for the individual licensee should resolve this problem.

Many of these issues could be resolved if the project were entirely funded through an appropriation to SHCC. HPC has discussed with SHCC the possibility of SHCC contracting with the agencies to provide the data at their costs, including cost for both personnel and database revisions. This could resolve some of the issues surrounding individual agency budgets and contingent revenue riders. However, it would not solve the problem of agencies lacking sufficient staff under the FTE cap. Nor would it address the costs and problems associated with enforcement of a mandatory MDS.

The HPC's member agencies support the collection of the minimum data set, stressing the importance of funding coming from the Legislature to the Texas Department of State Health Services, rather than from raising the fees of its licensees.

### **The Texas State Health Plan 1999-2004 (2003-2004 Update):**

*Streamlining the process for Licensure of Foreign Trained Individuals*

The State Health Plan (2003-2004 Plan Update) includes a recommendation that a coalition of stakeholders convene to formulate long-term strategies for enhancing the recruitment and retention of health care workers. The recommendation further proposes that a subgroup of this coalition concentrate on, among other issues, working with the state licensing boards to enhance and standardize the licensure and certification process for foreign trained professionals. The Health Professions Council supports this initiative and has assigned member agency staff to work with this subgroup. The member agencies' licensing boards recognize the need to streamline the licensure and certification process for foreign trained individuals while maintaining a high standard of minimum qualifications for licensure/certification to provide health services in the State of Texas.

### **Continuing Education**

Both the SHCC State Health Plan Update and the Governor's Task Force on Homeland Security make recommendations related to adding specific requirements in Continuing Education for health professionals licensed in the State of Texas. The State Health Plan Update recommends that state licensing boards consider and implement appropriate levels of geriatric training into the continuing education of all members of the health care workforce. The Governor's Task Force on Homeland Security recommended targeting of

continuing education on reporting of medical events and responding to the consequences of terrorism. The Health Professions Council supports appropriate continuing levels of continuing education as long as increases in required continuing education is targeted appropriately.

### **Health and Human Services Commission recommendation to include the mental health boards of the Texas Department of Health as individual members of the Health Professions Council**

In December, 2000, the Texas Health and Human Services Commission released its Report on Texas Department of Health Regulatory Programs with their recommendations for consolidating, restructuring, or moving health-related regulatory programs. Recommendations 9 and 10 involved clustering the mental health boards (Texas State Board of Marriage and Family Therapists, Texas State Board of Examiners of Professional Counselors, Texas State Board of Social Worker Examiners, and the Interagency Council on Sex Offender Treatment) and attaching them to HPC as separate boards each with their own vote. The Council recognizes that the mission of these four boards is appropriately aligned with the missions of members of HPC. If the legislature chooses to remove these boards from the Texas Department of Health and cluster the boards into a new single state agency, it would be appropriate for that **agency** to become a member of the Council, with a single vote. Agencies, not boards are represented on the Council in most cases. The Texas State Board of Medical Examiners, for example, has three independent boards and participates as a single member agency. It should be noted, however, that collocation is an essential element in member agencies realizing the full benefit of membership in the Health Professions Council. The four mental health boards are currently represented on the Council through the Texas Department of Health, but they feel that their representation is diluted by the fact that the Department of Health represents seventeen independent boards on the Council.

# Recommendations for Statutory Changes With Fiscal Implications to HPC Agencies

## Rider Provisions

### Contingent Escalation of Licensing Fees

The current “contingent revenue rider” funding structure requires that any increase in appropriations to licensing boards be covered by new revenue. The Comptroller does not count revenue generated by an increase in the number of licensees as new revenue. With additional licensees, the agency must accomplish greater work with the same number of employees and cannot provide the same level of service. The only way an agency is credited with increasing revenue is to increase fees paid by licensees.

Also, there are currently a number of major initiatives under consideration that have the potential to produce large increases in the fees if the current “contingent revenue” riders are maintained. Some of the initiatives are directly related and of benefit to the licensed professionals, but others have only limited or no benefit to the individual licensee who will bear the costs. As previously noted, the adoption of the SHCC Minimum Data Set has the potential to create additional costs to licensees, if executed and funded through the licensing boards. Other programs with the potential to impact licensee costs include the following:

- **New Licensing and Enforcement Databases:** The common occupational licensing system project created a common approach to online renewal. Most of the HPC agencies will need to purchase and implement new licensing and enforcement systems in the near future if they are required to participate.. There is no way to estimate the cost at this time.
- **Healthcare Integrity and Protection Databank:** The reporting of final actions against licensees to the federal database has placed additional demands upon agency staff. While no direct costs can be identified, the potential need for additional staff grows as agencies are required to meet new external demands.

**Health Professions Council  
Administrative Office Budget**

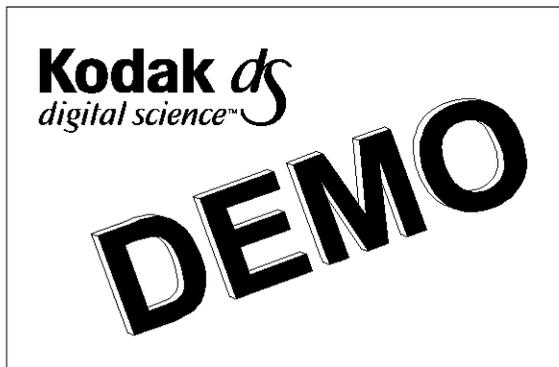
	2004 Expended
<b>Salaries</b>	<b>\$59,168.56</b>
<b>Other Personnel Costs</b>	<b>\$3,685.64</b>
<b>Professional Fees</b>	<b>\$4,603.20</b>
<b>Consumable Supplies</b>	<b>\$349.84</b>
<b>Utilities</b>	<b>\$110.48</b>
<b>Travel</b>	<b>\$270.00</b>
<b>Other Operating Expense</b>	<b>\$68,373.75</b>
<b>TOTAL</b>	<b>\$136,561.47</b>
<b>Board of Chiropractic Examiners</b>	<b>\$3,218</b>
<b>Board of Dental Examiners</b>	<b>\$9,742</b>
<b>Board of Medical Examiners</b>	<b>\$24,239</b>
<b>Board of Nurse Examiners</b>	<b>\$16,224</b>
<b>Executive Council of Occupational Therapy and Physical Therapy Examiners</b>	<b>\$6,014</b>
<b>Texas Optometry Board</b>	<b>\$6,234</b>
<b>Board of Pharmacy</b>	<b>\$27,557</b>
<b>Board of Podiatric Medical Examiners</b>	<b>\$2,172</b>
<b>Texas Department of Health: Professional Licensing and Certification Division</b>	<b>\$13,465</b>
<b>Board of Examiners of Psychologists</b>	<b>\$8,070</b>
<b>Board of Veterinary Medical Examiners</b>	<b>\$7,669</b>
<b>Board of Vocational Nurse Examiners</b>	<b>\$11,271</b>
<b>Texas Funeral Service Commission</b>	<b>\$1,897</b>
<b>TOTAL MEMBER AGENCY TRANSFERS</b>	<b>\$137,772</b>
<b>Benefit Replacement Pay</b>	<b>\$770.12</b>

<b>Report of Current Licensees and Disciplinary Actions</b>		
<b>Name of Board, Committee, Registry, or Certification Program</b>	<b>Number of Current Licensees</b>	<b>Board-Approved Enforcement Actions</b>
Texas State Board of Chiropractic Examiners	4,785	126
Texas State Board of Dental Examiners	25,711	281
Texas State Board of Medical Examiners	67,331	287
Board of Nurse Examiners for the State of Texas	180,511	796
Texas State Board of Occupational Therapy Examiners	7,236	30
Texas Optometry Board	3,417	5
Texas State Board of Pharmacy (Pharmacists and Pharmacies)	50,289	469
Texas State Board of Physical Therapy Examiners	12,110	47
Texas State Board of Podiatric Medical Examiners	848	9
Texas State Board of Examiners of Psychologists	7,144	22
Texas State Board of Veterinary Medical Examiners	6,760	41
Texas Board of Vocational Nurse Examiners	76,082	395
Texas Funeral Service Commission	4,124	0
<b>Texas Department of Health: Professional Licensing and Certification Div.</b>		
Advisory Board of Athletic Trainers	1,949	3
Texas State Board of Examiners of Dietitians	3,697	0
State Committee of Examiners – Fitting and Dispensing of Hearing	442	41
Texas State Board of Marriage and Family Therapists	2,944	12
Massage Therapy Registration Program	22,064	82
Texas Board of Licensure for Professional Medical Physicists	459	0
Medical Radiologic Technologists Certification Program	20,642	96
Optician's Registry	351	0
Contact Lens Program	250	8
Texas State Board of Examiners of Perfusionists	299	1
Texas State Board of Examiners of Professional Counselors	16,247	36
Respiratory Care Practitioner Advisory Committee	11,758	19
Texas State Board of Social Worker Examiners	21,265	35
State Board of Examiners for Speech-Language Pathology and Audiology	10,961	22
Council on Sex Offender Treatment	368	2
Texas Midwifery Board	165	5
Texas Board of Orthotics and Prosthetics	668	14
Code Enforcement Officer Registration Program	1,672	0
Sanitation Registration Program	1,594	1

Note: See Appendix A for agency detail.

APPENDIX A

AGENCY REPORTS ON DISCIPLINARY DATA



HPC FY04 Annual Report

**TEXAS BOARD OF CHIROPRACTIC EXAMINERS**

1. Total number of licensees Active & Inactive:		4,785
2. Total number of new licenses issued:	282	
3. Total number of renewal licenses issued:	4,454	
4. Total number of complaints received:	367	
5. Total number of jurisdictional complaints received:	339	
6. Total number of jurisdictional complaints resolved:	336	
7. Average length of time required for jurisdictional complaint resolution:	259.7 days	
8. Total number and types of board-approved disciplinary actions taken:	126	
Written Reprimand:	3	
Administrative Fine:	119	
Revocation:	2	

Statutory Authority: Occupations Code, Chapter 201

HPC FY04 Annual Report

**TEXAS STATE BOARD OF DENTAL EXAMINERS**

1.	Total number of licensees:		25,711
	Dentists:	14,209	
	Dental Hygienists:	10,400	
	Dental Laboratories:	1,102	
2.	Total number of new licenses issued:		1,000
	Dentists:	456	
	Dental Hygienists:	474	
	Dental Laboratories:	70	
3.	Total number of renewal licenses issued:		21,651
	Dentists:	11,778	
	Dental Hygienists:	8,899	
	Dental Laboratories:	974	
4.	Total number of complaints received:		1,110
5.	Total number of jurisdictional complaints received:		899
6.	Total number of jurisdictional complaints resolved:		1,096
7.	Average length of time required for jurisdictional complaint resolution:		468.1 days
8.	Total number and types of board-approved disciplinary actions taken:		281*
	Suspension/probated:	48	
	Suspension/downtime:	11	
	Reprimand:	74	
	Surrender:	0	
	Warning:	113	
	Revocation:	15	
	Other:	20	

\*Multiple complaints against some practitioners were incorporated into a single board order (instead of a board order being issued for each complaint).

Statutory Authority: Texas Occupations Code, Title 3-D, Vernon 2000.

**TEXAS STATE BOARD OF MEDICAL EXAMINERS**

1.	Total number of licensees:			67,331
	Physicians:	62,537		
	Acupuncturists:	693		
	Physician Assistant:	3,453		
	Surgical Assistant:	259		
2.	Total number of new licenses issued:	5,386		
	Physicians:	4,830		
	Acupuncturists:	80		
	Physician Assistant:	380		
	Surgical Assistant:	96		
3.	Total number of renewal licenses issued:			59,882
	Physicians:	55,628		
	Acupuncturists:	601		
	Physician Assistant:	3,468		
	Surgical Assistant:	185		
4.	Total number of complaints received:	5,947		
5.	Total number of jurisdictional complaints received:			1,757
	Physicians:	1,698		
	Acupuncturists:	4		
	Physician Assistant:	55		
	Other:	1		
6.	Total number of jurisdictional complaints resolved:			1,761
	Physicians:	1,699		
	Acupuncturists:	7		
	Physician Assistant:	55		
	Other:	0		
	Surgical Assistant:	0		
7.	Average length of time required for jurisdictional complaint resolution:			
	Physicians – 263 days			
	Acupuncturists – 251 days			
	Physician Assistants - 247 days			
	Other – 0 days			
8.	Total number and types of board-approved disciplinary actions taken:			287
		<u>Physician</u>	<u>Acupuncturists</u>	<u>Physician Assist.</u>
	Temporary Suspension & Restriction	8/10	0	0
	Revocation/Surrender	33	0	2
	Suspension	37	0	1
	Restriction	86	0	2
	Reprimand	29	0	2
	Administrative Penalty	61	1	0
	Total number of disciplinary actions	256	1	7
	Statutory Authority:	Physicians-Texas Occupations Code Annotated, Chapter 164		
		Physicians Assistants-Texas Occupations Code Annotated, Chapter 204		
		Acupuncturists-Texas Occupations Code Annotated, Chapter 205		

**BOARD OF NURSE EXAMINERS OF THE STATE OF TEXAS-RN STATISTICS**

1.	Total number of licensees:		180,511
2.	Total number of new licenses issued:		9,316
3.	Total number of renewal licenses issued:		83,350
4.	Total number of complaints received:		2,961
5.	Total number of jurisdictional complaints received:		2,894
6.	Total number of jurisdictional complaints resolved:		2,332
7.	Average length of time required for jurisdictional complaint resolution:		166 days
8.	Total number (licensees) and types of board-approved Disciplinary sanctions imposed:		796
	Fines:	68	
	Fine with Remedial Education:	72	
	Limited License:	3	
	Remedial Education:	61	
	Reprimand:	0	
	Reprimand with Stipulations:	47	
	Revocation:	84	
	Stipulations Only:	7	
	Suspension:	41	
	Suspension with Probation:	16	
	Voluntary Surrender:	99	
	Warning:	0	
	Warning Delinquent:	1	
	Warning with Stipulations:	96	
	Reinstated with Stipulations:	30	
	Reinstatement Denied:	18	
	Ordered to Peer Assistance Program:	19	
	License Denied:	3	
	Eligibility Orders w/Stipulations:	128	
	Cease and Desist Order:	3	

Statutory Authority: Texas Occupational Code, Chapters 301, 303 and 304.

HPC FY04 Annual Report

**BOARD OF NURSE EXAMINERS-LVN STATISTICS**

1.	Total number of licensees:	76,082
2.	Total number of new licenses issued:	4,536
3.	Total number of renewal licenses issued:	38,104
4.	Total number of complaints received:	1,287
5.	Total number of jurisdictional complaints received:	1,278
6.	Total number of jurisdictional complaints resolved:	1,059
7.	Average length of time required for jurisdictional complaint resolution:	331 days
8.	Total number and types of board-approved disciplinary actions taken:	
	Disciplinary sanctions imposed:	395
	Fines:	3
	Fine w/Remedial Education:	0
	Limited License:	1
	Remedial Education:	7
	Reprimand	47
	Reprimand w/stipulations:	4
	Revocation:	104
	Stipulation Only:	0
	Suspension:	39
	Suspension w/Probation:	23
	Voluntary Surrender:	46
	Warning:	8
	Warning Delinquent:	0
	Warning w/Stipulations:	10
	Reinstate w/Stipulations:	4
	Reinstatement Denied:	0
	Order to Peer Assistance:	11
	License Denied:	1
	Eligibility Orders w/Stipulations:	21
	Cease and Desist Order:	0
	Probation:	66
	Statutory Authority:	
	09/2003-	Texas Occupations Code, Chapter 302, 303, and 304.
	02/2004-	Texas Occupations Code, Chapter 301, 303, and 304. -

**TEXAS STATE BOARD OF OCCUPATIONAL THERAPY EXAMINERS**

1.	Total number of licensees:	7,236
2.	Total number of new licenses issued:	484
3.	Total number of renewal licenses issued:	3,497
4.	Total number of complaints received:	82
5.	Total number of jurisdictional complaints received:	82
6.	Total number of jurisdictional complaints resolved:	73
7.	Average length of time required for jurisdictional complaint resolution:	112.4 days
8.	Total number and types of board-approved disciplinary actions taken:	30
	Letter of Reprimand:	02
	Community Service:	16
	Suspension:	12
	Revocation/Surrender:	0
	Fine:	0

Statutory Authority:

Title 3, Subtitle H, Chapter 454, Occupations Code.

“Sec. 454.301. GROUNDS FOR DENIAL OF LICENSE OR DISCIPLINE OF LICENSE HOLDER.

(a) The board may deny, suspend, or revoke a license or take other disciplinary action against a license holder if the applicant or license holder has: . . . .”

HPC FY04 Annual Report

**TEXAS OPTOMETRY BOARD**

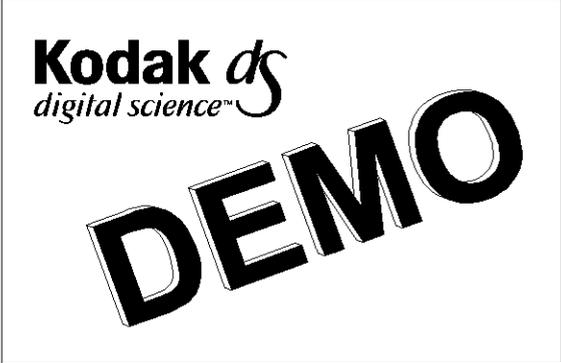
1.	Total number of licensees:	3,417
2.	Total number of new licenses issued:	166
3.	Total number of renewal licenses issued:	3,251
4.	Total number of complaints received:	180
5.	Total number of jurisdictional complaints received:	148
6.	Total number of jurisdictional complaints resolved:	148
7.	Average length of time required for jurisdictional complaint resolution:	123.69 days
8.	Total number and types of board-approved disciplinary actions taken:	5
	License Suspended:	1
	Informal Reprimands:	1
	Administrative Penalty:	4

Statutory Authority:

Article 4552, V.T.C.S., Section 4.04 (now codified as Chapter 351.501, Occupations Code): Board may refuse to issue a license to an applicant, revoke or suspend a license, place on probation a person whose license has been suspended, impose a fine, impose a stipulation, limitation, or condition, relating to continued practice, including conditioning practice on counseling or additional education, or reprimand a licensee.

**TEXAS STATE BOARD OF PHARMACY**

1.	Total number of licensees:		50,289
	Pharmacists:	22,111	
	Pharmacies:	6,014	
	Pharmacy technicians:	22,164	
2.	Total number of new licenses issued:		23,460
	Pharmacists:	871	
	Pharmacies:	567	
	Pharmacy technicians:	22,022	
3.	Total number of renewal licenses issued:		13,790
	Pharmacists:	11,000	
	Pharmacies:	2,648	
	Pharmacy technicians:	142	
4.	Total number of complaints received:		4,475
5.	Total number of jurisdictional complaints received:		4,436
6.	Total number of complaints resolved:		2,982
7.	Average length of time to resolve a complaint:		119 days
8.	Total number of actions taken:		469
	Pharmacy Registration		235
	Revolvement	17	
	Retirement	03	
	Restrictions	05	
	Suspension	17	
	Suspension	02	
	Suspend/Probate with Conditions and/or fine	35	
	Grant License or Intern Registration with Probation	03	
	Grant License or Intern Registration with Reprimand and/or Fine	04	
	Grant Reinstatement with Probation and Conditions	05	
	Deny Reinstatement	01	
	Fine and Reprimand	08	
	Fine and Reprimand with Conditions	38	
	Fine and Conditions	09	
	Fine	26	
	Reprimand with Conditions	38	
	Reprimand	16	
	Modifications of Previously Entered Order	08	
	Pharmacy Technicians		234
	Grant Registration under Conditions	13	
	Grant Registration under Conditions, Followed by Suspension Period	28	
	Grant Registration with Suspension Period	193	



## HPC FY04 Annual Report

### Statutory Authority:

Chapter 565, Occupations Code. The Board may in its discretion refuse to issue or renew a license (applicant for or holder of license to practice pharmacy, and applicant for or holder of pharmacy license) or may assess a penalty, reprimand, revoke, restrict, cancel, retire, or suspend any license granted by the board and may probate any license suspension.

Chapter 568, Occupations Code. The Board may in its discretion refuse to issue or renew a registration, or may suspend or revoke any registration issued by the board.

HPC FY04 Annual Report

**TEXAS STATE BOARD OF PHYSICAL THERAPY EXAMINERS**

1.	Total number of licensees:		12,110
2.	Total number of new licenses issued:		772
3.	Total number of renewal licenses issued:		5,769
4.	Total number of complaints received:		288
5.	Total number of jurisdictional complaints received:		288
6.	Total number of jurisdictional complaints resolved:		239
7.	Average length of time required for jurisdictional complaint resolution:		129.9 days
8.	Total number and types of board-approved disciplinary actions:		47
	Letter of Reprimand:	04	
	Community Service:	29	
	Suspension:	14	
	Revocation/Surrender:	0	
	Fine:	0	

Statutory Authority:

Title 3, Subtitle H, Chapter 452, Occupations Code:

**“Sec. 452.351. GROUNDS FOR DENIAL OF LICENSE OR DISCIPLINE OF LICENSE HOLDER.**

(a) The board may deny a license or suspend or revoke a license, place a license holder on probation, reprimand a license holder, impose an administrative penalty, or otherwise discipline a license holder if the applicant or license holder has:

(b) The board shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of this chapter or a rule adopted by the board.

HPC FY04 Annual Report

**TEXAS STATE BOARD OF PODIATRIC MEDICAL EXAMINERS**

1.	Total number of licensees:	848
2.	Total number of new licenses issued:	51
3.	Total number of renewal licenses issued:	848
4.	Total number of complaints received:	153
5.	Total number of jurisdictional complaints received:	148
6.	Total number of jurisdictional complaints resolved:	107
7.	Average length of time required for jurisdictional complaint resolution:	222.0 days
8.	Total number and types of board-approved disciplinary actions taken:	9
	Advertising:	0
	Negligence:	3
	Fees:	0
	Records:	1
	Substance Abuse:	3
	Fraud:	2
	Impaired Physician:	0

Statutory Authority:

Article 4567(e) and 4573(a)  
Texas Occupations Code, Sections 202.551 and 202.502.

**TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS**

1.	Total number of licensees:	7,144
2.	Total number of new licenses issued:	426
3.	Total number of renewal licenses issued:	6,795
4.	Total number of complaints received:	174
5.	Total number of jurisdictional complaints received:	173
6.	Total number of jurisdictional complaints resolved:	149
7.	Average length of time required for jurisdictional complaint resolution:	235 days
8.	Total number and types of board-approved disciplinary actions taken:	22
	Revocations:	0
	Suspensions/Probation:	2
	Resignation in Lieu of Adjudication:	4
	Reprimand:	15
	Eligibility Order:	1

Statutory Authority: Occupations Code, Title 3, Subtitle I, Chapter 501. Psychologists, Section 501.401, the Board shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license, and, if a license is probated, the Board may require the licensee to report regularly to the Board, limit practice to areas prescribed by the Board or continue or review professional education until the licensee attains a degree of skill satisfactory to the Board. Section 501.451, the Board may impose an administrative penalty against a person licensed or regulated by the Act who violates this Act or a rule or order adopted under the Act. Section 501.404, the Board shall adopt a broad schedule of sanctions for violations of the Act.

**TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS**

1.	Total number of licensees:*		6,760
2.	Total number of new licenses issued:**		289
3.	Total number of renewal licenses issued:**		6,778
4.	Total number of complaints received:		339
5.	Total number of jurisdictional complaints received:		339
6.	Total number of jurisdictional complaints resolved:		308
7.	Average length of time required for jurisdictional complaint resolution:		154 days
8.	Total number and types of <u>board-approved</u> disciplinary actions taken:		41***
	Revocation:	1	
	Reprimand:	14	
	Reprimand, with fine:	10	
	Reprimand, with fine, probated suspension:	4	
	Fine Only:	12	

Statutory Authority: Occupation Code, Sec. 801.401. The Board may revoke or suspend a license, impose a civil penalty, place a licensee or person whose license has been suspended on probation, or reprimand a licensee. The Board may require that a licensee who violates this Act participate in continuing education programs. The Board may also require a suspended licensee on probation to report regularly to the Board or limit practice to the areas prescribed by the Board.

\*As of end of Fiscal Year 2004 (08-31-2004), includes provisional license.

\*\*Taken off of annual report of measures (12-10-04).

\*\*\*One Board Order resolved two complaints.

HPC FY04 Annual Report

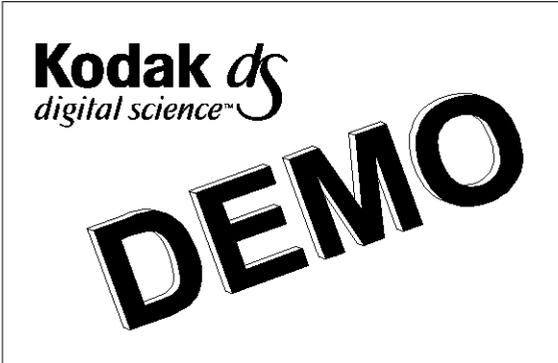
**TEXAS FUNERAL SERVICE COMMISSION**

1. Number of licenses:	
Total number of individuals licensed:	4,124
Total number of establishments licensed:	1,307
2. Total number of new licenses issued:	
Individuals:	210
Establishments:	87
3. Total number of renewal licenses issued:	
Individuals:	2,479
Facilities:	2,014
4. Total number of jurisdictional complaints received:	251
5. Total number of jurisdictional complaints resolved:	211
6. Average length of time required for jurisdictional complaint resolution:	185.49 days
7. Total number and types of Board Approved disciplinary actions taken:	
Individual licenses revoked:	6
Total number of establishments revoked:	5

Statutory Authority: Texas Occupations Code, Chapter 651

**ADVISORY BOARD OF ATHLETIC TRAINERS**

1.	Total number of licensees:	1,949
2.	Total number of new licenses issued:	9
3.	Total number of renewal licenses issued:	5
4.	Total number of complaints received:	5
5.	Total number of jurisdictional complaints	5
6.	Total number of jurisdictional complaints	3
7.	Average length of time required for jurisdic	34 days
8.	Total number and types of board-approved disciplinary actions taken:	3
	Surrender:	1
	Cease and Desist:	1
	Warning letter:	1



Statutory Authority:

Texas Occupations Code, Chapter 451, Section 451.251, Section 451.2512, Section 451.301, and Section 451.357.

HPC FY04 Annual Report

**TEXAS STATE BOARD OF EXAMINERS OF DIETITIANS**

1.	Total number of licensees:	3,697
2.	Total number of new licenses issued:	270
3.	Total number of renewal licenses issued:	3,341
4.	Total number of complaints received:	2
5.	Total number of jurisdictional complaints received:	2
6.	Total number of jurisdictional complaints resolved:	0
7.	Average length of time required for jurisdictional complaint resolution:	76
8.	Total number of board-approved disciplinary actions taken:	0

Statutory Authority:

Texas Occupations Code, Chapter 701, Subchapters E and I.

HPC FY04 Annual Report

**STATE COMMITTEE OF EXAMINERS IN THE FITTING AND DISPENSING OF HEARING INSTRUMENTS**

1.	Total number of licensees:		442
2.	Total number of new licenses issued:		29
3.	Total number of temporary licenses issued:		15
4.	Total number of renewal licenses issued:		338
5.	Total number of complaints received:		66
6.	Total number of jurisdictional complaints received:		66
7.	Total number of jurisdictional complaints resolved:		87
8.	Average length of time required for jurisdictional complaint resolution:		87 days
9.	Total number of board-approved disciplinary actions taken:		41
	Administrative Penalties:	21	
	Warning Letter:	2	
	Reprimand:	5	
	Probated Suspension:	10	
	Surrender:	3	

Statutory Authority: Texas Occupations Code, Chapter 402, Section 402.501, Section 402.551 and Section 402.552.

HPC FY04 Annual Report

**TEXAS STATE BOARD OF EXAMINERS OF MARRIAGE AND FAMILY THERAPISTS**

1.	Total number of licensees:	2,944
2.	Total number of new licenses issued:	62
3.	Total number of renewal licenses issued:	2,832
4.	Total number of complaints received:	45
5.	Total number of jurisdictional complaints received:	45
6.	Total number of jurisdictional complaints resolved:	40
7.	Average length of time required for jurisdictional complaint resolution:	95 days
8.	Total number and types of board-approved disciplinary actions taken:	12
	Revocation:	1
	Surrender:	2
	Suspension with Probation:	1
	Reprimand:	2
	Administrative Penalty:	1
	Cease and Desist:	2
	Expiration during Investigation:	3

Statutory Authority: Texas Occupations Code, Chapter 502, Section 502.351, Section 502.401 and Section 502.451.

**MESSAGE THERAPY REGISTRATION PROGRAM**

1.	Total number of registrants:		
	Massage Therapists:	22,064	
	Massage Therapy School/Training Programs:	69	
	Massage Therapy Instructors:	824	
	Massage Therapy Establishments:	257	
	Duplicates:	50	
2.	Total number of new registrations issued:		
	Massage Therapists:	3,357	
	Massage Therapy Schools:	17	
	Massage Therapy Instructors:	217	
	Massage Therapy Establishments:	79	
3.	Total number of renewal registrations issued:		
	Massage Therapists:	18,707	
	Massage Therapy Schools:	52	
	Massage Therapy Instructors:	607	
	Massage Therapy Establishments:	178	
4.	Total number of complaints received:		187
5.	Total number of jurisdictional complaints received:		181
6.	Total number of jurisdictional complaints resolved:		134
7.	Average length of time required for jurisdictional complaint resolution:		97 days
8.	Total number and types of board-approved disciplinary actions taken:		82
	Administrative Penalties:	6	
	Cease & Desist:	45	
	Denial:	1	
	Revocation:	1	
	Surrender:	1	
	Warning Letter:	25	
	Expiration during Investigation	1	
	Probated Suspension:	2	

Statutory Authority: Texas Occupations Code, Chapter 455, Section 455.251, regulation of massage therapists, massage therapy schools, massage therapy instructors and massage establishments. Types of actions are denial, reprimand, probation, suspension, or revocation.

HPC FY04 Annual Report

**TEXAS BOARD OF LICENSURE FOR PROFESSIONAL MEDICAL PHYSICISTS**

1.	Total number of licensees:	459
2.	Total number of new licenses issued:	39
3.	Total number of renewal licenses issued:	379
4.	Total number of complaints received:	1
5.	Total number of jurisdictional complaints received:	1
6.	Total number of jurisdictional complaints resolved:	0
7.	Average length of time required for jurisdictional complaint resolution:	N/A
8.	Total number of board-approved disciplinary actions taken:	0

Statutory Authority:

Texas Occupations Code, Chapter 602, Section 602.151.

HPC FY04 Annual Report

**MEDICAL RADIOLOGIC TECHNOLOGISTS CERTIFICATION PROGRAM**

1.	Total number of licensees:		20,642
2.	Total number of new licenses issued:		1,569
3.	Total number of renewal licenses issued:		9,782
4.	Total number of complaints received:		125
5.	Total number of jurisdictional complaints received:		115
6.	Total number of jurisdictional complaints resolved:		105
7.	Average length of time required for jurisdictional complaint resolution:		57 days
8.	Total number of board-approved disciplinary actions taken:		96
	Administrative Penalty:	20	
	Warning Letter:	9	
	Cease and Desist:	48	
	Probated Suspension:	12	
	Emergency Suspension:	2	
	Expiration during Investigation:	4	
	Revocation:	1	

Statutory Authority:

Texas Occupations Code, Chapter 601, Section 601.053.

HPC FY04 Annual Report

**OPTICIANS' REGISTRY**

1.	Total number of registrants (including dual registrants):	351
2.	Total number of new registrations issued:	3
3.	Total number of renewal registrations issued:	355
4.	Total number of complaints received:	2
5.	Total number of jurisdictional complaints received:	1
6.	Total number of jurisdictional complaints resolved:	3
7.	Average length of time required for jurisdictional complaint resolution:	13 days
8.	Total number of board-approved disciplinary actions taken:	0

Statutory Authority: Texas Occupations Code, Chapter 352, Section 352.251, Section 352.2525, Section 352.301, Section 352.352, and Section 352.353.

HPC FY04 Annual Report

**CONTACT LENS PERMIT PROGRAM:**

1.	Total number of permit holders:	250
2.	Total number of new permits issued:	10
3.	Total number of renewal permits issued:	240
4.	Total number of complaints received:	32
5.	Total number of jurisdictional complaints received:	22
6.	Total number of jurisdictional complaints resolved:	31
7.	Average length of time required for jurisdictional complaint resolution:	16 days
8.	Total number of board-approved disciplinary actions taken:	8
	Cease and Desist:	7
	Expiration during Investigation:	1

Statutory Authority: Texas Occupations Code, Chapter 353, Section 353.202, Section 353.205, Section 353.206 and Section 353.207.

HPC FY04 Annual Report

**TEXAS STATE BOARD OF EXAMINERS OF PERFUSIONISTS**

1.	Total number of licensees:	299
2.	Total number of new licenses issued:	14
3.	Total number of renewal licenses issued:	285
4.	Total number of complaints received:	1
5.	Total number of jurisdictional complaints received:	1
6.	Total number of jurisdictional complaints resolved:	1
7.	Average length of time required for jurisdictional complaint resolution:	141 days
8.	Total number of board-approved disciplinary actions taken:	1
	Letter of warning:	1

Statutory Authority:

Texas Occupations Code, Chapter 603, Section 603.401, Section 603.451 and Section 603.452.

HPC FY04 Annual Report

**TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS**

1.	Total number of licensees:		16,247
	Active Licensees:	12,733	
	Inactive Licensees:	3,514	
2.	Total number of new licenses issued:		795
	Temporary licenses:	1,192	
3.	Total number of renewal licenses issued:		11,642
4.	Total number of complaints received:		162
5.	Total number of jurisdictional complaints received:		157
6.	Total number of jurisdictional complaints resolved:		114
7.	Average length of time required for jurisdictional complaint resolution:		126 days
8.	Total number and types of board-approved disciplinary actions taken:		36
	Warning letters:	21	
	Probated Suspension:	3	
	Revocation:	6	
	Reprimand:	4	
	Denial:	1	
	Expiration during Investigation:	1	

Statutory Authority: Texas Occupations Code, Chapter 503, Section 503.201, and Section 503.401.

HPC FY04 Annual Report

**RESPIRATORY CARE PRACTITIONERS ADVISORY COMMITTEE**

1.	Total number of licensees:		11,758
	Temporary Licenses:	505	
2.	Total number of new licenses issued:		835
3.	Total number of renewal licenses issued:		10,923
4.	Total number of complaints received:		25
5.	Total number of jurisdictional complaints received:		22
6.	Total number of jurisdictional complaints resolved:		26
7.	Average length of time required for jurisdictional complaint resolution:		79 days
8.	Total number of board-approved disciplinary actions taken:		19
	Administrative Penalties:	7	
	Warning Letters:	1	
	Probated Suspension:	4	
	Cease and Desist:	1	
	Reprimand:	1	
	Surrender:	3	
	Expiration during Investigation:	1	
	Revocation:	1	

Statutory Authority: Texas Occupations Code, Chapter 604, Subchapter E.

HPC FY04 Annual Report

**TEXAS STATE BOARD OF SOCIAL WORKER EXAMINERS**

1.	Total number of licensees:	21,265
2.	Total number of new licenses issued:	1,422
3.	Total number of renewal licenses processed:	19,319
4.	Total number of complaints received:	111
5.	Total number of jurisdictional complaints received:	102
6.	Total number of jurisdictional complaints resolved:	84
7.	Average length of time required for jurisdictional complaint resolution:	205 days
8.	Total number and types of board-approved disciplinary actions taken:	35
	Cease and Desist:	7
	Reprimand:	8
	Warning letters:	5
	Civil Penalties:	2
	Surrender:	2
	Suspension with Probation:	6
	Emergency Suspension:	1
	Revocation:	4

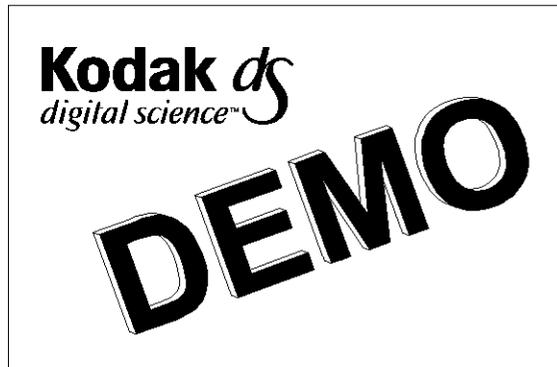
Statutory Authority: Texas Occupations Code, Chapter 505, Section 505.001.

**STATE BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY**

1.	Total number of licensees:		10,961
2.	Total number of new licenses issued:		519
3.	Total number of renewal licenses issued:		10,418
4.	Total number of complaints received:		61
5.	Total number of jurisdictional complaints received:		57
6.	Total number of jurisdictional complaints resolved:		32
7.	Average length of time required for jurisdictional complaint resolution:		119 days
8.	Total number and types of board-approved disciplinary actions taken:		22
	Warning Letters:	3	
	Reprimand:	18	
	Administrative Penalty:	1	

Statutory Authority:

Texas Occupations Code, Chapter 401.



HPC FY04 Annual Report

**COUNCIL ON SEX OFFENDER TREATMENT**

1. Total number of licensees:	368
2. Total number of new licenses issued:	17
3. Total number of renewal licenses issued:	335
4. Total number of complaints received:	18
5. Total number of jurisdictional complaints received:	18
6. Total number of jurisdictional complaints resolved:	14
8. Average length of time required for jurisdictional complaint resolution:	50 days
8. Total number and types of board-approved disciplinary actions taken:	2
Warning Letters:	1

Statutory Authority: Texas Civil Statutes, Article 4413 (51), Section 13C.

**TEXAS BOARD OF ORTHOTICS AND PROSTHETICS**

1. Total number of licensees:	668
2. Total number of new licenses issued:	78
3. Total number of renewal licenses issued:	264
4. Total number of complaints received:	12
5. Total number of jurisdictional complaints received:	12
6. Total number of jurisdictional complaints resolved:	33
9. Average length of time required for jurisdictional complaint resolution:	77 days
8. Total number and types of board-approved disciplinary actions taken:	14
Cease and Desist:	10
Warning Letter:	3
Expiration during investigation:	1

Statutory Authority: Texas Occupations Code, Chapter 605, Subchapter H.

HPC FY04 Annual Report

**TEXAS MIDWIFERY BOARD**

1.	Total number of documented midwives:	165
2.	Total number of new documentations:	16
3.	Total number of renewals:	149
4.	Total number of complaints received:	24
5.	Total number of jurisdictional complaints received:	23
6.	Total number of jurisdictional complaints resolved:	7
7.	Average length of time required for jurisdictional complaint resolution:	218 days
8.	Total number and types of board-approved disciplinary actions taken:	5
	Administrative Penalties:	2
	Surrender:	1
	Warning Letter:	2

Statutory Authority: Texas Occupations Code, Chapter 203, Section 203.151, Section 203.404, and Section 203.451.

HPC FY04 Annual Report

**CODE ENFORCEMENT OFFICER REGISTRATION PROGRAM**

1. Total number of registrants:	1,672
2. Total number of new licenses issued:	307
3. Total number of renewal licenses issued:	1,365
4. Total number of complaints received:	4
5. Total number of jurisdictional complaints received:	4
6. Total number of jurisdictional complaints resolved:	5
7. Average length of time required for jurisdictional complaint resolution:	83 days
8. Total number and type of board-approved disciplinary actions taken:	0

Statutory Authority: Occupations Code, § 1952.151

HPC FY04 Annual Report

**SANITARIAN REGISTRATION PROGRAM**

1. Total number of registrants:	1,594
2. Total number of new licenses issued:	137
3. Total number of renewal licenses issued:	1,457
4. Total number of complaints received:	3
5. Total number of jurisdictional complaints received:	2
6. Total number of jurisdictional complaints resolved:	3
7. Average length of time required for jurisdictional complaint resolution:	129 days
8. Total number and type of board-approved disciplinary actions taken:	1
Warning Letter:	1

Statutory Authority:                      Occupations Code, § 1953.201

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