

TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL



MEMBERS OF THE COUNCIL

Darrel D. Spinks
Executive Director

February 6, 2023

Via Regular Mail and Email to [REDACTED]

[REDACTED]
Agency for Healthcare Research and Quality
U.S. Department of Health and Human Services
5600 Fishers Ln., Rm. 06E41
Rockville, MD 20857

Re: Request for Research into Most Effective Regulatory Licensing Schemes and Standards

Dr. [REDACTED]:

I attended your keynote presentation entitled *Shifting Population Demographics: A Backdrop for Psychology Workforce Data – Demands and Gaps* at the Association of State and Provincial Psychology Boards' Annual Meeting in October of 2022. During the course of your presentation about what AHRQ is and does, I was impressed with its research capabilities and believe AHRQ may be able to help Texas and other states answer several important questions regarding the efficacy of common occupational licensing schemes and regulatory standards. More specifically, I think the research oriented mission of AHRQ and its staff can provide states with empirical data regarding the most (and least) effective common licensing criteria, regulatory standards (e.g., professional practice standards), and disciplinary methodologies utilized to regulate the professions of marriage and family therapy, professional counseling, psychology, and social work.

Empirical data reflecting the efficacy (public benefit vs. administrative burden) of regulatory schemes and standards in the aforementioned professions would be invaluable to state regulatory agencies tasked with conducting anti-competitive analysis under federal and state law following the U.S. Supreme Court's decision in *N.C. State Bd. of Dental Exam'rs v. FTC*, 574 U.S. 494, 135 S. Ct. 1101 (2015). Furthermore, I am unaware of any similar or reliable research having been conducted previously, and the scope and complexity of such research simply exceeds the capabilities of most state agencies, mine included. To that end, the Texas Behavioral Health Executive Council met on January 31, 2023, and authorized me to request AHRQ initiate a research project to answer the following questions.

- 1.e What are the most common licensing criteria, regulatory standards (e.g., professional practice standards), and disciplinary methodologies utilized to regulate the professions of marriage and family therapy, professional counseling, psychology, and social work in the United States?

[REDACTED]
The Texas Behavioral Health Executive Council is an equal opportunity employer and does not discriminate on the basis of race, color, religion, national origin, age, sex, disability or sexual orientation.

- 2.e With regard to common licensing criteria, which are the most (and least) effective at protecting the public from unqualified or incompetent providers?
- 3.e With regard to common regulatory standards, which are the most (and least) effective at protecting the public from unqualified, incompetent, or unscrupulous providers?
- 4.e With regard to common disciplinary methodologies, which are the most (and least) effective at protecting the public from unqualified, incompetent, or unscrupulous providers?

I recognize the questions presented likely do not meet AHRQ's standards for defining research topics or goals, but I am hopeful this request will lead to further discussions between our agencies about the need for and pathway to obtaining this type of data. I also understand that these questions may need to be restated or defined differently to lend themselves to the type of empirical research needed to develop the requested data.

Lastly, I understand that AHRQ is not obligated to conduct any requested research or tailor its research to the scope and nature of a party's request. However, on behalf of the Council I respectfully request that AHRQ give serious consideration to this request because of comity and the potential public benefit this type of data will provide to federal and state agencies.

Should you have any questions or concerns regarding this matter or simply wish to discuss this request in more detail, please do not hesitate to contact me at [REDACTED] or Darrel.Spinks@bhec.texas.gov.

Sincerely,



Darrel D. Spinks
Executive Director

cc: Regulatory Compliance Division, Office of the Governor
Budget & Policy Division, Office of the Governor
Office of Policy Planning, Federal Trade Commission
U.S. Department of Justice, Antitrust Division