



Kathy T. Rider

## Texas Society for Clinical Social Work

Mister Chairman and Members of the Sunset Advisory Commission,

Thank you for your service and the opportunity to testify on the Sunset Staff Report on the Texas State Board of Examiners of Marriage and Family Therapists, Texas State Board of Examiners of Professional Counselors, Texas State Board of Social Worker Examiners and Texas State Board of Examiners of Psychologists. I am Kathy T Rider, LCSW, BCD, CGP, FAGPA. I am representing the Texas Society for Clinical Social Work. There are over 8700 licensed clinical social workers practicing in Texas. Clinical Social Workers (LCSWs) practice in a variety of settings, i.e., mental health centers, medical clinics, schools, hospitals, social service agencies ( profit and non-profit ), governmental agencies (state, federal, county and city), and independent private practices. LCSWs serve adults, families, couples, adolescents and children experiencing mental health problems which impair their ability to function and impede their progress as productive contributing members of society.

One in Four adults and One in Five children will be diagnosed with a severe mental health disorder in this calendar year in the United States. Clinical Social Workers provide the majority of mental health services in this country.

It is imperative that legal regulation of the mental health/behavioral health professions continue to protect the public and ensure that services are delivered by qualified health care providers. The administrative structure of legal regulation should be efficient, cost-effective and have the benefit of economies of scale.

We concur with staff findings that:

- 1) The boards of Marriage and Family Therapists, Professional Counselors, Psychologists, and Social Workers are acting in good faith and have made strides in addressing the issues identified initially in the 2016 Sunset Staff Report.
- 2) The current administrative structure of housing behavioral health boards under the auspices of a state agency is not and cannot solve the remaining issues and challenges identified by staff.
- 3) The consolidation of Marriage and Family Therapists, Professional Counselors, Psychologists and Social Workers under an "umbrella" agency, Texas Behavioral Health Executive Council, will provide opportunities to address the identified issues and challenges.

All four (4) of the existing independent boards regulating these behavioral health care professions are in support of this staff recommendation of consolidation.

Over sixty-three thousand (63k) health care providers would be regulated by one administrative structure. Currently, there are fifty-four (54) full-time equivalent positions (FTEs) allocated to these boards with approximately \$5.1 M plus collection of fees and fines, \$2.5 M plus expenses, and \$2.2 M plus to the general revenue fund. A consolidated agency would result in cost-savings.

The staff recommendation for a consolidated agency is an innovative strategy that creates efficiency, maintains appropriate oversight of behavioral health professionals, aligns with the state's goal of responsible consolidation, takes full advantage of operational efficiencies and economies of scale, as well as protecting the state's immunity from restraint of trade claims and protecting the vulnerable consumer populations who receive these services.

Texas is experiencing a shortage of mental health care providers and primary care physicians in 173 out of 254 counties. It is critical that the regulation of providers, protection of these vulnerable populations, and the delivery of services be done in an administrative framework that best serves the people of Texas.

We respectfully disagree with the staff's recommendation for an all public member council with professional members from each of the four boards as ex-officio members.

We believe that the Behavioral Health Executive Council should be a nine member body made up of one professional and one public member appointed by each of the four boards with the Governor appointing an independent public member to serve as presiding officer of the council. This would still give the council a majority of public members.

It is critical that the regulation of health care professionals have the opportunity of both professional expertise and experience in delivering health care. Having only public members on the council would create a steep learning curve which would add to the challenges already identified by staff. No other state agency regulating health care has an all public member board. The current independent behavioral health boards have functioned well with the combination of public and professional membership.

Therefore, we support the continuation of the legal regulation of these four behavioral health professions within a consolidated agency, Texas Behavioral Health Executive Council. The four boards would continue as independent rule-making boards appointed by the Governor. The Behavioral Health Executive Council would have one professional and one public member appointed by each of the four boards with the Governor appointing an independent public member as presiding officer. This would incorporate shared administrative and investigative functions as well as continue peer to peer review of the delivery of health care services to our most vulnerable consumers.

Thank you for your time and service.

I am available for questions or further inquiries.

Kathy T Rider, LCSW, BCD, CGP, FAGPA

Governmental Affairs Chair 512 452-8948 ext 4

Texas Society For Clinical Social Work

**From:** [Sunset Advisory Commission](#)  
**To:** [Janet Wood](#)  
**Subject:** FW: 2018 Sunset Staff Recommendations on the Four Behavioral Health Licensing Boards  
**Date:** Wednesday, April 11, 2018 7:47:37 AM

---

**From:** Kathy Rider  
**Sent:** Tuesday, April 10, 2018 9:09 PM  
**To:** Sunset Advisory Commission  
**Subject:** 2018 Sunset Staff Recommendations on the Four Behavioral Health Licensing Boards

Senator Birdwell  
Chair  
Sunset Advisory Commission

The Texas Society for Clinical Social Workers appreciates the opportunity to comment on the Sunset Staff Report on the Texas State Board of Examiners of Marriage and Family Therapists, Texas State Board of Examiners of Professional Counselors, Texas State Board of Examiners of Psychologists and Texas State Board of Social Worker Examiners as submitted to the Sunset Advisory Commission.

1) We agree with staff findings that the boards are acting in good faith and have made strides in addressing the issues identified.

2) We agree with staff findings that the remaining problems and challenges cannot be resolved within the current administrative structure of these four boards.

3) We support the consolidated agency, Texas Behavioral Health Executive Council (TxBHEC), as recommended by staff for Texas State Board of Examiners of Marriage and Family Therapists, Texas State Board of Examiners of Professional Counselors, Texas State Board of Examiners of Psychologists, and Texas State Board of Social Worker Examiners.

All four of these boards of examiners for these behavioral health professions support this recommended consolidation.

This agency will provide opportunity for more efficient and effective regulation of these professions. It will be more cost-effective with shared administrative staff as well as providing better protection for consumers of behavioral health care.

This is an innovative strategy that creates efficiency, maintains appropriate oversight of behavioral health professionals, aligns with the state's goal of responsible consolidation, takes full advantage of operational efficiencies and economies of scale, as well as protecting the state's immunity from restraint of trade claims.

4) We disagree and oppose the staff's recommendation for the composition of the TxBHEC to be an all public member board.

This recommendation would create an executive council that would experience a steep learning curve. With this recommendation the professional members of the existing boards would have limited opportunity to provide expertise in the matters of standards of practice and scope of practice. No other state board in Texas that regulates health care professions is comprised of all public members.

5) We support the recommendation from the 2017 Sunset Advisory Commission on the composition of the executive council to be one public member and one professional member appointed by each of the four boards with an independent chair appointed by the Governor. This will create an executive council with a majority of public members.

Legal regulation of health care providers exists for the protection of the consumer. We believe it is in the best interests of the citizens of Texas to continue the regulation of these four (4) behavioral health care professions.

Respectfully submitted,

Kathy T Rider, LCSW, BCD, CGP, FAGPA  
Governmental Affairs Chair Texas Society for Clinical Social Work  
512 452-8948 ext 4