



**TEXAS DEPARTMENT OF
LICENSING & REGULATION**

HEALTH OCCUPATIONS ANNUAL REPORT FOR FISCAL YEAR 2023

House Licensing and Administrative Procedures Committee – Rep. Ken King, 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



TDLR

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Steve Bruno, Deputy Executive Director
Brandy Myers, 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.

Revenue and Expenses Related to Health Care Practitioners

Total fees collected by the agency for Chapter 114 health occupations programs during FY 2023:	\$5,675,879
Total agency expenses for Chapter 114 health occupations programs during FY 2023:	\$4,924,361

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 five years of revenue and expense data to use for budget projections, we can apply 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 \$7.5 million in their pockets through FY 2023.

Unfunded Needs of the Agency

TDLR does not have any unfunded needs.

Licensing and Complaint Data by Program: FY 2023

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

ATHLETIC TRAINERS	
Total Number of Licensees	4,363
Athletic Trainer	4,350
Temporary Athletic Trainer	13
New Athletic Trainer	331
New Temporary Athletic Trainer	23
Athletic Trainer Renewed	1,970
Temporary Athletic Trainer Renewed	0
Complaint Resolution	
Complaints Received	414
Cases Opened	20
Cases Closed	16
Average Time for Case Resolution	60 days
Percent of Cases Closed Within Six Months	94%
Percent of Cases Resulting in Disciplinary Action	19%
Total Alleged Violations*	21
Unlicensed activity	7
Code of ethics violation	6
Expired license	3
Criminal history	2
Failed to pay dishonored check	2
Sexual contact or behavior	1
Case Outcomes and Penalties	
Commission Orders	0
Default Orders	1
Agreed Orders	2
Penalties Assessed	\$450
Penalties Collected	\$450
Licenses Revoked (Disciplinary)	1
Licenses Suspended (Disciplinary)	0
Licenses Denied, Suspended, or Revoked (Criminal History)	0
Warning Letters	0
Other Informal Resolutions	13
Consumer Restitution	0

BEHAVIOR ANALYSTS	
Total Number of Licensees	4,491
Behavior Analyst	4,327
Assistant Behavior Analyst	164
New Behavior Analyst	865
New Assistant Behavior Analyst	43
Behavior Analyst Licenses Renewed	1,013
Assistant Behavior Analyst Licenses Renewed	43
Complaint Resolution	
Complaints Received	197
Cases Opened	70
Cases Closed	48
Average Time for Case Resolution	102 days
Percent of Cases Closed Within Six Months	85%
Percent of Cases Resulting in Disciplinary Action	0%
Total Alleged Violations*	76
Code of ethics violation	63
Unlicensed activity	9
Criminal history	3
Failed to pay dishonored check	1
Case Outcomes and Penalties	
Commission Orders	0
Default Orders	0
Agreed Orders	0
Penalties Assessed	\$0
Penalties Collected	\$0
Licenses Revoked (Disciplinary)	0
Licenses Suspended (Disciplinary)	0
Licenses Denied, Suspended, or Revoked (Criminal History)	0
Warning Letters	3
Other Informal Resolutions	45
Consumer Restitution	0

DIETITIANS	
Total Number of Licensees	7,626
Dietitian	7,626
Provisional Dietitian	0
New Dietitian	977
New Provisional Dietitian	0
Dietitian Renewed	3,246
Provisional Dietitian Renewed	0
Complaint Resolution	
Complaints Received	416
Cases Opened	7
Cases Closed	9
Average Time for Case Resolution	115 days
Percent of Cases Closed Within Six Months	67%
Percent of Cases Resulting in Disciplinary Action	0%
Total Alleged Violations*	8
Criminal history	3
Unlicensed	3
Code of ethics violation	2
Case Outcomes and Penalties	
Commission Orders	0
Default Orders	0
Agreed Orders	0
Penalties Assessed	\$0
Penalties Collected	\$0
Licenses Revoked (Disciplinary)	0
Licenses Suspended (Disciplinary)	0
Licenses Denied, Suspended, or Revoked (Criminal History)	0
Warning Letters	1
Other Informal Resolutions	8
Consumer Restitution	0

DYSLEXIA THERAPISTS	
Total Number of Licensees	1,116
Dyslexia Therapist	1,039
Dyslexia Practitioner	77
New Dyslexia Therapist	137
New Dyslexia Practitioner	25
Dyslexia Therapist Renewed	477
Dyslexia Practitioner Renewed	24
Complaint Resolution	
Complaints Received	74
Cases Opened	1
Cases Closed	1
Average Time for Case Resolution	14 days
Percent of Cases Closed Within Six Months	100%
Percent of Cases Resulting in Disciplinary Action	0%
Total Alleged Violations*	1
Criminal history	1
Case Outcomes and Penalties	
Commission Orders	0
Default Orders	0
Agreed Orders	0
Penalties Assessed	\$0
Penalties Collected	\$0
Licenses Revoked (Disciplinary)	0
Licenses Suspended (Disciplinary)	0
Licenses Denied, Suspended, or Revoked (Criminal History)	0
Warning Letters	0
Other Informal Resolutions	1
Consumer Restitution	0

HEARING INSTRUMENT FITTERS AND DISPENSERS	
Total Number of Licensees	879
Hearing Instrument Fitter/Dispenser	706
Apprentice Permit	43
Temporary Training Permit	110
Approved Continuing Education Providers	20
New Hearing Instrument Fitter/Dispenser	62
New Apprentice Permit	41
New Temporary Training Permit	80
New Continuing Education Providers Approved	0
Hearing Instrument Fitter/Dispenser Renewed	326
Apprentice Permit Renewed	7
Temporary Training Permit Renewed	37
Continuing Education Provider Approvals Renewed	18
Complaint Resolution	
Complaints Received	121
Cases Opened	18
Cases Closed	15
Average Time for Case Resolution	104 days
Percent of Cases Closed Within Six Months	80%
Percent of Cases Resulting in Disciplinary Action	0%
Total Alleged Violations*	23
Late, incorrect, or no refund	8
False, misleading, and deceptive advertisements	4
Unprofessional conduct	3
Records violation	2
Expired license	2
Contract missing required information	1
Unethical conduct	1
Criminal history	1
Failed to pay dishonored check	1
Case Outcomes and Penalties	
Commission Orders	0
Default Orders	0
Agreed Orders	0
Penalties Assessed	\$0
Penalties Collected	\$0
Licenses Revoked (Disciplinary)	0

HEARING INSTRUMENT FITTERS AND DISPENSERS (continued)	
Licenses Suspended (Disciplinary)	0
Licenses Denied, Suspended, or Revoked (Criminal History)	0
Warning Letters	0
Other Informal Resolutions	15
Consumer Restitution	0

MASSAGE THERAPY	
Total Number of Licensees	38,903
Massage Therapist	27,648
Massage Therapy Instructor	1,549
Massage Therapy Student	6,407
Massage Establishment	2,869
Massage School	70
Approved Continuing Education Providers	360
New Massage Therapist	1,726
New Massage Therapy Instructor	156
New Massage Therapy Student	2,459
New Massage Establishment	680
New Massage School	14
New Continuing Education Providers Approved	54
Massage Therapist Renewed	12,470
Massage Therapy Instructor Renewed	608
Massage Establishment Renewed	868
Massage School Renewed	21
Continuing Education Provider Approvals Renewed	141
Complaint Resolution	
Complaints Received	4,750
Cases Opened	1,102
Cases Closed	1,019
Average Time for Case Resolution	290 days
Percent of Cases Closed Within Six Months	42%
Percent of Cases Resulting in Disciplinary Action	25%
Total Alleged Violations*	1613
Unlicensed therapist	285
Consultation document	252
Unlicensed establishment	158
Allowed unlicensed or expired therapist to work	135
Sexual misconduct	123
Criminal history	108
Failed to separate residential or sleep from establishment	77
Sexual assault	75
Expired establishment license	54
Failed to maintain employee records	48
Allowed person to reside on premises	38
Ethics violation	32

MASSAGE THERAPY (continued)	
Failed to display license	29
Failed to drape	27
Failed to cooperate with the Department	26
Allowed nude or inappropriate clothes	18
Practiced in unlicensed facility	17
Failed to pay dishonored check	16
Improper technique	13
Violated local order or ordinance	12
Expired therapist license	11
Sanitation	11
School failed to maintain records	10
No complaint sign posted	6
Advertising violation	6
Exceeded scope of license	4
School curriculum violation	4
Student grievance against school	3
School failed obtain student permit	3
Unlicensed School	2
Failed to honor gift certificate	2
Did not have suitable plumbing	2
Fraud, deceit, negligence, or incompetence	2
School attendance	2
No instructor present at school	1
Student received compensation	1
Case Outcomes and Penalties	
Commission Orders	1
Default Orders	64
Agreed Orders	178
Penalties Assessed	\$967,200
Penalties Collected	\$455,678
Licenses Revoked (Disciplinary)	39
Licenses Suspended (Disciplinary)	0
Licenses Denied, Suspended, or Revoked (Criminal History)	16
Warning Letters	362
Other Informal Resolutions	400
Consumer Restitution	0
Cease & Desist Orders	6

MIDWIVES	
Total Number of Licensees	356
Midwife	352
Retired Midwife	0
Midwifery School	4
New Midwife	28
New Retired Midwife	0
New Midwifery School	0
Midwife Renewed	101
Retired Midwife Renewed	0
Midwifery School Renewed	1
Complaint Resolution	
Complaints Received	49
Cases Opened	19
Cases Closed	22
Average Time for Case Resolution	177 days
Percent of Cases Closed Within Six Months	59%
Percent of Cases Resulting in Disciplinary Action	9%
Total Alleged Violations*	25
Failed to follow instruction or emergency protocols	6
No, incomplete, or wrong protocols	6
Expired license	6
Unlicensed	3
Transfer violation	1
Unsafe or unclean environment	1
Failed to provide information to client	1
Lack of personal or professional character	1
Case Outcomes and Penalties	
Commission Orders	0
Default Orders	0
Agreed Orders	2
Penalties Assessed	\$1,875
Penalties Collected	\$1,875
Licenses Revoked (Disciplinary)	0
Licenses Suspended (Disciplinary)	0
Licenses Denied, Suspended, or Revoked (Criminal History)	0
Warning Letters	0
Other Informal Resolutions	20
Cease & Desist Orders	1

ORTHOTISTS & PROSTHETISTS	
Total Number of Licensees	915
Orthotist	95
Prosthetist	86
Orthotist and Prosthetist	331
Orthotic Student	11
Prosthetic Student	12
Orthotic and Prosthetic Student	59
Temporary Orthotist	0
Temporary Prosthetist	0
Temporary Orthotist and Prosthetist	0
Orthotist Assistant	30
Prosthetist Assistant	8
Orthotist and Prosthetist Assistant	27
Orthotic Facility	13
Prosthetic Facility	28
Orthotic and Prosthetic Facility	215
New Orthotist	8
New Prosthetist	5
New Orthotist and Prosthetist	22
New Orthotic Student	3
New Prosthetic Student	0
New Orthotic and Prosthetic Student	11
New Temporary Orthotist	0
New Temporary Prosthetist	0
New Temporary Orthotist and Prosthetist	0
New Orthotist Assistant	4
New Prosthetist Assistant	0
New Orthotist and Prosthetist Assistant	1
New Orthotic Facility	2
New Prosthetic Facility	1
New Orthotic and Prosthetic Facility	18
Orthotist Renewed	70
Prosthetist Renewed	49
Orthotists and Prosthetist Renewed	163
Orthotic Student Renewed	2
Prosthetic Student Renewed	0

ORTHOTISTS & PROSTHETISTS (continued)	
Orthotic and Prosthetic Student Renewed	2
Temporary Orthotist Renewed	0
Temporary Prosthetist Renewed	0
Temporary Orthotist and Prosthetist Renewed	0
Orthotist Assistant Renewed	11
Prosthetist Assistant Renewed	4
Orthotist and Prosthetist Assistant Renewed	13
Orthotic Facility Renewed	8
Prosthetic Facility Renewed	14
Orthotic and Prosthetic Facility	95
Complaint Resolution	
Complaints Received	115
Cases Opened	6
Cases Closed	5
Average Time for Case Resolution	111 days
Percent of Cases Closed Within Six Months	80%
Percent of Cases Resulting in Disciplinary Action	0%
Total Alleged Violations*	10
Gross negligence or malpractice	2
Fraud or deceit in services provided	2
Operated without a license	1
Unprofessional or unethical conduct	1
Student performed services without appropriate supervision	1
Criminal history	1
Expired license	1
Failed to pay dishonored check	1
Case Outcomes and Penalties	
Commission Orders	0
Default Orders	0
Agreed Orders	0
Penalties Assessed	\$0
Penalties Collected	\$0
Licenses Revoked (Disciplinary)	0
Licenses Suspended (Disciplinary)	0
Licenses Denied, Suspended, or Revoked (Criminal History)	0
Warning Letters	0
Other Informal Resolutions	5
Consumer Restitution	0
Cease & Desist Orders	0

PODIATRISTS	
Total Number of Licensees	1,414
Doctor of Podiatric Medicine	1,235
Radiological Technician	179
New Doctor of Podiatric Medicine	61
New Radiological Technician	58
Doctor of Podiatric Medicine Renewed	575
Radiological Technician Renewed	123
Complaint Resolution	
Complaints Received	68
Cases Opened	35
Cases Closed	41
Average Time for Case Resolution	228 days
Percent of Cases Closed Within Six Months	51%
Percent of Cases Resulting in Disciplinary Action	2%
Total Alleged Violations*	37
Gross negligence or malpractice	19
Unprofessional or unethical conduct	8
Criminal history	4
Fraud or deceit in services provided	3
Expired license	2
False, misleading, or deceptive advertising	1
Case Outcomes and Penalties	
Commission Orders	0
Default Orders	0
Agreed Orders	1
Penalties Assessed	\$7,500
Penalties Collected	\$7,500
Licenses Revoked (Disciplinary)	0
Licenses Suspended (Disciplinary)	0
Licenses Denied, Suspended, or Revoked (Criminal History)	0
Warning Letters	0
Other Informal Resolutions	40
Consumer Restitution	0
Cease & Desist Orders	0

SPEECH-LANGUAGE PATHOLOGISTS & AUDIOLOGISTS	
Total Number of Licensees	25,781
Speech-Language Pathologist	18,131
Speech-Language Pathologist Intern	1,081
Speech-Language Pathologist Assistant	4,859
Audiologist	1,599
Audiologist Intern	54
Audiologist Assistant	57
New Speech-Language Pathologist	1,332
New Speech-Language Pathologist Intern	1,037
New Speech-Language Pathologist Assistant	711
New Audiologist	126
New Audiologist Intern	52
New Audiologist Assistant	15
Speech-Language Pathologist Renewed	8,578
Speech-Language Pathologist Intern Renewed	234
Speech-Language Pathologist Assistant Renewed	1,927
Audiologist Renewed	747
Audiologist Intern Renewed	18
Audiologist Assistant Renewed	6
Complaint Resolution	
Complaints Received	720
Cases Opened	79
Cases Closed	58
Average Time for Case Resolution	92 days
Percent of Cases Closed Within Six Months	86%
Percent of Cases Resulting in Disciplinary Action	17%
Total Alleged Violations*	83
Code of ethics violation	51
Falsified records	9
Practiced without a license	6
Criminal history	6
Failed to pay dishonored check	3
Violation that involved supervision	3
Billed for services not provided	3
Medical evaluation or waiver violation	1
Failed to maintain records	1

SPEECH-LANGUAGE PATHOLOGISTS & AUDIOLOGISTS (continued)	
Case Outcomes and Penalties	
Commission Orders	0
Default Orders	4
Agreed Orders	7
Penalties Assessed	\$53,025
Penalties Collected	\$14,725
Licenses Revoked (Disciplinary)	4
Licenses Suspended (Disciplinary)	0
Licenses Denied, Suspended, or Revoked (Criminal History)	0
Warning Letters	2
Other Informal Resolutions	45
Consumer Restitution	0
Cease & Desist Orders	0