

**ANNUAL PERFORMANCE MEASURES**  
**FISCAL YEAR 2016**

Submitted to the  
Governor's Office of Budget and Planning  
and the Legislative Budget Board

by

**Funeral Service Commission**

September 30, 2016

  
Executive Director

9-30-16  
Date

Agency code: 513

Agency name: **Funeral Service Commission**

Type/Objective/Measure	2016 Target	2016 YTD	Percent of Annual Target	Target Range
<u>1-1 TIMELY LICENSING PROCESSES</u>				
1 LICENSEES WITH NO VIOLATIONS	98.00 %	98.54 %	100.55 %	
<u>Prior YTD:</u>				
2 % OF LICENSEES WHO RENEW ONLINE	80.00 %	81.00 %	101.25 %	
<u>Prior YTD:</u>				
<u>2-2 INVESTIGATION AND DUE PROCESS</u>				
1 % COMPLAINTS RESULT'G IN DISCIPLINE	35.00 %	26.00 %	74.29 % *	
<u>Explanation of Variance:</u> Percent of Complaints Resolved Resulting in Disciplinary Action				
The performance for this measure for FY 2016 is 26%, which is less than its target of 35%. The agency believes that the target of 35% is set too high, based on its FY 2015 performance of 26% and FY 2016 performance of 28%.				
The agency cannot control how many of its received complaints will be resolved with a disciplinary action, and of those recommended for disciplinary action, how many will be overturned at a SOAH hearing. This measure was decreased by the 84th Legislature from 40% to 35%. This may still be set too high, and the agency has requested this measure be decreased to 25% in its 2017-2018 LAR.				
<u>Prior YTD:</u>				

\* Varies by 5% or more from target.

**Outcomes with Cover Page and Update Explanation**  
 84th Regular Session, Performance Reporting  
 Automated Budget and Evaluation System of Texas (ABEST)

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Agency code: 513

Agency name: Funeral Service Commission

Type/Objective/Measure	2016 Target	2016 YTD	Percent of Annual Target	Target Range
3 % COMPLAINTS RESOLVED W/IN 6 MOS	62.00 %	93.00 %	150.00 % *	

Explanation of Variance: Percent of Complaints Resolved Within Six Months

The performance for this measure for FY 2016 is 93%, which exceeds its target of 62%. This is due to the agency finally resolving during the last two fiscal years many old cases that were on appeal to SOAH. These cases took an average of over 1,000 days to resolve.

Prior to FY 2014, in order to resolve SOAH cases the agency relied on the Attorney General's office for legal counsel and had to share that legal counsel with other state agencies. The agency did receive authorization for an in-house staff attorney from the 83rd Legislature and has now cleared the backlog on resolving the old cases. . There are currently no cases on appeal to SOAH. The resolution of these old cases had a negative impact on this measure during the 2014-2015 biennium. This measure was decreased from 75% to 62% during the 84th Legislature due to this backlog, and now the agency believes it is set too low and has requested this measure be increased to 85% in its 2017-2018 LAR.

Prior YTD:

\* Varies by 5% or more from target.

Agency code: 513

Agency name: **Funeral Service Commission**

<u>Type/Strategy/Measure</u>	<b>2016 Target</b>	<b>2016 YTD</b>	<b>Percent of Annual Target</b>
<b>Explanatory/Input Measures</b>			
<u>1-1-1 LICENSING REQUIREMENTS</u>			
1 TOTAL # INDIVIDUAL LICENSEES	4,750.00	5,029.00	105.87 % *
<u>Explanation of Variance:</u> Total Number of Individuals Licensed			
The performance for this measure for FY 2016 exceeds its target by .29%. The agency processes all qualified individual applications and renewals received, and believes that exceeding the target by less than 1% is nominal.			
The agency cannot control the number of individuals who wish to become licensed and who wish to renew their existing license, but will continue to process all qualified applications received in a timely manner.			
2 TOTAL # FACILITIES LICENSED	1,600.00	1,550.00	96.88 %
<u>2-2-1 RULE COMPLIANCE</u>			
1 JURISDICTIONAL COMPLAINTS	175.00	149.00	85.14 % *
<u>Explanation of Variance:</u> Number of Jurisdictional Complaints Received			
The performance for this measure for FY 2016 is 149, which falls short of its target of 175. The agency has no explanation of why it did not receive more complaints and meet the target. However, each year the agency receives a number of calls from consumers with problems the agency was able to resolve after contacting the funeral home involved, thereby preventing the need to initiate a formal complaint process. Additionally, the agency received 37 non-jurisdictional complaints, the majority of which were referred to Texas Department of Banking.			
The agency cannot control the number of complaints it receives, and will continue to investigate all jurisdictional complaints as effectively and efficiently as it has in the past. However, at baseline funding which includes the 4% reduction, the agency believes there will be staff turnover and it will see a surge in complaints received due to less oversight of agency staff.			

\* Varies by 5% or more from target.