

# Texas Department of Licensing & Regulation



## INFORMATION FORUM: RULEMAKING



March 6, 2017  
Arlington

March 8, 2017  
Houston

March 10, 2017  
Austin

Brian Francis, TDLR Executive Director

# Who we are



- ① The **Texas Department of Licensing and Regulation (TDLR)** is responsible for licensing and regulating a broad range of occupations, professions, businesses, facilities, and equipment in Texas.
- ② Our purpose is to **protect the health and safety of Texans** and ensure they are served by qualified professionals.
- ③ With a **functionally-aligned business model**, TDLR is unmatched in Texas state government.

# Who we regulate



## Business & Occupations

Combative Sports  
Driver Education and Safety  
For-Profit Legal Services  
Licensed Breeders  
Polygraph Examiners  
Professional Employer Organizations  
Service Contract Providers  
Temporary Common Worker Employers  
Towing Companies  
Used Automotive Parts Recyclers  
Vehicle Protection Product Warrantors  
Vehicle Storage Facilities



## Natural Resources

Water Well Drillers & Pump Installers  
Weather Modification



## Professionals

Auctioneers  
Barbering  
Cosmetology  
**Laser Hair Removal**  
**Offender Education Providers**  
Property Tax Consultants  
Property Tax Professionals



## Health Professions

Athletic Trainers  
Dietitians  
Dyslexia Therapists & Practitioners  
Hearing Instrument Fitters &  
Dispensers



## Building & Mechanical

Air Conditioning & Refrigeration  
Architectural Barriers  
Boiler Safety  
**Code Enforcement Officers**  
Electrical Safety  
Elevators, Escalators & Related Equipment  
Industrialized Housing & Buildings  
**Mold Assessors & Remediators**

### **Massage Therapists**

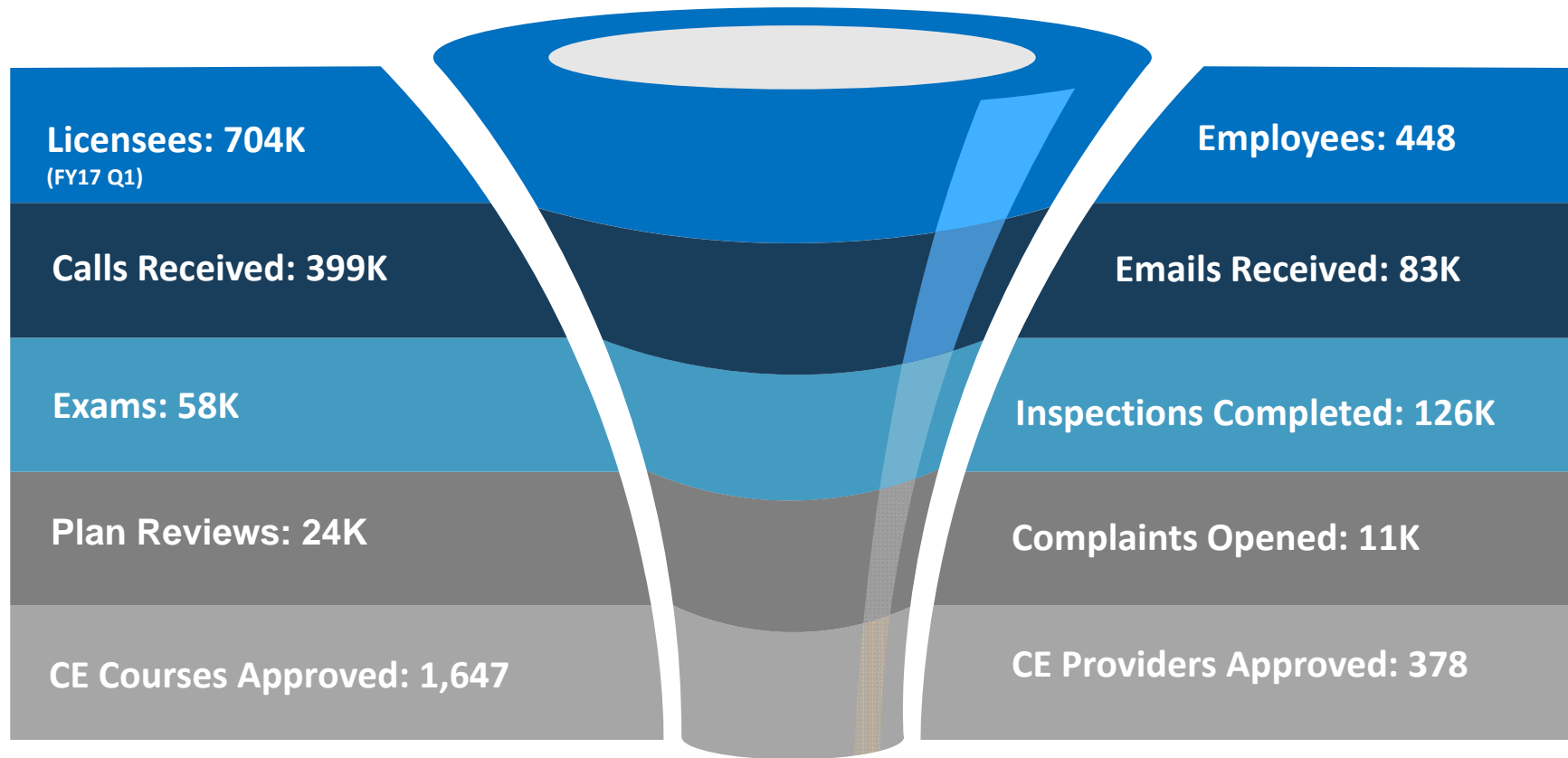
Midwives  
Orthotists & Prosthetists

### **Sanitarians**

Speech-Language Pathologists &  
Audiologists

**\* Transferring November 1, 2017**

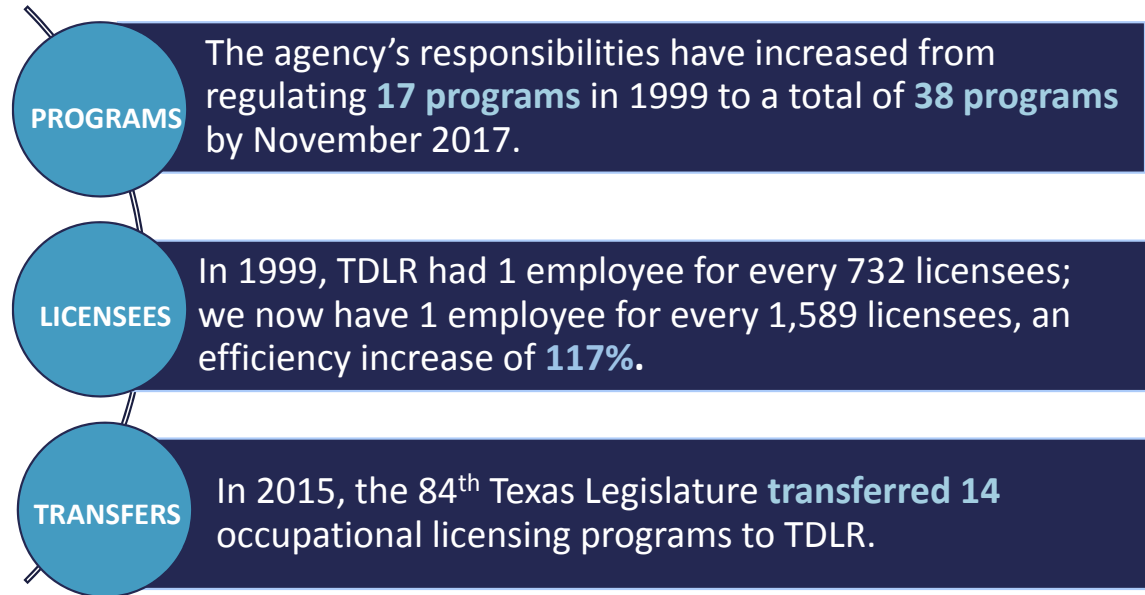
# TDLR At a Glance: FY 16



# A history of change

We believe in carefully balancing the interest of protecting public health and safety with individual needs to pursue success in a chosen profession.

TDLR's culture of innovation allows us to successfully manage growth and increasing responsibilities while maintaining a motivated and lean workforce.



## What we've done: DSHS program consolidation


- As a result of the enactment of Senate Bill 202, 84<sup>th</sup> Session, thirteen DSHS programs were transferred to TDLR:
  - The first phase of this transfer took place on **October 3, 2016** when TDLR assumed responsibility for all activities relating to seven Health Professions programs.
  - The ***second phase*** includes six programs transferring to TDLR on **November 1, 2017**, completing the program consolidation authorized by SB 202.

Phase Two: Projected License Populations	
Code Enforcement Officers	2,309
Laser Hair Removal	2,347
Massage Therapists	30,697
Mold Assessors & Remediators	3,911
Offender Education Providers	2,242
Sanitarians	1,251
<b>Total</b>	<b>42,757</b>

## TDLR Rulemaking Philosophy for Transferring Programs

- ❖ **Reorganize** rules to make them consistent with TDLR's rule format.
- ❖ **No change** to scope of practice.
- ❖ **Verify** statutory authority for each rule.
- ❖ **Remove** any overly burdensome regulatory requirements.
- ❖ **Replace** certain enforcement, licensing, and renewal language with Texas Occupations Code, Chapter 51 language.

## Consolidation Rule Process: Goals



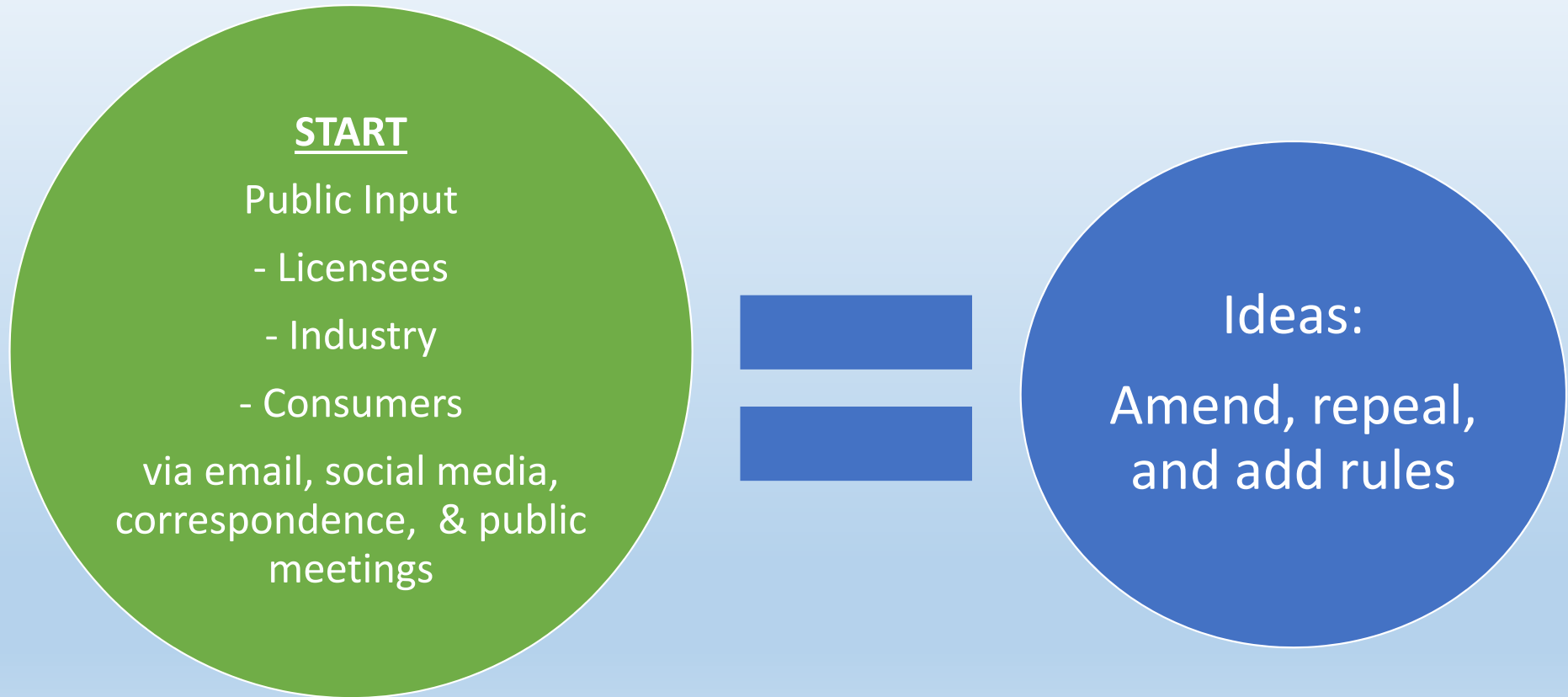
In this initial phase of the rule process, TDLR's goal is to make **minimal changes** so that licensees can continue working without interruption to their normal practices.

Changes are mostly **organizational** so that the rules can be easily transferred to TDLR.

Any substantive comments for rule changes that we hear in the forums will be considered in the **next phase** of rulemaking.



## Consolidation Rule Process: Public Input & Ideas



## Consolidation Rule Process: Drafting

**TDLR**  
develops  
rule draft



Shared with key  
stakeholders for  
preview at forums

## Consolidation Rule Process: Public Comment



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graph LR; A((Proposed rules published in Texas Register)) --> B((30 DAY PUBLIC COMMENT PERIOD)); B --> C((TDLR reviews all comments, develops responses & makes changes based on public input));
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Proposed rules published in Texas Register

30 DAY  
PUBLIC  
COMMENT  
PERIOD

**TDLR** reviews all comments, develops responses & makes changes based on public input

## Consolidation Rule Process: Commission Votes

TDLR presents published rules and public comments to the Commission at public meeting



**COMMISSION  
VOTES TO  
ADOPT RULES**

## Consolidation Rule Process: Open & Free Communication



TDLR incorporates any changes from Commission into final version of rules, sets effective date, and publishes adopted rules in the Texas Register and on TDLR website.



TDLR **notifies public of rule adoption** and effective date via:

Email

Website

Social Media

## Example: Consolidation Rule Changes for *Massage Therapists*

DSHS Rules - 22 TAC Chapter 140	TDLR Rules - 16 TAC Chapter 117	Statutory Authority and Implementation	Substantive Changes & Additional Notes
	Subchapter A. General Provisions		
<b>NONE</b>	§117.1. Authority	Occ. Code Chapter 51 Occ. Code Chapter 455	
<b>§140.300. Definitions</b>	§117.2. Definitions	Occ. Code §455.001, Definitions	Amended Terms <ul style="list-style-type: none"> <li>• Commissioner</li> <li>• Department</li> <li>• Director</li> </ul> Should be Added Term <ul style="list-style-type: none"> <li>• Advisory Board (85R MAS Bill Draft)</li> </ul>
<b>NONE</b>	Subchapter B. Massage Therapy Advisory Board (Save)	Occ. Code Chapter 455 Subchapter C. Advisory Board.	85R MAS Bill Draft
	Subchapter C. Licensed Massage Therapists		
<b>§140.310 Qualifications for Licensure as a Massage Therapist</b>  <b>§140.311. Massage Therapist Application Procedures and Documentation</b>	§117.20. Massage Therapists License-- General Requirements and Application.	Occ. Code §455.054, §455.153  16 TAC 60	Simplified list of requirements.  Removed department procedures/forms from rule.
<b>§140.310 Qualifications for Licensure as a Massage Therapist</b>  <b>§140.311. Massage Therapist Application Procedures and Documentation</b>	§117.21. Massage Therapist License-- Reciprocity	Occ. Code §455.054, §455.153  16 TAC 51	Clarified reciprocity requirements.



2017

## Mark your calendars

 Proposed rules published in the Texas Register for 30-day public comment period.

 Public hearing on proposed rules during 30-day public comment period.

 Commission meeting to adopt final rules.

 **Adopted rules become effective. All regulatory functions and operations transfer from Department of State Health Services (DSHS) to TDLR.**

# Frequently asked questions



## **When will the DSHS programs transfer to TDLR?**

TDLR will assume all activities relating to the six DSHS programs - including licenses and renewals, customer service and enforcement - on **November 1, 2017**.



## **Will I have to get a new license?**

No. The license you have now - issued by DSHS - will remain valid until its expiration date. When you renew on or after November 1, 2017, you will receive a TDLR license.



# Frequently asked questions



## **Are people at TDLR available to talk to me?**

Yes. You will have access to many highly trained individuals including over 50 customer service representatives who will be waiting to help you. They will be trained on the details of your program. You will also have access to more than 50 licensing specialists and 6 health program experts.



## **How do I stay informed about changes impacting me?**

You have several options to stay connected:

- Email notification system
- Public meetings
- Social media including:
  - Facebook
  - Twitter
  - Website



[@TDLRHealth](https://twitter.com/TDLRHealth)



[Facebook.com/TDLRHealth](https://www.facebook.com/TDLRHealth)



[www.tdlr.texas.gov](http://www.tdlr.texas.gov)

# #TDLRForum

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# Thank you!

*Welcome to TDLR, and welcome to our family.*

*We are committed to providing a high level of service and earning your respect. How?*

*By listening, learning, and serving...listening, learning, and serving...*

***listening, learning, and serving.***



Brian Francis, Executive Director



Contact Us - Send an e-mail to  
[forum@tdlr.texas.gov](mailto:forum@tdlr.texas.gov) or call (800) 803-9202  
or (512) 463-6599.