

# AGENCY STRATEGIC PLAN

FISCAL YEARS 2013-2017

By

## TEXAS FUNERAL SERVICE COMMISSION

<u>COMMISSION MEMBERS</u>	<u>DATES OF TERM</u>	<u>HOMETOWN</u>
Sue Evenwel, Presiding Officer	February 1, 2015	Mt. Pleasant
Joyce M. Odom	February 1, 2017	San Antonio
Carol M. Becker	February 1, 2013	Aledo
Elwynn "Gene" Allen	February 1, 2015	Kerrville
Jess Fields, Sr.	February 1, 2013	Humble
Patrick Wayne Robertson	February 1, 2017	Clarendon
Jean L. Olinger	February 1, 2013	Childress

**Submitted June 22, 2012**

Signed:

  
\_\_\_\_\_  
Kevin Heyburn  
Executive Director

Approved:

  
\_\_\_\_\_  
Sue Evenwel  
Chairman/Presiding Officer





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## TEXAS FUNERAL SERVICE COMMISSION

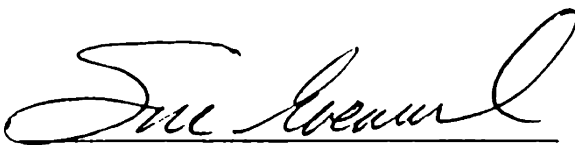
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# TEXAS FUNERAL SERVICE COMMISSION

## STRENGTHENING OUR PROSPERITY

The Statewide Strategic Planning Elements for Texas State Government

### **THE MISSION OF TEXAS STATE GOVERNMENT**

Texas State government must be limited, efficient, and completely accountable. It should foster opportunity and economic prosperity, focus on critical priorities, and support the creation of strong family environments for our children. The stewards of the public trust must be men and women who administer state government in a fair, just, and responsible manner. To honor the public trust, state officials must seek new and innovative ways to meet state government priorities in a fiscally responsible manner.

*Aim high...we are not here to achieve inconsequential things!*

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## PHILOSOPHY OF TEXAS STATE GOVERNMENT

The task before all state public servants is to govern in a manner worthy of this great state. We are a great enterprise, and as an enterprise we will promote the following core principles.

- First and foremost, Texas matters most. This is the overarching, guiding principle by which we will make decisions. Our state, and its future, is more important than party, politics or individual recognition.
- Government should be limited in size and mission, but it must be highly effective in performing the tasks it undertakes.
- Decisions affecting individual Texans, in most instances, are best made by those individuals, their families, and the local government closest to their communities.
- Competition is the greatest incentive for achievement and excellence. It inspires ingenuity and requires individuals to set their sights high. Just as competition inspires excellence, a sense of personal responsibility drives individual citizens to do more for their future and the future of those they love.
- Public administration must be open and honest, pursuing the high road rather than the expedient course. We must be accountable to taxpayers for our actions.
- State government has a responsibility to safeguard taxpayer dollars by eliminating waste and abuse, and providing efficient and honest government.
- Finally, state government should be humble, recognizing that all its power and authority is granted to it by the people of Texas, and those who make decisions wielding the power of the state should exercise their authority cautiously and fairly.

# TEXAS FUNERAL SERVICE COMMISSION

## **RELEVANT STATEWIDE GOALS AND BENCHMARKS**

### **PRIORITY GOAL**

To ensure Texans are effectively and efficiently served by high-quality professionals and businesses by:

- IMPLEMENTING CLEAR STANDARDS
- ENSURING COMPLIANCE
- ESTABLISHING MARKET-BASED SOLUTIONS; AND
- REDUCING THE REGULATORY BURDEN ON PEOPLE AND BUSINESSES

### **BENCHMARKS**

- Percent of state professional licensee population with no documented violations
- Percent of new professional licensees as compared to the existing population
- Percent of documented complaints to professional licensing agencies resolved within six months
- Percent of new and renewed professional licenses issued via Internet



# TEXAS FUNERAL SERVICE COMMISSION

## TFSC MISSION

The agency's mission can be stated as follows:

*"To protect the public from deceptive practices by gaining compliance with the laws of the State of Texas and rules of the Commission through a process of impartial enforcement, inspection, and education in order to insure that every citizen's final disposition is conducted professionally and ethically."*

This mission statement stresses the agency's directive to protect the public from unethical or deceptive funeral and death care practices, and from unqualified or unprofessional death care personnel to include cemeteries and crematories.

# TEXAS FUNERAL SERVICE COMMISSION

## **TFSC PHILOSOPHY**

The Texas Funeral Service Commission as a recipient of the public trust, recognizes that arranging for a funeral, cremation, or burial involves emotional, religious and social considerations during a time of emotional difficulty while simultaneously making a major consumer purchase. As such, the Commission seeks to provide a balanced approach to the regulation of the death care industry by demanding the highest standards of professional and ethical conduct while attempting to provide an avenue of redress for the consuming public. At all times the Commission seeks to be responsible, accountable, and open in its actions, being ever mindful of its obligation to utilize state funds and resources in a cost effective and efficient manner.

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## TFSC EXTERNAL/INTERNAL ASSESSMENT

### I. Overview of Agency Scope and Functions:

#### A. Statutory Basis:

The Texas Funeral Service Commission (TFSC) currently operates under the authority of the Texas Occupation Code, Chapter 651 and Texas Administrative Code, Title 22, Chapters 201, 203, 205, 207 and 209, and the Health and Safety Code, Chapter 716. The TFSC is the licensing and regulatory agency for funeral directors and embalmers, reciprocal funeral directors/and or embalmers from other states, funeral establishments, and commercial embalming establishments and also licenses cemeteries and crematories. Under the Texas Administrative Code, Title 25, Joint Memorandum of Understanding, the TFSC has limited concurrent jurisdiction with the Texas Department of Banking and the Texas Department of Insurance regarding the Pre-Paid Funeral Act. Also, under the Texas Administrative Code, Title 25, Joint Memorandum of Understanding with the Texas Department of State Health Services, TFSC also has regulatory authority over Chapter 181 (Vital Statistics) and Chapters 193, 695 and 361 of the Health and Safety Code.

#### B. Historical Perspective:

The Texas Funeral Service Commission was established as the State Board of Embalmers in 1903 to license and regulate embalmers at a time when many legislatures across the country were licensing various professions in order to protect the public health. The agency's original purpose was to protect the public health by preventing the spread of contagious disease. The law was amended in 1938 to include the regulation of funeral directors. The State Board of Embalmers became the State Board of

# TEXAS FUNERAL SERVICE COMMISSION

Morticians in 1953 and was renamed the Texas Funeral Service Commission in 1987. Prior to 1978, the agency's main focus was to protect the public from the practices of unresponsive funeral directors and embalmers. In 1979, as a result of the Sunset process, the statute was amended to strengthen the agency's ability to protect the public from unethical, unscrupulous and dishonest practices known in the industry. During subsequent legislative sessions, the Texas Legislature has attempted to strengthen the agency's enforcement capabilities.

Since 1903, the Commission has evolved from the regulation of the trade of embalming, to the regulation of a major industry that impacts every resident of Texas. The most current statistics compiled by the Vital Statistics Division of the Texas Department of State Health Services indicate there were 171,086 deaths in Texas during 2011. According to the results of the National Funeral Directors Association 2010 General Price List survey the national median cost of a funeral for calendar year 2009 was \$6,560. If a vault is included, something which is typically required by a cemetery, that number rises to \$7,755. The cost does not take into account cemetery, monument or marker costs, or miscellaneous cash-advance items, such as flowers and obituaries. The cost of a funeral can vary by region; costs can also vary based on a funeral home's location and the size of the business.

## C. Affected Populations:

Texans of every race, age, religion, and socioeconomic group are affected by the Texas death care industry. Especially affected are the state's senior population and persons with life threatening diseases who need organ and tissue transplantation. Perhaps the most affected are the indigent, whose inability to afford a funeral may create additional trauma.

# TEXAS FUNERAL SERVICE COMMISSION

The following excerpt from the September 24, 1982 issue of the Federal Register was used by the Federal Trade Commission as justification for its regulation of the funeral and death care industry. Although the excerpt addressed the nation as a whole, it is also descriptive of the population of consumers in Texas, even today.

“Arranging a funeral plainly involves emotional, religious, and other important social considerations. At the same time, a funeral is more than a social ritual; it is also an expensive consumer purchase. In fact, the purchase of a funeral is the third largest single expenditure many consumers will ever have to make after a home and a car. Funeral costs vary substantially among funeral homes and the various choices in ceremonies and dispositions. Price surveys have found a funeral, which includes embalming, viewing, a ceremony with the body present and a procession to the cemetery followed by a ground burial, costs the consumer between two and three thousand dollars. While the arrangement of a funeral is clearly an important financial transaction for consumers, it is a unique transaction, one whose characteristics reduce the ability of consumers to make careful, informed purchase decisions. Decisions must often be made while under the emotional strain of bereavement. In addition, consumers lack familiarity with the funeral transaction. Close to fifty percent of all consumers have never arranged a funeral before, while another twenty-five percent have done so only once. Further, consumers are called upon to make several important and potentially costly decisions under tight time constraints. Within hours of death, consumers must make arrangements to have the body of the deceased removed from the place of death and taken to a funeral home. Within 24 to 48 hours all additional decisions must be made concerning the form of disposition desired. Under any circumstances, giving careful consideration to financial matters while arranging a funeral is difficult.”

# TEXAS FUNERAL SERVICE COMMISSION

## D. Main Functions:

The Commission has two major functions. The first is to ensure that competent, well-qualified professionals are licensed to serve the public and the second is to ensure compliance with statutory requirements through regulation, licensing and investigation of violations.

The current licensing work processes include, (1) processing all initial provisional license applications, reciprocal applications, initial establishment applications, and includes DPS/FBI fingerprint background checks for all initial provisional funeral director and/or embalmer license applications, reciprocal funeral director and/or embalmer applications, and funeral director and/or embalmer reinstatement applications, (2) administering of examinations of each of the above categories, (3) the renewing of existing licenses issued to individuals based on the expiration date of each individual license, (4) and approving and ensuring each licensee is current with their continuing education requirements. In addition the licensing division processes the initial applications of the funeral home establishments, commercial embalmer establishments, crematory establishments, and certain cemeteries, with the assistance of the compliance division inspection process.

The compliance work processes include, but are not limited to, (1) ensuring each licensee is in compliance with the rules and regulations that govern the death care industry in the state of Texas through investigation and enforcement, (2) and inspections of all establishments licensed by the Texas Funeral Service Commission. Most importantly the Compliance and Consumer Affairs Division investigates consumer complaints.

The Texas Funeral Service Commission is committed to providing the licensees and the consuming public customer service by responding, in accordance with the

# TEXAS FUNERAL SERVICE COMMISSION

Public Information Act, to open record requests and other needs of its licensees and consumers.

## E. Public Perception:

The agency is perceived as the primary source of information on all aspects of death care service to include cemeteries and crematories. Consumers seek the agency as a point of contact with other agencies; and as a place that they can seek redress for injuries suffered at the hands of death care providers. There is some frustration experienced by members of the public due to the perceived fragmented regulation of the death care industry. It is evident to the public as well as industry professionals that funding and staffing limitations slow investigation and resolutions to consumer complaints. However, both groups recognize the agency attempts to enforce its laws and rules in a fair and impartial manner.

The commission works closely with the Department of State Health Services, Department of Insurance and Department of Banking as well as other federal, state and local agencies to ensure the public is protected and the death care industry is monitored through licensing, regulation, education, and consumer advocacy.

## II. Organizational Aspects:

### A. Commission Membership

The Texas Funeral Service Commission is comprised of seven (7) Commissioners, appointed by the Governor, with the advice and consent of the Senate. Two (2) members must be licensed as both an embalmer and a funeral director for at least five years preceding appointment to the commission, one (1) member must be a registered cemetery owner or operator, and four (4) members who represent the public and are not

# TEXAS FUNERAL SERVICE COMMISSION

regulated under Texas Occupations Code, Chapter 651; and have consistently shown an interest in supporting consumer protection.

## B. Organizational Structure and Process:

The agency operates with three functional sections: Administration, Licensing, Regulatory Compliance. Due to the size of the agency, there is by necessity some overlap of functions as each section must provide administrative support to the entire agency.

The mission to protect the public from deceptive practices by gaining compliance with the laws of the State of Texas and rules of Commission are accomplished by the five (5) FTEs of the Compliance and Consumer Affairs Division. The Compliance Division consists of two (2) Inspectors and three (3) Investigators. Each member of the Compliance Division must perform their own clerical duties. One of the investigators also serves as the Administrator of the Compliance Division which includes acting as the supervisor of the entire division and staff.

The agency Licensing Division consists of four (4) Administrative Assistants which perform the licensing, registration, examination, and continuing education functions. In addition each Administrative Assistant must perform general clerical and receptionist duties of the agency. One (1) administrative assistant is responsible for the provisional licensing program, one (1) administrative assistant is responsible for the renewal of the individual and establishment licenses, as well as the issuing of new establishment licenses, and the issuance of individual reciprocal licenses. The duties of the Public Information Officer is handled by one (1) of the Administrative Assistants, as well as preparing the deposits for the accountant. The examination registration, license reinstatement, and cemeteries are handled by one (1) administrative assistant.



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There is one (1) legal assistant that offers support to the Compliance and Licensing Divisions when and where needed. The legal assistant works with the Executive Director as directed.

Additionally, there is one (1) Executive Assistant who assists the Executive Director and other staff in the administrative functions of the agency, acts as the Office Manager, and is the Administrator of the Licensing Division which includes supervising the Administrative Assistants. In addition other duties include coordinating risk management, office security and the liaison for the IT services.

Overseeing all functions of the agency is the Executive Director.

Of the eleven (11) currently filled positions within the agency the EEO workforce statistics show the agency is comprised of seven (7) females and four (4) males, of which there is one (1) African American female, one (1) Hispanic male, three (3) Caucasian American males, and six (6) Caucasian American females. Currently there are two (2) paraprofessional, one (1) official/administrator, two (2) technician, three (3) professional, and four (4) administrative support positions within the agency.

The agency is organized hierarchically and operates as such in the area of policy development. However, on a day-to-day basis, it functions on more of a quality circle basis with every employee encouraged to utilize independent thought and action contributing to improved operations.

Administration is responsible for personnel, purchasing and financial actions of the agency and general administrative support. Licensing and Compliance are required of crematories and certain non-perpetual care cemeteries that sell goods or services. Licensing and Compliance are assigned initial and renewal licensing of

# TEXAS FUNERAL SERVICE COMMISSION

funeral directors and/or embalmers and establishments. Licensing staff screen all applicants to ensure that licensing requirements have been met and proper fees collected. The license for individuals, who have successfully completed the provisional program, is for a two-year period. License expiration dates are staggered throughout the entire year according to the individual's birth month and are renewed every two years. There are approximately 5,000 individuals, provisionals and dual licensees licensed as funeral directors or embalmers. The expiration dates of the approximately 1,522 licensed establishments are also staggered throughout the year and are renewed annually. The licensing section processes reciprocal license requests from other states and also manages approximately 450-500 provisional licenses (interns) per year.

The Consumer Affairs and Compliance Division is statutorily mandated to conduct risk based inspections of all licensed establishments. The inspection process determines compliance with the law and rules through a survey of the physical plant, a check of a sample of case files and a comprehensive review of all required documents.

Consumers, licensees, other agencies and the Commission all may initiate a complaint against a funeral director and/or embalmer, funeral home establishment, commercial embalmer establishment, crematory establishment or cemetery. Complaints within the jurisdiction of another agency are referred to the appropriate agency. Once an investigation is completed an informal conference is held to give the licensee an opportunity to dispute the alleged violations. The recommendation of the Informal Conference panel is then presented to the appointed seven (7) Commissioners at the regularly scheduled Commission meeting. The Commissioners have the authority to approve recommendations, withdraw violations, continue or expand the investigation. Licensees can request

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Alternative Dispute Resolution or a formal hearing conducted by the State Office of Administrative Hearings. The Commission is authorized to apply a full range of sanctions to include reprimand, probation, suspension, revocation and/or administrative penalties up to \$5,000 per violation. The Commission has adopted by rule Title 22, Part 10, Chapter 201, Rule 201.11 guidelines for the imposition of administrative penalties.

C. Geographical Location of Agency:

The Texas Funeral Service Commission moved to its present location at 333 Guadalupe, Suite 2-110, in Austin, on December 16, 2001. This location is shared with other state agencies for easy access to support and information services from other state government agencies.

D. Human Resource Strengths and Weaknesses:

The Executive Director is a Group 1 level Executive Director. In order to sustain continuity and stay moving in a positive direction the agency board needs to insure the retention of the highest level of managerial experience in the agency. The agency staff is hard working, conscientious and dedicated. Three (3) of Commission's employees have been with the Commission for more than ten (10) years but less than fifteen (15), three (3) employees have been with the agency more than five (5) years but less than ten years (10), three (3) employees more than two (2) years but less than five (5), and the remaining two (2) staff members, which includes the current Executive Director, have been with the Commission less than two (2) years. The staff deserves to be rewarded with a substantial pay raise this next legislative session. According to the 2010 workforce summary by the State Auditor's Office the TFSC staff is paid approximately \$12,619.00 a year less than other Article VIII agencies. In addition the TFSC staff salaries fall short of the statewide average salaries by \$2,049.00.

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The agency's limited budget makes it very difficult to hire and retain experienced personnel.

During FY2011 and the first two quarters of FY2012 the TFSC experienced a 33% employee turnover. This was the highest employee turnover rate the agency has experienced within the past ten (10) years. The TFSC employee turnover rate is consistently higher than both the statewide turnover rate and the article VIII turnover rate. It is anticipated that the turnover rate will remain at such a high rate due to voluntary separation, such as retirement, transferring to another state agency, or voluntary resignation. A contributing factor for voluntary separation will be a low pay rate and the need for a position in a higher classification as an incentive. Within the next four years three (3) of the current staff members will be eligible to retire of which all three are in critical positions.

## E. Use of Historically Underutilized Businesses:

For FY2010, the TFSC spent 38.7% of its service contract expenditures and 86.8% of its commodity expenditures with HUB. In FY2011, the agency spent 40.22% on service contracts and 81.19% on commodities with HUB vendors. Goals for FY2012 are for the agency to spend 40% for service contracts and 80% of commodity purchases with HUB vendors. The commission will increase its efforts in helping the State of Texas meet its goal of increased purchases from historically underutilized businesses whenever business opportunities exist.

## III. *Fiscal*

### A. Size of Budget/Method of Finance:

The Commission is currently funded \$1,466,427 for the 2012-2013 biennium. Of this amount, \$1,350,427 is funded from General Revenue and \$116,000 from appropriated receipts. The Commission expects to

# TEXAS FUNERAL SERVICE COMMISSION

generate \$3,202,000 for the 2012-2013 biennium in fees collected from its applicants, examinees and licensees. Therefore, there will be an estimated \$1,735,573 returned to General Revenue during this biennium. The Commission has always been a self-funded agency by collecting more than it is appropriated.

## B. Budgetary Limitations:

### Budget Cutbacks:

From the 2002-2003 biennium to the 2008-2009 biennium, the agency had an overall reduction of 17.5% in its budget due to mandatory cutbacks. During the 2010-2011 biennium the agency's budget was further reduced by 9%. The agency could only achieve this reduction through the elimination of one FTE position at the agency, elimination of inspector travel expenditures for six months, reduction of postage and consumables, and postponement of purchase of replacement computers, printers and software.

### No Funding for Merit Salary Increases for Staff:

The Commission has only been able to achieve these mandated cutbacks, while continuing to meet or exceed its performance measures, because of the dedication of its hard-working and efficient staff. Unfortunately, due to budget constraints, the agency has been unable to award merit salary increases to deserving staff in an amount that is commensurate with their outstanding work performance. According to the State Auditor's 2010 report the Commission's average staff salary was \$12,619.00 below the average salary of other Article VIII agencies and \$2,049.00 below the statewide average. This huge disparity makes it very difficult to hire and retain qualified staff.

### Limited IT Funding and Services:

The Commission does not have the funding to have its own information resources staff, and must rely on the Health Professions Council shared IT staff to maintain its

# TEXAS FUNERAL SERVICE COMMISSION

desktop computers and printers, for database maintenance, and to maintain the Commission's network server. The agency is being asked to provide more and more information and services online, as the demand for online services by the licensees and the public increases. However, costs for programming the Commission's database are prohibitive to all but the most necessary of changes.

## C. Degree to Which Current Budget Meets Current and Expected Needs:

The current budget covers only the immediate needs of the agency. Budgetary cutbacks and limitations that the agency has endured over the last three bienniums are substantial. Merit salary increases for staff, equipment purchases and necessary contractual obligations have been limited in order to meet this burden. There exists a need for additional staff to support all agency functions. The agency will be seeking additional funding and staff resources in order to continue to meet its current needs, any unexpected needs that arise from the public, and to fulfill its legislative mandates.

## IV. Service Population Demographics:

The service population is potentially every citizen in Texas. According to the Texas State Data Center and Office of the State Demographer the Texas population for 2010 was 25,145,561 people which is an increase of 20.6% from the year 2000. As shown in figure 4a\*, 170,199 people died in Texas during 2010, and figure 4b\*, shows 171,086 during 2011. It should be noted that cremation is on the rise and will continue to be. As the "baby boomers" continue to age there will be an increase in deaths throughout the state creating the need for more licensed death care professionals and establishments. There continues to be the concern of a pandemic and possible catastrophe impacting the death care industry in the future.

# TEXAS FUNERAL SERVICE COMMISSION

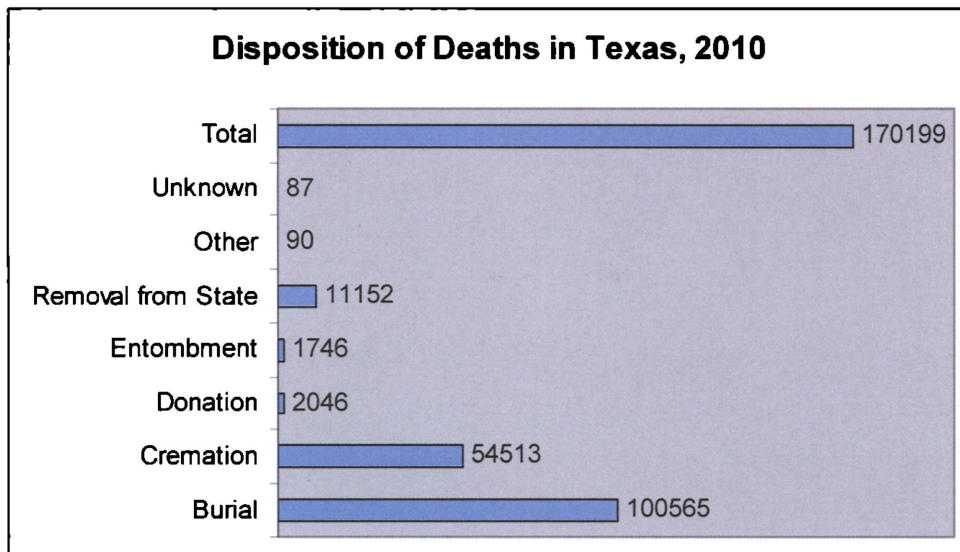


Figure 4a\*

\*Totals for Disposition of Deaths provided by the Texas Department of State Health Services, Bureau of Vital Statistics

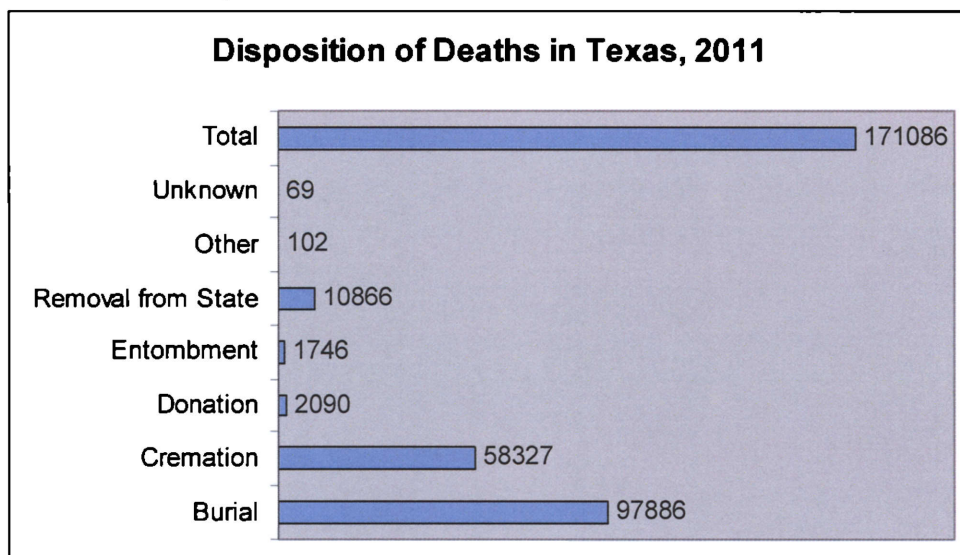


Figure 4b\*

\*Totals for Disposition of Deaths provided by the Texas Department of State Health Services, Bureau of Vital Statistics

## V. Technology:

The Commission currently utilizes LicenseEase, an Oracle based database, for its licensing/enforcement database. Additionally, the Commission uses USAS, USPS and SPA for its accounting, payroll and property systems, respectively. The agency also submits all its budgetary and performance reports

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using ABEST, in accordance with LBB requirements. Iron Data, formerly known as Versa Systems, maintains the agency's database system, and is responsible for programming any substantial changes that need to be made to the database. The agency does not have an information resources staff person, and maintenance of all desktop computers, laptops and printers, and network servers is done through the Health Professions Council shared IT staff. Additionally, the agency participates in Texas.gov, formerly known as TexasOnline, by offering its licensees and establishments the ability to renew online, and beginning in the fall of 2005, the agency has allowed its applicants for provisional licensure, and those who wish to reciprocate their licenses from another state to complete the application process online. Lastly, the agency uses the DPS/FBI Criminal History Database system, to request criminal history records online for all of its applicants.

The agency website currently allows its applicants to download all applications, forms, and general information regarding requirements for obtaining a license. Consumers have the ability to view a summary of violations, download and print a complaint form, and view a complaint resolution process chart. The website provides a link to all the governing law and regulations, downloadable samples of every form the agency uses, and provides important information to both death care professionals and consumers. There exists a need for web design services to provide some redesign and/or updating to the current site to provide for a more interactive and user friendly website. This could be accomplished through a shared position through the Health Profession Council.

The agency uses email to send important information to the industry members such as notices of upcoming meetings, continuing education events, and general information that should be circulated quickly. The use of current technology benefits the agency, the consumer and the death care industry by notifying a large number of entities in a short period of time.



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## VI. Economic Variables:

The Commission's potential service population is all citizens of Texas, even though economic considerations will impact the amount spent on each funeral. At least 165,000 to 175,000 residents will die each year and require the services of the death care industry. Should the economic outlook continue to decline there will be a possibility of an increase in the death rate due to lack of resources to seek quality health care, and possible increase in the suicide rate.

## VII. Impact of Federal Statutes/Regulations:

Federal agencies impact the death care industry. Among these are the Federal Trade Commission (FTC), the Occupational Safety and Health Administration (OSHA), and the Environmental Protection Agency (EPA). The TFSC has adopted several rules in Texas Administrative Code, Title 22, Part 10, Chapter 203, to ensure compliance with the FTC's Funeral Rule which is the federal governing body of the death care industry. Both OSHA and the EPA have federal guidelines regarding the chemicals used for embalming and the disposition of the same. Violations of the Funeral Rule, or the OSHA and EPA guidelines, could result in substantial actions and penalties against our licensees. Changes to the regulations of the above mentioned agencies would impact the TFSC rules and regulations currently in place for governing the death care industry in the state of Texas.

## VIII. Self Evaluation and Opportunities for Improvement:

### Effectiveness:

The mission statement stresses the agency's mandate to protect the public from unethical or deceptive funeral practices and disposition of the body from unqualified or unprofessional funeral service personnel.

TFSC performs two primary statutory functions typical of this type of agency: licensing and compliance.

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Through a *licensing function*, TFSC is charged with ensuring that well qualified professionals are licensed to serve the public. By state statute, the agency licenses:

- Funeral Directors and Embalmers
- Funeral Home Establishments
- Commercial Embalmer Establishments
- Crematories
- Certain Cemeteries

The TFSC currently licenses over 5,000 individual and provisional licensees and 1500 funeral establishment licensees. On a monthly basis the licensing staff renews approximately 250-300 licenses with a turnaround time of 24 hours. Upon receipt of the renewal application the licenses are both renewed and mailed to the licensees the next day. The licensing division is also responsible for ensuring the individual licensees have met the continuing education requirements prior to renewal of the license. In addition, for new applicants the TFSC is participating in the FBI/DPS fingerprint background checks. Initial applications are processed immediately upon receipt of all required documentation.

In FY 2011, the TFSC issued 405 new licenses, renewed 2,300 existing licenses and administered mortuary law exams to 396 individuals. Additionally, there were 157 new establishment licenses issued and 1,424 establishment renewals issued. The TFSC had an online renewal issuance of 88%.

Through its *compliance function*, TFSC is charged with ensuring those violations of the law and regulations within the agency's jurisdiction are addressed and full compliance with the law is achieved. The agency's statute provides that TFSC may assess administrative penalties as well as reprimand, revoke under certain circumstances, suspend, probate the suspension, or impose any combination of these sanctions against licensed individuals or establishments.

## **TEXAS FUNERAL SERVICE COMMISSION**

Compliance operations have continued to improve. The agency is staffed with two inspectors and three investigators. During the 81<sup>st</sup> Legislative session the TFSC was given a position for a legal assistant. The legal counsel position was removed during the 76<sup>th</sup> Legislature. In the absence of an in-house legal counsel and in response to the heavy legal demands on the TFSC, the Office of the Attorney has assigned three Assistant Attorneys General (AAGs) to provide general counsel and to prosecute and/or mediate the agency's cases at SOAH. However some of these AAGs may represent as many as a dozen other state agencies, and, while the number of cases backlogged at SOAH has been reduced by the AAGs, the TFSC continues to have a serious backlog of cases pending at SOAH, a number of which are over a year old. Permitting the TFSC to hire an in-house legal counsel would greatly reduce the case backlog at SOAH. An in-house legal counsel would also assist the TFSC with the agency's large number of open records requests, with in-house rules review and rules drafting, with in-house mediation of disputes over ingress/egress to cemeteries, and with the agency's response to legal questions from the public and from licensees. An in-house counsel dedicated to the goals of the TFSC is essential to managing the agency's workload in such a way as to meet the TFSC's performance goals set by the Legislature.

In FY 2011, the TFSC received 228 jurisdictional complaints and resolved 215 complaints. 29% of these complaints resulted in disciplinary action. Average resolution time 125 days and 78% of complaints were resolved within six months. Additionally, the agency inspected 1,248 establishments.

The agency's consumer brochure has been adopted and utilized by several other states. The agency has entered into Memoranda of Understanding with the Texas Department of State Health Services, the Texas Department of Banking and the Texas Department of Insurance to better coordinate the regulation of the death care industry. The Commission underwent Sunset Review during the 78<sup>th</sup> Legislative session and was continued as a stand alone agency until the year 2015.

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During the 82<sup>nd</sup> Legislative session the continuation of the TFSC as a stand alone agency was extended until 2019.

## Areas for Improvement:

The Texas Funeral Service Commission staff are hard working and dedicated individuals committed to meeting the goals of the agency, and providing the best support for our licensees and consumers.

Most importantly the Texas Funeral Service Commission needs to have in house legal representation. The consuming public, as well as the licensees of the death care industry, would be better served in a more timely fashion if the Texas Funeral Service Commission was awarded the funding to hire a legal professional (General Counsel).

One area for improvement is the Recovery Point Objective, which is the point in time in which data is restored and systems are recovered after an outage/disaster. The current Business Continuity Plan the TFSC has in place could be improved by having a workable plan in place that could be tested periodically by staff.

## Obstacles and Opportunities:

Key obstacles have been inadequate levels of funding for staff support and retention of qualified and motivated employees in key positions. Staff should be given a salary increase as TFSC salaries are well below the article average as well as the statewide average. The reinstatement of agency in-house legal counsel should be given strong consideration.

Opportunities for improvement and expansion do exist. The Board of Commissioners and agency staff are committed to improving upon the achievements of the agency. Areas associated with or affected by the death care industry, such as crematories, cemeteries and uninvited solicitation by third party funeral merchandise retail vendors should be considered for regulation and/or expansion of regulation. Partnerships with the

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Texas State Anatomical Board, Occupational, Safety and Health Act (OSHA) as well as with the Environmental Protection Agency (EPA) need to be considered.

There could be a major impact to the effectiveness of the TFSC in the event of a disaster such as a pandemic. The TFSC could experience an increase in license issuance due to the number of temporary licenses needed to accommodate the need for additional funeral directors and embalmers. An increase in administrative duties should be anticipated, as well as an increase in the number of complaints due to the heavy increase in funeral service demands. Although the TFSC has a disaster/recovery plan in place the heavy increase in work processes would contribute to additional stress and pressure on the staff.

## Work With Other Governmental Entities:

The Commission is the primary point of contact for consumers, funeral professionals and various governmental entities for all areas of the death care industry. As such, the agency acts as both a clearinghouse and an information resource. By statute all funeral establishments are required to also provide the consumer with a brochure prepared by the TFSC at the time of making arrangements. Memoranda of Understanding have been developed and adopted with the Texas Department of State Health Services, the Texas Department of Banking and the Texas Department of Insurance. The agency also works with the Texas Attorney General Consumer Protection Division and Crime Victims Division. The TFSC has regulatory authority to take administrative action against a funeral establishment or a person acting on behalf of the funeral establishment for violations of Chapter 154 of the Finance Code and Chapters 193 and 361 of the Health and Safety Code. Information forwarded to the TFSC from the Texas Department of Bank and the Texas Department of State Health Services is investigated as a complaint case. Consumer complaints involving non-regulated businesses are forward to the Office of the Attorney General, Consumer Protection Division. If warranted, information gathered in a complaint case regarding

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funeral goods and services purchased from a funeral establishment for a crime related death is verified through the Crime Victims Division of the Office of the Attorney General. The Texas Funeral Service Commission interfaces with Texas Commission on Environmental Quality (TCEQ) with regards to Crematories. Before a crematory can be licensed by the commission, the owner must submit the manufacturing specifications of the chamber to TCEQ and obtain a Permit by Rule. A copy of this document along with other required paperwork is submitted to the commission when applying for a license. If a consumer contacts the commission to complain about a crematory emitting an odor or smoke, they are referred to TCEQ who will send an investigator out to test the air quality.

Legal Counsel for TFSC is assigned from the Office of the Attorney General, Environmental Protection/Administrative Law Division.

More importantly the TFSC must continue to work with "sister agencies" in planning for the disposition of human remains during a mass fatality. A mass fatality may be the result of a catastrophic incident or a pandemic disease where the number of dead exceeds the capability of local mortuary services, supplies, equipment, or resources. Texas is vulnerable to hurricanes, tornadoes, floods, hazardous material incidents, transportation accidents, acts of terrorism, and a number of other natural and manmade hazards.

The state agencies of Texas and local communities within the state must be able to independently provide the support, supplies, equipment, and services required. Funding to do so will allow the TFSC to do whatever is necessary.

## Information Sharing:

The agency is a member of the Health Professions Council (HPC). The mission of the HPC is to coordinate regulatory efforts of the various health care licensing boards represented on the HPC. The TFSC shares IT services with the other health care licensing agencies through the HPC. In addition the

# TEXAS FUNERAL SERVICE COMMISSION

HPC currently hosts the TFSC website. The TFSC and the agency of the HPC share ideas and resources to provide efficient and effective services to the consuming public as well as the state of Texas. Additionally, it is essential that the TFSC continue to be a member of the International Conference of Funeral Service Examining Boards (ICFSEB). The Conference is composed of national regulatory boards comparable to Texas as well as all mortuary colleges. Texas has strong contingents that are members. The important significance has to do with the mortuary National Board Examination and/or the Texas State Board Examination given to all Texans attending mortuary school, as well as mortuary curriculum taught in the four mortuary colleges located in Texas.

## Needed Assistance:

The current Board of Commissioners and staff of the Texas Funeral Service Commission have worked together to improve the agency and demonstrate to the Legislature and the citizens of Texas the agency's strong commitment to consumer advocacy and dedication to high industry professional and death care standards. If the agency is to carry out its mission effectively it requires strong legislative authority, funding, and support from other state agencies, as well as cooperation from professional organizations in upholding both the intent and letter of the law.

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## PRIORITY GOALS

To ensure that Texas consumers are served by qualified professionals working in a death care related industry by setting clear standards, maintaining compliance, and seeking market-based solutions.

- A. To manage a program of examination and licensure that ensures the development of competent funeral professionals with high standards of ethical conduct.
- B. To provide aggressive and impartial enforcement to protect the public from incompetent services and unprofessional and unethical conduct. (Chapter 651, Texas Occupation Code).
- C. To substantially utilize Historically Underutilized Business (HUB) when making purchases of supplies, equipment or services for the agency.
- D. To work with other state agencies in preparation for a mass fatality, catastrophic incident or pandemic when the number of dead exceeds death care facilities, supplies, equipment and resources.
- E. To work with the Texas State Anatomical Board and stakeholders as it relates to organ/tissue and blood donation, and transportation of dead human bodies coming into and leaving the state of Texas.
- F. To work with the Texas Department of State Health Services regarding death certification filed as required by law.



**TFSC OBJECTIVES, STRATEGIES  
AND MEASURES:**

**Goal A**

Objective A.1: To ensure that the licensing and provisional licensee (apprentice) functions are managed in a timely and cost effective manner.

Strategy A.1.1: Issue and renew licenses, manage a provisional licensing program and monitor continuing education requirements.

**Outcome Measures:**

- Percent of licensees with no recent violations.
- Percent of licensees who renew online.
- Percent of new individual licenses issued online.

**Output Measures:**

- Number of new licenses issued to individuals.
- Number of individual licenses renewed.
- Number of new licenses issued to facilities.
- Number of facility licenses renewed.
- Individuals examined.
- Number of new cemeteries and crematories registered.
- Number of cemeteries and crematories renewed.

**Explanatory Measures:**

- Total number of individuals licensed.
- Total number of facilities licensed.

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## Goal B:

Objective B.1: To ensure the protection of the general public by inspecting 100% of all licensed funeral establishments every two years and to ensure aggressive and impartial investigation of complaints by completing 90% of investigations within 120 days of receipt.

Strategy B.1.1: To provide enforcement through a vigorous program of inspections and investigations.

### Outcome Measures:

- Percent of complaints resolved within six months.
- Percent of licensed facilities found to be noncompliant during inspection.

### Output Measures:

- Number of complaints resolved.
- Number of establishments inspected.
- Number of complaints pending.

### Efficiency Measures:

- Average time for complaint resolution.

### Explanatory Measures:

- Number of jurisdictional complaints received.

Objective B.2: To ensure due process for all complainants and respondents by initiating the disciplinary/adjudication process within 90 days of identification of violations.

Strategy B.2.1: Review investigated complaints and recommend disciplinary or other action.

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## Outcome Measures:

- Percent of complaints resolved resulting in disciplinary action.
- Recidivism rate of those receiving disciplinary action.

## Goal C:

### Objective C.1: Indirect Administration

#### Strategy C.1.1: Indirect Administration

- Indirect costs associated with the issuance and renewal of licenses, management of a provisional licensing program and the monitoring of continuing education requirements.

#### Strategy C.1.2: Indirect Administration

- Indirect costs associated with enforcement through a vigorous program of inspections and investigations.

#### Strategy C.1.3: Indirect Administration

- Indirect costs associated with the review of investigated complaints and recommended disciplinary or other action.

## Goal D:

Objective D.1: To include historically underutilized businesses (HUBs) in at least 85% percent of the total value of contracts awarded annually by the agency in purchasing equipment and supplies.

## Outcome Measure:

- Percent of total dollar value of purchasing contracts awarded to HUBs.

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Strategy D.1.1: Develop and implement a process of increasing the use of historically underutilized businesses.

Output Measure:

Dollar value of HUB contracts awarded.

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# TECHNOLOGY RESOURCE PLANNING

## TECHNOLOGY INITIATIVE ASSESSMENT AND ALIGNMENT

*The following template is provided for the completion of the Technology Resources Planning section.*

<b>1. Initiative Name:</b> Name of the technology initiative.	
Upgrade of Regulatory Database System	
<b>2. Initiative Description:</b> Brief description of the technology initiative.	
Work with DIR, selected other state agencies and outsourced vendor to upgrade regulatory licensing/enforcement database to more current release.	
<b>3. Associated Project(s):</b> Name and status of current or planned project(s), if any, that support the technology initiative and that will be included in agency's Information Technology Detail.	
<b>Name</b>	<b>Status</b>
<b>4. Agency Objective(s):</b> Identify the agency objective(s) that the technology initiative supports.	
All agency objectives	
<b>5. Statewide Technology Priority(ies):</b> Identify the statewide technology priority or priorities the technology initiative aligns with, if any.	
<ul style="list-style-type: none"> <li>• P1 – Cloud</li> <li>• P2 – Data Management</li> <li>• P3 – Data Sharing</li> <li>• P4 – Infrastructure</li> <li>• P5 – Legacy Applications</li> </ul>	<ul style="list-style-type: none"> <li>• P6 – Mobility</li> <li>• P7 – Network</li> <li>• P8 – Open Data</li> <li>• P9 – Security and Privacy</li> <li>• P10 – Social Media</li> </ul>
P2 Data Management P4 Infrastructure P7 Network P8 Open Data P9 Security and Privacy	

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**6. Guiding Principles:** As applicable, describe how the technology initiative will address the following statewide technology guiding principles:

- Connect – expanding citizen access to services
- Innovate – leveraging technology services and solutions across agencies
- Trust – providing a clear and transparent accounting of government services and data
- Deliver – promoting a connected and agile workforce

**Connect:** The upgrade has a public search feature allowing the public to access certain information about individual licensees. Licensees can apply for a new license, and renew their current license online.

**Innovate:** This upgrade can be further customized to more directly meet the needs of the agency, especially in delivering valuable reports.

**7. Anticipated Benefit(s):** Identify the benefits that are expected to be gained through the technology initiative. Types of benefits include:

- Operational efficiencies (time, cost, productivity)
- Citizen/customer satisfaction (service delivery quality, cycle time)
- Security improvements
- Foundation for future operational improvements
- Compliance (required by State/Federal laws or regulations)

**Operational efficiencies:** The upgrade allows customizations which will streamline the daily activities of staff, and will allow for more reporting capabilities than the current system. Efficiencies are achieved by working with other selected state agencies to implement this upgrade and therefore achieve economies of scale.

**Foundation for future operational improvements:** This upgrade will continually be updated by the outsourced vendor as new releases and functions become available.

**Citizen/ customer satisfaction:** This upgrade has a public search feature allowing the public access to certain information about individual licensees and establishments. Licensees can apply for a new license, and renew their current license online.

**8. Capabilities or Barriers:** Describe current agency capabilities or barriers that may advance or impede the agency's ability to successfully implement the technology initiative.

The agency has limited funding. Therefore, to upgrade to this new release the agency would have to secure additional funding from the Legislature.

# TEXAS FUNERAL SERVICE COMMISSION

## TECHNOLOGY INITIATIVE ASSESSMENT AND ALIGNMENT

The following template is provided for the completion of the Technology Resources Planning section.

<b>1. Initiative Name:</b> Name of the technology initiative.	
Disaster Recovery/ Security of Network	
<b>2. Initiative Description:</b> Brief description of the technology initiative.	
To partner with DIR to secure cold storage site and update agency's disaster recovery plan. Additionally, to conduct ongoing controlled penetration testing of the agency's network through MOU with DIR.	
<b>3. Associated Project(s):</b> Name and status of current or planned project(s), if any, that support the technology initiative and that will be included in agency's Information Technology Detail.	
<b>Name</b>	<b>Status</b>
<b>4. Agency Objective(s):</b> Identify the agency objective(s) that the technology initiative supports.	
All agency objectives.	
<b>5. Statewide Technology Priority(ies):</b> Identify the statewide technology priority or priorities the technology initiative aligns with, if any.	
<ul style="list-style-type: none"> <li>• P1 – Cloud</li> <li>• P2 – Data Management</li> <li>• P3 – Data Sharing</li> <li>• P4 – Infrastructure</li> <li>• P5 – Legacy Applications</li> </ul>	<ul style="list-style-type: none"> <li>• P6 – Mobility</li> <li>• P7 – Network</li> <li>• P8 – Open Data</li> <li>• P9 – Security and Privacy</li> <li>• P10 – Social Media</li> </ul>
<p>P1 Cloud                  P2 Data Management                  P3 Data Sharing                  P4 Infrastructure                  P6 Mobility                  P7 Network                  P9 Security and Privacy</p>	

# TEXAS FUNERAL SERVICE COMMISSION

**6. Guiding Principles:** As applicable, describe how the technology initiative will address the following statewide technology guiding principles:

- Connect – expanding citizen access to services
- Innovate – leveraging technology services and solutions across agencies
- Trust – providing a clear and transparent accounting of government services and data
- Deliver – promoting a connected and agile workforce

**Connect:** A successful disaster recovery plan will ensure that services to citizens and customers will not be interrupted during a disaster.

**Trust:** Completion of successful controlled penetration testing assures the citizens and customers that security measures are in place to protect their sensitive data.

**7. Anticipated Benefit(s):** Identify the benefits that are expected to be gained through the technology initiative. Types of benefits include:

- Operational efficiencies (time, cost, productivity)
- Citizen/customer satisfaction (service delivery quality, cycle time)
- Security improvements
- Foundation for future operational improvements
- Compliance (required by State/Federal laws or regulations)

**Citizen/ customer satisfaction:** A successful disaster recovery plan will ensure that services to citizens and customers will not be interrupted during a disaster.

**Security improvements:** Completion of successful controlled penetration testing assures the citizens and customers that security measures are in place to protect their sensitive data.

**Compliance:** Successfully implanted disaster recovery plans and controlled penetration testing assures that the agency is in compliance with federal and state laws which prohibit the release of certain “sensitive” data that the agency collects.

**8. Capabilities or Barriers:** Describe current agency capabilities or barriers that may advance or impede the agency’s ability to successfully implement the technology initiative.

The agency has limited funding to secure contracts for cold site storage and to pay for more thorough testing of its network and disaster recovery plan. Therefore, the agency must heavily rely on DIR to assist in this endeavor.



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## TECHNOLOGY INITIATIVE ASSESSMENT AND ALIGNMENT

The following template is provided for the completion of the Technology Resources Planning section.

<b>1. Initiative Name:</b> Name of the technology initiative.	
Update/ Redesign of Agency Website	
<b>2. Initiative Description:</b> Brief description of the technology initiative.	
To partner with other Health Professions Council agencies and/or ITSS staff to update and redesign the agency's current website in order to provide more information in an interactive and user friendly manner.	
<b>3. Associated Project(s):</b> Name and status of current or planned project(s), if any, that support the technology initiative and that will be included in agency's Information Technology Detail.	
<b>Name</b>	<b>Status</b>
<b>4. Agency Objective(s):</b> Identify the agency objective(s) that the technology initiative supports.	
All agency objectives.	
<b>5. Statewide Technology Priority(ies):</b> Identify the statewide technology priority or priorities the technology initiative aligns with, if any.	
<ul style="list-style-type: none"> <li>• P1 – Cloud</li> <li>• P2 – Data Management</li> <li>• P3 – Data Sharing</li> <li>• P4 – Infrastructure</li> <li>• P5 – Legacy Applications</li> </ul>	<ul style="list-style-type: none"> <li>• P6 – Mobility</li> <li>• P7 – Network</li> <li>• P8 – Open Data</li> <li>• P9 – Security and Privacy</li> <li>• P10 – Social Media</li> </ul>
P1 Cloud P2 Data Management P3 Data Sharing P4 Infrastructure P7 Network P9 Security and Privacy	
<b>6. Guiding Principles:</b> As applicable, describe how the technology initiative will address the following statewide technology guiding principles:	
<ul style="list-style-type: none"> <li>• Connect – expanding citizen access to services</li> <li>• Innovate – leveraging technology services and solutions across agencies</li> <li>• Trust – providing a clear and transparent accounting of government services and data</li> <li>• Deliver – promoting a connected and agile workforce</li> </ul>	

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**Connect:** An updated and redesigned website will provide more information to citizens and customers.

**Innovate:** The agency will use current technology to update its website in order to make it more interactive and user friendly.

**Trust:** Having an updated and interactive agency website will provide more transparency to the citizens and customers, while still assuring that security measures are in place to protect their sensitive data.

**7. Anticipated Benefit(s):** Identify the benefits that are expected to be gained through the technology initiative. Types of benefits include:

- Operational efficiencies (time, cost, productivity)
- Citizen/customer satisfaction (service delivery quality, cycle time)
- Security improvements
- Foundation for future operational improvements
- Compliance (required by State/Federal laws or regulations)

**Operational efficiencies:** A more updated and/or redesigned interactive and informative website will provide more information, thereby allowing agency staff to devote more time to their primary licensing and enforcement duties.

**Citizen/ customer satisfaction:** A successful update and/or redesign of the agency website will provide more timely information to citizens and customers and will be more interactive and user friendly.

**8. Capabilities or Barriers:** Describe current agency capabilities or barriers that may advance or impede the agency's ability to successfully implement the technology initiative.

The agency has limited funding to secure the services of its own web designer. Therefore, the agency must try to partner with the other Health Profession Council agencies to share the cost of an additional FTE for this purpose.

# TEXAS FUNERAL SERVICE COMMISSION

## APPENDIX A

### DESCRIPTION OF AGENCY PLANNING PROCESS

The agency planning process starts internally with the staff. Subject matters are discussed to include advantages and disadvantages coupled with budget considerations and resources available.

Proposed planning actions and policy discussions are then brought to the Board of Commissioners for consideration or approval.

During each fiscal year the Executive Director continuously keeps board members informed on issues, new concepts, opportunities and professional journal articles having an impact on the Texas Funeral Service Commission and death care industry regulation at both Texas state and national levels. Issues are discussed informally with Commissioners and staff as well as formally during board meetings. When appropriate, planning and action to be taken are initiated.

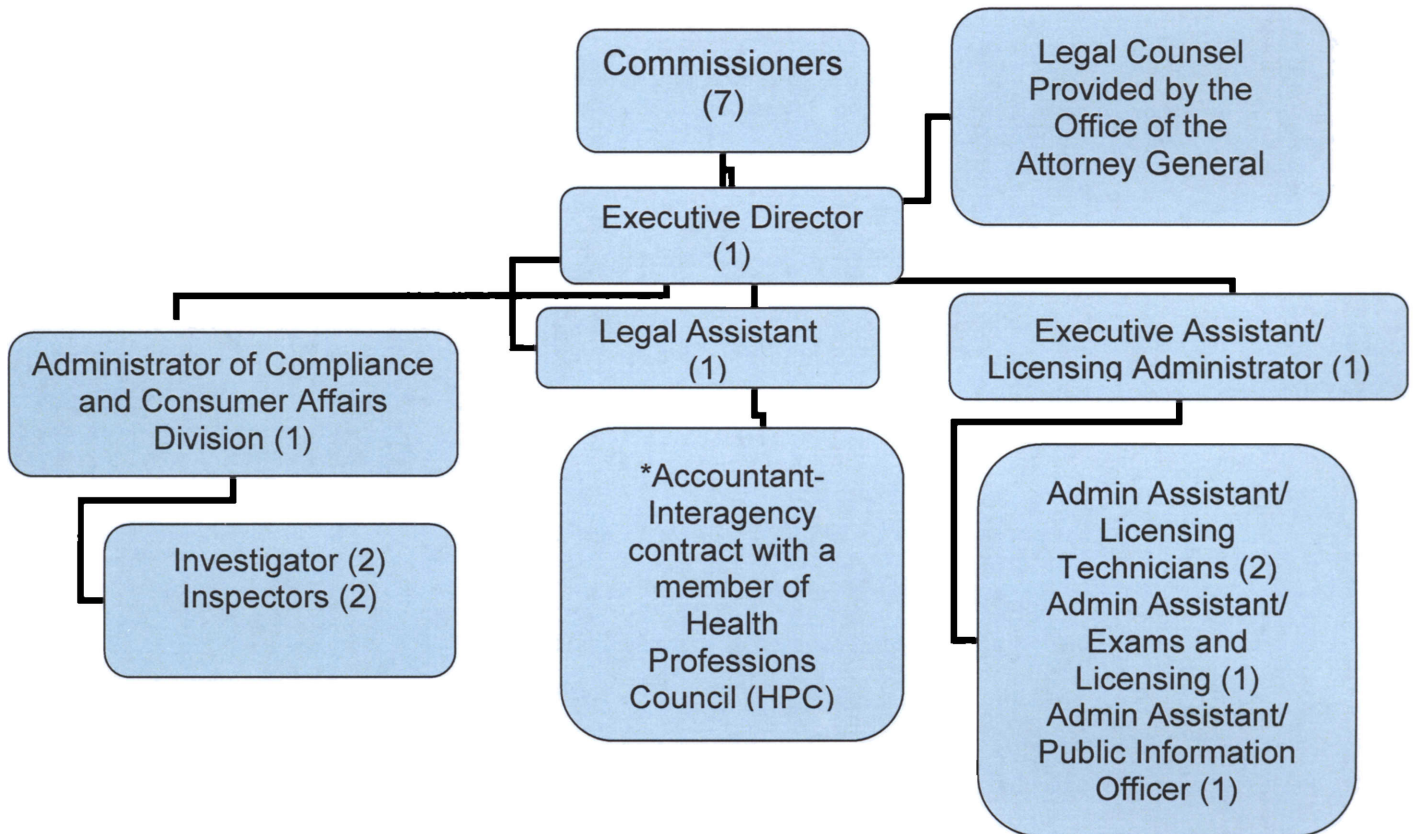
As previously stated the staff planning is ongoing. Staff are encouraged to use independent judgment as part of short range planning (less than 2 years) and long range planning (more than 5 years). The action(s) can be brought to the Executive Director for decision followed by initiation of the plan of action to be taken and followed.

Events held at the Texas Funeral Service Commission are often-times, calendar driven. Future dates are posted for and by the staff so that the duties to be performed result in successful mission accomplishment.

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## APPENDIX B

### CURRENT ORGANIZATIONAL CHART



# TEXAS FUNERAL SERVICE COMMISSION

## APPENDIX C

### FIVE-YEAR PROJECTIONS FOR OUTCOMES

#### Texas Funeral Service Commission

#### Fiscal Years 2013-2017

<b>Outcomes</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Percent of Licensees With No Recent Violations	96%	96%	96%	96%	96%
Percent of Licensees Who Renew Online	88%	88%	88%	88%	88%
Percent of New Individual Licenses Issued Online	5%	5%	5%	5%	5%
Percent of Complaints Resolved in Six Months	75%	75%	75%	75%	75%
Percent of Licensed Facilities Found to be					
Non-Compliant During Inspection	38%	38%	38%	38%	38%
Percent of Complaints Resulting in Disciplinary Action	28%	28%	28%	28%	28%

# TEXAS FUNERAL SERVICE COMMISSION

## APPENDIX D

### LIST OF MEASURE DEFINITIONS

#### LICENSING STRATEGY

##### Outcome Measures

#### 1. **Percent of Licensees with No Recent Violations**

*Definition:* The percent of the total number of licensees and establishments at the end of the reporting period, who have not incurred a violation within the current and preceding two fiscal years (three years total).

*Data Limitations:* None

*Data Source:* All complaints are logged into a complaint spreadsheet which is kept by the Enforcement Division staff. This spreadsheet contains the complaint number, name of respondent, received date, resolved date, any disciplinary action taken, and the resolution time in days.

*Methodology:* At the end of the fiscal year, the accountant is given a copy of this spreadsheet for the current and preceding two fiscal years. A manual count is taken of the complaints resolved with disciplinary action during these three fiscal years. This count is then subtracted from the total number of licensees and establishments to arrive that the number of individuals who did NOT have a disciplinary action during that time period. This number is then divided by the total number of individuals and establishments licensed, and multiplied by 100 to achieve a percentage.

*Purpose:* To aggressively and effectively enforce state mortuary law and agency rules and to protect the public by inspecting facilities according to risk based criteria.

*Calculation Type:* Non-cumulative

*New Measure:* No

*Key Measure:* Yes

#### 2. **Percent of Licensees Who Renew Online**

*Definition:* Percent of the total number of licensed individuals and establishments that renew their license online during the reporting period.

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*Data Limitations:* None

*Data Source:* All individual and facility renewal applications are entered into the database. At the end of the fiscal year, the accountant runs a report from the database system which shows all individuals and establishments that renewed online during the fiscal year.

*Methodology:* This report is used to total the number of licenses renewed online and divide by the total number of individuals and establishments renewed during the reporting period.

*Purpose:* To track the use of online license renewal technology by the licensee population.

*Calculation Type:* Non-cumulative

*New Measure:* No

*Key Measure:* Yes

### **3. Percent of New Individual Licenses Issued Online**

*Definition:* Percent of all new licenses issued online to individuals during the reporting period.

*Data Limitations:* None

*Data Source:* All new individual and facility applications are entered into the database. At the end of the fiscal year, the accountant receives a report from the database system which shows all individuals that had original applications processed online during the fiscal year.

*Methodology:* This report is used to total the number of new licenses issued to individuals online and divide by the total number of new licenses issued to individuals during the reporting period.

*Purpose:* To track the use of online license issuance technology by the licensee population.

*Cumulative:* No

*New Measure:* No

*Key Measure:* Yes

### **Output Measures**

#### **1. Number of New Licenses Issued to Individuals**

*Definition:* The number of licenses issued to previously unlicensed individuals during the reporting period.

*Data Limitations:* None

# TEXAS FUNERAL SERVICE COMMISSION

*Data Source:* All new individual license applications are entered into the database. At the end of the reporting period, the accountant receives a report from the database system which shows all individuals that had original applications processed during the reporting period.

*Methodology:* The database report is used to count the total number of licenses issued to previously unlicensed individuals during the reporting period, regardless of when the application was originally received. Only new licenses are counted. Licenses are counted as new for persons who were previously licensed, but whose license expired so that they were required to meet all criteria of a new applicant.

*Purpose:* A successful licensing structure must ensure that legal standards for professional education and practice are met prior to licensure. This measure is a primary workload indicator and is intended to show the number of unlicensed persons who were documented to have successfully met all licensure criteria established by statute and rule as verified by the agency during the reporting period.

*Calculation Type:* Cumulative

*New Measure:* No

*Key Measure:* Yes

## **2. Number of Individual Licenses Renewed**

*Definition:* The number of licensed individuals who held licenses previously and renewed their license during the reporting period.

*Data Limitation:* None

*Data Source:* All individual license renewal applications are entered into the database. At the end of the reporting period, the accountant receives a report from the database system which shows all individuals that had license renewals processed during the reporting period.

*Methodology:* The database report is used to count the number of licenses that were renewed during the reporting period.

*Purpose:* Licensure renewal is intended to ensure that persons who want to continue to practice in their respective profession satisfy current legal standards established by statute and rules governing professional education and practice. This measure is intended to show the number of licenses that were issued during the reporting period to individuals who currently hold a valid license.



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*Calculation Type:* Cumulative

*New Measure:* No

*Key Measure:* Yes

### **3. Number of New Licenses Issued to Facilities**

*Definition:* The number of licenses issued to previously unlicensed establishments during the reporting period.

*Data Limitations:* None

*Data Source:* All new facility license applications are entered into the database. At the end of the reporting period, the accountant receives a report from the database system which shows all establishments that had original applications processed during the reporting period.

*Methodology:* The database report is used to count the total number of licenses issued to previously unlicensed establishments during the reporting period, regardless of when the application was originally received.

*Purpose:* This measure shows the number of new establishments licensed, which directly relates to the number of inspectors and the amount of travel required by the agency to regulate the practice.

*Calculation Type:* Cumulative

*New Measure:* No

*Key Measure:* Yes

### **4. Number of Facility Licenses Renewed**

*Definition:* The number of licensed establishments who held licenses previously and renewed their license during the reporting period.

*Data Limitation:* None

*Data Source:* All facility license renewal applications are entered into the database. At the end of the reporting period, the accountant receives a report from the database system which shows all establishments that had license renewals processed during the reporting period.

*Methodology:* The database report is used to count the number of establishment licenses that were renewed during the reporting period.

*Purpose:* This measure shows the number of establishments licensed, which directly relates to the number of inspectors and the amount of travel required by the agency to regulate the practice.

*Calculation Type:* Cumulative

*New Measure:* No

*Key Measure:* Yes

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## 5. Number of Individuals Examined

*Definition:* The number of individuals to whom examinations were administered in whole or in part during the reporting period.

*Data Limitation:* Data is dependent of factors outside the control of the agency, such as the number of qualified graduates from mortuary school. Mortuary law exams are administered once a month in Austin, except for November and December, and twice a year in Houston, Dallas, Amarillo and San Antonio.

*Data Source:* All applicants taking the mortuary law exam are required to sign in at registration.

*Methodology:* Copies of these sign in sheets are given to the accountant, who then totals them for each quarter.

*Purpose:* This number shows the number of individuals examined, which is a primary step in licensing the individual.

*Calculation Type:* Cumulative

*New Measure:* No

*Key Measure:* Yes

## 6. Number of New Cemeteries and Crematories Licensed

*Definition:* The number of licenses issued to previously unlicensed cemeteries and crematories during the reporting period.

*Data Limitations:* None

*Data Source:* All new cemetery and crematory applications are entered into the database. At the end of the reporting period, the accountant receives a report from the database system which shows all cemeteries and crematories that had original applications processed during the reporting period.

*Methodology:* This report is used to count the total number of licenses issued to previously unlicensed cemeteries and crematories during the reporting period.

*Purpose:* A successful licensing structure must ensure that legal standards for professional education and practice are met prior to licensure. This measure is a primary workload indicator intended to show the number of unlicensed cemeteries and crematories who were documented to have successfully met all licensure criteria established by statute and rule as verified by the agency during the reporting period.

*Calculation Type:* Cumulative

*New Measure:* No

*Key Measure:* No

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## **7. Number of Cemeteries and Crematories Renewed**

*Definition:* The number of licensed cemeteries and crematories who held licenses previously and renewed their license during the reporting period.

*Data Limitation:* None

*Data Source:* All cemetery and crematory license renewal applications are entered into the database. At the end of the reporting period, the accountant receives a report from the database system which shows all cemeteries and crematories that had license renewals processed during the reporting period.

*Methodology:* This report is used to count the number of cemetery and crematory licenses that were renewed during the reporting period.

*Purpose:* This measure shows the number of cemeteries and crematories licensed, which directly relates to the number of inspectors and the amount of travel required by the agency to regulate the practice.

*Calculation Type:* Cumulative

*New Measure:* No

*Key Measure:* No

### Explanatory Measures

#### **1. Total Number of Individuals Licensed**

*Definition:* Total number of individuals licensed at the end of the reporting period.

*Data Limitations:* None

*Data Source:* Database records.

*Methodology:* At the end of the reporting period, the accountant receives a report from the database system which shows all individuals currently licensed.

*Purpose:* To obtain an accurate count of active licenses.

*Calculation Type:* Non-cumulative

*New Measure:* No

*Key Measure:* Yes

#### **2. Total Number of Facilities Licensed**

*Definition:* Total number of facilities licensed at the end of the reporting period.

*Data Limitations:* None

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*Data Source:* Database records.

*Methodology:* At the end of the reporting period, the accountant receives a report from the database system which shows all facilities currently licensed.

*Purpose:* To obtain an accurate count of active facility licenses.

*Calculation Type:* Non-cumulative

*New Measure:* No

*Key Measure:* Yes

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## INSPECTION/ INVESTIGATION STRATEGY

### Outcome Measures

#### **1. Percent of Complaint Resolved Within Six Months**

*Definition:* The percent of complaints resolved during the reporting period, that were resolved within a six month period from the date they were initially received by the agency.

*Data Limitations:* None

*Data Source:* Investigators enter all complaint information into the database. Additionally, all complaints are logged into a complaint spreadsheet which is kept by the Enforcement Division staff. This spreadsheet contains the complaint number, name of respondent, received date, resolved date, any disciplinary action taken, and the resolution time in days.

*Methodology:* At the end of the reporting period, the accountant is given a copy of this spreadsheet. A manual tally is taken of the number of complaints resolved during the quarter which took 182 days or less in resolution time. This amount is then divided by the number of complaints resolved during the quarter and multiplied by 100 to achieve a percentage of complaints resolved within six months.

*Purpose:* To investigate complaints within 182 days.

*Calculation Type:* Non-cumulative

*New Measure:* No

*Key Measure:* Yes

#### **2. Percent of Licensed Facilities Found to be Non-Compliant During Inspection**

*Definition:* The total number of inspections conducted within a fiscal year compared to the number of facilities cited for a violation deficiency during the inspection process. Risk based inspections are mandated by statute and an inspection deficiency will indicate facilities that were non-compliant during an inspection.

*Data Limitations:* None

*Data Sources:* Inspectors enter all inspection data into a spreadsheet maintained in the Enforcement Division. This spreadsheet contains the number and type of inspections completed, and the results of each inspection. These spreadsheets are totaled at the bottom.

*Methodology:* At the end of the reporting period, the accountant is

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given a copy of the spreadsheet. The number of establishments cited for deficiency is the numerator divided by the number of establishments inspected which is the denominator, during the reporting period. Multiply the result by 100 to be represented as a percentage.

*Purpose:* To aggressively and effectively enforce statute and rules and protect the public by inspecting facilities according to risk based criteria. The percentage of establishments cited for deficiency is an indication of the necessity for unscheduled inspections and the amount of time required by agency personnel to maintain vigilance over establishments who violate state mortuary law and agency rules.

*Calculation Type:* Cumulative

*New Measure:* No

*Key Measure:* No

## Output Measures

### **1. Number of Complaints Resolved**

*Definition:* The total number of jurisdictional complaints during which final action was taken by the commission or for which a determination is made that a violation did not occur.

*Data Limitations:* Number of complaints resolved will vary depending upon the severity of the offense, the cooperation of the licensee, the amount of tangible evidence that can be gathered, the number of witnesses to corroborate the allegation, whether or not the licensee appeals the finding of the commission, and the length of time it takes for the Office of the Attorney General to set a formal hearing.

*Data Source:* All complaints are logged into a complaint spreadsheet which is kept by the Enforcement Division staff. This spreadsheet contains the complaint number, name of respondent, received date, resolved date, any disciplinary action taken, and the resolution time in days.

*Methodology:* At the end of the reporting period, the accountant is given a copy of this spreadsheet. A manual count is taken of the jurisdictional complaints resolved during the quarter.

*Purpose:* This measure shows the workload associated with resolving complaints.

*Calculation Type:* Cumulative

*New Measure:* No

*Key Measure:* Yes

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## 2. Number of Establishments Inspected

*Definition:* The total number of establishments inspected during the reporting period.

*Data Limitations:* None

*Data Source:* Inspectors enter all inspection data into a spreadsheet maintained in the Enforcement Division. This spreadsheet contains the number and type of inspections completed, and the results of each inspection. These spreadsheets are totaled at the bottom. Inspections are entered into the database as they are made, as well as the spreadsheet.

*Methodology:* At the end of the reporting period, the accountant is given a copy of the spreadsheet which shows the totals.

*Purpose:* Measures how effectively the agency inspects facilities by risk based criteria, and at least once every biennium for licensure requirements.

*Calculation Type:* Cumulative

*New Measure:* No

*Key Measure:* Yes

## 3. Number of Complaints Pending

*Definition:* The number of complaints submitted that have not completed the investigative and/or adjudication process.

*Data Limitation:* None

*Data Sources:* All complaints are logged into a complaint spreadsheet which is kept by the Enforcement Division staff. This spreadsheet contains the complaint number, name of respondent, received date, resolved date, any disciplinary action taken, and the resolution time in days.

*Methodology:* At the end of the reporting period, the accountant is given a copy of this spreadsheet. Pending complaints are totaled by classification. This report is used to calculate the total number of complaints that have not been resolved during the reporting period.

*Purpose:* This measure will provide the agency with the number of outstanding complaints.

*Cumulative:* No

*New Measure:* No

*Key Measure:* Yes

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## Efficiency Measures

### **1. Average Time for Complaint Resolution**

*Definition:* The average length of time to resolve a complaint for all jurisdictional complaints resolved during the reporting period.

*Data Limitation:* None

*Data Source:* All complaints are logged into a complaint spreadsheet which is kept by the Enforcement Division staff. This spreadsheet contains the complaint number, name of respondent, received date, resolved date, any disciplinary action taken, and the resolution time in days. At the end of the reporting period, the accountant is given a copy of this spreadsheet.

*Methodology:* This report is used to calculate the total number of calendar days per complaint resolved, summed for all complaints resolved during the reporting period, that elapsed from receipt of a request for agency intervention to the date upon which final action on the complaint was taken by the commission (numerator), is divided by the number of complaints resolved during the reporting period (denominator). The calculation excludes complaints determined to be non-jurisdictional of the commission's statutory responsibilities.

*Purpose:* This measure shows the agency's efficiency in resolving complaints.

*Cumulative:* No

*New Measure:* No

*Key Measure:* Yes

### **2. Average Time to Resolve Complaints Pending Litigation**

*Definition:* The average length of time that it takes to resolve a jurisdictional complaint pending SOAH litigation or mediation during the reporting period.

*Data Limitation:* None

*Data Source:* All complaints are logged into a complaint spreadsheet which is kept by the Enforcement Division staff. This spreadsheet contains the complaint number, name of respondent, received date, resolved date, any disciplinary action taken, and the resolution time in days. At the end of the reporting period, the accountant is given a copy of this spreadsheet.

*Methodology:* This report is used to calculate the total number of calendar days per pending litigation complaint resolved, summed for all pending litigation complaints resolved during the reporting period,



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that elapsed from receipt of a request for agency intervention to the date upon which final action on the complaint was taken by SOAH or through mediation (numerator), is divided by the number of pending litigation complaints resolved during the reporting period (denominator). The calculation excludes complaints determined to be non-jurisdictional of the commission's statutory responsibilities.

*Purpose:* This measure shows the efficiency of the process for resolving litigated complaints.

*Cumulative:* No

*New Measure:* Yes

*Key Measure:* Yes

## Explanatory Measures

### **1. Number of Jurisdictional Complaints Received**

*Definition:* The total number of complaints received during the reporting period which were within the agency's jurisdiction of statutory responsibility.

*Data Limitations:* None

*Data Source:* All complaints are logged into a complaint spreadsheet which is kept by the Enforcement Division staff. This spreadsheet contains the complaint number, name of respondent, received date, resolved date, any disciplinary action taken, and the resolution time in days.

*Methodology:* At the end of the reporting period, the accountant is given a copy of this spreadsheet. The agency sums the total number of complaints received only relative to the jurisdiction

*Purpose:* This measure shows the number of jurisdictional complaints, which helps determine agency workload.

*Cumulative:* Yes

*New Measure:* No

*Key Measure:* Yes

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## ENFORCEMENT STRATEGY

### Outcome Measures

#### **1. Percent of Complaints Resolved Resulting in Disciplinary Action**

*Definition:* Percent of complaints which were resolved during the reporting period that resulted in disciplinary action.

*Data Limitations:* None

*Date Source:* All complaints are logged into a complaint spreadsheet which is kept by the Enforcement Division staff. This spreadsheet contains the complaint number, name of respondent, received date, resolved date, any disciplinary action taken, and the resolution time in days.

*Methodology:* At the end of the reporting period, the accountant is given a copy of this spreadsheet. A manual tally is taken of all complaints resolved which resulted in disciplinary action. This amount is then divided by the total number of complaints resolved during the quarter, and multiplied by 100 to achieve a percentage of complaints resolved which resulted in disciplinary action.

*Purpose:* This measure is intended to show the extent to which the agency exercises its disciplinary authority in proportion to the number of complaints received. It is important that both the public and the licensees have an expectation that the agency will work to ensure fair and effective enforcement of the Act, and this measure seeks to indicate agency responsiveness to this expectation.

*Cumulative:* No

*New Measure:* No

*Key Measure:* Yes

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## APPENDIX E

### WORKFORCE PLAN

#### Agency Overview

The Texas Funeral Service Commission (TFSC) was established as the State Board of Embalmers in the year 1903 to license and regulate embalmers at a time when many legislatures across the country were licensing various professions in order to protect the public health. The agency's original purpose was to protect the public health by preventing the spread of contagious disease. In 1938 the law was amended to include the regulation of funeral directors. In 1953 the State Board of Embalmers evolved into the State Board of Morticians which was renamed the Texas Funeral Service Commission in the year 1987. Prior to 1978 the main focus of the agency was to protect the public from unresponsive funeral directors and embalmers. As a result of the Sunset process in 1979, the statute was amended to expand and strengthen the agency's ability to protect the public from unethical, unscrupulous and dishonest practices within the death care industry. The Texas Legislature has attempted during subsequent legislative sessions to strengthen the agency's enforcement capabilities. During the 78<sup>th</sup> Legislative Session the TFSC was given the new mission of regulating crematories and certain cemeteries through licensing and compliance. The TFSC administers all regulatory programs, issues licenses, and investigates consumer complaints.

The mission of the TFSC is carried out through Licensing and Compliance. The TFSC office is located at 333 Guadalupe Street, Suite 2-110, Austin, Texas. The staff is divided between the Compliance and Consumer Affairs Division and the Licensing Division.

The mission to protect the public from deceptive practices by gaining compliance with the laws of the State of Texas and rules of Commission are accomplished by the five (5) FTEs of the Compliance and Consumer Affairs Division and the one Legal

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Assistant. In addition, the agency Licensing Division consists of five (5) FTEs which perform the licensing, registration, examination, and continuing education functions. Overseeing all functions of the agency is the Executive Director.

The accounting division currently contracts with another small state agency to perform the accounting duties of the agency. In accordance with the state mandates the agency uses historically underutilized businesses (HUBs) for the agency's expenditures for service contracts and purchases when possible.

## ***A. Agency Mission***

To protect the public from deceptive practices by gaining compliance with the laws of the State of Texas and rules of the Commission through a process of impartial enforcement, inspection, and education to insure that the final disposition of every citizen is conducted at the highest level of professional standards and ethical conduct.

## ***B. Strategic Goals and Objectives***

### **Goal #1 Competent Licensees**

To manage a program of examination and licensure that ensures the development of competent funeral professionals and the highest standards of professional and ethical conduct.

**Objective** To ensure the licensing and provisional license (apprentice) functions are managed in a timely and cost-effective manner.

#### Strategies:

- To license individuals, funeral establishments, commercial embalmer establishments, and crematory establishments in the State of Texas
- Decrease administrative processes through aggressive participation with regard to online licensing and registration
- Provide quality Continuing Education for the industry

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- To promote uniformity and reciprocity with other licensing jurisdictions
- Promote the public welfare by ensuring that licensure qualifications and standards for professional practice are properly evaluated, accurately applied, and vigorously enforced
- Develop a quality education program to promote compliance with the regulations and agency rules

## Goal #2 Enforce Standards

To aggressively and effectively provide enforcement through compliance, and to protect the public from incompetent and unethical conduct.

**Objective** To ensure the protection of the general public by inspecting 100 percent of all licensed funeral establishments (each fiscal year) and to ensure aggressive and effective investigation of consumer complaints.

### Strategies:

- To provide enforcement through a vigorous program of inspections and investigations

**Objective** To ensure fair and immediate due process for all complainants and respondents by initiating the disciplinary/adjudicatory process in an efficient and effective manner.

### Strategies:

- Decrease the number of consumer complaints
- Review investigated complaints and recommend disciplinary or other action

## C. *Anticipated Changes in Strategies*

TFSC anticipates some changes that may impact the agency's business. The changes are outlined below.

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There were several changes during the regular 82nd Legislative session. Additionally the agency anticipates some changes during the regular 83<sup>rd</sup> Legislative session.

- Amendments to Texas Occupations Code 651 will help to clarify existing statutes to allow for clearer understanding and enforcement.
- Amending current language of existing statutes will allow the Commission to stay current with updated technology.
- Current statutory language fails to provide a maximum time frame for when the final disposition of a dead human body must occur.
- Organ/tissue and blood transplantation and transportation of any body part as it relates to dead human bodies is a challenge for the Texas Legislature to address during the 83rd legislative session. Fixing the responsibility for oversight with the Texas Funeral Service Commission and the Texas Anatomical Board jointly must be addressed on behalf of and for the protection of the consuming public.
- The Legislature may need to consider whether Crematory Operators should be licensed.

## **D. Agency Workforce Profile**

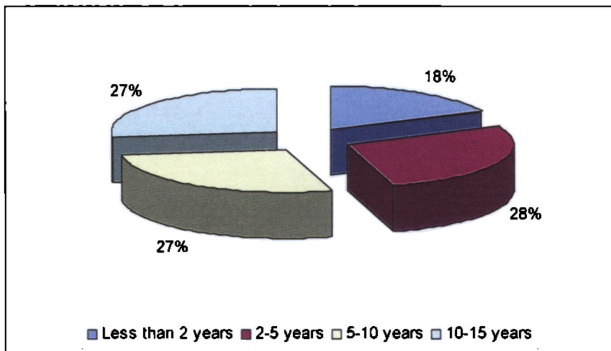
### **1. Critical Workforce Profile**

- There are several critical skills that are important to the agency's ability to operate. Understanding the importance of a professional presence while on the job, the ability to organize, plan, and prioritize, problem-solve, critical communication skills, and the ability to manage difficult situations are just a few of the skills needed to work in the death care industry. Without these skills the TFSC's basic business functions would be impeded. Below is a brief overview of the current work force resources and how these resources will evolve over time through turnover or retirement.

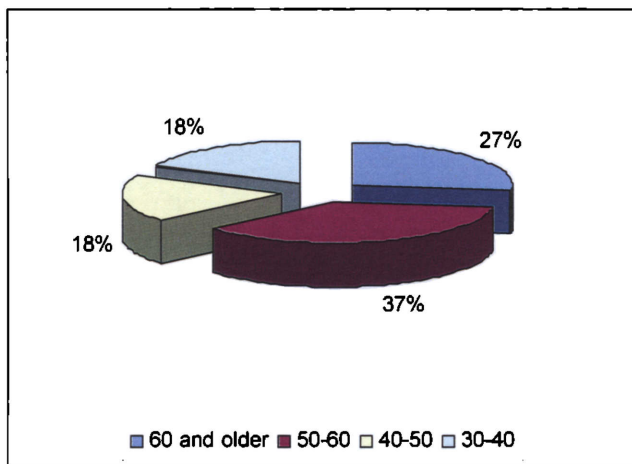
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The agency has maintained its distinct advantage in that it has educated and qualified staff that carries out their responsibilities in an efficient, effective, professional, and customer-service oriented manner. All staff personnel multitask on a daily basis.

## 2. Workforce Demographics

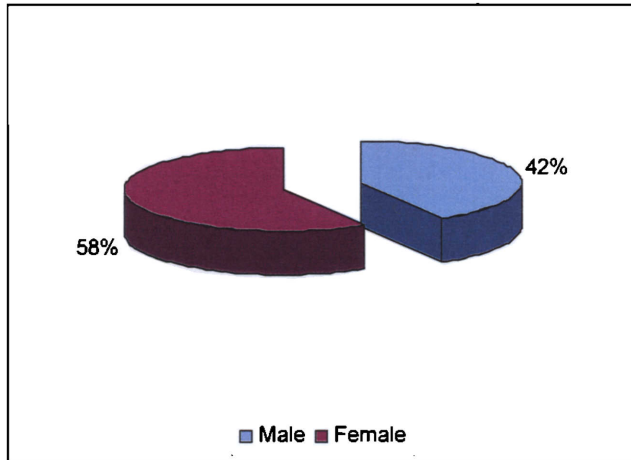


**TENURE**



**AGE**

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**GENDER**

As illustrated by the above charts the agency is comprised of 58% females and 42% males. The greatest concentration of males is within the Compliance and Consumer Affairs Division. The majority of the agency workforce is over the age of 50. There is a wide variety of ages which gives the agency a broad perspective. As illustrated 64% of the agency's workforce has 5 years or more of agency service.

## ***E. Employee Turnover***

During FY2011 and the first two quarters of FY2012 the TFSC experienced a 33% employee turnover. This was the highest employee turnover rate the agency has experienced within the past ten (10) years. The TFSC employee turnover rate is consistently higher than both the statewide turnover rate and the article VIII turnover rate. It is anticipated that the turnover rate will remain at such a high rate due to voluntary separation, such as retirement, transferring to another state agency, or voluntary resignation. A contributing factor for voluntary separation will be an employee's desire for a higher pay rate and the need for a position in a higher job classification.

In previous years the greatest area of turnover has been with employees who have had less than one year of experience and are under the age of 40.



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## **F. *Future Workforce Profile***

The agency must keep abreast of changes and advances in the uses of technology. Therefore, as the use of technology expands, the agency must determine the critical functions which must be controlled, supervised, or performed by individuals that understand the death care industry in order to promote, preserve, and protect the public safety.

Changes in legislative requirements may mean the TFSC may have to reevaluate and revise current work flow, processes, and education. The TFSC must be prepared to accept and implement these changes within our workforce.

1. Workforce functions:
  - a. Critical Functions
    1. Licensing and Examination
    2. Investigation and Compliance

The TFSC is a regulatory agency that regulates both individuals (Funeral Directors and Embalmers) and facilities (Funeral Establishments, Commercial Embalmer Establishments, Crematory Establishments, and certain Cemeteries). Interaction between the two divisions, Licensing and Compliance, is crucial to the effectiveness of the agency's efforts.

- b. Anticipated workforce changes in Critical Functions
  1. Continued increase in the death care industry workforce and possible changes made by the 83<sup>rd</sup> Legislature
  2. Expansion of the educational programs
  3. Increase in the use of legal resources due to the lack of in-house legal counsel
  4. Continued training for the Compliance and Consumer Affairs Division to ensure compliance with statutory requirements through regulation, licensure, and investigations of violations
  5. Constant evaluation of work flow processes for more efficiency
  6. Employees cross trained in functional areas

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7. With the anticipated Legislative changes and new mandates on the agency, the TFSC's workforce should be expanded by two (2) FTEs to fulfill additional statutory responsibilities.

## c. Future workforce skills

1. Customer service for continued customer satisfaction

2. The agency needs to continue to have skilled staff members in all areas of critical functions

3. Qualified staff to make use of available resources necessary to carry out the critical functions of the agency

4. The TFSC continues to have a need for and requests one (1) in-house legal counsel. In the absence of an in-house legal counsel and in response to the heavy legal demands on the TFSC, the Office of the Attorney has assigned three Assistant Attorneys General (AAGs) to provide general counsel and to prosecute and/or mediate the agency's cases at SOAH. However some of these AAGs may represent as many as a dozen other state agencies, and, while the number of cases backlogged at SOAH has been reduced by the AAGs, the TFSC continues to have a serious backlog of cases pending at SOAH, a number of which are over a year old. Permitting the TFSC to hire an in-house legal counsel would greatly reduce the case backlog at SOAH. An in-house legal counsel would also assist the TFSC with the agency's large number of open records requests, with in-house rules review and rules drafting, with in-house mediation of disputes over ingress/egress to cemeteries, and with the agency's response to legal questions from the public and from licensees. An in-house counsel dedicated to the goals of the TFSC is essential to managing the agency's workload in such a way as to meet the TFSC's performance goals set by the Legislature.

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## G. Gap Analysis

The impact of Texas' continued fiscal crisis, as it relates to salaries and funding, continues to be an obstacle for staff development.

### A. Anticipated surplus or shortage of workers or skills

1. Staff members have difficulty competing for higher positions within the agency
2. Staff members look elsewhere for higher paying positions with less work involved
3. Critical skills are continuously being developed internally but time constraints, budgetary constraints, and the need to work his/her own job hinders the development
4. TFSC cannot hire an in-house Attorney until the statute is changed and funding is appropriated for the same

Although the agency did have staff turnover during FY 2011 and FY 2012, and lost one FTE due to budget cutbacks, the agency continues to remain stable. Providing quality services to the consuming public, as well as the licensees, depends on the critical functions of being able to respond in a timely, professional manner to public inquiries, complaints, licensing issues, and requests for information. It is essential to the agency's business functions to be able to hire and retain the most qualified staff possible. The inability, due to budgetary or legislative constraints, to hire the above mentioned professionals places a great burden on the staff and the agency as a whole.

TFSC has identified skills that are a priority to the agency:

Admin Support	Officials/Admin			Professional/Technical			Para-Professional		
	Have	Need	Gap	Have	Need	Gap	Have	Need	Gap
Administrative/Business Process	1	1.5	.5	0	0	0	2	2	0
Licensing/Examination	3.5	3.5	0	0	0	0	0	0	0
Compliance through Investigation/Inspection	0	.5	.5	5	6	1	0	0	0
Education	.5	.5	0	0	0	0	0	0	0

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## H. Strategy Development

In order to address possible deficits between the current workforce and future demands, the TFSC has developed goals for the current workforce plan.

<b>Gap</b>	<b>Current employees lack critical skills</b>
<b>Goal</b>	Develop a competent, well-trained workforce
<b>Rationale</b>	The training and development of current employees is critical to the success of the agency. TFSC must continue to analyze existing staff to determine which employees demonstrate the potential to develop new competencies. Through management and leadership development outside training opportunities are available for all levels of staff.
<b>Action Steps</b>	<ul style="list-style-type: none"> <li>• Identify new skills required</li> <li>• Expand the training within and outside the agency</li> <li>• Rely on other small agencies for their expertise</li> <li>• Mentor current employees which will benefit the organizational development of the agency</li> <li>• Review of procedures and strategies to ensure that knowledge is retained within the agency</li> </ul>

<b>Gap</b>	<b>TFSC cannot retain the right employees for the job</b>
<b>Goal</b>	Become an employer of choice
<b>Rationale</b>	Human resource investments are crucial to the continued efficiency and effectiveness of the agency operations. TFSC must recognize there is a competitive market for good workers and take appropriate action to ensure each staff member is compensated fairly in comparison to other Article VIII agencies of similar size. The agency will focus on rewarding exceptional performance, and creating a culture that supports innovation and creativity.
<b>Action Steps</b>	<ul style="list-style-type: none"> <li>• Develop and implement a pay incentive for performance planning</li> <li>• Utilize pay incentives to retain staff</li> <li>• Create programs for employees who are seeking new challenges to work on special projects and assignments</li> </ul>



