

Compliance Division Staff Report

Dietitians Advisory Board Meeting

November 12, 2015

Public Outreach

- George Ferrie attended the Texas Academy of Nutrition and Dietetics Meeting on April 9 & 10th, in Houston, to speak and answer questions from the members regarding transfer of the program to TDLR.
- The Compliance Division is open to any opportunities for public outreach (conventions, conferences, association meetings, etc.) related to the Dietitians Program; we are available to speak at these types of events. We invite the board and others in the industry to please let us know when an opportunity arises. Please send an email to Yvonne.Lopez@tdlr.texas.gov.

Staff Updates

- The Compliance Division is anxiously awaiting the green light to post for the six positions that will comprise the Health Professions division within Compliance.

Projects

- Compliance Division staff is currently involved in the review and reorganization of the rules for the Dietitians Program.
- Going forward, designated program staff will provide information on any current and upcoming projects, such as law and rules clarifications and interpretations, types of calls we are receiving, and any coordination on projects with other divisions and with Advisory Board workgroups.

Statistics

- While Compliance does not have any statistical information for the Dietitians Program at this time, we will include any such information relating to this program in future reports.



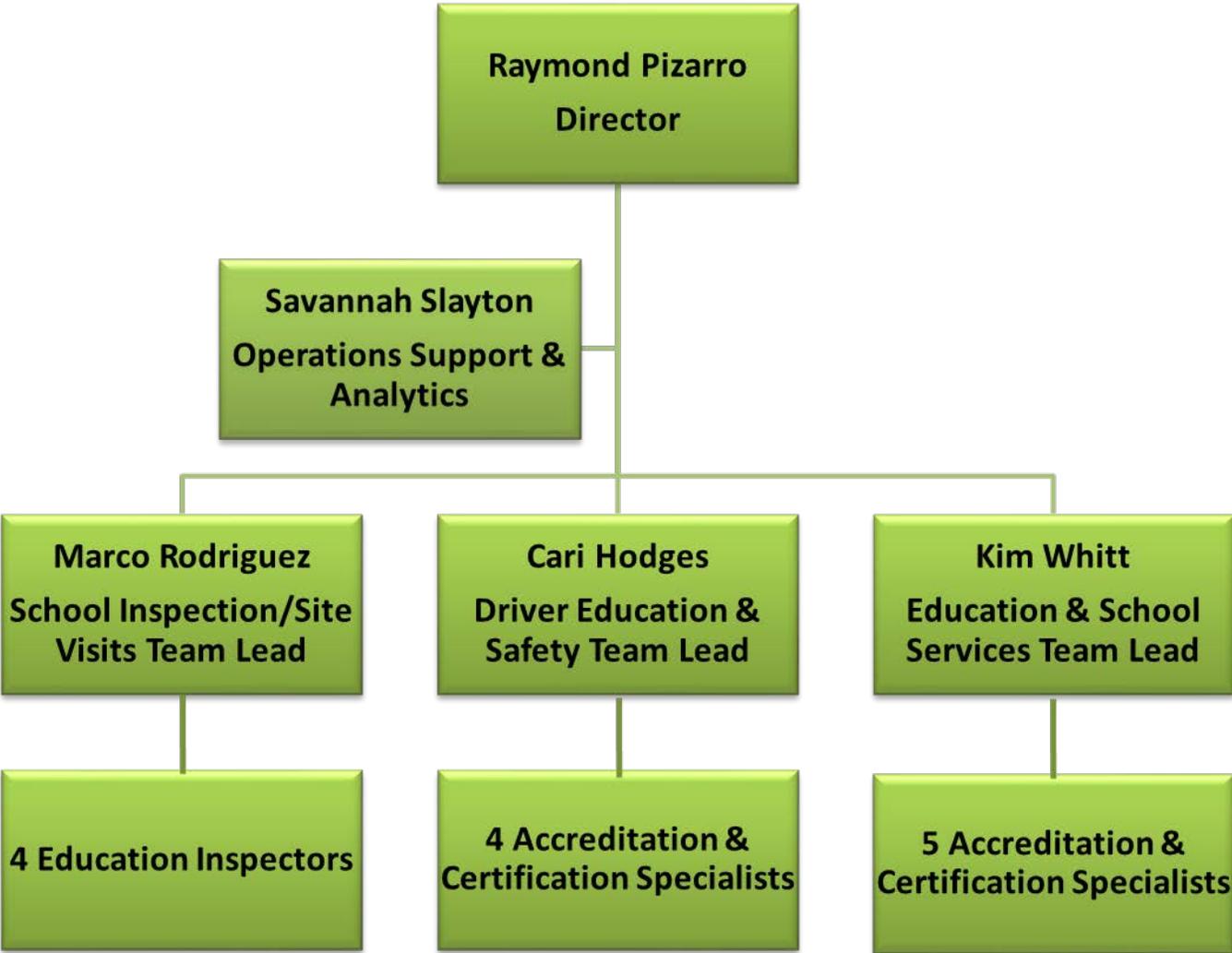
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- The Education and Examination Division develops continuing education and pre-license education requirements for the department regulated programs. These requirements ensure licensees have the necessary knowledge and skills to practice their chosen profession. We will have available statistical information regarding measures as well as examination and continuing education statistical reports. Currently we have a total of 396 continuing education providers.
- Alice Bradford is the newest member to the Education and Examination Division. She joined our team on October 19th and will be an Accreditation & Certification Specialist. Alice brings to us 10 years of increasingly responsible experience from the Department of State Health Services (DSHS) as a team lead for the Professional Licensing & Certification Examinations. She oversaw the examination administration and development for 23 licensing programs. Alice's fundamental knowledge with the various DSHS licensing programs will position TDLR to adequately implement those programs under TDLR's umbrella.
- The Education and Examination Division has begun utilizing Zeacom for emails. Zeacom allows us to track what has been completed and the time it has taken to answer emails. Currently, E&E receives more than 1,000 emails a month. The goal is to be able to report work staff has accomplished. As we continue to grow as a model agency our workload and performance numbers will increase. The use of Zeacom is a step to utilizing the effectiveness of innovation.

Education and Examination Division



Dietitians Advisory Board

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Enforcement Division Staff Report

Introduction to the Enforcement Division

The Enforcement Division is responsible for investigating and resolving complaints against licensees and other regulated populations in all programs regulated by Texas Department of Licensing and Regulation (“TDLR” or “the Department”). The Enforcement Division consists primarily of investigators, attorneys and legal assistants. These employees are organized into three sections that reflect the life cycle of a complaint as it moves through the enforcement process.

- **Intake**: The Intake section substantiates the agency’s jurisdiction and performs initial research on each complaint filed, ultimately making the decision whether an investigation should be opened.
- **Investigations**: In each case opened for investigation, the assigned investigator develops a detailed account of the facts through witness interviews, collection of documents, and on-site inspections when necessary, and prepares a written report of the investigation.
- **Prosecution**: The Prosecution section ensures the proper disposition of each case. When the evidence reflects violations, the prosecutor may pursue administrative penalties or license sanctions, or may resolve the case informally if warranted by the circumstances. When the evidence does not indicate violations the prosecutor will close the case. When an enforcement action leads to a hearing, the prosecutor presents the Department’s case to the State Office of Administrative Hearings and the Commission of Licensing and Regulation.

Within the general structure described above, the Enforcement Division utilizes specialized procedures for handling various types of complaints. Those procedures vary primarily depending upon the source of the complaint. Generally, complaints may be characterized as arising from three sources: consumers, the department, and applicants’ criminal histories.

- **Consumer**: complaints from sources outside the agency, including consumers, industry, and municipal officials. *If opened for investigation by Intake, these cases undergo full investigation and are then resolved by the Prosecution section.*
- **Department**: complaints arising from periodic inspections of regulated entities conducted by the Field Operations Division, and from proactive efforts of Enforcement field investigators. *Intake usually forwards these cases directly to a prosecutor for resolution, because the evidence has already been developed by the inspector or field investigator.*

- Criminal History: complaints arising from criminal background checks on license applicants. The criminal history of each license applicant is initially screened by the Licensing Division. If the history includes crimes that may be a basis for denying a license, the application is referred to the Enforcement Division. *Criminal histories are initially screened by a prosecutor. If the prosecutor does not immediately clear the applicant for licensing, the prosecutor will request an investigation of the applicant's criminal history, and will then decide whether to deny or revoke the applicant's license.*

Consistency in the investigation and resolution of complaints is an essential element of effective enforcement. Enforcement works to ensure consistency by following three guidance documents that are regularly updated.

- The Complaint Resolution Procedures Manual provides detailed, standard procedures applicable to all division staff in handling complaints, from intake to investigation to final resolution.
- The Enforcement Plan describes the ranges of penalties and license sanctions that are applicable to specific alleged violations of the statutes and rules enforced by the agency.
- The Criminal Conviction Guidelines set out, for each license type regulated by TDLR, the specific criminal convictions that may render an applicant an unsuitable candidate for the license, along with reasons why those particular crimes are considered to relate to the license.

Dietitians Advisory Board

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Enforcement Division Staff Report

Key Statistics

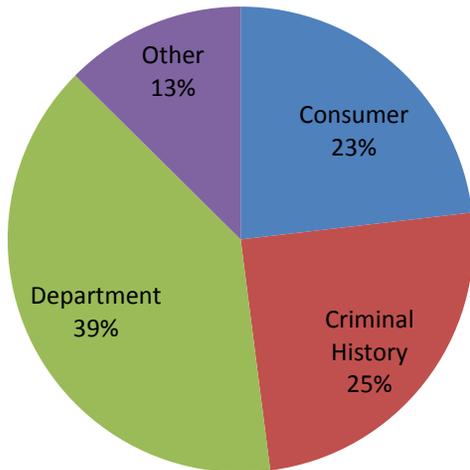
Performance Measures

Cases opened	10,511
Cases closed	13,155
Average time to close (days)	217
% of complaints resolved within 6 months	60.00%
% of complaints resulting in disciplinary action	26.50%

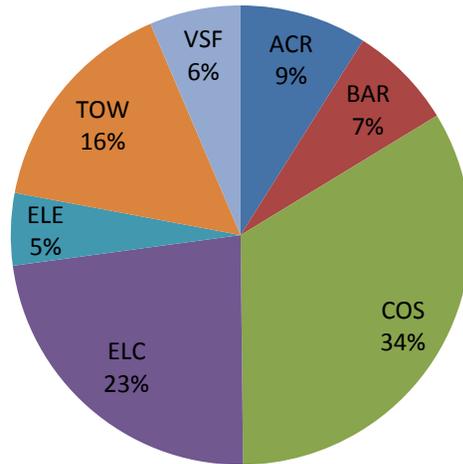
Fiscal Year 2015

10,511
13,155
217
60.00%
26.50%

Sources of Complaints



Complaints by Program



Case Outcomes

Commission Orders	48
Agreed Orders	2,270
Default Orders	912
Penalties Assessed	\$4,525,675
Penalties Collected	\$2,362,706
Licenses Revoked (Disciplinary)	161
Licenses Suspended	4
Licenses Denied/Revoked (Criminal History)	528
Cease & Desist Orders	621

Fiscal Year 2015

48
2,270
912
\$4,525,675
\$2,362,706
161
4
528
621

Licensing Division

The Licensing division reviews applications and issues licenses to qualified individuals and businesses. Licensing staff have extensive knowledge of licensing requirements and procedures for processing applications and issuing licenses.

The agency's 25 programs include 148 unique license types for over 650,000 licensees. During fiscal year 2015, the average time to issue a license is 5 days, faster than the Legislature established target of 10 days.

The Licensing division evaluates applicants':

- Criminal history;
- Required education and credentials;
- Experience and employment history; and
- Insurance, bonding, and net worth requirements.

The Licensing division is organized into six teams to optimize cross-training and efficiency. The teams are grouped by similarity of program and licensing requirements. For example, the barber and cosmetology programs are on one team; the air conditioning and electrician programs are on another team; the boiler and elevator programs are on a third team; and the towing, vehicle storage facility and used auto parts recyclers are all on a fourth team. A new team for the health professions license types will be created when those programs transfer to TDLR. Each person is trained on how to process every license type issued by their team.

Licensing employees are also cross-trained to assist with seasonal workload spikes. During peak times, the entire division sets aside a portion of each day to process the extra high volume of applications. Licensing staff is empowered through teamwork, open and free communication and innovation to provide the best customer service from start to finish.

The Licensing and Customer Service divisions have a symbiotic relationship. To foster that relationship, we have Embedded Customer Service Representatives (ESRs) who are Customer Service division employees that have been trained on how to process license applications and research license issues. They take care of the complicated Customer Service problems and allow the License and Permit Specialists to focus on processing license applications.



TEXAS DEPARTMENT OF LICENSING AND REGULATION

Licensing Division



Dede McEachern
Director of Licensing

<u>Laura Hernandez</u>	<u>Lisa Houdek</u>	<u>Joyce Hennington</u>	<u>Chloe Whalon</u>	<u>Tarsha Redd</u>	<u>Program Supv V</u>	<u>Mitzzy Jimenez</u>
<p>Cynthia Arevalo Terri Cooke Yvette Flores Laura Harris Tammy Johnson Lynne Lemmons Brenda Rosales</p> <p>Debra Luna (ESR)</p>	<p>Liz Moreno Jim Odom Lisa Agarwal James Barela Liz Denson Bob Goins Grace Ukpong</p> <p>Mu-Lan Jin (ESR)</p>	<p>Erica Rodriguez Bruce Tran Brenda Beck Donna Frid Cindy Katzman Carolyn Ruiz Emily Shen</p> <p>Griselda Ruiz (ESR)</p>	<p>Diana Guerrero Pam McCall Jackie Rollins Irma Villarreal</p> <p>Josie Reyna (ESR)</p>	<p>Adriana Gonzalez Gloria Rodriguez Myla Greene Lesley Helm An-Ninh Huynh Jim Jorgensen Vicki LaPresto Veronica Robertson Sam Torres Steve Vacek</p> <p>Linda Lewis (ESR) Cecilia Mojica (ESR)</p>	<p>LPS III LPS II LPS II LPS II</p>	<p>Bruce Ballentine Simone Boutin Sharon Bradford Sue Hernandez Jackie Morales- Steffes Sarah Muckelroy Sandi Sisbarro Giao Truong Beverly Williamson Admin Asst IV</p>
<p>License Types 1. Towing & Booting 2. Vehicle Storage Facilities 3. Used Auto Parts Recyclers 4. Service Contract Providers 5. Vehicle Protection Products 6. Professional Employer Organizations</p>	<p>License Types 1. Air Conditioning 2. Auctioneers 3. Electricians 4. Polygraph Examiners 5. Water Well Drillers</p>	<p>License Types 1. Barbers 2. Cosmetology 3. Property Tax Consultants 4. Property Tax Professionals</p>	<p>License Types 1. Legal Service Contracts 2. Architectural Barriers 3. Combative Sports 4. Industrialized Housing & Buildings 5. Temporary Common Workers 6. Driver Education and Safety</p>	<p>License Types 1. Boilers 2. Elevators 3. Licensed Breeders</p>	<p>License Types 1. Athletic Trainers 2. Dietitians 3. Dyslexia Therapists & Practitioners 4. Midwives 5. Hearing Instrument Fitters and 6. Dispensers 7. Speech-Language Pathologists & 8. Audiologists 9. Orthotists & Prosthetists</p>	<p>Duties 1. Licenses & Notices 2. Supplies 3. DPS Criminal History Checks 4. Mail 5. Imaging 6. PTDE Packets 7. DES Certificates 8. Forms 9. Procedures 10. Web Content 11. Plain Language 12. Performance Measures</p>

TDLR PROGRAMS AND LICENSE TYPES

The 25 programs are in bold font and the corresponding license types are listed below.

Air Conditioning & Refrigeration Contractors

1. Air Conditioning Contractor
2. Registered AC Technician
3. Certified AC Technician

Architectural Barriers

4. Registered Accessibility Specialist
5. Project Registration

Auctioneers

6. Auctioneer
7. Associate Auctioneer

Barbers

8. Class A Barber Certificate
9. Manicurist License
10. Barber Technician License
11. Barber Technician/Manicurist
12. Barber Technician/Hair Weaving
13. Class A Barber Instructor
14. Barber Manicure Instructor
15. Barber Technician Instructor
16. Barber Hair Weaving Instructor
17. Technician/Manicure Instructor
18. Technician/Hair Weaving Instructor
19. Barber Student
20. Hair Weaving Specialist
21. Barber Shop
22. Manicurist Shop Specialty Shop
23. Dual Shop
24. Mini Barbershop
25. Mini Dual Shop
26. Mobile Salon
27. Hair Weaving Specialty Shop
28. Barber School Permit

Boilers

29. Boiler Inspector
30. Boiler Equipment
31. Authorized Inspection Agency

Combative Sports

32. Contestant
33. Judge
34. Manager
35. Matchmaker
36. Promoter
37. Referee
38. Second
39. Amateur Combative Sports Association
40. Event Coordinator

Cosmetology

41. Operator
42. Manicurist Specialist
43. Esthetician Specialist
44. Manicure/Esthetician Specialist
45. Hair Weaver Specialist
46. Eyelash Extension Specialist
47. Wig Specialist Certificate
48. Operator Instructor
49. Manicure Instructor
50. Esthetician Instructor
51. Wig Instructor
52. Eyelash Extension Instructor
53. Manicure/Esthetician Instructor
54. Cosmetology Student
55. Private Beauty Culture School
56. Vocational College Beauty School
57. Junior College Beauty School
58. Beauty Salon
59. Manicuring Salon
60. Esthetician Specialty Salon
61. Esthetician/Manicure Salon
62. Hair Weaving Specialty Salon
63. Wig Specialty Salon
64. Eyelash Extension Specialty Salon
65. Mobile Salon
66. Dual Salon
67. Mini Salon
68. Mini Dual Salon

Driver Education and Safety

69. Driver Education Teacher
70. Supervising Teacher
71. Teaching Assistant Full
72. Teaching Assistant
73. Supervising Teaching Assistant - Full
74. Rehabilitative Driver Education In-Car Instructor
75. Driving Safety Instructor
76. Driving Safety Instructor Trainer
77. Instructor Development Course Driving Safety Instructor Trainer
78. Specialized Driving Safety Instructor
79. Specialized Driving Safety Instructor Trainer
80. Instructor Development Course Specialized Driving Safety Instructor Trainer
81. Drug and Alcohol Driving Awareness Program Instructor
82. Driver Education School
83. Driving Safety School
84. Specialized Driving Safety School

85. Drug and Alcohol Driving Awareness Program School

Electricians

86. Master Electrician
87. Master Sign Electrician
88. Journeyman Electrician
89. Journeyman Sign Electrician
90. Journeyman Lineman
91. Residential Wireman
92. Maintenance Electrician
93. Electrical Apprentice
94. Electrical Sign Apprentice
95. Residential Appliance Installer
96. Electrical Contractor
97. Electrical Sign Contractor
98. Residential Appliance Contractor

Elevators, Escalators & Related Equipment

99. Elevator Inspector
100. Elevator Equipment
101. Elevator Contractor

Industrialized Housing and Buildings

102. Manufacturer
103. Builder
104. 3rd Party Inspector
105. Authorized Inspection Agency
106. Design Review Agency
107. Permit

Legal Service Contracts

108. Legal Service Contract Companies
109. Legal Service Contract Salespersons
110. Legal Service Contract Administrators

Licensed Breeders

111. Licensed Breeder

Polygraph Examiners

112. Polygraph Examiner
113. Polygraph Examiner Trainee

Professional Employer Organizations

114. Professional Employer Organization
115. PEO Limited License

Property Tax Consultants

116. Sr. Property Tax Consultant
117. Property Tax Consultant
118. PTC-Real Property Only

Property Tax Professionals

119. Assessor/Collector
120. Appraiser
121. Collector

Service Contract Providers

122. Service Contract Provider
123. Service Contract Administrator

Temporary Common Workers

124. Temporary Common Worker Employer

Tow Trucks

125. Tow Truck Company
126. Incident Management Tow Truck
127. Consent Tow Truck
128. Private Property Tow Truck
129. Incident Management Tow Truck Operator
130. Consent Tow Truck Operator
131. Private Property Tow Truck Operator
132. Dual IM Tow Operator/VSF Employee
133. Dual CT Tow Operator/VSF Employee
134. Dual PP Tow Operator/VSF Employee
135. Training License
136. Vehicle Booting Company
137. Vehicle Booting Operator

Used Automotive Parts Recyclers

138. Used Automotive Parts Recycler
139. Used Automotive Parts Employee

Vehicle Protection Product Warrantors

140. Vehicle Protection Products

Vehicle Storage Facilities

141. Vehicle Storage Facilities
142. Vehicle Storage Facility Employees

Water Well Drillers and Pump Installers

143. Water Well Driller
144. Pump Installer
145. Water Well Driller Apprentice
146. Pump Installer Apprentice

Weather Modification Law

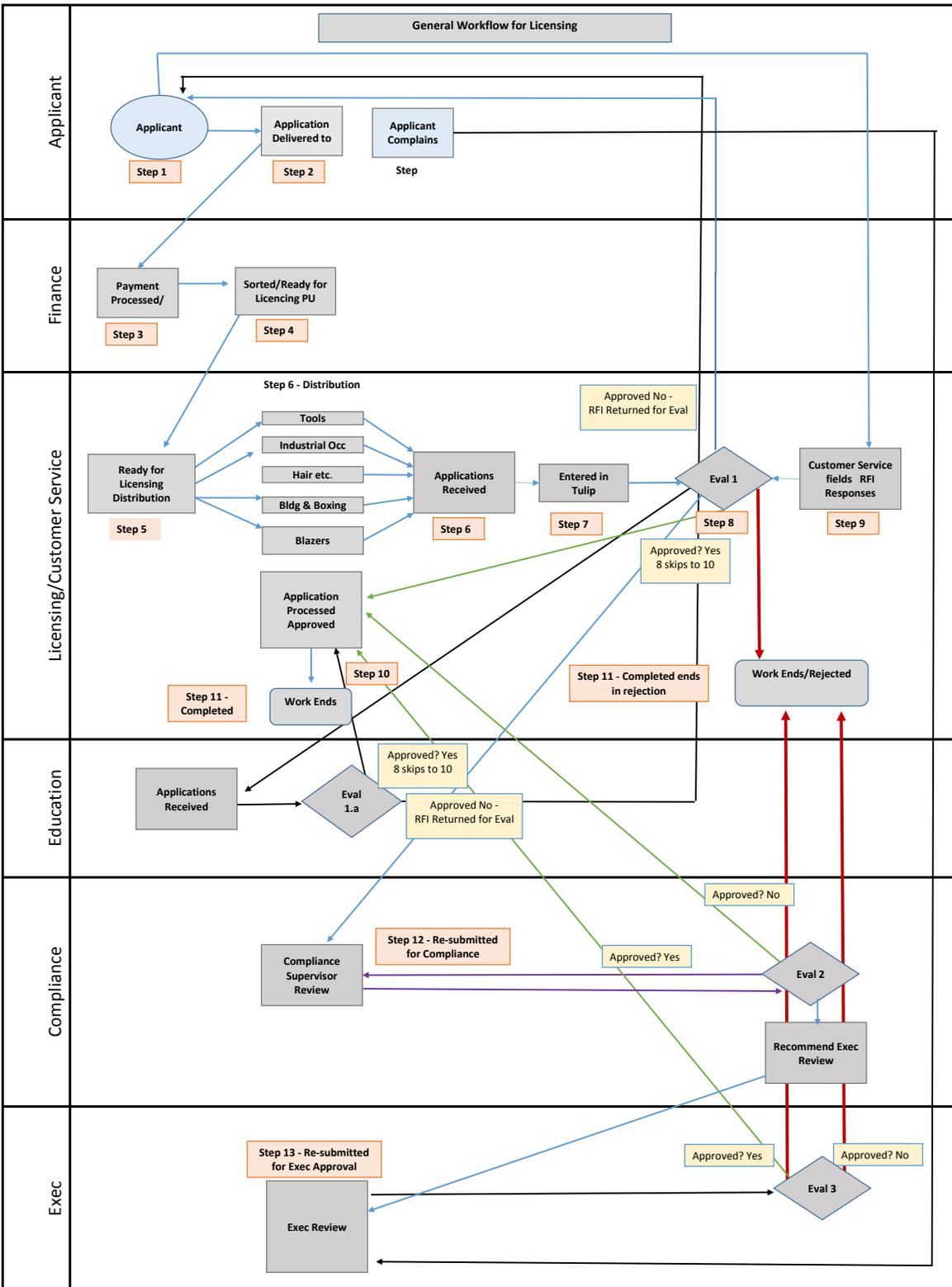
147. Weather Modification License
148. Weather Modification Permit

Licensing Performance Measures

	FY 12	FY 13	FY 14	FY 15
Percent of New Individual Licenses Issued in 10 Days	96.8%	96.5%	95.6%	95.3%
Percent of Individual Licenses Renewed in 7 Days	99.1%	99.1%	99.2%	99.4%
Percent of New Individual Licenses Issued Online	69.7%	73.9%	86.6%	86.5%
Percent of Individuals Licensees Renewed Online	92.2%	92.8%	96.2%	95.9%
Number of New Licenses Issued to Individuals	114,997	111,324	103,500	107,989
Number of Renewed Licenses Issued to Individuals	215,822	219,272	224,437	233,935
Number of New Licenses Issued to Facilities	49,079	49,703	43,373	49,064
Number of Renewed Licenses Issued to Facilities	128,078	133,287	124,695	116,940
Total Number of Licensed Individuals	433,154	441,612	446,790	455,076
Total Number of Licensed Facilities	234,352	241,839	182,973	197,312
Total Licensed Population	667,506	683,451	629,763	652,388

Licensee Population by Program

	FY 12	FY 13	FY 14	FY 15
Air Conditioning and Refrigeration	50,398	37,851	38,579	39,685
Architectural Barriers (AB projects registered are cumulative each year)	19,728	20,460	22,475	23,441
Auctioneers	2,530	2,360	2,421	2,426
Automotive Parts Recyclers	3,437	3,261	3,297	3,237
Barbers (braiders & booth rentals no longer included in population)	26,811	27,606	23,315	25,831
Boilers	54,531	54,263	54,340	53,969
Combative Sports	3,053	3,196	3,093	3,552
Continuing Education Providers and Courses	2,019	2,169	2,181	2,105
Cosmetology (braiders & booth rentals no longer included in population)	301,832	323,544	265,483	272,219
Electricians	111,354	118,304	121,645	129,185
Elevators	35,793	37,456	39,642	40,324
Industrialized Housing and Buildings	567	628	653	703
Licensed Breeders (License required as of 9/1/2012)	18	159	172	172
Licensed Court Interpreters	544	538	509	N/A
Legal Service Contracts	9,668	9,312	9,076	9,433
Polygraph Examiners	257	263	272	276
Professional Employer Organization	363	354	362	368
Property Tax Consultants	1,533	1,559	1,562	1,601
Property Tax Professionals	3,977	3,377	3,423	3,443
Service Contract Providers	302	305	318	332
Temporary Common Worker Employers	108	106	95	91
Towing	30,937	29,951	31,294	33,095
Vehicle Protection Products	45	48	52	58
Vehicle Storage Facilities	5,786	5,554	5,127	5,058
Water Well Drillers & Pump Installers (without apprentices)	1,672	1,685	1,729	1,768
Weather Modification Services	18	18	18	16
TOTAL LICENSEE POPULATION	667,506	683,451	629,746	652,388



Applications received online, mailed, or email request

Eval 1 - Licensing determines qualifications

Eval 2 - Compliance determines qualifications

Eval 3 - Exec determines qualifications

Step 8 Can repeat until RFI satisfied or rejected

Step 9 - Customer Srv- Once RFI is returned to applicant - can reply by fax, email or mail. Then returned to Licensing.

Step 12 - If qualifications need escalation, Licensing returns app to Compliance for review

Some applications have to be reviewed by Education - Eval 1