

**TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL MEETING**  
**SUMMARY OF MINUTES**  
**October 15, 2019**

Council Chair Gloria Canseco called the meeting to order at 11:00 a.m.

Chair Canseco moved to item B, Roll Call and Certification of Quorum. Council members present were Chair Gloria Canseco; John Bielamowicz; Sarah Abraham; Steve Christopherson; George Francis, IV; Jennifer Smothermon, M.A.; Susan Fletcher, Ph.D.; and Timothy M. Brown. Council member Megan Gram was absent. Council member George Francis, seconded by Sarah Abraham, made a motion to excuse the absence of Council member Megan Gram. Motion passed by unanimous vote.

Chair Canseco moved to item C, Welcome and Introduction of Behavioral Health Executive Council Members and Behavioral Health Incubation Task Force Representatives. Chair Canseco welcomed the Council members and meeting attendees and recognized the Task Force representatives.

Chair Canseco moved to item D.1, Overview of the structure, roles, and responsibilities of the Behavioral Health Executive Council. Council member Jennifer Smothermon provided an overview of the Council and its formation by the 86<sup>th</sup> Texas Legislature after the Texas Sunset Commission's review. The Council is made up of two members from the four respective boards and a Governor-appointed public member and presiding officer. The Council will oversee the four boards and will seek to increase efficiencies through functional alignment and to provide improved services to licensees and the public.

Chair Canseco moved to item D.2, Discussion of the roles and duties of the Behavioral Health Incubation Task Force. Council member Jennifer Smothermon provided an overview of the roles and actions of the Incubation Task Force. The Task Force is made up of representatives from the Texas Department of Licensing and Regulation, the Health and Human Services Commission, the Texas State Board of Examiners of Psychologists, the Texas State Board of Examiners of Marriage and Family Therapists, the Texas State Board of Examiners of Professional Counselors, and the Texas State Board of Social Worker Examiners. The Task Force's goal is to assist and advise the Council in the establishment of the Behavioral Health Executive Council and the transfer of the four boards.

Chair Canseco moved to item D.3, Overview of the timeline for implementing H.B. 1501. Brian Francis, Executive Director of the Texas Department of Licensing and Regulation (TDLR), provided a timeline of actions for the Council going forward. Specifically, writing, reviewing and approving rules, hiring an Executive Director, and finally forming the agency structure by Fiscal Year 2021.

Chair Canseco moved to item D.4, Development of the transition plan between the Council and the four transferring boards. TDLR Executive Director Brian Francis provided an overview of the timeline for developing the transition plan, with a majority of the transition work occurring between March 2020 and June 2020. This will be the detailed work of reviewing the data, records, and workflow of the existing four agencies to determine the structure of the new agency. The timeline of projects and tasks will be updated as the process moves forward.

Chair Canseco moved to item E, Management action reports from the Texas State Board of Examiners of Professional Counselors, the Texas State Board of Examiners of Marriage and Family Therapists, and the Texas State Board of Social Worker Examiners in response to the Sunset Commission report. Timothy Spear of the Health and Human Services Commission reported that the Sunset Commission report identified some specific processes that the Board members and staff set out to address. The work focused on the complaint resolution process and improved the protections for Health Insurance Portability and Accountability Act (HIPAA) information. The improvements were a collaboration of staff and Board members and came in ahead of the suggested timeline. Rules have been changed or put in place to make the improvements. Additional work was done to reduce the licensing backlog and the current processing time is down to 10 business days. Council member George Francis, seconded by Sarah Abraham, made a motion to accept the Management Report as presented. Motion passed by unanimous vote.

Chair Canseco moved to item F, Update on training completed by Council members and upcoming scheduled training. Chair Canseco encouraged board members to complete the required training before the deadline.

Chair Canseco moved to item G, Public Comment. The Council received public comments from Corinne Zupanick, Jeanene Smith, Will Francis, Jacqueline Seely, and Jan Friese.

Chair Canseco moved to item H, Update regarding the hiring of the Behavioral Health Executive Council Executive Director and the impact on implementing H.B. 1501. Council member Jennifer Smothermon reported that the contingency rider does not contain the specific, necessary language on the hiring of an Executive Director. Ms. Smothermon reported that the Task Force has discussed the possibility of appointing an Interim Director to serve until March 2020 and that the appointment of an Interim Director has been approved by the Governor's Office, the Attorney General's Office, the Legislative Budget Board, and the Comptroller. The Interim Director would serve until the Council could hire a permanent Director. The Council, however, could not call the Director an "Executive Director" due to the bill. TDLR Executive Director Brian Francis explained that the appropriations bill did not include the specific Executive Director language for the Council, even though H.B. 1501 did require the hiring of an Executive Director. This is an issue to be fixed in the next Legislative Appropriations Request; however, the Legislative Budget Board has confirmed that there is six-months salary appropriated to hire a Director for the Council.

Chair Canseco moved to item I, Job description and hiring process for the Behavioral Health Executive Council Director, including the possible appointment of a committee of Council members. TDLR Executive Director Brian Francis recommended appointing a Hiring Work Group (a Committee of Council members) to assist with the hiring process. Mr. Francis offered TDLR's Human Resources services for the hiring process and provided an outline of the hiring process from development of the posting and interview materials through the hiring and training of the selected candidate. Council member George Francis, seconded by Susan Fletcher, made a motion to appoint the four-member Committee of Council members (Hiring Work Group). The members appointed were John Bielamowicz, Timothy M. Brown, Steve Christopherson, and Jennifer Smothermon. The Committee of Council members will oversee the job description and hiring process for a Director IV position. Motion passed by unanimous vote.

Chair Canseco moved to item J, Appointment of an Interim Director for Behavioral Health Executive Council, including duties and compensation. This agenda item includes the approval of, or granting authorization for the Chair to approve, an interagency contract between Behavioral Health Executive Council and a providing agency to provide the services of an Interim Director. Council member George Francis, seconded by Timothy Brown, made a motion to appoint Darrel Spinks, Executive Director of the Texas State Board of Examiners of Psychologists, as Interim Director of the Behavioral Health Executive Council and to enter into an interagency contract with the Texas State Board of Examiners of Psychologists through March 31, 2020, for an amount not to exceed \$6,000. Motion passed by unanimous vote.

Chair Canseco moved to item K, Contract for accounting and purchasing services. This agenda item includes the approval of, or granting authorization for the Chair to approve, an interagency contract between Behavioral Health Executive Council and the Texas State Board of Examiners of Psychologists for accounting and purchasing services. Council member George Francis, seconded by Timothy Brown, made a motion to authorize the Chair to approve, an interagency contract between Behavioral Health Executive Council and the Texas State Board of Examiners of Psychologists for accounting and purchasing services until the transfer of regulatory functions to the Behavioral Health Executive Council on or before August 31, 2020, whichever occurs earlier. The motion passed by unanimous vote. Council member George Francis, seconded by Jennifer Smothermon, made a motion to grant Chair Canseco the authority to handle any miscellaneous accounting and purchasing matters. Motion passed by unanimous vote.

Chair Canseco moved to item L, Memoranda of Understanding (MOU) with the Behavioral Health Incubation Task Force member agencies for necessary resources, activities, and staff. This agenda item includes the approval of, or granting authorization for the Chair to approve, MOUs between Behavioral Health Executive Council, the Texas State Board of Examiners of Psychologists (TSBEP), the Texas Health and Human Services Commission (HHSC), and/or the Texas Department of Licensing and Regulation (TDLR), to ensure that Behavioral Health Executive Council has the resources and staff needed to carry out its responsibilities under H.B. 1501 and Chapter 507 of the Texas Occupations Code prior to August 31, 2020. Tim Spear, HHSC; Darrel Spinks, TSBEP; and Brian Francis, TDLR all spoke to the functions that each agency would take on to create a MOU to support the Behavioral Health Executive Council. Council member Sarah Abraham, seconded by George Francis, made a motion to allow the Chair to enter Memoranda of Understanding with TDLR regarding meetings, human resources, and rulemaking; with TSBEP regarding general counsel services and training; and with the Health Professions Council regarding Health Professions Council matters. The motion passed by unanimous vote.

Chair Canseco moved to item M., Recommendations for agenda items for the next Council meeting.

- Discussion on the measurement of accomplishments for the agency
- Opportunity for stakeholders to participate and be heard
- Update on the search for an Executive Director
- Updates on Memoranda of Understanding
- Presentations from the four Boards
- Management Reports
- Discussion on whether the individual Boards have the authority to continue to propose rules and how that process works

Chair Canseco moved to item N., Discussion of date, time, and location of future Council meetings. Council member Timothy Brown, seconded by Sarah Abraham, made a motion to set the following dates:

- January 14, 2020 at 9:00 a.m.
- March 2, 2020 at 9:00 a.m.
- June 16, 2020 at 9:00 a.m.

Chair Canseco moved to item O., Adjournment. The meeting adjourned at 1:45 p.m.

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Gloria Canseco, Presiding Officer  
Texas Behavioral Health Executive Council