



TEXAS DEPARTMENT OF
LICENSING & REGULATION

ANNUAL REPORT FOR FISCAL YEAR 2020

Seeing a Brighter Future with
Common Sense Solutions



House Licensing and Administrative Procedures Committee — Rep. Senfronia Thompson, Chair
House Public Health Committee — Rep. Stephanie Klick, Chair
Senate Business and Commerce Committee — Sen. Kelly Hancock, Chair
Senate Health and Human Services Committee — Sen. Lois Kolkhorst, Chair

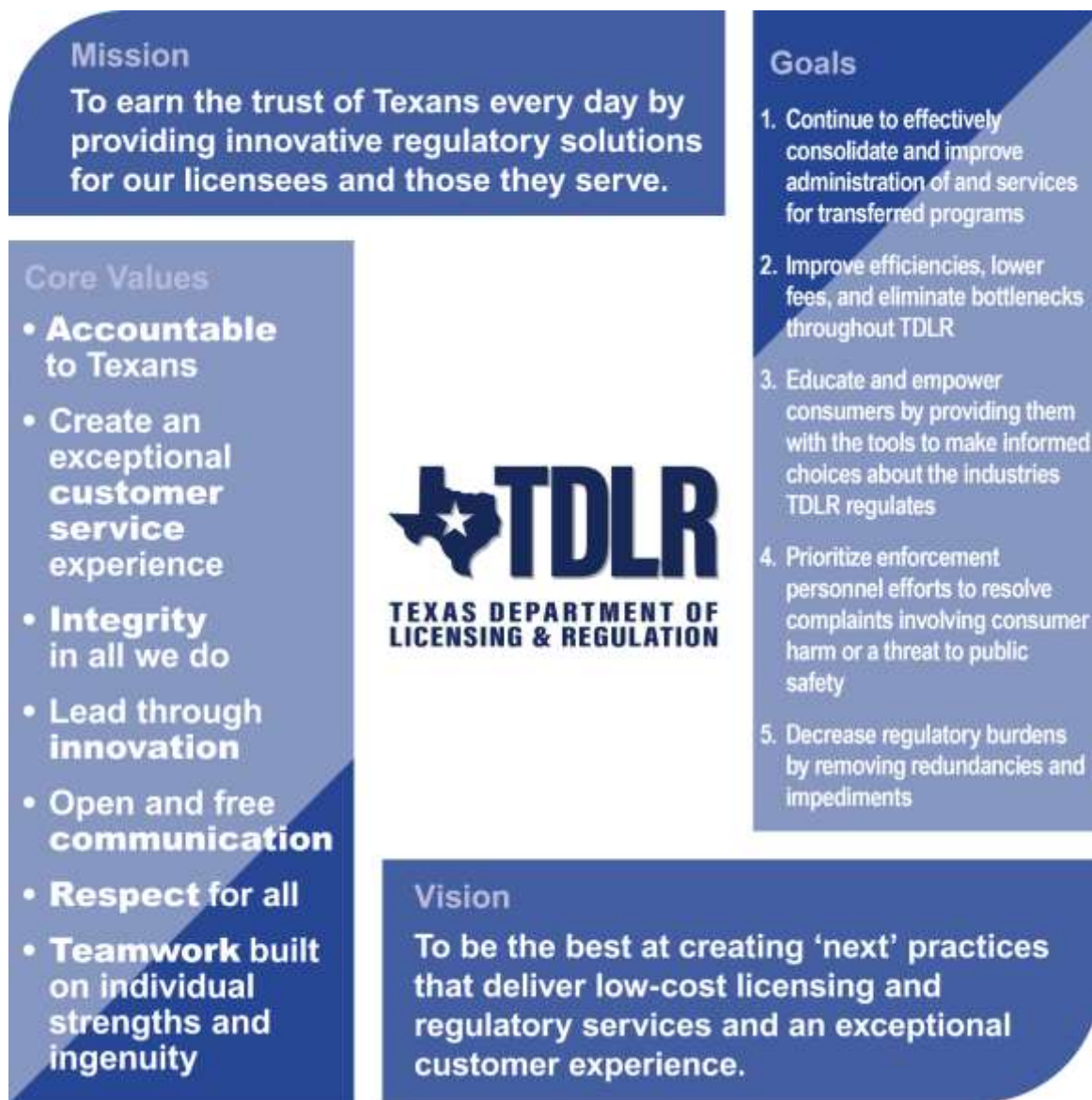
Table of Contents

- Guiding Principles.....3
- Executive Summary4
- Legislative Requirements4
- Number of Regulated Health Care Practitioners by County..... 5-6
- Revenue and Expenses Related to Health Care Practitioners7
- Unfunded Needs of the Agency.....7

Licensing and Complaint Data by Program: FY 2020

- Athletic Trainers8
- Behavior Analysts9
- Dietitians10
- Dyslexia Therapy11
- Hearing Instrument Fitters and Dispensers12
- Massage Therapy 13-14
- Midwives 15-16
- Orthotists and Prosthetists..... 17-18
- Podiatrists19
- Speech-Language Pathologists and Audiologists 20-21

Guiding Principles



TDLR

Brian Francis, Executive Director
Mike Arismendez, Deputy Executive Director
David Gonzales, Deputy Executive Director
Christina Kaiser, Deputy Executive Director

Texas Commission of Licensing & Regulation

Rick Figueroa, Chair
Thomas F. Butler, Vice-Chair
Gerald R. Callas, M.D., F.A.S.A.
Helen Callier

Nora Castañeda, M. Ed.
Joel Garza
Gary Wesson, D.D.S., M.S.

Executive Summary

This report is provided by the Texas Department of Licensing and Regulation (TDLR) in accordance with the requirements of Senate Bill 1058, Section 1, 81st Regular Session of the Texas Legislature, 2009. This is the third Annual Report submission by TDLR.

In 2015, Senate Bill 202 transferred 13 Department of State Health Services (DSHS) licensing programs to TDLR — seven in the 2016-17 biennium and six in the 2018-19 biennium. In 2017, licensing and regulation of the practice of podiatry transferred to TDLR from the Texas State Board of Podiatric Medical Examiners, with the passage of House Bill 3078 (85th Legislature). The 85th Legislature also created new licensing and regulation requirements for behavior analysts, with the passage of Senate Bill 589.

TDLR's successful consolidation of these diverse responsibilities can be credited to our motivated and engaged workforce who embrace change and live out TDLR's core values. We scale our work using a functionally-aligned business model, which removes program silos to eliminate redundancies and achieve greater productivity. Aligning resources across programs requires agility and open communication at all levels of the agency, and the success of this functional model is measured in better service, lower costs, and reduced fees for Texans.

With the addition of health-related programs, TDLR became a health occupation regulatory agency subject to the reporting requirements found in Occupations Code, Chapter 114. TDLR currently regulates 40 programs; however, for the purposes of this report and in accordance with the statutory reporting requirements, we are providing data only on those health occupation programs found in Chapter 114 that are regulated by the agency.

Legislative Requirements

Occupations Code, Chapter 114, requires the development and submission of this annual report.

“(a) Not later than February 1 of each year, each health occupation regulatory agency shall file a report with the chairs of the house and senate committees with primary oversight over the agency that includes the following:

- (1) the number of persons regulated by the agency;
- (2) the number of persons who became subject to regulation by the agency in the previous year;
- (3) the number of persons regulated by the agency by county;
- (4) a description of any complaints reported to the agency or a description of the complaint categories used by the agency and the number of complaints in each category;
- (5) the number of complaints investigated by the agency and a description of the final resolution of the complaints;
- (6) the amount of fees collected by the agency each year;
- (7) the expenses of the agency; and
- (8) any unfunded needs of the agency.”

Number of Regulated Health Care Practitioners by County

TDLR provides licensee data to the Texas Department of State Health Services (DSHS) Health Professions Resource Center. Except for the newly created Behavior Analyst Program, the Resource Center has created supply and distribution tables for state-licensed health professions in Texas. That information is available here: <http://www.dshs.state.tx.us/chs/hprc/health.shtm>.

The data provided includes the county name, county population, number of licensees in the county, ratio of population to licensees, ratio of licensees per 100,000 population, and an overall rank by county for the licensee to population ratio. TDLR is working with DSHS to include reporting of Behavior Analyst Program data.

Licensing for behavior analysts and assistant behavior analysts began at TDLR in June 2018. The chart on the following page lists the total number of behavior analysts and assistant behavior analysts by county through the end of fiscal year 2020. The chart also includes the total number of out of state licensees through the end of fiscal year 2020.

LICENSED BEHAVIOR ANALYSTS & ASSISTANT BEHAVIOR ANALYSTS BY COUNTY, FY 2020					
County	Total	County	Total	County	Total
Anderson	1	Gillespie	1	Nueces	12
Angelina	8	Grayson	4	Orange	2
Aransas	1	Gregg	1	Out of State	329
Bandera	2	Guadalupe	11	Parker	6
Bastrop	3	Hale	1	Parmer	1
Bell	50	Hamilton	1	Polk	2
Bexar	200	Hardeman	1	Potter	1
Blanco	1	Harris	324	Randall	2
Bowie	1	Hays	29	Rockwall	11
Brazoria	23	Henderson	2	Runnels	1
Brazos	13	Hidalgo	27	Scurry	1
Burleson	1	Hood	2	Shelby	1
Burnet	2	Hopkins	2	Smith	14
Caldwell	1	Hunt	4	Sterling	1
Callahan	1	Jasper	1	Sutton	1
Cameron	10	Jefferson	4	Swisher	1
Chambers	1	Johnson	4	Tarrant	135
Cherokee	1	Kaufman	4	Taylor	20
Collin	124	Kendall	5	Titus	1
Colorado	1	Kerr	4	Tom Green	16
Comal	12	Lampasas	2	Travis	276
Coryell	2	Lavaca	1	Trinity	1
Dallas	140	Lee	2	Val Verde	3
Dawson	1	Liberty	1	Van Zandt	2
Denton	188	Limestone	2	Victoria	3
Ector	1	Lubbock	29	Walker	1
El Paso	30	McLennan	38	Waller	2
Ellis	9	Medina	4	Washington	3
Erath	2	Midland	4	Webb	3
Falls	1	Milam	1	Wharton	2
Fisher	1	Montague	2	Wichita	14
Fort Bend	96	Montgomery	73	Williamson	109
Freestone	1	Morris	1	Wilson	3
Gaines	1	Nacogdoches	4	Wise	3
Galveston	15	Navarro	3		

Revenue and Expenses Related to Health Care Practitioners

Total fees collected by the agency for Chapter 114 health occupations programs during FY 2020:	\$4,847,070
Total agency expenses for Chapter 114 health occupations programs during FY 2020:	\$4,508,407

TDLR's functional alignment model creates efficiencies and savings by distributing work by purpose, not program. TDLR annually reviews licensing fees in comparison to program administration costs to ensure they are in balance and proposes fee reductions whenever warranted.

As part of TDLR's mission to deliver improved service to Texans at a lower cost, TDLR reduced and eliminated numerous fees for many of the transferred health occupation programs. Thanks to these reductions, Texas health professionals at TDLR kept more than \$2.4 million in their pockets through FY 2020.

Unfunded Needs of the Agency

TDLR does not currently have any unfunded needs.

Licensing and Complaint Data by Program: FY 2020

** Note: The number of total alleged violations may not match the number of opened complaints due to multiple alleged violations on a single complaint.*

ATHLETIC TRAINERS	
Total Number of Licensees	4,068
Athletic Trainer	4,056
Temporary Athletic Trainer	12
New Athletic Trainer	285
New Temporary Athletic Trainer	10
Athletic Trainer Renewed	1,704
Temporary Athletic Trainer Renewed	6
Complaint Resolution	
Cases Opened	27
Cases Closed	14
Average Time for Complaint Resolution	64 days
Percent of Cases Closed Under 6 Months	100%
Percent of Complaints Resulting in Disciplinary Action	7%
Total Alleged Violations*	21
Unlicensed Activity	13
Criminal History	7
Sexual Contact/Behavior	4
Code of Ethics	3
Case Outcomes and Penalties	
Commission Orders	0
Agreed Orders	1
Default Orders	0
Penalties Assessed	\$375
Penalties Collected	\$375
Licenses Revoked (Disciplinary)	0
Licenses Suspended	0
Licenses Denied, Suspended or Revoked based on Criminal History	0

BEHAVIOR ANALYSTS	
Total Number of Licensees	2,464
Behavior Analyst	2,326
Assistant Behavior Analyst	138
New Behavior Analyst	583
New Assistant Behavior Analyst	34
Behavior Analyst Licenses Renewed	1,226
Assistant Behavior Analyst Licenses Renewed	49
Complaint Resolution	
Cases Opened	35
Cases Closed	10
Average Time for Complaint Resolution	98 days
Percent of Cases Closed in Under Six Months	90%
Percent of Complaints Resulting in Disciplinary Action	0%
Total Alleged Violations*	36
Code of Ethics	33
Unlicensed Activity	2
Lacks Honesty/Trustworthiness/Integrity	1
Case Outcomes and Penalties	
Commission Orders	0
Agreed Orders	0
Default Orders	0
Penalties Assessed	\$0
Penalties Collected	\$0
Licenses Revoked (Disciplinary)	0
Licenses Suspended	0
Licenses Denied, Suspended or Revoked based on Criminal History	0
Warning Letters	1
Other Informal Resolutions	9

DIETITIANS	
Total Number of Licensees	6,397
Dietitian	6,397
Provisional Dietitian	0
New Dietitian	552
New Provisional Dietitian	0
Dietitian Renewed	2,615
Provisional Dietitian Renewed	0
Complaint Resolution	
Cases Opened	13
Cases Closed	5
Average Time for Complaint Resolution	106 days
Percent of Cases Closed Under Six Months	80%
Percent of Complaints Resulting in Disciplinary Action	0%
Total Alleged Violations*	12
Code of Ethics Violations	5
Criminal History	3
False, Misleading or Deceptive Advertising	2
Alcohol or Drug Abuse	1
Unlicensed Activity	1
Case Outcomes and Penalties	
Commission Orders	0
Agreed Orders	0
Default Orders	0
Penalties Assessed	\$0
Penalties Collected	\$0
Licenses Revoked (Disciplinary)	0
Licenses Suspended	0
Licenses Denied/Revoked (Criminal History)	0
Cease and Desist Orders	0
Other Informal Resolutions	5

DYSLEXIA THERAPY	
Total Number of Licensees	994
Dyslexia Therapist	933
Dyslexia Practitioner	61
New Dyslexia Therapist	74
New Dyslexia Practitioner	7
Dyslexia Therapist Renewed	370
Dyslexia Practitioner Renewed	27
Complaint Resolution	
Cases Opened	0
Cases Closed	0
Average Time for Complaint Resolution	0 days
Percent of Cases Closed Under Six Months	0%
Percent of Complaints Resulting in Disciplinary Action	0%
Total Alleged Violations*	0
Case Outcomes and Penalties	
Commission Orders	0
Agreed Orders	0
Default Orders	0
Penalties Assessed	\$0
Penalties Collected	\$0
Licenses Revoked (Disciplinary)	0
Licenses Suspended	0

HEARING INSTRUMENT FITTERS AND DISPENSERS	
Total Number of Licensees	839
Hearing Instrument Fitter/Dispenser	686
Apprentice Permit	43
Temporary Training Permit	110
New Hearing Instrument Fitter/Dispenser	44
New Apprentice Permit	40
New Temporary Training Permit	65
Hearing Instrument Fitter/Dispenser Renewed	282
Apprentice Permit Renewed	4
Temporary Training Permit Renewed	51
Complaint Resolution	
Cases Opened	35
Cases Closed	12
Average Time for Complaint Resolution	106 days
Percent of Cases Closed in Under Six Months	67%
Percent of Complaints Resulting in Disciplinary Action	17%
Total Alleged Violations*	38
False, Misleading and Deceptive Advertising	12
Unprofessional Conduct	8
Criminal History	5
Late, Incorrect or No Refund	5
Lacks Honesty/Trustworthiness/Integrity	3
Expired License	2
Records Violation	1
Unethical Conduct	1
Unlicensed Activity	1
Case Outcomes and Penalties	
Commission Orders	0
Agreed Orders	0
Default Orders	0
Penalties Assessed	\$0
Penalties Collected	\$0
Licenses Denied, Suspended or Revoked based on Criminal History	2
Warning Letters	1
Other Informal Resolutions	9
Consumer Restitution	\$0

MASSAGE THERAPY	
Total Number of Licensees	28,817
Massage Therapist	24,940
Massage Therapy Instructor	1,417
Massage Establishment	2,033
Massage School	54
Approved Continuing Education Providers	373
New Massage Therapist	1,247
New Massage Therapy Instructor	132
New Massage Establishment	331
New Massage School	11
New Continuing Education Providers Approved	22
Massage Therapist Renewed	9,962
Massage Therapy Instructor Renewed	598
Massage Establishment Renewed	483
Massage School Renewed	20
Continuing Education Provider Approvals Renewed	168
Complaint Resolution	
Cases Opened	906
Cases Closed	868
Average Time for Complaint Resolution	191 days
Percent of Cases Closed in Under Six Months	57%
Percent of Complaints Resulting in Disciplinary Action	25%
Total Alleged Violations*	1,105
Criminal History	200
Unlicensed Establishment	177
Sexual Misconduct	147
Unlicensed Therapist	140
Consultation Document	64
Allowed Unlicensed Therapist	48
Failed to Separate Residential/Sleeping Quarters	37
Advertising Violation	37
Failed to Maintain Employee Records	35
Sanitation	33
Expired Establishment License	20
Ethics Violation	19
Violation of Disaster Ordinance or Order	19
Sexual Assault	17

MASSAGE THERAPY cont.	
Failed to Display License	15
Does not Meet Minimum Requirements	9
Improper Technique	8
School Curriculum	8
Expired Massage Therapist License	8
Fraud, Deceit, Negligence or Incompetence	8
Allowed Nude or Inappropriate Clothes	8
Violated Local Order or Ordinance	7
No Complaint Sign Posted	7
Failed to Cooperate with Department	5
School Failed to Maintain Records	5
Unlicensed School	4
School Attendance	4
Practiced in Unlicensed Facility	3
School Student Grievance	3
Failed to Notify Ownership Change	2
Failed to pay Dishonored Check	2
Failed to Comply with an Order	2
No Instructor Present at School	1
Exceeded Scope of License	1
School Internship Violation	1
Failed to Terminate Absentee Student	1
Case Outcomes and Penalties	
Commission Orders	4
Agreed Orders	174
Default Orders	13
Penalties Assessed	\$474,840
Penalties Collected	\$392,065.06
Licenses Revoked (Disciplinary)	20
Licenses Suspended	0
Licenses Denied, Suspended or Revoked based on Criminal History	38
Cease and Desist	13
Warning Letters	166
Other Informal Resolutions	480
Consumer Restitution	\$4,500

MIDWIVES	
Total Number of Licensees	325
Midwife	322
Retired Midwife	0
Midwifery School	3
New Midwife	32
New Retired Midwife	0
New Midwifery School	0
Midwife Renewed	122
Retired Midwife Renewed	0
Midwifery School Renewed	1
Complaint Resolution	
Cases Opened	18
Cases Closed	13
Average Time for Complaint Resolution	240 days
Percent of Cases Closed in Under Six Months	54%
Percent of Complaints Resulting in Disciplinary Action	23%
Total Alleged Violations at Opening*	25
Lack of Personal/Professional Character	9
Failed to Assess	4
Unlicensed	3
Lacks Honesty, Trustworthiness and Integrity	2
Failed to Submit Records/Investigation	2
No/Incomplete/Wrong Protocols	2
Criminal History	1
Failed to Provide Information to Client	1
Unsafe or Unclean Environment	1
Case Outcomes and Penalties	
Commission Orders	0
Agreed Orders	3
Default Orders	0
Penalties Assessed	\$4,375
Penalties Collected	\$4,375
Licenses Revoked (Disciplinary)	0
Licenses Suspended	0

MIDWIVES cont.	
Licenses Denied, Suspended or Revoked based on Criminal History	0
Cease & Desist Orders	1
Other Informal Resolutions	10

ORTHOTISTS AND PROSTHETISTS	
Total Number of Licensees	913
Orthotist	115
Prosthetist	91
Orthotist and Prosthetist	290
Orthotic Student	11
Prosthetic Student	16
Orthotic and Prosthetic Student	60
Temporary Orthotist	0
Temporary Prosthetist	0
Temporary Orthotist and Prosthetist	2
Orthotist Assistant	27
Prosthetist Assistant	11
Orthotist and Prosthetist Assistant	21
Orthotic Facility	20
Prosthetic Facility	33
Orthotic and Prosthetic Facility	216
New Orthotist	8
New Prosthetist	6
New Orthotist and Prosthetist	18
New Orthotic Student	4
New Prosthetic Student	4
New Orthotic and Prosthetic Student	29
New Temporary Orthotist	0
New Temporary Prosthetist	0
New Temporary Orthotist and Prosthetist	2
New Orthotist Assistant	2
New Prosthetist Assistant	1
New Orthotist and Prosthetist Assistant	3
New Orthotic Facility	2
New Prosthetic Facility	7
New Orthotic and Prosthetic Facility	13
Orthotist Renewed	34
Prosthetist Renewed	32
Orthotists and Prosthetist Renewed	113
Orthotic Student Renewed	0
Prosthetic Student Renewed	1
Orthotic and Prosthetic Student Renewed	2
Temporary Orthotist Renewed	0
Temporary Prosthetist Renewed	0

ORTHOTISTS AND PROSTHETISTS cont.	
Temporary Orthotist and Prosthetist Renewed	2
Orthotist Assistant Renewed	9
Prosthetist Assistant Renewed	4
Orthotist and Prosthetist Assistant Renewed	7
Orthotic Facility Renewed	5
Prosthetic Facility Renewed	8
Orthotic and Prosthetic Facility	79
Complaint Resolution	
Cases Opened	13
Cases Closed	12
Average Time for Complaint Resolution	92 days
Percent of Cases Closed in Under Six Months	83%
Percent of Complaints Resulting in Disciplinary Action	8%
Total Alleged Violations*	18
Expired License	7
Employed Unlicensed/License Expired Individuals	3
Fraud or Deceit in Services Provided	2
Lacks Honesty, Trustworthiness and Integrity	1
Operating Without a License	1
Gross Negligence or Malpractice	1
Failed to Display Practitioner License	1
Unprofessional or Unethical Conduct	1
Failed to Display Complaint Sign	1
Case Outcomes and Penalties	
Commission Orders	0
Agreed Orders	1
Default Orders	0
Penalties Assessed	\$750
Penalties Collected	\$750
Licenses Revoked (Disciplinary)	0
Licenses Suspended	0
Licenses Denied, Suspended or Revoked based on Criminal History	0
Cease and Desist Orders	0
Warning Letters	8
Other Informal Resolutions	3

PODIATRISTS	
Total Number of Licensees	1,568
Doctor of Podiatric Medicine	1,157
Radiological Technician	411
New Doctor of Podiatric Medicine	89
New Radiological Technician	88
Doctor of Podiatric Medicine Renewed	1,129
Radiological Technician Renewed	342
Complaint Resolution	
Cases Opened	61
Cases Closed	73
Average Time for Complaint Resolution	351 days
Percent of Cases Closed in Under Six Months	30%
Percent of Complaints Resulting in Disciplinary Action	7%
Total Alleged Violations*	66
Gross Negligence or Malpractice	34
Unprofessional/Unethical Conduct	17
Criminal History	6
Fraud/Deceit in Services Provided	4
False, Misleading or Deceptive Advertising	2
Continuing Medical Education Violation	1
Practicing Without a License	1
Sexual Misconduct with Patient or Client	1
Case Outcomes and Penalties	
Commission Orders	1
Agreed Orders	8
Default Orders	0
Penalties Assessed	\$12,375
Penalties Collected	\$12,375
Licenses Revoked (Disciplinary)	0
Licenses Suspended	0
Licenses Denied, Suspended or Revoked based on Criminal History	1
Warning Letters	6
Other Informal Resolutions	58

SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS	
Total Number of Licensees	22,567
Speech-Language Pathologist	15,941
Speech-Language Pathologist Intern	868
Speech-Language Pathologist Assistant	4,214
Audiologist	1,453
Audiologist Intern	52
Audiologist Assistant	39
New Speech-Language Pathologist	1060
New Speech-Language Pathologist Intern	733
New Speech-Language Pathologist Assistant	341
New Audiologist	89
New Audiologist Intern	44
New Audiologist Assistant	12
Speech-Language Pathologist Renewed	6,618
Speech-Language Pathologist Intern Renewed	602
Speech-Language Pathologist Assistant Renewed	1,708
Audiologist Renewed	624
Audiologist Intern Renewed	44
Audiologist Assistant Renewed	9
Complaint Resolution	
Cases Opened	81
Cases Closed	44
Average Time for Complaint Resolution	84 days
Percent of Cases Closed in Under Six Months	84%
Percent of Complaints Resulting in Disciplinary Action	9%
Total Alleged Violations*	97
Code of Ethics	30
Billed for Services Not Provided	18
Practicing Without a License	16
Falsified Records	12
Criminal History	11
Failed to Maintain Records	4
Unprofessional Conduct	2
Failed to Comply with an Order	1
Lacks Honesty, Trustworthiness and Integrity	1
Medical Evaluation/Waiver Violation	1
Supervision Violation	1

SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS cont.	
Case Outcomes and Penalties	
Commission Orders	0
Default Orders	0
Agreed Orders	3
Penalties Assessed	\$4,250
Penalties Collected	\$1,850
Licenses Revoked (Disciplinary)	0
Licenses Suspended	0
Licenses Denied, Suspended or Revoked based on Criminal History	1
Cease and Desist Orders	0
Warning Letters	2
Other Informal Resolutions	38