

SUBJECT: Continuation of the Texas State Board of Social Worker Examiners

COMMITTEE: Public Health — favorable, without amendment

VOTE: 5 ayes — Laubenberg, Jackson, McReynolds, Truitt, Zedler

0 nays

4 absent — Delisi, Coleman, Dawson, Solis

SENATE VOTE: On final passage, March 31 — 30-0, on Local and Uncontested Calendar

WITNESSES: (*On House companion bill, HB 1320:*)

For — Carol Miller, The National Association of Social Workers - Texas; Kathy T. Rider, Texas Society for Clinical Social Work (*Registered but did not testify:* Deborah Hammond, PacifiCare Health Systems)

Against — None

On — Maryann Mabe; Andrew Marks, Texas State Board of Social Worker Examiners, Department of State Health Services; David Olvera, Sunset Commission

BACKGROUND: The Texas State Board of Social Worker Examiners, a part of the Texas Department of State Health Service's Professional Licensing and Certification Unit, is the licensing and regulatory authority for social workers in Texas. The Social Worker Board licenses about 22,000 social workers who apply the theory, knowledge, methods, and ethics of social work to restore or enhance the functioning of individuals, couples, families, groups, organizations, and communities. Social workers apply social work values, principles, and methods, including assessment, evaluation, case management, counseling, marriage and family therapy, and psychotherapy. The Social Worker Board received 119 complaints in fiscal 2003.

The board underwent sunset review in 1993 and was continued by the 73rd Legislature. If not continued by the 79th Legislature, the board will be abolished September 1, 2005.

**DIGEST:** SB 415 would continue the Texas State Board of Social Worker Examiners until September 1, 2017. The bill would add standard sunset provisions governing conflicts of interest, grounds for removing a board member, training of board members, division of staff and board responsibility, information on complaints, use of technology, and rulemaking and alternative dispute resolution.

SB 415 also would:

- implement a jurisprudence examination;
- increase the maximum administrative penalty from \$500 to \$5,000;
- revise provisions governing late renewal penalties;
- add provisions governing grounds for refusing renewal, refunds to consumers, cease-and-desist orders, appointment of board committees, rulemaking regarding criminal convictions, and administrative penalties;
- remove an exemption for non-Texas residents to practice without temporary licensure; and
- make technical and conforming changes reflecting the reorganization of the former Department of Public Health.

The bill would take effect September 1, 2005. New policies and rules would be adopted by January 1, 2006. The jurisprudence exam would be developed by March 1, 2006. Adjustments to renewal fees would be made by September 1, 2007.

**SUPPORTERS SAY:** SB 415 appropriately would continue the functions of the Texas State Board of Social Worker Examiners. Public health and safety are enhanced by ensuring that social workers – especially those that are in clinical practice and who counsel patients in private environments – meet education and experience requirements and have no history of committing serious crimes.

SB 415 would enhance the board's efficacy through the addition of a jurisprudence exam, which further would ensure that potential licensees were prepared to engage in professional practice. Cease-and-desist orders would grant the board greater authority to quickly stop unlicensed behaviors, and the increased administrative penalties would help to make these orders more enforceable. Allowing the board to adopt rules on the implications of criminal convictions would assist the board in determining

a licensee's ability to practice safely and would ensure consistency and fairness to applicants.

Removing the exemption for staff from licensure requirements would be too costly both fiscally and in terms of the availability of workers. In a time when the state's protective services are already in crisis, Texas cannot afford to lose caseworkers because they have not been licensed. These staff members receive extensive training in their specialized fields so that they are fully equipped to deal with any circumstance that may arise in their daily work duties.

**OPPONENTS  
SAY:**

Although the provisions in this bill for continuation of the Social Work Board are essential, it also is imperative that the board re-establish statutory guidance for minimum requirements for practitioners who perform home studies for adoption and custody issues. This provision was taken out of the Family Code when it was revised in 2001, which was detrimental to the well-being of the state's youngest citizens. For this same reason, the staff exemption should be removed so that licensing requirements also would pertain to Adult and Child Protective Services workers. In order to best serve the needs of affected adults and children, these caseworkers could benefit from the mandatory education and examination requirements of licensure.

**NOTES:** The companion bill, HB 1320 by Truitt, et al, was left pending in the House Public Health Committee.