

AGENCY STRATEGIC PLAN

Fiscal Years 2017 to 2021

By

TEXAS FUNERAL SERVICE COMMISSION



COMMISSION MEMBERS

Jean L. Olinger, Presiding Officer
Jon Scepaniski, Assistant Presiding Officer
Larry Allen
Gregory Compean
Joyce M. Odom
Gary Shaffer
W. Scott Smith

EXPIRATION OF TERM

February 1, 2019
February 1, 2019
February 1, 2021
February 1, 2021
February 1, 2017
February 1, 2019
February 1, 2017

HOMETOWN

Blanco
Mission
Mesquite
Houston
San Antonio
San Angelo
Murphy

Submitted June 24, 2016

Signed: _____

Handwritten signature of Janice McCoy in blue ink.

Janice McCoy, Executive Director

Approved: _____

Handwritten signature of Jean Olinger in blue ink.

Jean Olinger, Presiding Officer

**TEXAS FUNERAL SERVICE COMMISSION
2017-2021 STRATEGIC PLAN**

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TFSC MISSION

“The mission of the Texas Funeral Service Commission is to protect the public from deceptive practices in the funeral and death care industry through a process of impartial enforcement, inspection, licensing and education in order to guarantee that every citizen’s final disposition is conducted professionally and ethically.”

The Texas Funeral Service Commission (TFSC) is the licensing and regulatory agency for funeral directors/embalmers, funeral establishments, commercial embalming facilities, crematories, and certain cemeteries. The TFSC operates under the authority of Occupations Code, Chapter 651; Health and Safety Code, Chapter 716; and Texas Administrative Code, Title 22, Part 10.

The TFSC serves the public of Texas and is accountable to the public. The TFSC strives to be responsible, ethical and open in its actions, being ever mindful of its obligation to utilize state funds and resources in a cost effective and efficient manner.

The TFSC will work to ensure that Texas consumers are served by qualified professionals working in the death care industry by setting clear standards, maintaining compliance and seeking market-based solutions through the operational goals outlined below.

TFSC OPERATIONAL GOAL 1 – Competent Licensees

The first operational goal of the agency is to manage a program of examination and licensure that ensures the development of competent funeral professionals with high standards of ethical conduct.

To meet this goal, the objective is to ensure licensing functions are managed in a timely and cost-effective manner. In order to meet the objective, the agency will issue and renew licenses, manage a provisional licensing program and monitor a continuing education program.

The current licensing work processes include (1) processing all provisional license applications, reciprocal applications and reinstatement applications for funeral directors and/or embalmers to include DPS/FBI fingerprint background checks; (2) arranging for the examination of all individual applicants; (3) renewing licenses issued to individuals based on the expiration date of each individual license; (4) ensuring licensees are current with their continuing education requirements; and (5) processing all initial/renewal establishment applications to include funeral homes, commercial embalming facilities, crematories and certain cemeteries with the assistance of the Compliance Division’s inspection process.

Specific Action Items to Maintain Competent Licensees

1. The agency identified staff turnover due to low salaries as a core risk to fulfilling its mission and its goal to ensure competent licensees. While the agency will ask for increased appropriations to raise salaries, it will take specific action to update and maintain agency procedure manuals to ensure continuity of operations in case staff

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<p>turnover continues to be a known risk. The agency has set a goal to have existing procedure manuals updated no later than December 31, 2016, and to update the manuals as needed.</p>
<p>2. The Mortuary Law Exam is an open book test designed to test not only an applicant's knowledge of the laws impacting the funeral professional but also his/her ability to understand how to read the law. One outcome of the exam is that licensees will know how to understand and read the law leading to fewer complaints received by the TFSC.</p> <p>The agency will take specific action to update the Mortuary Law Exam annually to ensure the exam remains secure and up to date with amendments to Commission laws and rules. As the Mortuary Law Exam is a key component of the agency's licensing function, the action item is ongoing and cannot be achieved by a specified date.</p>
<p>3. The agency began imaging its existing licensing files in 2013 as a means to ensure licensing information was maintained in the event of an emergency. All the establishment licensing files have been imaged (converted from paper to digital), but the individual licensing files are still backlogged. The agency will take specific action to convert the existing individual licensing files from paper to digital format no later than August 31, 2017.</p>
<p>4. The TFSC has limited concurrent jurisdiction with the Texas Department of Banking and the Texas Department of Insurance under TAC §201.15 regarding the Pre-Paid Funeral Act. Additionally, the TFSC, in conjunction with the Department of State Health Services, has regulatory authority regarding the completion and filing of death records under TAC §201.16. The agency will take specific action to coordinate and work with these state agencies to ensure processes are not redundant or pose an impediment to the funeral service industry. Unless statute is changed, the action item is ongoing and cannot be achieved by a specified date.</p>
<p>5. The agency will take specific action to create and maintain a database of emails to allow the agency to communicate quickly with industry members and consumers on changes to the law, to announce meetings or for other important news. This action item will assist with the agency's efforts to provide excellent customer service by creating a mechanism to provide immediate information to interested parties.</p> <p>The agency receives its information technology support via a contract with the Health Professions Council. As such, achieving this action item is dependent on how the HPC allocates its resources among its member agencies. However, the agency expects this item to be achieved no later than August 31, 2017.</p>
<p>Statewide Objectives:</p>
<p>1. The agency's licensing functions are accountable to the public because it made clear its goals and makes clear how it will achieve those goals by outlining specific actions, by keeping its website up to date, by responding to licensee and public inquiries in a timely manner and by making a commitment to its mission to serve the public.</p>
<p>2. This goal is efficient in that the agency manages a licensee pool of approximately 4,800 individuals and 1,500 establishments with a total licensing staff of four FTEs.</p>

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3. Despite the agency's budget constraints, the agency's effectiveness in meeting its licensing goal can be shown by regularly meeting or exceeding its performance measures related to licenses issued and renewed.
4. The agency provides excellent customer service with the FY16 Customer Service Report showing 85% of the survey respondents said they were satisfied with the service received from the agency.
5. The agency revamped its website in 2015 in order to ensure transparency to applicants, licensees, and the general public. The new website allows the agency to provide clear direction in its rules, website, and application materials. Additionally, the agency remains transparent to the public by publishing its operating budget and other reports on the website and by operating according to the Public Information Act and the Open Meetings Act.

<p>TFSC OPERATIONAL GOAL 2 – Enforce Standards</p> <p>The second operational goal of the agency is to aggressively and effectively provide enforcement and protect the public.</p> <p>To meet this goal, the objectives are to ensure protection of the general public by inspecting 100 percent of all licensed funeral establishments each year and to ensure fair and immediate due process for all complainants and respondents by initiating the disciplinary/adjudicatory process within 90 days of identification of violations.</p> <p>The compliance work processes include (1) ensuring each licensee is in compliance with the rules and regulations that govern the death care industry through investigation of consumer complaints and (2) inspections of all establishments licensed by the TFSC.</p>
<p>Specific Action Items to Enforce Standards</p> <p>1. The agency identified staff turnover due to low salaries as a core risk to fulfilling its mission and its goal to enforce standards. While the agency will ask for increased appropriations to raise salaries, the agency will take specific action to update and maintain agency procedure manuals to ensure continuity of operations in case staff turnover continues to be a known risk. The agency has set a goal to have existing procedure manuals updated no later than December 31, 2016, and to update the manuals as needed.</p> <p>2. The Mortuary Law Exam is an open book test designed to test not only an applicant's knowledge of the laws impacting the funeral professional but also his/her ability to understand how to read the law. One outcome of the exam is that licensees will know how to understand and read the law leading to fewer complaints received by the TFSC.</p> <p>The agency will take specific action to update the Mortuary Law Exam annually to ensure the exam remains secure and up to date with amendments to Commission laws and rules. As the Mortuary Law Exam is a key component of the agency's enforcement function, the action item is ongoing and cannot be achieved by a specified date.</p>

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<p>3. The TFSC has limited concurrent jurisdiction with the Texas Department of Banking and the Texas Department of Insurance under TAC §201.15 regarding the Pre-Paid Funeral Act. Additionally, the TFSC, in conjunction with the Department of State Health Services, has regulatory authority regarding the completion and filing of death records under TAC §201.16. The agency will take specific action to coordinate and work with these state agencies to ensure processes are not redundant or pose an impediment to the funeral service industry. Unless statute is changed, the action item is ongoing and cannot be achieved by a specified date.</p>
<p>4. The agency will take specific action to create and maintain a database of emails to allow the agency to communicate quickly with industry members and consumers on changes to the law, to announce meetings or for other important news. This action item will assist with the agency's efforts to provide excellent customer service by creating a mechanism to provide immediate information to interested parties. The agency receives its information technology support via a contract with the Health Professions Council. As such, achieving this action item is dependent on how the HPC allocates its resources among its member agencies. However, the agency expects this item to be achieved no later than August 31, 2017.</p>
<p>Statewide Objectives:</p>
<p>1. The agency's enforcement functions are accountable to the public because it made clear its goals and makes clear how it will achieve those goals by outlining specific actions, by keeping its website up to date, by responding to licensee and public inquiries in a timely manner and by making a commitment to its mission to serve the public.</p>
<p>2. This goal is efficient in that the agency manages approximately 200 complaints annually and inspects 100 percent of licensed facilities with a total compliance staff of five FTEs – three investigators and two inspectors.</p>
<p>3. Despite the agency's budget constraints, the agency's effectiveness in meeting its enforcement goal can be shown by regularly meeting or exceeding its performance measures related to how complaints are handled.</p>
<p>4. The agency provides excellent customer service with the FY16 Customer Service Report showing 85% of the survey respondents said they were satisfied with the service received from the agency.</p>
<p>5. The agency revamped its website in 2015 in order to ensure transparency to applicants, licensees, and the general public. The new website allows the agency to provide clear direction in its rules, website, and application materials. Additionally, the agency remains transparent to the public by publishing its operating budget and other reports on the website and by operating according to the Public Information Act and the Open Meetings Act.</p>

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Redundancies & Impediments

Service, Statute, Rule, Regulation	Description	Agency Recommendation	Estimated Cost Savings or Benefit
Low Staff Salaries	A major risk identified in the TFSC 2016 Risk Assessment across four of the six consolidated activities was employee turnover. Turnover year after year makes the agency less effective and efficient as the agency must continuously train new employees.	Seek salary increase for all employees in the agency's Legislative Appropriations Request.	Benefit to the state would be greater staff efficiency and effectiveness by raising morale and decreasing staff turnover.
Tex. Occ. Code Chapter 651	Enabling statute for TFSC has duplicative sections, conflicting sections and sections that do not reflect current industry practice	Legislation to clean up and clarify statute should be enacted (Similar to 84R SB 1251).	Benefit to state would be increased transparency and accountability to licensees and public.

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SCHEDULE A - BUDGET STRUCTURE

Goal A: Manage Examination/Licensure to Develop Competent & Ethical Licensees

Objective A.1: Ensure licensing functions are managed in a timely and cost effective manner

Strategy A.1.1: Issue and renew licenses, monitor continuing education requirements

Outcome Measures:

- Percent of licensees with no recent violations
- Percent of licensees who renew 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

Explanatory Measures:

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

Strategy A.1.2: Texas.Gov

Goal B: To Aggressively and Effectively Provide Enforcement & Protect the Public

Objective B.1: Inspect Licensed Facilities.

Strategy B.1.1: Provide enforcement through inspections

Outcome Measures:

- Percent of licensed facilities found to be noncompliant during inspection

Output Measures:

- Number of establishments inspected

Objective B.2: Investigation and Due Process for All Complaints.

Strategy B.2.1: Investigate complaints and recommend disciplinary/other action

Outcome Measures:

- Percent of complaints resolved within 6 months
- Percent of complaints resulting in disciplinary action
- Recidivism rate of those receiving disciplinary action

Output Measures:

- Number of complaints resolved
- Number of complaints pending

Efficiency Measures:

- Average time for complaint resolution
- Average time to resolve complaints pending litigation

Explanatory Measures:

- Number of jurisdictional complaints received

Goal C: Indirect Administration

Objective C.1: Indirect Administration

Strategy C.1.1: Indirect Administration – Licensing Requirements

Strategy C.1.2: Indirect Administration - Inspections

Strategy C.1.3: Indirect Administration – Rule Compliance

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SCHEDULE B - LIST OF MEASURE DEFINITIONS

Goal 1 –Manage Examination/Licensure to Develop Competent & Ethical Licenses

Objective 1 – Ensure Licensing Functions Managed in Timely & Cost-effective Manner

Strategy 1 – Issue and Renew Licenses, Monitor Continuing Education

- | | | |
|-----------------------------|--|--------------------|
| 1. Outcome Measure - | Percent of Licensees with No Recent Violations | KEY Measure |
| 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). | |
| 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. | |
| Source/Collection of Data | This measure is calculated from a report generated from the database system by the CFO which shows the names of the licensees who have received disciplinary action from the Commission for the past three years. The total number of licensees is obtained from the system at the end of the reporting period by the accountant. | |
| Method of Calculation | The total number of licensees currently licensed by the agency who have not incurred a violation within the current and preceding two years divided by the total number of licensees currently licensed by the agency. The numerator for this measure is calculated by subtracting the total number of licensees with violations during the three-year period from the total number of licensees at the end of the reporting period. The denominator is the total number of licensees at the end of the reporting period. The result is multiplied by 100 to achieve a percentage. | |
| Data Limitations | None | |
| Calculation Type | Noncumulative | |
| Target Attainment | High | |
| New Measure | No | |
| 2. Outcome Measure - | Percent of Licensees Who Renew Online | KEY Measure |
| Definition | Percent of the total number of licensed individuals and establishments that renew their license online during the reporting period. | |
| Purpose | To track the use of online license renewal technology by the licensee population. | |
| Source/Collection of Data | All individual and establishment 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. | |
| Method of Calculation | The database report is used to total the number of licenses renewed online and divided by the total number of licenses renewed during the reporting period. | |
| Data Limitations | None | |
| Calculation Type | Noncumulative | |
| Target Attainment | High | |
| New Measure | No | |
| 1. Output Measure - | Number of New Licenses Issued to Individuals | KEY Measure |
| Definition | The number of licenses issued to previously unlicensed individuals during the reporting period. | |
| Purpose | 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. | |
| Source/Collection of Data | 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 who had original applications processed during the reporting period. | |

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Method of Calculation	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.
Data Limitations	None
Calculation Type	Cumulative
Target Attainment	High
New Measure	No

2. Output Measure -	Number of Individual Licenses Renewed	KEY Measure
Definition	The number of licensed individuals who held licenses previously and renewed their license during the reporting period.	
Purpose	License 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.	
Source/Collection of Data	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.	
Method of Calculation	The database report is used to count the number of licenses that were renewed during the reporting period.	
Data Limitations	None	
Calculation Type	Cumulative	
Target Attainment	High	
New Measure	No	

3. Output Measure -	Number of New Licenses Issued to Facilities	KEY Measure
Definition	The number of licenses issued to previously unlicensed establishments or to establishments that have changed ownership and applied for a new license number during the reporting period. Establishments counted in this measure include funeral homes, commercial embalming facilities, crematories and cemeteries.	
Purpose	This measure is a primary workload indicator intended to show 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.	
Source/Collection of Data	All new establishment 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.	
Method of Calculation	The database report is used to count the total number of licenses issued to previously unlicensed establishments and to establishments which have changed ownership and applied for a new license number during the reporting period, regardless of when the application was originally received	
Data Limitations	None	
Calculation Type	Cumulative	
Target Attainment	High	
New Measure	No	

4. Output Measure -	Number of Facility Licenses Renewed	KEY Measure
Definition	The number of licensed establishments who held licenses previously and renewed their license during the reporting period. Establishments counted in this measure include funeral homes, commercial embalming facilities, crematories and cemeteries.	

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Purpose	Licensure renewal is intended to ensure that establishments 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 establishments who currently hold a valid license.
Source/Collection of Data	All establishment 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.
Method of Calculation	The database report is used to count the number of establishment licenses that were renewed during the reporting period.
Data Limitations	None
Calculation Type	Noncumulative
Target Attainment	High
New Measure	No

1. Explanatory Measure - Total Number of Individuals Licensed **KEY Measure**

Definition	Total number of individuals licensed at the end of the reporting period
Purpose	To obtain an accurate count of active licenses
Source/Collection of Data	Database records
Method of Calculation	At the end of the reporting period, the accountant receives a report from the database system which shows all individuals currently licensed
Data Limitations	None
Calculation Type	Noncumulative
Target Attainment	High
New Measure	No

2. Explanatory Measure - Total Number of Facilities Licensed **KEY Measure**

Definition	Total number of facilities licensed at the end of the reporting period. Facilities counted in this measure include funeral homes, commercial embalming facilities, crematories and cemeteries
Purpose	To obtain an accurate count of active facility licenses
Source/Collection of Data	Database records
Method of Calculation	At the end of the reporting period, the accountant receives a report from the database system which shows all facilities currently licensed.
Data Limitations	None
Calculation Type	Noncumulative
Target Attainment	High
New Measure	No

Goal 2 –To Aggressively & Effectively Provide Enforcement & Protect the Public

Objective 1 – Inspect Licensed Facilities

Strategy 1 – Provide Enforcement Through Inspections

Outcome Measure - 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. Facilities counted in this measure include funeral homes, commercial embalming facilities, crematories and cemeteries.
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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.
Source/Collection of Data	Inspectors enter all inspection data into a spreadsheet maintained in the Compliance Division. This spreadsheet contains the number and type of inspections completed, and the results of each inspection. These spreadsheets are totaled at the bottom.
Method of Calculation	At the end of the reporting period, the accountant is 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.
Data Limitations	None
Calculation Type	Cumulative
Target Attainment	Low
New Measure	No

Output Measure -	Number of Establishments Inspected	KEY Measure
Definition	The total number of establishments inspected during the reporting period. Establishments counted in this measure include funeral homes, commercial embalming facilities, crematories and cemeteries.	
Purpose	Measures how effectively the agency inspects facilities by risk based criteria and at least once every biennium for licensure requirements.	
Source/Collection of Data	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.	
Method of Calculation	At the end of the reporting period, the accountant is given a copy of the spreadsheet which shows the totals.	
Data Limitations	None	
Calculation Type	Cumulative	
Target Attainment	High	
New Measure	No	

Goal 2 –To Aggressively & Effectively Provide Enforcement & Protect the Public

Objective 2 – Investigation and Due Process for All Complaints

Strategy 1 – Investigate Complaints & Recommend Disciplinary/Other Action

1. Outcome Measure -	Percent of Complaints Resolved Resulting in KEY Measure Disciplinary Action
Definition	Percent of complaints which were resolved during the reporting period that 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.
Source/Collection of Data	The accountant generates a report from the database system which lists the total number of complaints resolved by type of resolution during the reporting period.
Method of Calculation	The total number of complaints resolved during the reporting period that resulted in disciplinary action (numerator) is divided by the total number of complaints resolved during the reporting period (denominator). The result is multiplied by 100 to achieve a percentage. Disciplinary action includes agreed orders, reprimands,

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	suspensions, probation, revocation, and administrative fines on which the Commission has acted.
Data Limitations	None
Calculation Type	Noncumulative
Target Attainment	High
New Measure	No
2. Outcome Measure -	Recidivism rate of those receiving disciplinary action
Definition	The number of repeat offenders at the end of the reporting period as a percent of all offenders during the most recent three year period.
Purpose	To track licensed establishments with a history of repeated complaints.
Source/Collection of Data	The accountant uses previous performance report data to obtain the number of individuals receiving disciplinary actions during the current and preceding two fiscal years. The accountant generates a report from the database system that encompasses the current and preceding two fiscal years to list by name those licensees who have received disciplinary action, and manually scans to see if any licensee has had more than one disciplinary action during this three year period.
Method of Calculation	The number of licensees against whom two or more disciplinary actions were taken by the Commission within the current and preceding two fiscal years (numerator) is divided by the total number of licensees receiving disciplinary actions within the current and preceding two fiscal years (denominator). The result is multiplied by 100 to achieve a percentage
Data Limitations	None
Calculation Type	Noncumulative
Target Attainment	Low
New Measure	No
3. Outcome Measure -	Percent of Complaint Resolved Within Six Months KEY Measure
Definition	The percent of complaints which were resolved within a six month period from the date they were initially received by the agency.
Purpose	To investigate complaints within 182 days.
Source/Collection of Data	The accountant obtains a report from the database system which includes all the complaints resolved during the reporting period, the date they were received and the date they were resolved.
Method of Calculation	The report automatically calculates the number of days it took to resolve the complaint. The accountant manually counts those complaints that were resolved in 182 days or less from this report. This number (numerator) is divided by the total number of complaints resolved during the reporting period (denominator). The result is multiplied by 100 to achieve a percentage.
Data Limitations	None
Calculation Type	Noncumulative
Target Attainment	High
New Measure	No
1. Output Measure -	Number of Complaints Resolved KEY Measure
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.
Purpose	This measure shows the workload associated with resolving complaints
Source/Collection of Data	The accountant obtains a report from the database system which lists the complaints resolved by resolution type during the reporting period.
Method of Calculation	The report provides the number of complaints resolved. The number of complaints resolved includes determinations that a violation did not occur. A complaint that after preliminary investigation is determined to be non-jurisdictional is not a resolved complaint.

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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.
Calculation Type	Cumulative
Target Attainment	High
New Measure	No

2. Output Measure -	Number of Complaints Pending	KEY Measure
Definition	The number of complaints submitted that have not completed the investigative and/or adjudication process.	
Purpose	This measure will provide the agency with the number of outstanding complaints.	
Source/Collection of Data	The accountant obtains a report from the database system which lists the complaints open, or pending as of the last day of the reporting period.	
Method of Calculation	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.	
Data Limitations	None	
Calculation Type	Noncumulative	
Target Attainment	Low	
New Measure	No	

1. Efficiency Measure -	Average Time for Complaint Resolution	KEY Measure
Definition	The average length of time to resolve a complaint for all jurisdictional complaints resolved during the reporting period.	
Purpose	This measure shows the agency's efficiency in resolving complaints.	
Source/Collection of Data	The accountant generates a report from the database system which lists the complaints resolved during the reporting period, the dates they were received and the dates they were resolved.	
Method of Calculation	This report automatically calculates the number of calendar days per complaint resolved that elapsed from receipt of a request for agency intervention to the date of final disposition of the complaint by the Commission, and then sums for all complaints resolved. This number (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 agency's statutory responsibilities.	
Data Limitations	None	
Calculation Type	Noncumulative	
Target Attainment	Low	
New Measure	No	

2. Efficiency Measure -	Average Time to Resolve Complaints Pending Litigation	KEY Measure
Definition	The average length of time that it takes to resolve a jurisdictional complaint pending SOAH litigation or mediation during the reporting period.	
Purpose	This measure shows the efficiency of the process for resolving litigated complaints.	
Source/Collection of Data	The accountant generates a report from the database system which lists the complaints resolved during the reporting period, the dates they were received and the dates they were resolved.	
Method of Calculation	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, 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	

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litigation complaints resolved during the reporting period (denominator). The calculation excludes complaints determined to be non-jurisdictional of the commission's statutory responsibilities.

Data Limitations None
 Calculation Type Noncumulative
 Target Attainment Low
 New Measure No

Explanatory Measure -	Number of Jurisdictional Complaints Received	KEY Measure
Definition	The total number of complaints received during the reporting period which were within the agency's jurisdiction of statutory responsibility.	
Purpose	This measure shows the number of jurisdictional complaints which helps determine agency workload.	
Source/Collection of Data	The accountant generates a report from the database system which lists all jurisdictional complaints received during the time period.	
Method of Calculation	The agency sums the total number of complaints received only relative to their jurisdiction. It also keeps track of the total number of complaints that are not in its jurisdiction but does not use that figure in its calculation.	
Data Limitations	None	
Calculation Type	Cumulative	
Target Attainment	Low	
New Measure	No	

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SCHEDULE C - HISTORICALLY UNDERUTILIZED BUSINESS PLAN

In accordance with Art. IX, Section 7.07 Historically Underutilized Business Policy Compliance of Tex. H.B. 1, 84th Leg., R.S. (2015), the Texas Funeral Service Commission submitted a report on its compliance and plan for maintaining future compliance with Government Code, §2161.123, on December 1, 2015.

In accordance with Section 7.07(a), the Commission presents the following information as evidence of its efforts to comply with its HUB goals.

FY2014					
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
Other Services	\$38,931	\$267	0.69%	5%	24.6%
Commodities	\$20,199	\$6,582	32.59%	50%	21.0%
FY2015					
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
Other Services	\$20,120	\$294	1.46%	1%	26.0%
Commodities	\$22,806	\$14,490	63.54%	35%	21.10%

The Commission's HUB policy is responsive to Sec. 7.07 and requires that the Commission purchase commodities and other services from HUB vendors in specified percentages. The percentages are adjusted annually based upon the agency's performance during the prior year and anticipated needs.

According to Commission policy, the agency will attempt to obtain at least three bids, including a minimum of two bids from HUBs, on all commodity purchases in excess of \$5,000. However, the vast majority of agency purchases involve commodities or IT services from set-aside vendors or DIR.

The Commission refers to the 2009 Texas Disparity Study conducted by the Comptroller of Public Accounts Texas Procurement and Support Services Division (TPASS) for the information requested in Sec. 7.07 (a)(3)(A)-(D). The findings and results from 2009 Disparity Study are fully incorporated herein for all pertinent purposes, as if set forth verbatim herein. The activities stated in Sec. 7.07 (3)(A)-(D) are activities associated with conducting a disparity study. These reporting requirements were also included in Rider 18, from the previous legislative session. TPASS addressed these reporting activities in its response to the State Auditor's Office (SAO) Report No. 15-006, October 2014, Page 83-84 (see excerpt below). The Commission is in agreement with the TPASS statement. The agency also notes it has not been appropriated any funds to conduct future disparity study activities nor does it have the expertise, information required, or resources to sufficiently conduct these activities.

C. We did not include Items (a) through (d) of Rider 18 in the assessment instrument. This decision was based on the fact that state agencies and institutions of higher education neither have sufficient resources nor the required information to perform quarterly tasks identified in items (a) through (d). Conducting items (a), (b), and (c) requires access to "Availability" data. In that respect, one must have an exhaustive list of all Ready, Willing, and Able minority (not limited to HUB vendors) and non-Minority vendors in Texas to be able to perform those tasks. Conducting "statistical disparities by race, ethnicity, and gender" in "firms earning" and "in the area of utilization of women-and minority owned firms" and "in commercial construction" is a very complex task which requires a high level of statistical expertise and collection of relevant data through surveys and interviews, which would be nearly impossible to conduct on a quarterly basis. Likewise, item (d), which requires an analysis of "anecdotal testimony of disparate treatment ... [of] business owners," is a lengthy and costly process and practically impossible to conduct on a quarterly basis. Anecdotal data for recording "disparate treatment as presented by business owners" must be collected through public hearings, focus groups, and statewide surveys of business owners. The process of collecting anecdotal testimonies is often lengthy and extremely costly, and it requires a high level of expertise and resources. These tasks are commonly performed when conducting a disparity study and may take a year or longer to complete. In that respect, items (a), (b), (c), and (d) listed in Rider 18 can be performed by conducting a new statewide Disparity Study or updating the Texas Disparity Study-2009, which we already have underway.

The Commission, by and through its HUB policy and goals, will continue to make good faith efforts to meet its goals established under Tex. Gov't Code Ann. §261.123(d)(5) for increasing its use of historically underutilized businesses.

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SCHEDULE F – TFSC WORKFORCE PLAN

TFSC Overview

The Texas Funeral Service Commission is charged with regulating the practice of funeral directing and embalming in the State of Texas. Its core business functions are licensing and compliance.

- The Commission processes initial applications and renewal applications for licensure in accordance with the Cemetery and Crematory Services, Funeral Directing, and Embalming Act and the Rules of the Commission. The Commission arranges for the administration of the Texas Mortuary Law Exam to individual licensees prior to licensure.
- The Commission investigates complaints and resolves them either by dismissal or disciplinary action. Disciplinary action can range from reprimand to revocation. The Commission inspects all funeral establishments at least every 12 months to ensure compliance with mortuary laws.

The TFSC regulates an industry that deals with people during one of the most difficult and stressful periods in their lives – the death of a loved one. As such, TFSC employees must have the same critical skills industry members should have.

One of the most critical skills for agency staff is the ability to manage difficult situations. Regulating the death care industry also requires the ability to organize, plan and prioritize, problem-solve, communicate and be professional. Without employees possessing these skills the TFSC's basic business functions would be impeded.

TFSC Mission / Strategies / Goals

“The mission of the Texas Funeral Service Commission is to protect the public from deceptive practices in the funeral and death care industry through a process of impartial enforcement, inspection, licensing and education in order to guarantee that every citizen's final disposition is conducted professionally and ethically.”

Goal: Competent Licensees

Objective: To ensure that licensees meet the highest standards of professional and ethical conduct.

Strategies:

- Operate licensing program to ensure initial and renewal applications are processed efficiently
- Decrease administrative processes through online renewals
- Ensure licensure qualifications and standards for professional practice are properly evaluated, accurately applied and vigorously enforced

Goal: Enforce Standards

Objective: To ensure the protection of the general public from licensed individuals and establishments.

Strategies:

- Inspect 100 percent of all licensed funeral establishments every 12 months
- Investigate complaints upon receipt
- Provide due process

The Commission anticipates no changes to its mission, strategies and goals for the next five years. However, statutory changes at either the federal or state level could impact workforce needs.

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Possible action at the state level could include:

- Amendments to Tex. Occ. Code, Chapter 651 which could expand agency duties and responsibilities.
- Amendments to Tex. Health & Safety Code to provide a maximum time frame for when the final disposition of a dead human body must occur.
- Amendments to Tex. Occ. Code to regulate Crematory Operators and/or Transport services.

Additionally, workforce needs could be impacted by the following non-statutory issues:

- Staff turnover due to low salaries
- Need for more funeral professionals because of the increasing population of Texas
- Updated work procedures to ensure timely and efficient customer service
- FBI fingerprint criminal record checks on license renewals

TFSC Current Workforce Profile

The TFSC has 12 classified employees. The turnover rate for FY14 was 16.7 percent and for FY15 was 8.3 percent. The agency projects the turnover rate to be 8 percent (1 employee) per year over the next five years.

Almost 60% of the agency's workforce has less than five years of agency service. Two employees have less than one year of service. Five employees have more than two but less than five years of service. Three employees have more than five but less than seven years of service. One employee has 14.5 years of service and the final employee has 16 years of service. The two long term employees currently are eligible to retire.

The agency workforce is 42% female and 58% male. The greatest concentration of males (five) is found in the Compliance Division. The EEO workforce statistics show the agency is comprised of one African American female, one African American male, one Hispanic female, two Hispanic males, three Caucasian American females and four Caucasian American males.

TFSC Future Workforce Profile

Changes to the Commission's workforce functions are attributable to the following factors:

- New reporting mandates by the Legislature
- Growth in the death care industry workforce fueled by state population increases
- Updated work procedures to ensure timely and efficient customer service
- Increased use of and advances in technology
- Cross-training of employees in critical areas
- "Sunset" review during the interim of 85th Legislative Session
- Continued low staff salaries

In order to handle future workforce needs, the Commission will focus on ensuring its staff can multi-task. Emphasis will be placed on cross-training employees across job responsibilities so that if a critical employee leaves the agency, the essential work will not be impeded. Additionally, it is critical that the agency have the budget to offer regular salary increases so that employees feel valued and appreciated for their efforts on behalf of the state.

Gap Analysis

A comparison of the Commission's workforce supply to the workforce demand reveals minor gaps that can be addressed by additional staff training in new skills and higher staff salaries.

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Providing quality service to consumers, as well as licensees, depends on the critical function of being able to respond in a timely and professional manner to public inquiries, complaints, licensing issues and requests for information. All staff positions need additional writing skills in order to better and more professionally communicate with licensees and consumers.

The Commission's ability to sustain continuity and maintain positive outcomes depends on retaining its trained staff. With every staff turnover, the agency must spend time training a new employee which takes away from the efficiency of the office. Relatively low staff salaries continue to make turnover a major concern for the Commission.

In order to address possible deficits between the current workforce and future demands, the TFSC has developed goals to address the current gaps in its workforce.

Gap	Current employees lack critical skills
Goal	Develop a competent, well-trained workforce
Rationale	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.
Action Steps	<ul style="list-style-type: none"> • Identify new skills required • Expand Internal/External Training opportunities • Rely on other small agencies for expertise • Review procedures to ensure knowledge is retained within the agency

Gap	TFSC cannot retain employees
Goal	Become an employer of choice
Rationale	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.
Action Steps	<ul style="list-style-type: none"> • Develop and implement a pay incentive for performance planning • Utilize pay incentives to retain staff • Create programs for employees who are seeking new challenges to work on special projects/assignments

Gap	TFSC has high turnover rate without adequate succession plan
Goal	Ensure there is a plan to transfer knowledge of key employees
Rationale	Prepare TFSC for risks associated with the planned or unplanned loss of knowledge that is critical to the success of the agency.
Action Steps	<ul style="list-style-type: none"> • Develop policy manual for each key position • Cross-train staff • Create programs for employees who are seeking new challenges to work on special projects/assignments

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SCHEDULE G - REPORT ON CUSTOMER SERVICE

FY 2016 REPORT ON CUSTOMER SERVICE

Texas Funeral Service Commission

Submitted May 17, 2016

AGENCY OVERVIEW - The mission of the Texas Funeral Service Commission (TFSC) is to protect the public from deceptive practices in the funeral and death care industry through a process of impartial enforcement, inspection, licensing and education in order to guarantee that every citizen's final disposition is conducted professionally and ethically. The TFSC has two major functions - - ensuring competent, well-qualified professionals are licensed to serve the public and ensuring compliance with statutory requirements through inspections and the investigation of violations.

CUSTOMER INVENTORY - The agency identified 10 customer groups served by the strategies in both of the TFSC goals (licensing and compliance). Licensees are represented in all strategies.

Inventory of External Customers

A. Goal: Competent Licensees

- Applicants - Persons and establishments who make application for licensure to the Commission. Services include: distribution of application packets, application processing, processing of fees, issuance of licenses, website information, review of criminal history and arrangement for the administration of mortuary law exam.
- Individual Licensees – Persons who make application for renewal of individual licenses (funeral director and/or embalmer). Services include: processing of fees, review and issuance of renewal licenses, continuing education audits, quarterly newsletter, continuing education symposiums, website information, and individual correspondence.
- Provisional Licensees – Persons who currently hold a provisional license (funeral director and/or embalmer). Services include: processing of fees, review and issuance of renewal provisional licenses, review of case reports, quarterly newsletter, website information and individual correspondence.
- Licensed Establishments – Funeral homes and commercial embalming facilities currently licensed by the Commission. Services include: processing of fees, review and issuance of renewal license, quarterly newsletter, processing of publication orders, website information, individual correspondence, preparation room exemptions and processing of FDIC/EIC appointment or removal forms.
- Cemeteries – Cemeteries currently licensed by the Commission. Services include: processing of fees, review and issuance of renewal license, quarterly newsletter, processing of publication orders, website information, and individual correspondence.
- Crematories – Crematories currently licensed by the Commission. Services include: processing of fees, review and issuance of renewal license, process annual report, website information, and individual correspondence.
- Continuing Education Providers – Providers registered with the Commission. Services include: processing of fees, evaluation of course work, and the issuance of provider and course approval.
- Public/Associations – Elected officials, individuals or groups that interact with the Commission. Services include: presentations, correspondence, information on licensees and agency programs.
- Mortuary Schools – Accredited schools who provide mortuary law education/degree. Services include: presentations, correspondence, information on licensees and agency programs.

B. Goal: Enforce Standards (Strategies of Inspections & Investigations)

- Licensees – Persons and establishments who are licensed by the Commission. Services include: inspection of establishments, processing of complaints, written notifications, correspondence, settlement negotiations and hearings at SOAH.
- Consumers – Persons who have received services from licensees. Services include: processing of complaints, written notifications, correspondence and website information.
- Public/Associations – Elected officials, individuals or groups that interact with the Commission. Services include: correspondence and information on complaint status.

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SURVEY CONTENTS - The survey consists of six broad categories including Staff, Timeliness of Service/ Communications, Facilities, Complaint Handling Process, Internet Site, and Publications. In each of the broad categories the customer was asked to mark specific actions on a scale of 1 to 6 (strongly agree, agree, neutral, disagree, strongly disagree, and N/A). Each survey allowed for the respondent to make suggestions for process improvements.

For each broad category the specific actions include:

1. Staff – Courtesy, Knowledge, Accountability
2. Timeliness of Service/Communication - Wait time, Timeliness of returned call, Access, Correspondence
3. Facilities – Access, Location, Cleanliness
4. Complaint Handling – Ease of use, Responsiveness, Timeliness, Access
5. Internet Site – Ease of use, Content
6. Publications - Accuracy, Helpfulness, Presentation

SURVEY PROCESS - The survey was available beginning in November 2015 through March 1, 2016. The Commission made the survey available by placing a survey in all outgoing mail to external customers, leaving a survey with establishments during inspections and posting the survey on its website. Additionally, the Texas Association of Funeral Directors distributed the survey via an email blast in December 2015.

Customer groups who received surveys include current licensees (individuals and respondents), complainants, continuing education providers, public information requestors, and consumer groups. These groups cover the agency’s two goals of licensure and enforcement.

CUSTOMER SERVICE RESULTS & ANALYSIS - The overall results of the survey were extremely favorable to the Commission and its operations. There were approximately 1500 surveys distributed and 95 responses were received. Overall, 85% of the respondents said they were satisfied with the service received from the agency. Each survey category received more favorable responses than negative. The specific category with the highest satisfaction was staff with 90% of respondents strongly agreeing or agreeing staff is courtesy, knowledgeable and accountable. In contrast, 22% of respondents disagreed or strongly disagreed with the category related to timeliness of service/communications. With most of the concerns/recommendations related to telephone communication with staff.

	STAFF			TIMELINESS OF SERVICE			FACILITIES			COMPLAINTS			INTERNET			PUBLICATIONS			OVER ALL		
STRONGLY AGREE	75	79%	36	38%	40	42%	27	28%	51	54%	60	63%	85	89%							
AGREE	10	11%	21	22%	8	8%	12	13%	21	22%	20	21%	0	0%							
NEUTRAL	3	3%	10	11%	11	12%	14	15%	13	14%	6	6%	0	0%							
DISAGREE	2	2%	12	13%	4	4%	3	3%	2	2%	1	1%	7	7%							
STRONGLY DISAGREE	3	3%	9	9%	4	4%	4	4%	3	3%	0	0%	0	0%							
N/A	2	2%	7	7%	28	29%	35	37%	5	5%	8	8%	0	0%							
NO MARK		0%		0%		0%		0%		0%		0%	3	3%							
Totals	95	100%	95	100%	95	100%	95	100%	95	100%	95	100%	95	100%	95	100%	95	100%	95	100%	
Cards Sent		1500																			
Cards Returned		95																			
Percentage received		6%																			

PERFORMANCE MEASURES FY 16

Outcome Measures

85% Percentage of Surveyed Customer Respondents Expressing Overall Satisfaction with Services Received

17% Percentage of Surveyed Customer Respondents Identifying Ways to Improve Service Delivery

Output Measures

1500 Total Customers Surveyed

7500 Total Customers Served

Efficiency Measures

\$0.00 Cost per Customer Surveyed

Explanatory Measures

185,500 Total Customers Identified (estimated)

10 Total Customer Groups Identified