

BILL ANALYSIS

Senate Research Center

H.B. 2618
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Health & Human Services
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Engrossed

DIGEST

Currently, there is no provision in the Texas Professional Social Work Act to authorize the Texas State Board of Social Worker Examiners (board) to suspend a license on an emergency basis when the continued practice of the licensee represents an immediate threat of substantial harm to the public. Other licensures, like licensed professional counselors, already contain such provisions in their laws. Even with evidence of substantial harm, the process of revoking a license may take over a year. During this entire period, the licensee may continue to practice and endanger the public. In addition, some licensees who are under investigation for incompetent or unethical practice manage to evade action by the board by allowing their license to lapse rather than respond to the complaint. If the license is not renewed, the board no longer has jurisdiction over the individual to continue an investigation, and no finding can be rendered regarding the complaint's validity. As a result, the individual may apply for a license in another state without having to report any disciplinary action related to the individual's Texas license, and if the individual reapplies for licensure in Texas at a later date, it may be difficult or impossible to prove the original complaint, due to the unavailability of witnesses and other complications resulting from the passage of time.

H.B. 2618 authorizes the board to deny or suspend a license on an emergency basis, to complete the investigation of all complaints regardless of the status of the respondent's license, and to reach conclusions regarding the validity of a complaint based on the evidence. This bill also establishes parameters within which an emergency suspension of a license may take place.

PURPOSE

As proposed, H.B. 2618 provides for disciplinary proceedings and investigation of a complaint against a social worker.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas State Board of Social Worker Examiners in SECTION 4(b) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 50.021, Human Resources Code, by amending Subsection (a), and adding Subsection (c), to require the Texas State Board of Social Worker Examiners (board) to deny, revoke, suspend, or suspend on an emergency basis a license or order of recognition; place on probation a person whose license or order of recognition has been suspended; or reprimand a person with a license or order of recognition for certain reasons. Provides that if the board suspends a license or order of recognition on an emergency basis, the suspension is effective immediately. Requires the board to provide an opportunity for a hearing to be held not later than the 20th day after the date of the emergency suspension.

SECTION 2. Amends Section 50.022, Human Resources Code, to provide that a person whose license or order of recognition has expired and who is found by the board to have violated this chapter or a rule adopted under this chapter during the time the license or order of recognition was unexpired is subject to a sanction under this chapter. Establishes that Subsections (b) and (c) apply to a proceeding against a person under this subsection.

SECTION 3. Amends Section 50.0222, Human Resources Code, by adding Subsection (d), to authorize the board to conduct an investigation of a complaint and reach a decision as to the validity of the complaint regardless of the status of the license or order of recognition of the person against whom the complaint is issued.

SECTION 4. (a) Effective date: September 1, 1997.

(b) Requires the board to adopt rules for the emergency suspension of a social worker's license or order of recognition under Section 50.021(e), Human Resources Code, as amended by this Act, not later than December 1, 1997.

SECTION 5. Emergency clause.