

Legislative Fiscal Office

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Joint Committee on Ways and Means

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To: General Government Subcommittee

From: Michael Graham, Legislative Fiscal Office

Date: May 14, 2021

Subject: Senate Bill 5523 – Mental Health Regulatory Agency
Work Session Recommendations

Mental Health Regulatory Agency – Agency Totals

	2017-19 Actual	2019-21 Legislatively Approved	2021-23 Current Service Level	2021-23 LFO Recommended
Other Funds	3,180,556	4,370,784	4,650,352	5,198,007
Total Funds	3,180,556	4,370,784	4,650,352	5,198,007
Positions	12	12	12	14
FTE	11.79	12.00	12.00	14.00

The 2021-23 LFO recommended budget for the Oregon Mental Health Regulatory Agency is 14 positions (14.00 FTE) and \$5,198,007 Other Funds. This is a 18.9% increase from the 2019-21 Legislatively Approved Budget. The recommended budget is projected to leave the agency with an ending balance of \$2,077,317, which is equivalent to 9 months of operating expenses. The attached recommendations from the Legislative Fiscal Office for the Mental Health Regulatory Agency contain the following:

Adjustments to Current Service Level

See attached “Work Session Presentation Report,” dated May 7, 2021.

Note: Statewide adjustments and six-year capital construction expenditures are not included in these recommendations. Any needed adjustments will be made in end-of-session bills.

- Package 99: Microsoft 365 is being consolidated within the Office of the State Information Officer at the E5 level of service. This cost is built into the State Government Service Charge for every agency as a cost increase for the 21-23 biennium. This package makes a corresponding reduction to the agency base budget in an amount equivalent to what agencies should be paying in the current

2019-21 biennium for Microsoft 365 at the E3 level of service. This package reduces the Mental Health Regulatory Agency’s Other Funds limitation by \$8,465.

- Package 100: This package increases the Other Funds limitation by \$227,013 to make permanent one Licensing Manager position (1.00 FTE) to direct and support the licensing activity operations for both boards, which have both experienced continued growth of their licensee base. This position will manage the licensing program, supervise administrative personnel, and perform policy/legislative analysis and operational research and evaluation duties.
- Package 101: This package increases the Other Funds limitation by \$182,151 to add a limited duration Investigator position (1.00 FTE) to support agency compliance functions. This position will assist with the boards’ growing investigation backlog by performing complaint investigations and investigation reporting and documentation.
- Package 103: This package increases the Other Funds limitation by \$146,965 in services and supplies to sufficiently fund the Attorney General fees for both boards. This increase in Attorney General fees will enable the boards to process and dispose of their increasing number of complaints and investigations, resulting in sanctions, contested case hearings or appeals, and other matters requiring legal advice.
- Package 104: This package updates the current cost allocation model for certain shared expenditures between both boards. Under the current model, the Board of Licensed Professional Counselors and Therapists (BLPCT) pays 65% and the Board of Psychology (BOP) pays 35%. Reflecting a change in their respective licensee base, this package increases BLPCT’s share to 70% and reduces BOP’s share to 30% in order to more equitably distribute the cost of shared resources between them. This package does not increase expenditure limitation, but rather shifts a total of \$142,707 Other Funds from BOP to BLPCT.

Board of Licensed Professional Counselors and Therapists – Board Totals

	2017-19 Actual	2019-21 Legislatively Approved	2021-23 Current Service Level	2021-23 LFO Recommended
Other Funds	1,802,028	2,834,558	2,822,490	3,320,690
Total Funds	1,802,028	2,834,558	2,822,490	3,320,690
Positions	12	12	12	14
FTE	7.51	7.65	7.65	9.60

Adjustments to Current Service Level

See attached “Work Session Presentation Report,” dated May 7, 2021.

Note: Statewide adjustments and six-year capital construction expenditures are not included in these recommendations. Any needed adjustments will be made in end-of-session bills.

- Package 99: Microsoft 365 is being consolidated within the Office of the State Information Officer at the E5 level of service. This cost is built into the State Government Service Charge for every agency as a cost increase for the 21-23 biennium. This package makes a corresponding reduction to the agency base budget in an amount equivalent to what agencies should be paying in the current 2019-21 biennium for Microsoft 365 at the E3 level of service. This package reduces BLPCT's Other Funds limitation by \$5,925.
- Package 100: This package increases the Other Funds limitation by \$158,111 to fund BLPCT's portion of one permanent Licensing Manager position (0.70 FTE) to direct and support the licensing activity operations for both boards, due to the continued growth of their licensee base. This position will manage the licensing program, supervise administrative personnel, and perform policy/legislative analysis and operational research and evaluation duties.
- Package 101: This package increases the Other Funds limitation by \$126,707 to pay for BLPCT's portion of the limited duration Investigator position (0.70 FTE) to support agency compliance functions. This position will assist with the boards' growing investigation backlog by performing complaint investigations and investigation reporting and documentation.
- Package 103: This package increases the Other Funds limitation by \$76,600 to pay for BLPCT's portion of the services and supplies needed to sufficiently fund the Attorney General fees for both boards. This increase in Attorney General fees will enable the boards to process and dispose of their increasing number of complaints and investigations, resulting in sanctions, contested case hearings or appeals, and other matters requiring legal advice.
- Package 104: This package updates the current cost allocation model for certain shared expenditures between both boards. Under the current model, BLPCT pays 65% and BOP pays 35%. This package increases BLPCT's share to 70% and reduces BOP's share to 30%, in order to more equitably distribute the cost of shared resources between them and reflect the change in their respective licensee bases. This package does not increase expenditure limitation, but rather shifts a total of \$142,707 Other Funds from BOP to BLPCT.

Board of Psychology – Board Totals

	2017-19 Actual	2019-21 Legislatively Approved	2021-23 Current Service Level	2021-23 LFO Recommended
Other Funds	1,378,528	1,536,226	1,827,862	1,877,317
Total Funds	1,378,528	1,536,226	1,827,862	1,877,317
Positions	--	--	--	--
FTE	4.28	4.35	4.35	4.40

Adjustments to Current Service Level

See attached "Work Session Presentation Report," dated May 7, 2021.

Note: Statewide adjustments and six-year capital construction expenditures are not included in these recommendations. Any needed adjustments will be made in end-of-session bills.

- Package 99: Microsoft 365 is being consolidated within the Office of the State Information Officer at the E5 level of service. This cost is built into the State Government Service Charge for every agency as a cost increase for the 21-23 biennium. This package makes a corresponding reduction to the agency base budget in an amount equivalent to what agencies should be paying in the current 2019-21 biennium for Microsoft 365 at the E3 level of service. This package reduces BOP's Other Funds limitation by \$2,540.
- Package 100: This package increases the Other Funds limitation by \$68,902 to fund BOP's portion of one permanent Licensing Manager position (0.30 FTE) to direct and support the licensing activity operations for both boards, due to the continued growth of their licensee base. This position will manage the licensing program, supervise administrative personnel, and perform policy/legislative analysis and operational research and evaluation duties.
- Package 101: This package increases the Other Funds limitation by \$55,444 to pay for BOP's portion of the limited duration Investigator position (0.30 FTE) to support agency compliance functions. This position will assist with the boards' growing investigation backlog by performing complaint investigations and investigation reporting and documentation.
- Package 103: This package increases the Other Funds limitation by \$70,365 to pay for BOP's portion of the services and supplies needed to sufficiently fund the Attorney General fees for both boards. This increase in Attorney General fees will enable the boards to process and dispose of their increasing number of complaints and investigations, resulting in sanctions, contested case hearings or appeals, and other matters requiring legal advice.
- Package 104: This package updates the current cost allocation model for certain shared expenditures between both boards. Under the current model, BLPCT pays 65% and BOP pays 35%. This package increases BLPCT's share to 70% and reduces BOP's share to 30%, in order to more equitably distribute the cost of shared resources between them and reflect the change in their respective licensee bases. This package does not increase expenditure limitation, but rather shifts a total of \$142,707 Other Funds from BOP to BLPCT.

Performance Measures

See attached "Legislatively Proposed 2021-23 Key Performance Measures."

Recommended Changes

LFO recommends a budget of \$5,198,007 Other Funds, and 14 positions (14.00 FTE), as reflected in the -1 amendment, which includes:

- \$3,320,690 Other Funds, and 14 positions (9.60 FTE) for the Board of Licensed Professional Counselors and Therapists; and
- \$1,877,317 Other Funds, and 0 positions (4.40 FTE) for the Board of Psychology.

Final Subcommittee Action

LFO recommends that Senate Bill 5523, as amended by the -1 amendment, be moved to the Ways and Means Full Committee.

Carriers

Full Committee: _____

House Floor: _____

Senate Floor: _____

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2019-21 Agy. Leg. Adopted	-	-	3,941,338	-	-	-	3,941,338	12	12.00
2019-21 Ebds, SS & Admin Act	-	-	429,446	-	-	-	429,446	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	-	-	4,370,784	-	-	-	4,370,784	12	12.00
2019-21 Leg Approved Budget (Base)	-	-	3,941,338	-	-	-	3,941,338	12	12.00
Summary of Base Adjustments	-	-	289,527	-	-	-	289,527	-	-
2021-23 Base Budget	-	-	4,230,865	-	-	-	4,230,865	12	12.00
010: Non-PICS Pers Svc/Vacancy Factor	-	-	40,821	-	-	-	40,821	-	-
030: Inflation & Price List Adjustments	-	-	378,666	-	-	-	378,666	-	-
2021-23 Current Service Level	-	-	4,650,352	-	-	-	4,650,352	12	12.00
Adjusted 2021-23 Current Service Level	-	-	4,650,352	-	-	-	4,650,352	12	12.00
Total LFO Recommended Packages	-	-	547,655	-	-	-	547,655	2	2.00
2021-23 Legislative Actions	-	-	5,198,007	-	-	-	5,198,007	14	14.00
Net change from 2019-21 Leg Approved Budget	-	-	827,223	-	-	-	827,223	2	2.00
Percent change from 2019-21 Leg Approved Budget	0.0%	0.0%	18.9%	0.0%	0.0%	0.0%	18.9%	16.7%	16.7%
Net change from 2021-23 Adj Current Service Level	-	-	547,655	-	-	-	547,655	2	2.00
Percent change from 2021-23 Adj Current Service Level	0.0%	0.0%	11.8%	0.0%	0.0%	0.0%	11.8%	16.7%	16.7%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2019-21 Agy. Leg. Adopted	-	-	2,384,631	-	-	-	2,384,631	12	7.65
2019-21 Ebds, SS & Admin Act	-	-	293,417	-	-	-	293,417	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	-	-	2,678,048	-	-	-	2,678,048	12	7.65
2019-21 Leg Approved Budget (Base)	-	-	2,384,631	-	-	-	2,384,631	12	7.65
Summary of Base Adjustments	-	-	178,942	-	-	-	178,942	-	-
2021-23 Base Budget	-	-	2,563,573	-	-	-	2,563,573	12	7.65
010: Non-PICS Pers Svc/Vacancy Factor	-	-	32,735	-	-	-	32,735	-	-
030: Inflation & Price List Adjustments	-	-	226,182	-	-	-	226,182	-	-
2021-23 Current Service Level	-	-	2,822,490	-	-	-	2,822,490	12	7.65
Adjusted 2021-23 Current Service Level	-	-	2,822,490	-	-	-	2,822,490	12	7.65
Total LFO Recommended Packages	-	-	498,200	-	-	-	498,200	2	1.95
2021-23 Legislative Actions	-	-	3,320,690	-	-	-	3,320,690	14	9.60
Net change from 2019-21 Leg Approved Budget	-	-	642,642	-	-	-	642,642	2	1.95
Percent change from 2019-21 Leg Approved Budget	0.0%	0.0%	24.0%	0.0%	0.0%	0.0%	24.0%	16.7%	25.5%
Net change from 2021-23 Adj Current Service Level	-	-	498,200	-	-	-	498,200	2	1.95
Percent change from 2021-23 Adj Current Service Level	0.0%	0.0%	17.7%	0.0%	0.0%	0.0%	17.7%	16.7%	25.5%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 099 Microsoft 365 Consolidation

Package Description Microsoft 365 Consolidation: Microsoft 365 is being consolidated within the Office of the State Information Officer at the E5 level of service. This cost is built into the State Government Service Charge for every agency as a cost increase for the 21-23 biennium. This package makes a corresponding reduction to the agency base budget in an amount equivalent to what agencies should be paying in the current 2019-21 biennium for Microsoft 365 at the E3 level of service.

LFO Recommendation LFO Recommended

LFO Recommended	-	-	(5,925)	-	-	-	(5,925)	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 100 Licensing Manager Position

Package Description This package would make permanent the Licensing Manager, who would direct and support the operations of licensing activities for both boards increasing efficiency.

LFO Recommendation LFO Recommended

LFO Recommended	-	-	158,111	-	-	-	158,111	1	0.70
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 101 LD Investigator Position

Package Description This package would create a limited duration investigator position.

LFO Recommendation LFO Recommended

LFO Recommended	-	-	126,707	-	-	-	126,707	1	0.70
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 103 Attorney General Fees

Package Description This package would increase limitaiton for Attorney General fees.

LFO Recommendation LFO Recommended

LFO Recommended	-	-	76,600	-	-	-	76,600	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 104 Board Cost Allocation Adj

Package Description This package is recommended as it will not impact staffing, and will allow the agency to more equitably distribute expenditures between both boards.

LFO Recommendation LFO Recommended

LFO Recommended	-	-	142,707	-	-	-	142,707	-	0.55
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2019-21 Agy. Leg. Adopted	-	-	1,556,707	-	-	-	1,556,707	-	4.35
2019-21 Ebds, SS & Admin Act	-	-	136,029	-	-	-	136,029	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	-	-	1,692,736	-	-	-	1,692,736	-	4.35
2019-21 Leg Approved Budget (Base)	-	-	1,556,707	-	-	-	1,556,707	-	4.35
Summary of Base Adjustments	-	-	110,585	-	-	-	110,585	-	-
2021-23 Base Budget	-	-	1,667,292	-	-	-	1,667,292	-	4.35
010: Non-PICS Pers Svc/Vacancy Factor	-	-	8,086	-	-	-	8,086	-	-
030: Inflation & Price List Adjustments	-	-	152,484	-	-	-	152,484	-	-
2021-23 Current Service Level	-	-	1,827,862	-	-	-	1,827,862	-	4.35
Adjusted 2021-23 Current Service Level	-	-	1,827,862	-	-	-	1,827,862	-	4.35
Total LFO Recommended Packages	-	-	49,455	-	-	-	49,455	-	0.05
2021-23 Legislative Actions	-	-	1,877,317	-	-	-	1,877,317	-	4.40
Net change from 2019-21 Leg Approved Budget	-	-	184,581	-	-	-	184,581	-	0.05
Percent change from 2019-21 Leg Approved Budget	0.0%	0.0%	10.9%	0.0%	0.0%	0.0%	10.9%	0.0%	1.2%
Net change from 2021-23 Adj Current Service Level	-	-	49,455	-	-	-	49,455	-	0.05
Percent change from 2021-23 Adj Current Service Level	0.0%	0.0%	2.7%	0.0%	0.0%	0.0%	2.7%	0.0%	1.2%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 099 Microsoft 365 Consolidation

Package Description Microsoft 365 Consolidation: Microsoft 365 is being consolidated within the Office of the State Information Officer at the E5 level of service. This cost is built into the State Government Service Charge for every agency as a cost increase for the 21-23 biennium. This package makes a corresponding reduction to the agency base budget in an amount equivalent to what agencies should be paying in the current 2019-21 biennium for Microsoft 365 at the E3 level of service.

LFO Recommendation LFO Recommended

LFO Recommended	-	-	(2,540)	-	-	-	(2,540)	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 100 Licensing Manager Position

Package Description This package would make permanent the Licensing Manager, who would direct and support the operations of licensing activities for both boards increasing efficiency.

LFO Recommendation LFO Recommended

LFO Recommended	-	-	68,902	-	-	-	68,902	-	0.30
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 101 LD Investigator Position

Package Description This package would create a limited duration investigator position.

LFO Recommendation LFO Recommended

LFO Recommended	-	-	55,444	-	-	-	55,444	-	0.30
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 103 Attorney General Fees

Package Description This package would increase Other Funds limitaiton for Attorney General costs.

LFO Recommendation LFO Recommended

LFO Recommended	-	-	70,365	-	-	-	70,365	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 104 Board Cost Allocation Adj

Package Description This package is recommended as it will not impact staffing, and will allow the agency to more equitably distribute expenditures between both boards.

LFO Recommendation LFO Recommended

LFO Recommended	-	-	(142,716)	-	-	-	(142,716)	-	(0.55)
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Legislatively Proposed 2021 - 2023 Key Performance Measures

Published: 5/7/2021 12:29:21 PM

Agency: Licensed Professional Counselors and Therapists, Board of

Mission Statement:

To protect and benefit the public by setting strong licensing standards for professional counselors and marriage and family therapists. Standards include education, experience, and examinations. Licensees must abide by a Code of Ethics, complete continuing education, and provide clients with licensee background information and how to contact the Board.

Legislatively Proposed KPMs	Metrics	Agency Request	Last Reported Result	Target 2022	Target 2023
1. CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Expertise	Approved	92%	75%	75%
	Overall		85%	75%	75%
	Availability of Information		85%	75%	75%
	Timeliness		86%	75%	75%
	Helpfulness		90%	75%	75%
	Accuracy		92%	75%	75%
2. Board Best Practices - Percent of total best practices met by the Board.		Approved	97%	85%	85%
4. Efficient Application Processing - Average number of calendar days from completed license application file to application approval.		Approved	1	15	15
3. Timely Investigations - Percent of complaints presented to the Board within 180 days of receipt of complaint.		Proposed New		75%	75%
3. Timely Investigations - Percent of complaints presented to the Board within 120 days of receipt of complaint.		Proposed Delete	10%	75%	75%

LFO Recommendation:

LFO recommends the following:

- Delete KPM #3 ("Timely Investigations") and replace it with a new KPM. KPM #3 currently tracks the percentage of complaints presented to the board within 120 days of receipt of the complaint. The board has been falling substantially short of the 75 percent target. By extending the time for complaints to be presented to the board to 180 days, the board will have a more realistic chance of meeting the 75 percent target.
- Approve KPMs #1, #2 and #4 and their targets as presented.

These KPMs are the result of the 2017 Legislative recommendation, in which the Board of Licensed Professional Counselors and Therapists agreed to work with the Board of Psychology, DAS, and LFO during the interim to improve and align the two boards' KPMs, as part of the merging of the two boards under the Mental Health Regulatory Agency.

In addition, LFO recommends the Board of Licensed Professional Counselors and Therapists work with LFO and DAS CFO during the interim to document its data collection and processing methods to ensure that the KPM data provided are accurate and that definitions of data elements are consistent from year to year.

SubCommittee Action:

Legislatively Proposed 2021 - 2023 Key Performance Measures

Published: 5/7/2021 12:31:40 PM

Agency: Oregon Board of Psychology

Mission Statement:

Our mission is to protect and benefit public health and safety; and promote quality in the psychology profession.

Legislatively Proposed KPMs	Metrics	Agency Request	Last Reported Result	Target 2022	Target 2023
1. CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": Overall, Timeliness, Accuracy, Helpfulness, Expertise, Availability of Information.	Availability of Information	Approved	73%	75%	75%
	Accuracy		76%	75%	75%
	Expertise		80%	75%	75%
	Helpfulness		78%	75%	75%
	Overall		75%	75%	75%
	Timeliness		76%	75%	75%
2. BOARD BEST PRACTICES - Percent of total best practices met by the Board.		Approved	99%	85%	85%
4. Efficient Application Processing - Average number of calendar days from completed license application file to application approval.		Approved	6	15	15
3. Timely Investigations - Percent of complaints presented to the Board within 180 days of receipt.		Proposed New		75%	75%
3. Timely Investigations - Percent of complaints presented to the Board within 120 days of receipt.		Proposed Delete	20%	75%	75%

LFO Recommendation:

LFO recommends the following:

- Delete KPM #3 ("Timely Investigations") and replace it with a new KPM. KPM #3 currently tracks the percentage of complaints presented to the board within 120 days of receipt of the complaint. The board has been falling substantially short of the 75 percent target. By extending the time for complaints to be presented to the board to 180 days, the board will have a more realistic chance of meeting the 75 percent target.
- Approve KPMs #1, #2 and #4 and their targets as presented.

These KPMs are the result of the 2017 Legislative recommendation, in which the Board of Psychology agreed to work with the Board of Licensed Professional Counselors and Therapists, DAS, and LFO during the interim to improve and align the two boards' KPMs, as part of the merging of the two boards under the Mental Health Regulatory Agency.

In addition, LFO recommends the Board of Psychology work with LFO and DAS CFO during the interim to document its data collection and processing methods to ensure that the KPM data provided are accurate and that definitions of data elements are consistent from year to year.

SubCommittee Action: