

# **Texas Department of Licensing and Regulation**

## **Quarterly Update to the Senate Business & Commerce Committee**

### **October 2013**

#### **Texas Commission of Licensing and Regulation Appointees**

On 7 May, Governor Rick Perry appointed [Texas Commission of Licensing and Regulation](#) Commissioner Mike Arismendez, Jr., of Littlefield as Chair of the Commission to replace Frank Denton in this leadership role after Chairman Denton's term on the Commission expired and he was appointed by Governor Perry to the Texas Medical Board. That same day, Governor Perry appointed Thomas F. Butler of Deer Park to replace Denton on the Commission and reappointed Commissioner Deborah Yurco of Austin to continue serving another term on the Commission. The terms of commissioners Butler and Yurco are until 1 February 2019. On 18 September, Governor Perry appointed Catherine J. Rodewald, who was serving at the time on the Texas Board of Public Accountancy, to the Commission for a term to expire on 1 February 2017, filling the position left vacant by the recent passing of Lilian Norman-Keeney.

#### **Commission Advisory Board Appointments**

On 17 July, the Commission approved the following advisory board appointments:

- Jim Sample, Patricia Ann Krenek, Norman Seaton, and Shelley Weidner were all reappointed to the [Auctioneer Education Advisory Board](#) for terms that expire 1 September 2015,
- Rob Roy Parnell was reappointed to the [Architectural Barriers Advisory Committee](#) for a term that expires 31 August 2016,
- Dianne Marie Casey was newly appointed as the presiding officer of the [Medical Advisory Committee for Combative Sports](#) for a term that expires on 1 February 2015, and
- Dr. Wayne Lee, Dr. Ivan Melendez, and Edwin Reyes were reappointed to the [Medical Advisory Committee](#) for terms that expire on 1 February 2015.

On 20 September, the Commission approved the following advisory board appointments:

- Dale Yelovich was newly appointed to the [Air Conditioning and Refrigeration Contractors Advisory Board](#) for a term that expires on 1 February 2017,
- Joseph M. Jarke was newly appointed to the [Architectural Barriers Advisory Board](#) for a term that expires on 31 August 2016, and
- Christian J. Wagner was newly appointed to the [Electrical Safety and Licensing Board](#) for a term that expires on 1 February 2015.

## Commission Rule Adoptions

- On 22 May, the Commission approved amendments to existing rules at [16 Texas Administrative Code, Chapter 61](#), §61.20, 61.40, 61.46, and 61.47, regarding the [Combative Sports Program](#), to authorize medical suspensions for positive drug test results, to add additional drugs to the list of prohibited substances, to allow athletes to use asthma medications during bouts, to amend the calculation for mandatory rest periods, to amend the term “cut” to “medical condition,” and to require that athletes sign drug-testing consent forms when applying for a combative sports license from TDLR. The rules became effective on 17 June.
- On 17 July, the Commission approved a new rule at 16 TAC, [Chapter 60, Subchapter C](#), Chapter 85, § 60.33, concerning authority to issue temporary licenses in programs administered by the Texas Department of Licensing and Regulation (Department). The rule became effective 15 August.
- Also on 17 July, the Commission approved amendments to existing rules at 16 TAC, [Chapter 85](#), §§ 85.200, 85.709, 85.710, 85.725, and 85.1003, regarding the [Towing, Storage, and Booting Program](#). The rules became effective 15 August.

## 83rd Legislature Information on TDLR Website

The TDLR Public Affairs Team created an [83<sup>rd</sup> Legislature Information page](#) to identify legislation enacted into law by the 83rd Texas Legislature that directly impacts TDLR and its licensees. Clicking on a bill number on that site opens a [Texas Legislature Online](#) page detailing the history of actions taken on the legislation and the text of the bill.

## 83<sup>rd</sup> Legislative Session Bill Implementation

Eighteen TDLR bill implementation teams, consisting of over 90 TDLR employees, have been working since June on successful implementation of 32 bills enacted into law by the 83<sup>rd</sup> Texas Legislature. The teams are preparing any necessary rules changes for [16 Texas Administrative Code](#) to be reviewed by TDLR staff and advisory board members before being published for public comment in the [Texas Register](#) for 30 days. Final rules changes must be approved by the Texas Commission of Licensing and Regulation. The teams are also updating business processes, agency forms, and the TDLR website to ensure they reflect any changes in laws or rules, and then are communicating these changes to the public through listserve email messages.

## Advisory Board Meetings

- The [Elevator Advisory Board](#) on 7 October voted in favor of publishing proposed changes to 16 TAC, [Chapter 74](#), in the *Texas Register* for public comment.
- The [Texas Tax Professional Advisory Committee](#) on 23 September voted in favor of publishing proposed changes to 16 TAC, [Chapter 66](#), in the *Texas Register* for public comment.
- The [Electrical Safety and Licensing Advisory Board](#) on 19 September voted in favor of publishing proposed changes to 16 TAC, [Chapter 73](#), in the *Texas Register* for public comment and also voted to recommend across-the-board fee reductions for licensees.
- The [Air Conditioning and Refrigeration Contractors Advisory Board](#) on 18 September voted in favor of publishing proposed changes to 16 TAC, Chapter 75, in the *Texas Register* for public comment and created a task for to review 2012 inspection standards.
- The [Polygraph Examiners Advisory Committee](#) on 17 September received public comment about and discussed proposed changes to 16 TAC, Chapter 88.
- The [Towing, Storage and Booting Advisory Board](#) on 20 August voted in favor of publishing proposed changes to 16 TAC, Chapters 85, 86, and 89, in the *Texas Register* for public comment. It also received an update from the Education Work Group regarding continuing education courses including a new first responder course being taught by the Texas A&M Engineering Extension Service.
- The [Advisory Board on Barbering](#) on 19 August voted in favor of publishing proposed changes to 16 TAC, Chapter 82, in the *Texas Register* for public comment.
- The [Advisory Board on Cosmetology](#) on 19 August discussed proposed changes to 16 TAC, Chapter 83.
- The [Elevator Advisory Board](#) on 14 August voted in favor of publishing proposed changes to 16 TAC, Chapter 74, in the *Texas Register* for public comment.
- The [Auctioneer Education Advisory Board](#) on 6 August discussed proposed changes to 16 TAC, Chapter 67, and a new \$50 assessment to be paid by all licensed auctioneers when they renew their license in 2014 to properly fund the Auctioneer Education and Recovery Fund.
- The [Texas Industrialized Building Code Council](#) on 2 August received Texas Public Information Act and Administrative Procedures Act training from TDLR staff, an explanation about TDLR Enforcement Division procedures, elected Rolando Rubiano as chair and Larry Wilkinson as vice chair, and waived with some restrictions use of a compliance-control program for Koontz-Wagner Custom Controls Holdings.
- The [Licensed Breeders Committee](#) on 30 July voted to recommend the Texas Commission of Licensing and Regulation approve a Licensed Breeders Penalty Matrix.
- The [Weather Modification Advisory Committee](#) on 11 July received an update from TDLR staff about the eight-year composite evaluation of rain enhancement projects, the use of cloud seeding to combat flooding in Indonesia, and a new weather modification device known as Atmospheric Acupuncture.

- The [Medical Advisory Committee](#) on 3 May voted in favor of the Texas Commission of Licensing and Regulation approving proposed changes to 16 TAC, Chapter 61, Sections 61.20, 61.40, 61.46, and 61.47. It then voted in favor of publishing proposed changes to 16 TAC, Chapter 61, Section 61.47, in the *Texas Register* for public comment.

## **Duplicate Licenses Can Now Be Ordered Online**

As of 1 September, most TDLR licensees can order duplicate licenses online using the [Duplicate License Ordering System link](#) on the Department's website. While waiting on the duplicate license to arrive, licensees can continue to work using their receipt for a duplicate license as proof of licensure. The only licensees who do not yet have access to this new service are those licensed in combative sports, as a vehicle protection product warrantor, and as a temporary common worker provider.

## **Temporary Cosmetology Licenses**

Beginning 1 September, temporary cosmetology licenses will be issued at PSI (TDLR examination vendor) practical examination locations so that successful examinees can begin working immediately upon passing their practical examination. After passing the written examination, cosmetology students can apply and pay for their license and take their practical examination. Upon passing the practical examination the applicant will receive from PSI a temporary license valid for 21 days while the Department processes and mails them their two-year license.

## **Boxing Twitter Feeds**

Department Webmaster Terry Westrum and Public Information Officer Susan Stanford began providing Twitter updates for major boxing events, beginning with the three boxing matches held on Saturday, 27 July, at the "Knockout Kings II" Showtime Championship Boxing event that was co-promoted by Golden Boy Promotions and Leija & Battah Promotions at the San Antonio AT&T Center. Boxing and mixed martial arts coverage by TDLR is on Twitter under [@TexasFights](#).

## **New TDLR Field Operations Division**

The Department created a new Field Operations Division in June and in July promoted 29-year TDLR veteran Tanya Gauthreaux to serve as its first director. The Division consists of field support personnel and agency inspectors from the Compliance Division, as well as a new Training, Support and Analytics Section that will help ensure standard and efficient Department inspection processes while operating in three geographic regions: North, Central, and South. The new Division is responsible for performing inspections for these TDLR programs: Architectural Barrier; Barber; Cosmetology; Licensed Breeders; Towing, Vehicle Storage Facility, and Vehicle Booting; and Used Automotive Parts Recycler.

The Field Operations Division is currently implementing route optimization and eInspection software. The route optimization software considers the location and skills of each inspector with the type of inspections and inspection due dates to create the most efficient route for each inspector to complete their duties. The eInspection software allows inspectors to enter inspection results through the use of handheld Toughpad computer notebooks. As each inspection is completed the results will be uploaded electronically in real time. The eInspection process will increase the quality of inspections and streamline the input of inspection results.

## **Ringside Physician Seminar**

The Department sponsored a Ringside Physician Seminar on August 24, 2013. Thirty-seven physicians and licensed combative sport referees from across the state attended the one day conference. Topics presented by licensed medical physicians included neurological and orthopedic concerns; facial lacerations; ear, nose, and throat issues; weight cutting; hydration; supplementation use; and physician and referee ringside acuity. TDLR staff discussed [Senate Bill 618](#), relating to the elimination of the licensing and registration requirements for ringside physicians and timekeepers for combative sports events.

## **Water Well Division Well Reports Backlog Cleared**

From 8 July to 30 August, a team of TDLR employees and temporary employees cleared a well log report data entry backlog of 11,214 reports by entering them into the [Texas Well Report Submission and Retrieval System](#). This data is used by TDLR, the Texas Commission on Environmental Quality, and the Texas Water Development Board (TWDB). During the processing of the well reports, the Department conducted a quality-assurance review to complete missing information and to correct any errors. The backlog began during the past several years before TDLR voluntarily took over data entry from the TWDB due to budget cuts that left the TWDB with no funds to support this process. A new TDLR business model for processing the well log reports will prevent any future backlogs and ensure timely processing of the reports.

## **TDLR Now A Member of the Texas Coordinating Council for Veterans Services**

The Department is now a member of the [Texas Coordinating Council for Veterans Services](#) where it is also a member of the Employment Workgroup. The Council consists of representatives of 22 state agencies who work together to assist veterans and military service members and their families with health, employment, education, criminal justice housing, and transportation issues. [Senate Bill 1892](#), enacted by the 83<sup>rd</sup> Texas Legislature during its Regular Session, added TDLR and 16 other state agencies to the Council. Department Executive Director Bill Kuntz and Project Coordinator Randy Nesbitt are the TDLR representatives on the Council.

## **Upcoming Commission and Advisory Board Meetings**

Information about scheduled Commission and advisory board meetings is available on the [Meeting Agendas, Minutes and RealAudio Files link](#) on the TDLR website, which contains upcoming meeting agendas, a [RealPlayer meeting broadcast link](#) to watch meetings, and minutes from the most recently completed meetings. Commission and advisory board meetings typically meet in the 1<sup>st</sup> Floor Public Meeting Room (Room 125E) of [TDLR's North Campus](#), located at 1106 Clayton Lane in Austin.

Currently scheduled Commission and Advisory Board meetings are as follows:

- 16 October at 8 a.m.: [Texas Commission of Licensing and Regulation](#),
- 4 November at 9 a.m.: [Advisory Board on Cosmetology](#),
- 4 November at 2 p.m.: [Advisory Board on Barbering](#),
- 7 November at 9 a.m.: [Electrical Safety and Licensing Advisory Board](#),
- 13 November at 1:30 p.m.: [Towing, Storage and Boating Advisory Board](#), and
- 21 November at 8 a.m.: [Texas Commission of Licensing and Regulation](#).