





**TEXAS DEPARTMENT OF
LICENSING & REGULATION**

HEALTH OCCUPATIONS ANNUAL REPORT FOR FISCAL YEAR 2021



House Licensing and Administrative Procedures Committee – Rep. Senfronia Thompson, Chair
House Public Health Committee – Rep. Stephanie Klick, Chair
Senate Committee on Business and Commerce – Sen. Charles Schwertner, Chair
Senate Committee on Health and Human Services – Sen. Lois Kolkhorst, Chair

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Guiding Principles

Mission

To earn the trust of Texans every day by providing innovative regulatory solutions for our licensees and those they serve.

Core Values

- **Accountable** to Texans
- Create an exceptional **customer service** experience
- **Integrity** in all we do
- Lead through **innovation**
- Open and free **communication**
- **Respect** for all
- **Teamwork** built on individual strengths and ingenuity



Goals

1. Continue to effectively consolidate and improve administration of and services for transferred programs
2. Improve efficiencies, lower fees, and eliminate bottlenecks throughout TDLR
3. Educate and empower consumers by providing them with the tools to make informed choices about the industries TDLR regulates
4. Prioritize enforcement personnel efforts to resolve complaints involving consumer harm or a threat to public safety
5. Decrease regulatory burdens by removing redundancies and impediments

Vision

To be the best at creating 'next' practices that deliver low-cost licensing and regulatory services and an exceptional customer experience.

TDLR

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

Texas Commission of Licensing & Regulation

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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.

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 licensing and regulation requirements for Behavior Analysts, with the passage of Senate Bill 589.

TDLR's successful implementation of our increasingly diverse responsibilities comes from our motivated and engaged workforce who embrace TDLR's core values and dynamic change. 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 that is subject to the reporting requirements found in Occupations Code, Chapter 114. TDLR currently regulates 38 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. 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 recently worked with DSHS to include reporting of Behavior Analyst data. We are happy to report that it is now included.

Revenue and Expenses Related to Health Care Practitioners

Total fees collected by the agency for Chapter 114 health occupations programs during FY 2021:	\$5,529,494
Total agency expenses for Chapter 114 health occupations programs during FY 2021:	\$5,807,144

Like all agencies, TDLR operates on a two-year budget; comparing program fees and expenditures like the numbers listed above based solely on a one-year look can lead to inaccurate assumptions. Additional factors such as number of licenses issued, and two-year license terms also vary fee and expenditure amounts over a one-year period.

TDLR's functional alignment model creates efficiencies and savings by distributing work by purpose, not program. TDLR reviews licensing fees in comparison to program administration costs to ensure they are in balance and proposes fee reductions whenever warranted. With four years of revenue and expense data to use for budget projections, we will now begin applying revenue-neutral budget adjustment principles to licensing fee amounts in the health professions programs.

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 \$3.8 million in their pockets through FY 2021.

Unfunded Needs of the Agency

TDLR does not have any unfunded needs.

Licensing and Complaint Data by Program: FY 2021

** Note: The number of total alleged violations may not match the number of opened complaints if multiple alleged violations are included in a single complaint.*

ATHLETIC TRAINERS	
Total Number of Licensees	4,294
Athletic Trainer	4,288
Temporary Athletic Trainer	6
Total Number of New Licenses Issued	438
Athletic Trainer	424
Temporary Athletic Trainer	14
Total Number of Renewed Licenses	1,906
Athletic Trainer	1,906
Temporary Athletic Trainer	0
Complaint Resolution	
Cases Opened	8
Cases Closed	20
Average Time for Complaint Resolution	222 days
Percent of Cases Closed in Under Six Months	40%
Percent of Complaints Resulting in Disciplinary Action	5%
Total Alleged Violations*	8
Unlicensed Activity	6
Code of Ethics	2
Case Outcomes and Penalties	
Commission Orders	1
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	1
Warning Letters	1
Other Informal Resolutions	18

BEHAVIOR ANALYSTS	
Total Number of Licensees	3,142
Behavior Analyst	2,980
Assistant Behavior Analyst	162
Total Number of New Licenses Issued	803
Behavior Analyst	750
Assistant Behavior Analyst	53
Total Number of Renewed Licenses	474
Behavior Analyst Licenses	448
Assistant Behavior Analyst Licenses	26
Complaint Resolution	
Cases Opened	41
Cases Closed	43
Average Time for Complaint Resolution	188 days
Percent of Cases Closed in Under Six Months	56%
Percent of Complaints Resulting in Disciplinary Action	0%
Total Alleged Violations*	48
Code of Ethics	37
Unlicensed Activity	8
Criminal History	3
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	42

DIETITIANS	
Total Number of Licensees	6,692
Dietitian	6,692
Provisional Dietitian	0
Total Number of New Licenses Issued	588
Dietitian	588
Provisional Dietitian	0
Total Number of Renewed Licenses	3,027
Dietitian	3,027
Provisional Dietitian	0
Complaint Resolution	
Cases Opened	14
Cases Closed	17
Average Time for Complaint Resolution	162 days
Percent of Cases Closed in Under Six Months	53%
Percent of Complaints Resulting in Disciplinary Action	6%
Total Alleged Violations*	15
Criminal History	6
Code of Ethics Violations	4
Unlicensed Activity	2
False, Misleading or Deceptive Advertising	2
Expired License	1
Case Outcomes and Penalties	
Commission Orders	0
Agreed Orders	1
Default Orders	0
Penalties Assessed	\$750.00
Penalties Collected	\$750.00
Licenses Revoked (Disciplinary)	0
Licenses Suspended	0
Licenses Denied, Suspended or Revoked Based on Criminal History	0
Cease and Desist Orders	0
Other Informal Resolutions	15
Warning Letters	1

DYSLEXIA THERAPY	
Total Number of Licensees	1,046
Dyslexia Therapist	982
Dyslexia Practitioner	64
Total Number of New Licenses Issued	134
Dyslexia Therapist	122
Dyslexia Practitioner	12
Total Number of Renewed Licenses	439
Dyslexia Therapist	419
Dyslexia Practitioner	20
Complaint Resolution	
Cases Opened	0
Cases Closed	0
Average Time for Complaint Resolution	0 days
Percent of Cases Closed in 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	844
Hearing Instrument Fitter/Dispenser	689
Apprentice Permit	49
Temporary Training Permit	106
Total Number of New Licenses Issued	185
Hearing Instrument Fitter/Dispenser	56
Apprentice Permit	43
Temporary Training Permit	86
Total Number of Renewed Licenses	388
Hearing Instrument Fitter/Dispenser	350
Apprentice Permit	8
Temporary Training Permit	30
Complaint Resolution	
Cases Opened	12
Cases Closed	32
Average Time for Complaint Resolution	210 days
Percent of Cases Closed in Under Six Months	47%
Percent of Complaints Resulting in Disciplinary Action	0%
Total Alleged Violations*	14
Late, Incorrect or No Refund	5
False, Misleading and Deceptive Advertising	3
Criminal History	2
Unlicensed Activity	1
Unethical Conduct	1
Employed Unlicensed or Expired License	1
Records Violation	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	0
Warning Letters	3
Other Informal Resolutions	29
Consumer Restitution	\$0

MASSAGE THERAPY	
Total Number of Licensees	29,098
Massage Therapist	25,178
Massage Therapy Instructor	1,388
Massage Establishment	2,077
Massage School	62
Continuing Education Provider	393
Total Number of New Licenses Issued	2,356
Massage Therapist	1,648
Massage Therapy Instructor	175
Massage Establishment	496
Massage School	6
Continuing Education Provider	31
Total Number of Renewed Licenses	13,713
Massage Therapist	12,349
Massage Therapy Instructor	475
Massage Establishment	691
Massage School	27
Continuing Education Provider	171
Complaint Resolution	
Cases Opened	904
Cases Closed	869
Average Time for Complaint Resolution	221 days
Percent of Cases Closed in Under Six Months	54%
Percent of Complaints Resulting in Disciplinary Action	24%
Total Alleged Violations*	1,321
Unlicensed Establishment	221
Criminal History	186
Unlicensed Therapist	166
Sexual Misconduct	162
Consultation Document	84
Allowed Unlicensed Individual or Expired License	83
Failed to Maintain Employee Records	54
Allowed Person to Reside on Premises	46
Sexual Assault	39
Expired Establishment License	35
Failed to Separate Residential or Sleep Quarters	33

MASSAGE THERAPY cont.	
Practice in Unlicensed Facility	26
Advertising Violation	22
Ethics Violation	20
Unlicensed School	16
Failure to Display License	16
Sanitation	15
School Internship	11
Expired Therapist License	11
Allowed Nude or Inappropriate Clothes	9
Improper Technique	9
Failed to Cooperate with Department	8
Fraud, Deceit, Negligence, or Incompetence	7
School Failed to Maintain Records	6
Obtained License by Fraud	6
Failed to Honor Gift Certificate	5
No Complaint Sign Posted	5
Student Received Compensation	3
Provide False Information to Department	3
Expired School License	2
Submitted False Documents with Application	2
School Student Grievance	2
Failed to Notify of Ownership Change	2
Violation of Disaster Ordinance or Order	1
Failed to Terminate Absentee Student	1
Failed to Drape	1
Failed to Comply with an Order	1
Lacks Honesty, Trustworthiness, and Integrity	1
School Attendance	1
Case Outcomes and Penalties	
Commission Orders	9
Agreed Orders	135
Default Orders	47
Penalties Assessed	\$640,375
Penalties Collected	\$295,337.95
Licenses Revoked (Disciplinary)	43
Licenses Suspended	0
Licenses Denied, Suspended or Revoked Based on Criminal History	33
Cease and Desist	11
Warning Letters	195
Other Informal Resolutions	454
Consumer Restitution	\$0

MIDWIVES	
Total Number of Licensees	330
Midwife	327
Retired Midwife	0
Midwifery School	3
Total Number of New Licenses Issued	34
Midwife	34
Retired Midwife	0
Midwifery School	0
Total Number of Renewed Licenses	144
Midwife	144
Retired Midwife	0
Midwifery School	0
Complaint Resolution	
Cases Opened	22
Cases Closed	17
Average Time for Complaint Resolution	236 days
Percent of Cases Closed in Under Six Months	24%
Percent of Complaints Resulting in Disciplinary Action	18%
Total Alleged Violations at Opening*	25
No, Incomplete, or Wrong Protocols	9
Lack of Personal/Professional Character	4
Failed to Follow Instrument or Emergency Protocol	3
Failed to Provide Information to Client	3
Criminal History	2
Unlicensed	1
No, Incomplete, or Wrong Records	1
Failed to Comply with an Order	1
Failed to Maintain Prescription Standing Orders	1
Case Outcomes and Penalties	
Commission Orders	1
Agreed Orders	1
Default Orders	1
Penalties Assessed	\$16,500
Penalties Collected	\$3,000
Licenses Revoked (Disciplinary)	1

MIDWIVES cont.	
Licenses Suspended	0
Licenses Denied, Suspended or Revoked Based on Criminal History	0
Cease & Desist Orders	0
Other Informal Resolutions	13
Warning Letters	1

ORTHOTISTS AND PROSTHETISTS	
Total Number of Licensees	933
Orthotist	107
Prosthetist	92
Orthotist and Prosthetist	317
Orthotic Student	16
Prosthetic Student	16
Orthotic and Prosthetic Student	62
Temporary Orthotist	0
Temporary Prosthetist	0
Temporary Orthotist and Prosthetist	0
Orthotist Assistant	25
Prosthetist Assistant	11
Orthotist and Prosthetist Assistant	26
Orthotic Facility	16
Prosthetic Facility	32
Orthotic and Prosthetic Facility	213
Total Number of New Licenses Issued	130
Orthotist	5
Prosthetist	9
Orthotist and Prosthetist	27
Orthotic Student	6
Prosthetic Student	5
Orthotic and Prosthetic Student	31
Temporary Orthotist	0
Temporary Prosthetist	0
Temporary Orthotist and Prosthetist	0
Orthotist Assistant	2
Prosthetist Assistant	1
Orthotist and Prosthetist Assistant	6
Orthotic Facility	1
Prosthetic Facility	3
Orthotic and Prosthetic Facility	34
Total Number of Renewed Licenses	415
Orthotist	70
Prosthetist	52
Orthotists and Prosthetist	153
Orthotic Student	1
Prosthetic Student	0
Orthotic and Prosthetic Student	2
Temporary Orthotist	0
Temporary Prosthetist	0

ORTHOTISTS AND PROSTHETISTS cont.	
Temporary Orthotist and Prosthetist	0
Orthotist Assistant	11
Prosthetist Assistant	4
Orthotist and Prosthetist Assistant	10
Orthotic Facility	10
Prosthetic Facility	14
Orthotic and Prosthetic Facility	88
Complaint Resolution	
Cases Opened	9
Cases Closed	11
Average Time for Complaint Resolution	528 days
Percent of Cases Closed in Under Six Months	27%
Percent of Complaints Resulting in Disciplinary Action	18%
Total Alleged Violations*	11
Unprofessional or Unethical Conduct	3
Criminal History	2
Employed Unlicensed/License Expired Individuals	2
Lack Honesty, Trustworthiness, and Integrity	1
Student without Appropriate Supervision	1
Operating without a License	1
Gross Negligence or Malpractice	1
Case Outcomes and Penalties	
Commission Orders	0
Agreed Orders	3
Default Orders	0
Penalties Assessed	\$30,500
Penalties Collected	\$30,500
Licenses Revoked (Disciplinary)	0
Licenses Suspended	0
Licenses Denied, Suspended or Revoked Based on Criminal History	0
Cease and Desist Orders	0
Warning Letters	0
Other Informal Resolutions	8

PODIATRISTS	
Total Number of Licensees	1,481
Doctor of Podiatric Medicine	1,198
Radiological Technician	283
Total Number of New Licenses Issued	102
Doctor of Podiatric Medicine	61
Radiological Technician	41
Total Number of Renewed Licenses	730
Doctor of Podiatric Medicine	481
Radiological Technician	249
Complaint Resolution	
Cases Opened	44
Cases Closed	64
Average Time for Complaint Resolution	319 days
Percent of Cases Closed in Under Six Months	27%
Percent of Complaints Resulting in Disciplinary Action	8%
Total Alleged Violations*	49
Gross Negligence or Malpractice	18
Unprofessional/Unethical Conduct	15
Fraud/Deceit in Services Provided	5
Violation of Disaster Ordinance or Order	3
Criminal History	2
False, Misleading or Deceptive Advertising	2
Sexual Misconduct with Patient or Client	2
Lacks Honesty, Trustworthiness, and Integrity	1
Practice While Incapacitated	1
Case Outcomes and Penalties	
Commission Orders	1
Agreed Orders	3
Default Orders	0
Penalties Assessed	\$7,500
Penalties Collected	\$3,000
Licenses Revoked (Disciplinary)	1
Licenses Suspended	0
Licenses Denied, Suspended or Revoked Based on Criminal History	1
Warning Letters	2
Other Informal Resolutions	57

SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS	
Total Number of Licensees	23,834
Speech-Language Pathologist	16,814
Speech-Language Pathologist Intern	1,036
Speech-Language Pathologist Assistant	4,393
Audiologist	1,506
Audiologist Intern	51
Audiologist Assistant	34
Total Number of New Licenses Issued	3,074
Speech-Language Pathologist	1,340
Speech-Language Pathologist Intern	1,036
Speech-Language Pathologist Assistant	543
Audiologist	102
Audiologist Intern	47
Audiologist Assistant	6
Total Number of Renewed Licenses	10,536
Speech-Language Pathologist	7,822
Speech-Language Pathologist Intern	149
Speech-Language Pathologist Assistant	1,839
Audiologist	709
Audiologist Intern	9
Audiologist Assistant	8
Complaint Resolution	
Cases Opened	59
Cases Closed	74
Average Time for Complaint Resolution	215 days
Percent of Cases Closed in Under Six Months	45%
Percent of Complaints Resulting in Disciplinary Action	8%
Total Alleged Violations*	69
Code of Ethics	29
Falsified Records	12
Billed for Services Not Provided	7
Criminal History	6
Failed to Maintain Records	5
Practicing without a License	4
Medical Evaluation/Waiver Violation	2
Lacks Honesty, Trustworthiness, and Integrity	1
Supervision Violation	1
Failed to Comply with an Order	1
Violation of Disaster Ordinance or Order	1

SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS cont.	
Case Outcomes and Penalties	
Commission Orders	1
Default Orders	1
Agreed Orders	4
Penalties Assessed	\$7,125
Penalties Collected	\$5,325
Licenses Revoked (Disciplinary)	0
Licenses Suspended	0
Licenses Denied, Suspended or Revoked Based on Criminal History	1
Cease and Desist Orders	0
Warning Letters	9
Other Informal Resolutions	59