

# AGENCY STRATEGIC PLAN

Fiscal Years 2019 to 2023

By

## TEXAS FUNERAL SERVICE COMMISSION



### COMMISSION MEMBERS

Jean L. Olinger, Presiding Officer  
Larry Allen, Assistant Presiding Officer  
Gregory Compean  
Dianne Hefley  
Jon Scepaniski  
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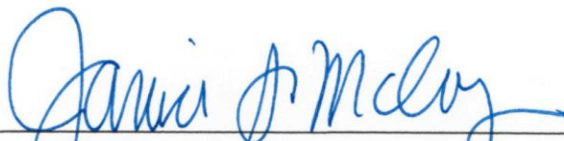
### EXPIRATION OF TERM

February 1, 2019  
February 1, 2021  
February 1, 2021  
February 1, 2023  
February 1, 2019  
February 1, 2019  
February 1, 2023

### HOMETOWN

Blanco  
Mesquite  
Houston  
Amarillo  
Mission  
San Angelo  
San Antonio

**Submitted June 7, 2018**

Signed:   
Janice McCoy, Executive Director

Approved:   
Jean Olinger, Presiding Officer

**TEXAS FUNERAL SERVICE COMMISSION  
2019-2023 STRATEGIC PLAN**

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# TEXAS FUNERAL SERVICE COMMISSION 2019-2023 STRATEGIC PLAN

## **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 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 Title 22 Texas Administrative Code, 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 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.

The agency’s 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.

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## Specific Action Items to Maintain Competent Licensees

1. The agency has identified staff turnover as a core risk to fulfilling its mission and its goal to ensure competent licensees and realizes updated procedure manuals help ensure continuity of operations. The agency will review and revise agency procedure manuals as needed. This action item is required whenever procedures are updated and cannot be achieved by a specified date.
2. The Mortuary Law Exam is designed to test an applicant's knowledge of the laws impacting the funeral industry. One outcome of the exam is that licensees should be able to construe the law thereby leading to fewer complaints received. 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.
3. The TFSC has limited concurrent jurisdiction with the Texas Department of Banking and the Texas Department of Insurance 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. 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.

## Statewide Objectives:

1. The agency's licensing functions are accountable to the public because it has clear goals with clear steps to achieve those goals. Additionally, the agency is accountable by keeping its website up to date, by responding to licensee and public inquiries in a timely manner, and committing to its mission to serve the public.
2. This goal is efficient in that the agency manages a licensee pool of approximately 4,900 individuals and 1,550 establishments with a total licensing staff of three direct FTEs.
3. 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 FY18 Customer Service Report shows 91% of the survey respondents saying they are satisfied with the service received from the agency.
5. The agency's website provides transparency to applicants, licensees, and the general public by providing clear direction in its rules, website, and applications. 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.

## Other considerations:

The agency is currently undergoing review by the Sunset Commission and looks forward to recommendations to increase operational and program efficiencies. The agency continues to review what operational changes and/or additional resources may be needed to address current and future workload and to ensure efficiency and optimal customer service.

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### **TFSC OPERATIONAL GOAL 2 – Enforce Standards**

The second operational goal of the agency is to aggressively and effectively provide enforcement to protect the public.

The agency’s objective in meeting this goal is to ensure protection of the general public by inspecting 100 percent of all licensed funeral entities 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.

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 entities licensed by the TFSC.

#### **Specific Action Items to Enforce Standards**

1. The agency identified staff turnover as a core risk to fulfilling its mission and its goal to effectively enforce standards and realizes updated procedure manuals help ensure continuity of operations. The agency will review and revise agency procedure manuals as needed. This action item is required whenever procedures are updated and cannot be achieved by a specified date.
2. The Mortuary Law Exam is designed to test an applicant’s knowledge of the laws impacting the funeral industry. One outcome of the exam is that licensees should be able to construe the law thereby leading to fewer complaints received. 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.
3. The TFSC has limited concurrent jurisdiction with the Texas Department of Banking and the Texas Department of Insurance 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. 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.

#### **Statewide Objectives:**

1. The agency’s enforcement functions are accountable to the public because it has clear goals with clear steps to achieve those goals. Additionally, the agency is accountable by keeping its website up to date, by responding to licensee and public inquiries in a timely manner, and committing to its mission to serve the public.
2. This goal is efficient in that the agency manages approximately 175 complaints annually and inspects 100 percent of licensed entities with a total compliance staff of four direct FTEs – two investigators, one inspector, and one inspector/investigator.
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 and by regularly inspecting 100% of all entities each year.

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4. The FY18 Customer Service Report shows 91% of the survey respondents saying they are satisfied with the service received from the agency.
5. The agency's website provides transparency to applicants, licensees, and the general public by providing clear direction in its rules, website, and applications. 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.

**Other considerations:**

The agency is currently undergoing review by the Sunset Commission and looks forward to recommendations to increase operational and program efficiencies. The agency continues to review what operational changes and/or additional resources may be needed to address current and future workload and to ensure efficiency and optimal customer service.

The agency underwent a review of its Enforcement Activities by the State Auditors' Office in 2017. The report stated the agency had controls to help ensure that it reviewed, investigated, and resolved complaints in accordance with requirements and they agency conducted inspections in accordance with requirements.

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## REDUNDANCIES & IMPEDIMENTS

Service, Statute, Rule, Regulation	Staff Turnover
Description	Employee turnover was a major risk identified in the TFSC 2018 Risk Assessment across four of the six consolidated activities. Turnover year after year makes the agency less effective and efficient as the agency must continuously train new employees.
Agency Recommendation	Continue to cross-train staff to ensure continuity.
Estimated Cost Savings or Benefit	Benefit to the state would be greater staff efficiency and effectiveness.
Service, Statute, Rule, Regulation	Tex. Occ. Code Chapter 651
Description	Enabling statute for TFSC has duplicative sections, conflicting sections and sections that do not reflect current industry practice.
Agency Recommendation	Agency is currently undergoing Sunset Review. Agency will support changes to update statute as recommended by Texas Sunset Commission.
Estimated Cost Savings or Benefit	Benefit to state would be increased transparency and accountability to licensees and public.
Service, Statute, Rule, Regulation	Tex. Occ. Code 651.404 / 22 TAC 203.26
Description	<p>Statute requires each licensed entity to distribute a TFSC produced brochure to all prospective customers. Agency rule requires funeral entities to purchase those brochures directly from the agency. The revenue generated from these brochures is deposited in the agency's appropriated receipts. The appropriated receipts revenue funds one licensing technician position and covers the costs of printing/shipping the brochures.</p> <p>The agency expects many funeral establishments could produce these brochures at a discounted cost, and would like to allow the funeral establishment to print the brochures itself. However, without an increase in General Revenue appropriations to offset the loss in appropriated receipts the agency cannot afford to make the necessary changes to its rule.</p>
Agency Recommendation	The agency proposes to allow funeral entities to print/copy the agency's consumer brochure instead of purchasing it from the agency.
Estimated Cost Savings or Benefit	<p>In order to make this change, the agency would need additional General Revenue of approximately \$40,000 to cover the salary of one licensing technician.</p> <p>Funeral entities would could see a cost savings by not have to purchase the brochures from the agency but instead printing the brochures at the funeral establishment.</p>

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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

Explanatory Measures:

- Number of jurisdictional complaints received



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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**

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**

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. 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 New Licenses Issued to Individuals**

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.
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

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	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

Definition	The number of licensed individuals who held licenses previously and renewed their license 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.
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

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

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.
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.

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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**

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**

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**

**1. 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.
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	At the end of the reporting period, the accountant is given a copy of the spreadsheet. The

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Calculation	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

### 1. Output Measure - Number of Establishments Inspected

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 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, 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

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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

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

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.
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

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	The accountant obtains a report from the database system which lists the complaints

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of Data	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**

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

**1. Explanatory Measure - 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.
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. S.B. 1, 85th Leg., R.S. (2017), the Texas Funeral Service Commission submitted a report on its compliance and plan for maintaining future compliance with Government Code, §2161.123.

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

FY2016					
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
Other Services	\$14,766	\$294	1.99%	1%	26%
Commodities	\$3,444	\$2,428	70.51%	50%	21.1%
FY2017					
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
Other Services	\$13,809	\$695	5.03%	1%	26.0%
Commodities	\$9,019	\$8,486	94.09%	60%	21.1%

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.

# TEXAS FUNERAL SERVICE COMMISSION 2019-2023 STRATEGIC PLAN

## **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 enforcement.

- 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 entities 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 entities 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.

Possible action at the state level could include:

- Amendments to Tex. Occ. Code, Chapter 651 which could expand agency duties and responsibilities.



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- Amendments to Tex. Health & Safety Code to provide a maximum time frame for when the final disposition of a dead human body must occur.

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

- Staff turnover
- Need for more funeral professionals because of the increasing population of Texas
- Updated work procedures to ensure timely and efficient customer service

### **TFSC Current Workforce Profile**

The TFSC has 11 classified employees. The turnover rate for FY17 was 19.5 percent and for FY16 was 8.9 percent. The agency projects the turnover rate to be 8 percent (1 employee) per year over the next five years.

All of the agency's employees have less than ten years of service. Two employees have less than one year of service. Five employees have more than two but less than five years of service. Four employees have more than five but less than ten years of service. During FY17, the agency lost its two long-term employees who had a combined 32 years of experience.

The agency workforce is 45 percent female and 55 percent male. The greatest concentration of males (four) 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, one Hispanic male, one Asian or Pacific Islander female, two 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
- 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.

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.

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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.

<b>Gap</b>	<b>Current employees lack needed 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 Internal/External Training opportunities</li> <li>• Rely on other small agencies for expertise</li> <li>• Review procedures to ensure knowledge is retained within the agency</li> </ul>

<b>Gap</b>	<b>TFSC cannot retain employees</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>• Utilize pay incentives to retain staff</li> <li>• Create programs for employees who are seeking new challenges to work on special projects/assignments</li> </ul>

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

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## **SCHEDULE G - REPORT ON CUSTOMER SERVICE**

### **FY 2018 TFSC REPORT ON CUSTOMER SERVICE**

Submitted May 15, 2018

#### 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/ 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, and 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 five 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, Friendliness, Knowledge
2. Timeliness of Service/Communication - Timeliness of returned call, Access to a Live Person
3. Complaint Handling – Ease of use, Responsiveness, Timeliness
4. Internet Site – Ease of use, Content, Renewal Site ease of use
5. Publications - Accuracy, Helpfulness, Presentation

Additionally, the survey asked a yes or no question regarding overall satisfaction.

## SURVEY PROCESS

The survey was available beginning in November 2017 through March 1, 2018. 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.

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 128 responses were received. Overall, 91% 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 80% of respondents strongly agreeing or agreeing staff is courteous, friendly, and knowledgeable. The agency’s highest negative category was timelessness of service/communications with 18% of respondents disagreeing or strongly disagreeing.

		STAFF		TIMELINESS OF SERVICE		COMPLAINTS		INTERNET		PUBLICA-TIONS		OVER ALL
<b>STRONGLY AGREE</b>	88	69%	60	47%	31	24%	67	52%	73	57%	117	91%
<b>AGREE</b>	14	11%	21	16%	8	6%	32	25%	22	17%	0	0%
<b>NEUTRAL</b>	7	5%	7	5%	10	8%	14	11%	4	3%	0	0%
<b>DISAGREE</b>	4	3%	17	13%	4	3%	5	4%	3	2%	9	7%
<b>STRONGLY DISAGREE</b>	0	0%	7	5%	3	2%	2	2%	0	0%	0	0%
<b>N/A</b>	14	11%	15	12%	71	55%	7	5%	25	20%	0	0%
<b>NO MARK</b>	1	1%	1	1%	1	1%	1	1%	1	1%	2	2%
<b>Totals:</b>	128	100%	128	100%	128	100%	128	100%	128	100%	128	100%
Cards Sent		1500										
Cards Returned		128										
Percentage received:		9%										

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## COMMENTS

The survey allowed customer groups to provide additional comments. The majority of the comments were kudos to a job well done. Of the 128 responses, the Commission received four negative comments, none of which offered specifics on ways to improve service.

## PERFORMANCE MEASURES FY 18

### *Outcome Measures*

91% Percentage of Surveyed Customer Respondents Expressing Overall Satisfaction with Services Received

5% 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