

Self-Evaluation Report

Texas State Board of Social Worker Examiners



Presented to the

**Sunset Advisory Commission
August 2003**

TABLE OF CONTENTS

I.	Key Functions, Powers, and Duties	3
II.	History and Major Events	7
III.	Policymaking Structure.....	9
IV.	Funding	14
V.	Organization.....	19
VI.	Guide to Agency Programs.....	22
VII.	Agency Performance Evaluation	27
VIII.	78th Legislative Session Chart	32
IX.	Policy Issues	33

Texas State Board of Social Worker Examiners Self-Evaluation Report

I. Key Functions, Powers, and Duties

A. Provide an overview of the agency's mission, key functions, powers, and duties. Specify which duties are statutory.

The Texas State Board of Social Worker Examiners is the licensing and regulatory authority for social workers in Texas. The board's primary mission is to enforce licensure rules and ethical standards for social workers as a means to protect and promote public health and welfare. The board accomplishes its mission within the parameters established by Texas Occupations Code, Chapter 505.

The board's mission was set out in its enabling statute, which was intended to regulate social workers in Texas in order to improve standards of the profession and to protect the public. The board accomplishes these goals by establishing the qualifications for licensure and license renewal and setting and enforcing ethical standards for the practice of social work.

The board is organizationally placed within the Professional Licensing and Certification Division, Texas Department of Health (TDH). TDH employs staff and provides necessary facilities and infrastructure to carry out the board's functions. In accordance with Occupations Code § 505.101, the governor appoints the nine members to the board. Five of the members must be licensed social workers in good standing and four must be public members. The board is empowered to promulgate rules necessary to carry out its duties (Occupations Code § 505.201).

Key functions, powers, and duties of the Texas State Board of Social Worker Examiners are:

- To determine the qualifications and fitness of an applicant for a license, license renewal, or provisional license (Occupations Code § 505.151(1)).
- To adopt rules establishing the board's procedures (Occupations Code § 505.152).
- To adopt rules necessary to administer Occupations Code, Chapter 505 (Occupations Code § 505.201(1)).
- To adopt a code of professional ethics for license holders (Occupations Code § 505.201(2)).
- To establish, by rule, fees for the board's services in amounts reasonable and necessary to cover the costs of administering the regulatory program without accumulating an unnecessary surplus (Occupations Code § 505.203(a)).
- To adopt a form to standardize information concerning complaints made to the board and prescribe information to be provided to a person when the person files a complaint with the board (Occupations Code § 505.204(a)(1)).
- To prepare a registry of persons licensed as social workers (Occupations Code § 505.205(a)).
- To prepare and file an annual report no later than November 1 of each year. (Occupations Code § 505.207).
- To prepare a report annually regarding the accounting of all funds received by the board during the fiscal year. (Occupations Code § 505.208).
- To adopt rules concerning the investigation and disposition of a complaint filed with the board. (Occupations Code § 502.204).

- To prepare and distribute information of public interest describing the regulatory functions of the board and the procedures by which complaints are filed with and resolved by the board (Occupations Code § 505.251(a)).
- To establish methods by which consumers and service recipients are notified of the name, mailing address and telephone number of the board for the purpose of directing complaints to the board. (Occupations Code § 505.252).
- To adopt rules concerning the investigation and disposition of a complaint filed with the board. (Occupations Code § 505.252).
- To administer an examination at least once each calendar year (Occupations Code § 505.354(a)).
- To establish the minimum number of hours of continuing education required when renewing a social workers license (Occupations Code § 505.404(a)(2)).

B. Does the agency's enabling law correctly reflect the agency's mission, key functions, powers, and duties?

Yes.

C. Please explain why these functions are needed. Are any of these functions required by federal law?

Public health, safety, and welfare considerations lead to the conclusion that persons practicing social work should be regulated. This includes demonstrating minimum educational achievement and experience, as well as adherence to professional standards in the delivery of social work services. Social workers should be required to further their knowledge and skill levels annually and report to the board events (such as criminal convictions) that could affect their fitness to practice.

Since each jurisdictional complaint is potentially a situation in which the client's well being is compromised, each complaint should be investigated thoroughly. When an investigation indicates that a violation has occurred, it is in the public's interest to initiate disciplinary proceedings against the licensed social worker. Depending on the situation, a range of discipline may be imposed, up to and including revocation of the professional's right to practice in this state.

Public information is necessary to inform social workers and the citizens of Texas of the standards of competent and acceptable practice of social work and of the complaint procedures regarding licensed social workers or those holding themselves out to be licensed as social workers.

The functions of the Texas State Board of Social Worker Examiners are required and/or authorized by state, not federal, law.

D. In general, how do other states carry out similar functions?

According to the Association of Social Work Boards (ASWB), all 50 states, 10 Canadian provinces, the District of Columbia, Puerto Rico and the Virgin Islands regulate the practice of social work through licensure or certification programs established under state boards or regulatory agencies. These jurisdictions vary in defining social work practice and in the titles that licensees may use in professional practice.

E. Describe any major agency functions that are outsourced.

Occupations Code § 505.354 requires the Texas State Board of Social Worker Examiners to administer an examination at least once each calendar year. The law also requires that the board give reasonable public notice of the examinations.

Currently the board utilizes the national examination administered by the Association of Social Work Boards (ASWB). The ASWB examination allows for state boards to evaluate the knowledge of applicants for licensure. Because the Council on Social Work Education (CSWE) accredits social work education nationally, standard knowledge, skills, and abilities at the various degree and experience levels exist. ASWB provides a standardized examination to determine if these applicants have attained the knowledge considered essential for the entry-level and advanced/specialized professional practice and to provide a common element in the evaluation of candidates to provide consistency from one state to another. Of those jurisdictions regulating social workers, only one state does not utilize the national examination.

The procedures used by the ASWB Examination Committee are consistent with the technical guidelines recommended by the American Educational Research Association, The American Psychological Association and the National Council on Measurement in Education and to adhere to the Uniform Guidelines on Employee Selection adopted by the Equal Employment Opportunity Commission, Civil Service Commission, Department of Labor and Department of Justice. The ASWB had all of its examinations independently evaluated by a private psychometrician in 2000. All tests, except one, the advanced exam, were found to be psychometrically validated. The advanced exam is not utilized by many states; therefore not enough candidates take the exam to provide adequate review of the exam questions and structure. The ASWB will consider removing this exam as part of its offerings at their Summer 2003 strategic planning session. Texas utilizes this exam for the Licensed Master Social Worker-Advanced Practitioner (LMSW-AP) license, however, fewer than 10 people have applied for this license in the past two bienniums and even fewer have taken the exam.

The exam was previously offered nationally via computer at various Professional Examination Service (PES) test center locations across the country daily. In April 2002, ACT began opening its own testing centers and, as of April 2003, only ACT testing locations offer the exam. Applicants are approved by the board prior to their registration with ASWB and the selection of a test center location. Applicants register directly with the test location for a time to sit for the exam. Scores are reported directly to the examinee at the examination center and to the board.

F. Discuss anticipated changes in federal law and outstanding court cases as they impact the agency's key functions.

None anticipated.

G. Please fill in the following chart, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact the agency. Do not include general state statutes that apply to all agencies, such as the Public Information (Open Records) Act, the Open Meetings Act, or the Administrative Procedure and Texas Register Act. Provide the same information for Attorney General opinions from FY 1999 - 2003 that affect the agency's operations.

Texas State Board of Social Worker Examiners Exhibit 1: Statutes/Attorney General Opinions	
Statutes	
Citation/Title	Authority/Impact on Agency (e.g., “provides authority to license and regulate nursing home administrators”)
Occupations Code, Chapter 505 Professional Social Work Act	Creates the Texas State Board of Social Worker Examiners within the Texas Department of Health and provides authority to regulate and discipline social workers.
Occupations Code, Chapter 101 Health Professions Council Act	Creates the Health Professions Council and defines membership to include the licensing boards and programs of the health licensing division of Texas Department of Health (including the Texas State Board of Social Worker Examiners).
Occupations Code, Chapter 53 Consequences of Criminal Conviction	Provides authority to revoke, suspend, or deny a license based on criminal convictions in certain circumstances.
Education Code, § 57.491 Loan Default Ground for Non-renewal of Professional or Occupational License	Prohibits the board from renewing the license of a licensee whose name is on a default list provided by the Texas Guaranteed Student Loan Corporation.
Family Code, Chapter 232 Suspension of License	Requires the board to suspend a license upon receipt of a court order suspending the license for failure to comply with the terms of a child custody order or failing to pay child support.
Title IV, Public Law 99-660, Health Care Quality Improvement Act of 1986 and 45 CFR Part 60.	Established the National Practitioners Data Bank. Requires the board to report certain disciplinary actions to the NPDB.
Attorney General Opinions	
Attorney General Opinion No.	Impact on Agency
No current opinions impacting the agency.	

H. Please fill in the following chart:				
Texas State Board of Social Worker Examiners Exhibit 2: Agency Contacts				
	Name	Address	Telephone & Fax Numbers	E-mail Address
Agency Head	Andrew T. Marks, LMSW Executive Director	1100 West 49 th Street Austin TX 78756	(512) 719-3521 (512) 834-6677 fax	andrew.marks@tdh.state.tx.us
Board Chair	Joan Culver Professional Member			
Agency’s Sunset Liaison	Stephen Mills Program Specialist	1100 West 49 th Street Austin TX 78756	(512) 834-6628 (512) 834-6677 fax	stephen.mills@tdh.state.tx.us

II. History and Major Events

Provide a time line discussion of the agency's history, briefly describing the key events in the development of the agency, including:

- the date the agency was established;
- the original purpose and responsibilities of the agency;
- major changes in responsibilities or statutory authority;
- agency/policymaking body name and composition changes;
- the impact of state/federal legislation, mandates, and funding;
- the impact of significant state/federal litigation that specifically affects the agency's operations;
- and
- key organizational events, and areas of change and impact on the agency's organization (e.g., a major reorganization of the agency's divisions or program areas).

1981 With the passage of Chapter 50 of the Human Resources Code by the 67th Legislature, Texas became the 25th state to regulate social workers. The designated agency to handle the regulation was the Department of Human Resources. The legislation created the Council for Social Work Certification, an advisory council to the Department of Human Resources board. The DHR board made appointments to the council.

1982 The first meeting of the certification council occurred. The first task of the council was to establish the criteria for certification at each level listed in the enabling legislation, as well as the specialty recognition for private independent practice. Minimum criteria were established for the three levels of certification in the Summer of 1982 and more than 9000 applications were received by the council staff by fiscal year end. A grandfathering period was established by statute until December 31, 1985.

1983 The first directory of Certified Social Workers was printed by the Social Work Certification Council. The council certified 7,495 social workers by fiscal year end. The council joined the American Association of Social Work Boards to have access to the national social worker exams. Exam administration was scheduled to begin at the end of the grandfathering period. The Council imposed the first disciplinary action on September 5, 1983. The Department of Human Resources was renamed the Texas Department of Human Services.

1986 Grandfathering ended on January 1st. Exam administration began in April 1986. Exams were offered throughout the state 4 times each year. The Council established a Code of Ethics. The Council regulated 8,656 social workers. The 2nd Directory of Certified Social Workers was published by the Council.

1990 Creation of the Advanced Practitioner (AP) recognition of the Certified Social Worker Level. This created a non-clinical advanced recognition certification. The Council now regulated 9,564 social workers.

1991 The Council breaks the 10,000 mark in certificants. The Council now regulated 10,564 social workers.

1992 Certification numbers rise dramatically. The Council now regulates 12,235 social workers. Increase is believed to be due to rumors the professional associations would seek a licensure bill in the 1993 legislative session as part of the Sunset Commission of the Council on Social Work Certification.

1993 SB 1426 passes which created licensing for social workers. The bill removes the Council from the Department of Human Services to the Texas Health Department (TDH). The bill also changes the name of the Council on Social Work Certification to the Texas State Board of Social Worker Examiners, with its 9 members being appointed by the governor. The total number of licensees as of August 31, 1993 was 14,148.

1994 The Board office and staff moves from the Department of Human Services to the Texas Health Department in the Professional Licensing and Certification Division. On May 6, 1994, the Texas State Board of Social Worker Examiners held their first meeting.

1995 Chapter 4, Section 403.094 of Senate Bill 3, passed by the 72nd Legislature, eliminated the Board's dedicated fee fund and moving the funding source to general appropriations. Incorrect accounting due to the board not being located at the Texas Department of Health on September 1, 1995 resulted in the board appropriation being based on less a full 24 month accounting of revenues and expenditures. The board now licensed 17,571 social workers.

1997 The Alternative Method of Examining Competency (AMEC) is created by statute. The board implements the program. The program allows for individuals who have failed the exam on 2 or more occasions to become licensed under an alternative method of examining competency. A study is completed and reported in the board's annual report that those licensed under the grandfathering criteria are more likely to have been disciplined by the board. The study finds no correlation between the education of the licensee and disciplinary action taken by the board. The board published the last hard-copy Directory of Social Workers. A comprehensive rule review is conducted and modifications were proposed, published, and adopted.

1999 In September 1999 the board determines that the Medical Case Management Program within the Texas Department of Health is in violation of the "private and independent" practice of social work. The board agrees to promulgate rules to allow for social workers to work in the program but cannot do so because the provision is established in statute. A second major review of the rules is conducted and additional modifications proposed, published, and adopted.

2000 The board published the Directory of Licensed Social Workers in electronic format. The cost of publication is one-tenth (1/10) of the cost of the paper directory.

2001 HB 3365 passed the 77th Legislature which required the board to develop rules to allow all levels of licensure. The board developed a multidisciplinary taskforce which included members of the Texas Department of Health Medical Case Management Sections, National Association of Social Worker-Texas Chapter, Texas Society of Clinical Social Work, Texas Society of Social Work Leadership in Healthcare, Texas Association of Social Work Program Deans and Directors, and other interested individuals to work on the issues of "private and independent practice." The taskforce worked for 18 months to recommend significant law and rule changes. The work resulted in the filing of HB 1492 and SB 810 in the 78th legislative session.

2003 SB 810 passed the 78th Legislature relating to the restructuring of social worker licensing, including deletion of the Social Worker Associate (SWA) license, creation of the Licensed Clinical Social

Worker License (LCSW), provision for the approval of all levels of licensure for independent practice, provision of criminal penalty, and mandate to create a statute of limitations for complaints. The taskforce continued its work upon the successful passage of SB 810. In the summer of 2003, the taskforce and the board's rules committee began the development and promulgation of rules associated with the legislative changes. Anticipated adoption is December 2003.

2003 The board's program and staff, along with 19 other regulatory programs housed within TDH's Professional Licensing and Certification Division (PLCD), are reorganized along functional lines, instead of a programmatic arrangement that has been in place since the division's inception in 1985. The PLCD budget (5B508 building block) was reduced by 4.5 FTEs for the biennium. The reorganization is scheduled for implementation on September 1, 2003.

III. Policymaking Structure

Texas State Board of Social Worker Examiners Exhibit 3: Policymaking Body					
Member Name	6 Year Terms/ Appointment Dates/ Appointed by ____	Qualification	Address	Telephone & Fax Numbers	E-mail Address
Joan Culver, LMSW-ACP Board Chair	February 1997 – February 2003 Governor	Licensed Master Social Worker- Advanced Clinical Practitioner			
Julia Dunaway LMSW-ACP	February 2000 – February 2007 Governor	Licensed Master Social Worker- Advanced Clinical Practitioner			
John Steven Roberts, LMSW- ACP	February 1999 – February 2005 Governor	Licensed Master Social Worker- Advanced Clinical Practitioner			
Jeannie M. McGuire, LSW	February 1997 – February 2003 Governor	Licensed Social Worker			
Jamie B. Ward SWA	February 2000 – February 2007 Governor	Social Worker Associate			
Beatrice Mireles LSW	February 1997 – February 2003 Governor	Licensed Social Worker			
Lt. Willie McGee, Jr.	February 1999 – February 2005	Public/Consumer			

	Governor				
Dee Stewart-Bridges	February 1997 – February 2003 Governor	Public/Consumer			
Holly Anawaty	February 2000 – February 2007 Governor	Public/Consumer			

B. How is the chair of the policymaking body appointed?

Occupations Code § 505.107(a) provides that “The governor shall designate a member of the board as presiding officer. The presiding officer serves in that capacity at the will of the governor.”

C. Describe the primary role and responsibilities of the policymaking body.

Powers and duties of the board are set out in Occupations Code, § 505.201-208.

The board’s primary role is to adopt and enforce rules relating to the licensure and regulation of social workers, including discipline of social workers found to be in violation of the Texas Professional Social Work Act or board rules.

D. List any special circumstances or unique features about the policymaking body or its responsibilities.

There are no special circumstances or unique features that distinguish the board from other regulatory boards administratively attached to TDH, Professional Licensing and Certification Division.

E. In general, how often does the policymaking body meet? How many times did it meet in FY 2002? in FY 2003?

Occupations Code § 505.108 requires the Texas State Board of Social Worker Examiners to meet at least semiannually. In FY 2002, the board held three meetings. In FY 2003, the board held four meetings.

F. What type of training do the agency’s policymaking body members receive?

Occupations Code § 101.101 requires the Health Professions Council to establish a training program for the governing bodies of state agencies that regulate health professions. The member must complete the training program prior to assuming the member’s duties. The training curriculum created by the Health Professions Council was adapted for regulatory programs within the Professional Licensing Division, Texas Department of Health.

The training program includes information regarding the enabling legislation; the functions of the licensing program; the role of the program and the board; the rules of the board with an emphasis on the rules that relate

to disciplinary and investigatory authority; the current budget for the board; the requirements of the open meetings law, Chapter 551, Government Code; the requirements of the open records law, Chapter 552, Government Code; the requirements of the administrative procedure law, Chapter 2001, Government Code; the requirements of the conflict of interest laws and other laws relating to public officials; and any applicable ethics policies adopted by the Texas Ethics Commission. Additionally, board members receive information concerning the board’s unique placement within the Texas Department of Health and the staff, structure, and strategic plan of the Professional Licensing and Certification Division.

G. Does the agency have policies that describe the respective roles of the policymaking body and agency staff in running the agency? If so, please describe these policies.

A division of responsibilities policy is not in effect at this time as it is not required in statute. Since other TDH administratively attached boards have adopted such policies, the board will be considering such a policy at its next regularly scheduled meeting.

H. If the policymaking body uses subcommittees or advisory committees to carry out its duties, please fill in the following chart.

Texas State Board of Social Worker Examiners Exhibit 4: Subcommittees and Advisory Committees			
Name of Subcommittee or Advisory Committee	Size/Composition/How are members appointed?	Purpose/Duties	Legal Basis for Committee
Ethics Committee	3 members 1 public board member and 2 professional board members. The Chair of the board appoints committee members for one-year terms. Members serve at the will of the board chair.	To consider complaints filed against licensed social workers or those holding themselves out to be licensed social workers. Determines whether matters should be closed, referred for more investigation or whether disciplinary action proposed.	The Professional Social Work Act in 505.201(a)(1) provides that the board may adopt rules necessary to perform the duties of the board. Committee functions are promulgated in board rules at 22 TAC 781, specifically § 781.209
Licensing Standards and Qualifications Committee	6 members 1 public and 3 professional board members and two social work consultants. The Chair of the board appoints committee members for one-year terms. Members serve at the will of the board chair.	To review applications submitted for licensure who are deficient in meeting criteria or are requesting waiver of requirements To consider matters relating to supervision of applicant for licensure and licensees desiring the supervisor designation or other	The Professional Social Work Act in § 505.201(a)(1) provides that the board may adopt rules necessary to perform the duties of the board. Committee functions are promulgated in board rules at 22 TAC 781, specifically § 781.209

		<p>matters regarding supervision.</p> <p>To review applicants for licensure and renewal with criminal justices issues and make recommendations for monitoring or referral to the Ethics Committee for investigation and action.</p>	
Professional Development Committee	<p>3 members</p> <p>1 public and 2 professional board members</p> <p>The Chair of the board appoints committee members for one-year terms. Members serve at the will of the board chair.</p>	<p>To consider matters relating to continuing education of licensee and providers of continuing education.</p> <p>To consider matters relating to professional and regulatory trends and make recommendations to the board for rule amendments, new rules, or other action. To review publications of the board for the public and licensees</p>	<p>The Professional Social Work Act in § 505.201(a)(1) provides that the board may adopt rules necessary to perform the duties of the board. Committee functions are promulgated in board rules at 22 TAC 781, specifically § 781.209</p>
Rules Committee	<p>4 members</p> <p>2 public and 2 professional board members</p> <p>The Chair of the board appoints committee members for one-year terms. Members serve at the will of the board chair.</p>	<p>As needed, to consider matters relating to rule amendments, new rules, and rule reviews.</p>	<p>The Professional Social Work Act in § 505.201(a)(1) provides that the board may adopt rules necessary to perform the duties of the board. Committee functions are promulgated in board rules at 22 TAC 781, specifically § 781.209</p>

I. How does the policymaking body obtain input from the public regarding issues under the jurisdiction of the agency? How is this input incorporated into the operations of the agency?

The Texas State Board of Social Worker Examiners uses a variety of mechanisms to obtain and incorporate public input. The board considers obtaining and using public input to be of critical importance in carrying out its duty to protect and promote the public health and safety by regulating the practice of professional counseling.

Each committee and board meeting agenda has a public comment item. Agendas are posted in the Texas Register in compliance with the Government Code, Chapter 551, Open Meetings Act. Meeting agendas are provided to stakeholder groups prior to the meeting dates. Controversial or difficult issues and public comments on those issues are comprehensively discussed in both committee and board meetings. The

board's stakeholders regularly avail themselves of the opportunity to address the board and its committees.

The board's membership structure and committee composition lend themselves to considerable input from the public. Three board members represent the public. Each board committee has at least one public member.

In the area of rulemaking, the board notifies stakeholders of rule issues early in the development phase. Stakeholders are encouraged to participate in committee and board meetings in which rules are drafted, discussed, or approved. Additionally, the board has established, by rule, provisions for any person to petition the board for the adoption of a rule. Finally, the board fully considers all written comments received during the statutory public comment period. Rule proposals and adoptions are posted on the board's website and regularly updated.

In particularly difficult matters of rule development, the board will consider development of a multidisciplinary taskforce to ensure all facets of the profession are involved in the rule making process.

As funds allow, the board and its staff attend statewide and national conferences relating to the regulation of social work and local area meetings to receive direct input from the regulated community, to provide information, and to answer questions regarding the board and its functions. One member attends, as the delegate, the annual conferences of the Association of Social Work Boards (ASWB).

IV. Funding

Introduction

The Texas State Board of Social Worker Examiners is administratively attached to Texas Department of Health (TDH). TDH provides staff, facilities, and infrastructure necessary to accomplish the board's mission and functions. This unique arrangement has implications for much of the information requested in Section IV (Funding) and V (Organization) of this Self-Evaluation Report.

The board is funded through a shared appropriation to TDH to fund the C.1.1. strategy (Health Care Standards). The legislative appropriation is made to TDH, not to the board. The General Appropriations Act (GAA) does not contain a line-item appropriation to the board, in fact, the GAA does not mention the board. Consequently, the board does not prepare a Legislative Appropriations Request. All revenue and expenditures are processed, accounted for, tracked, and audited through the TDH budget, fiscal, and audit structures.

It is important to note that the fee revenues exceed the direct and indirect costs of operating the board's program.

Due to the absence of a legislative appropriation, the board is unable to hire staff or expend funds in its own name. The requested information regarding Equal Employment Opportunity statistics and policy, Historically Underutilized Business purchases, expenditures by strategy, objects of expense from the GAA, and FTE cap is not available by program. The information is available regarding TDH in an agency-wide format. Expenditure allocation tracking by program activity code in the Health and Human Services Accounting System (HHSAS) is the foundation for tracking program costs. Some information requested in Section IV (Funding) and V (Organization) is available in a format that is specific to the board, with some necessary modifications, and the modified information is submitted in this report.

A. Describe the agency's process for determining budgetary needs and priorities.

For each of the 19 programs, TDH Professional Licensing and Certification Division management use the following process to project operating costs for the fiscal year. First salaries are projected using the labor account default percentages as an estimate of salary categories (direct staff, shared staff, investigation, testing, and general counsel.) Retirement and fringe benefits are projected based on the current percentage. Professional services and per diem (if board members receive it by law) are projected for services that each board will use during the year for special services such as testing, complaint review, and other specialized services. Travel costs are an estimate of the travel needed for board members and staff, based on the amount expended in prior years, current fiscal year needs, and the amount that the division's total allocation can support per program. Other operating costs are projected costs for each program, such as postage, telephone, printing, office supplies, registrations, copier rental, equipment maintenance, training, and membership in the Health Professions Council. This is an estimate based on the amount expended in prior years and the amount that the division's total allocation can support per program. Third party reimbursement is utilized to cover other operating costs for some programs. Information systems charges are an estimate based on a percentage of the prior year's division total cost for infrastructure and direct program support billing. Indirect costs are projected based on the current percentage. Projected revenue is based on the prior year's revenue and last year's third party reimbursement (not all programs collect third party reimbursement.)

PLEASE FILL IN EACH OF THE CHARTS BELOW, USING EXACT DOLLAR AMOUNTS.

B. Show the agency's sources of revenue. Please include all local, state, and federal appropriations, all professional and operating fees, and all other sources of revenue collected by the agency.

Texas State Board of Social Worker Examiners Exhibit 5: Sources of Revenue — Fiscal Year 2002 (Actual)	
Source	Amount
General Revenue Fund	717,482
Third Party Reimbursement	42,203
TOTAL	759,685

C. If you receive funds from multiple federal programs, show the types of federal funding sources.

Texas State Board of Social Worker Examiners Exhibit 6: Federal Funds — Fiscal Year 2002 (Actual)				
Type of Fund	State/Federal Match Ratio	State Share	Federal Share	Total Funding
TOTAL				N/A

D. If applicable, please provide detailed information on fees collected by the agency.

Texas State Board of Social Worker Examiners Exhibit 7: Fee Revenue and Statutory Fee Levels — Fiscal Year 2002				
Description/ Program/ Statutory Citation	Current Fee/ Statutory maximum	Number of persons or entities paying fee	Fee Revenue	Where Fee Revenue is Deposited (e.g., General Revenue Fund)
Application Fee Occupations Code § 505.203	\$20.00/None	2,112	\$42,240	General Revenue Fund
License Fee (SWA, LSW, LMSW) Occupations Code § 505.203	\$30.00/None	1307	\$39,210	General Revenue Fund
License Fee (LMSW-ACP, LMSW-AP) Occupations Code § 505.203	\$40.00/None	410	\$16,400	General Revenue Fund

Renewal Fee (SWA, LSW, LMSW) Occupations Code § 505.203	\$30.00/None	10,298	\$308,940	General Revenue Fund
Renewal Fee (LMSW-ACP, LMSW-AP) Occupations Code § 505.203	\$40.00/None	5,020	\$200,800	General Revenue Fund
CE Sponsor Fee Occupations Code § 505.203	\$50.00/None	1058	\$42,203	Third Party Reimbursement

E. Show the agency's expenditures by strategy.

Please refer to the Section IV introductory information.

Texas State Board of Social Worker Examiners Exhibit 8: Expenditures by Strategy — Fiscal Year 2002 (Actual)	
Goal/Strategy	Amount
GRAND TOTAL:	

F. Show the agency's expenditures and FTEs by program.

Texas State Board of Social Worker Examiners Exhibit 9: Expenditures and FTEs by Program — Fiscal Year 2002 (Actual)					
Program	Budgeted FTEs, FY 2002	Actual FTEs as of August 31, 2002	Federal Funds Expended	State Funds Expended	Total Actual Expenditures
Licensing and Regulation of Social Workers	7.75	7.75	0	323,881	323,881*
TOTAL					

* This represents direct program staff and investigation staff, without fringe benefits and without indirect cost rate applied.

G. Show the agency's objects of expense for each category of expense listed for your agency in the General Appropriations Act FY 2004-2005.

Please refer to the Section IV introductory information and also see Attachment 8. The board's funding is within the attached building block.

Texas State Board of Social Worker Examiners Exhibit 10: Objects of Expense by Program or Function -- Fiscal Year 2004			
Object-of-Expense Informational Listing	Strategy, Program, Division, or Function ____ (insert strategy, division or program name)	Strategy, Program, Division, or Function ____ (insert strategy, division or program name)	Strategy, Program, Division, or Function ____ (insert strategy, division or program name)
Total, FY 2004 Object-of-Expense Informational Listing			

Objects of Expense by Program or Function -- Fiscal Year 2005			
Object-of-Expense Informational Listing	Strategy, Program, Division, or Function ____ (insert strategy, division or program name)	Strategy, Program, Division, or Function ____ (insert strategy, division or program name)	Strategy, Program, Division, or Function ____ (insert strategy, division or program name)
Total, FY 2005 Object-of-Expense Informational Listing			

H. Please fill in the following chart.

Please refer to the Section IV introductory information.

Texas State Board of Social Worker Examiners Exhibit 11: Purchases from HUBs				
FISCAL YEAR 2000				
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction				11.9%
Building Construction				26.1%
Special Trade				57.2%

Professional Services				20.0%
Other Services				33.0%
Commodities				12.6%
TOTAL				
FISCAL YEAR 2001				
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction				11.9%
Building Construction				26.1%
Special Trade				57.2%
Professional Services				20.0%
Other Services				33.0%
Commodities				12.6%
TOTAL				
FISCAL YEAR 2002				
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction				11.9%
Building Construction				26.1%
Special Trade				57.2%
Professional Services				20.0%
Other Services				33.0%
Commodities				12.6%
TOTAL				

I. Does the agency have a HUB policy? How does the agency address performance shortfalls related to the policy?

Please refer to the Section IV introductory information.

J. For agency with contracts valued at \$100,000 or more:

Not applicable

	Response / Agency Contact
Does your agency follow a HUB subcontracting plan to solicit bids, proposals, offers, or other applicable expressions of interest for subcontracting opportunities available under contracts of \$100,000 or more? (Tex. Government Code, Sec. 2161.252; TAC 111.14)	

K. For agencies with biennial appropriations exceeding \$10 million:

Not applicable

	Response / Agency Contact
Do you have a HUB coordinator? (Tex. Government Code, Sec. 2161.062; TAC 111.126)	
Has your agency designed a program of HUB forums in which businesses are invited to deliver presentations that demonstrate their capability to do business with your agency? (Tex. Government Code, Sec. 2161.066; TAC 111.127)	
Has your agency developed a mentor-protege program to foster long-term relationships between prime contractors and HUBs and to increase the ability of HUBs to contract with the state or to receive subcontracts under a state contract? (Tex. Government Code, Sec. 2161.065; TAC 111.128)	

V. Organization

Introduction

The Texas State Board of Social Worker Examiners is administratively attached to Texas Department of Health (TDH). TDH provides staff, facilities, and infrastructure necessary to accomplish the board's mission and functions. This unique arrangement has implications for much of the information requested in Section IV (Funding) and V (Organization) of this Self-Evaluation Report.

The board is funded through a shared appropriation to TDH to fund the C.1.1. strategy (Health Care Standards). The legislative appropriation is made to TDH, not to the board. The General Appropriations Act (GAA) does not contain a line-item appropriation to the board, in fact, the GAA does not mention the board. Consequently, the board does not prepare a Legislative Appropriations Request. All revenue and expenditures are processed, accounted for, tracked, and audited through the TDH budget, fiscal, and audit structures.

It is important to note that the fee revenues exceed the direct and indirect costs of operating the board's program.

Due to the absence of a legislative appropriation, the board is unable to hire staff or expend funds in its own name. The requested information regarding Equal Employment Opportunity statistics and policy, Historically Underutilized Business purchases, expenditures by strategy, objects of expense from the GAA, and FTE cap is not available by program. The information is available regarding TDH in an agency-wide format. Expenditure allocation tracking by program activity code in the Health and Human Services Accounting System (HHSAS) is the foundation for tracking program costs. Some information requested in Section IV (Funding) and V (Organization) is available in a format that is specific to the

board, with some necessary modifications, and the modified information is submitted in this report.

A. Please fill in the chart below. If applicable, list field or regional offices.

Texas State Board of Social Worker Examiners Exhibit 12: FTEs by Location — Fiscal Year 2002			
Headquarters, Region, or Field Office	Location	Number of Budgeted FTEs, FY 2002	Number of Actual FTEs as of August 31, 2002
Headquarters Texas Department of Health	Austin, Texas	7.75	7.75
TOTAL		7.75	7.75

B. What was the agency's FTE cap for fiscal years 2002 - 2005?

Please refer to the Section V introductory information.

C. How many temporary or contract employees did the agency have as of August 31, 2002?

None

D. Please fill in the chart below.

Please refer to the Section V introductory information.

Texas State Board of Social Worker Examiners Exhibit 13: Equal Employment Opportunity Statistics							
FISCAL YEAR 2000							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration			5%		8%		26%
Professional			7%		7%		44%
Technical			13%		14%		41%
Protective Services			13%		18%		15%
Para-Professionals			25%		30%		55%
Administrative Support			16%		17%		84%
Skilled Craft			11%		20%		8%

Service/Maintenance			19%		32%		27%
---------------------	--	--	-----	--	-----	--	-----

FISCAL YEAR 2001							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration			5%		8%		26%
Professional			7%		7%		44%
Technical			13%		14%		41%
Protective Services			13%		18%		15%
Para-Professionals			25%		30%		55%
Administrative Support			16%		17%		84%
Skilled Craft			11%		20%		8%
Service/Maintenance			19%		32%		27%
FISCAL YEAR 2002							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration			5%		8%		26%
Professional			7%		7%		44%
Technical			13%		14%		41%
Protective Services			13%		18%		15%
Para-Professionals			25%		30%		55%
Administrative Support			16%		17%		84%
Skilled Craft			11%		20%		8%
Service/Maintenance			19%		32%		27%

E. Does the agency have an equal employment opportunity policy? How does the agency address performance shortfalls related to the policy?

Please refer to the Section V introductory information.

VI. Guide to Agency Programs

A. Please complete the following chart.

Texas State Board of Social Worker Examiners Exhibit 14: Program or Function Information — Fiscal Year 2002	
Name of Program or Function	Licensing and Regulation of Social Workers.
Location/Division	Professional Licensing and Certification Division Texas Department of Health 1100 W. 49 th Street Austin TX 78756 512-834-6657
Contact Name	Andrew T. Marks, LMSW, Executive Director
Number of Budgeted FTEs, FY 2002	7.75
Number of Actual FTEs as of August 31, 2002	7.75

B. What are the key services of this function or program? Describe the major activities involved in providing all services.

Key services and activities are:

- The issuance of new and renewal letters to qualified licensed social workers
- The processing, evaluation, and approval of applications to become licensed social workers
- The processing, evaluation, and approval of applicant examination scores
- The processing, evaluation, and approval of new and renewal applications for approval of licensed social workers continuing education providers
- The processing, evaluation and approval of supervisors for licensed social workers seeking the independent practice of social work
- The processing of consumer complaints against licensed social workers
- The investigation and presentation of complaints to the Ethics Committee; the imposition of enforcement sanctions against licensed social workers in violation of the law or rules
- The provision of public information concerning social worker regulation

The Program Operating Plan for the board/program (July 2002) is included as Attachment 23. A revised POP will be available in Fall 2003 through the TDH website at <http://www.tdh.state.tx.us/oshp/pop/default.htm>

C. When and for what purpose was the program or function created? Describe any statutory or other requirements for this program or function.

The functions were created in 1981 in order to protect and promote public health, safety, and welfare. Texas Occupations Code, Chapter 505 sets out requirements for these functions. The functions have been modified several times over the years (see History section.)

D. Describe any important history not included in the general agency history section, including a

discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program or function will no longer be needed?

The key functions of the Texas State Board of Social Worker Examiners are ongoing and will continue to be needed as long as citizens of Texas seek out social work services mental health services. The regulation of social workers is intended to ensure that citizens are availing themselves of the services of a qualified and competent social worker.

The services and functions have changed from the original intent of the 1981 Act. Since 1993, the board must license persons who provide social work services and identify themselves as a social worker, unless exempt.

Generally speaking, amendments to the Professional Social Work Act have strengthened the intent of the licensing and regulatory functions over time. Examples include the increased education requirements for the Social Worker Associate license as well as the authority for civil, criminal, and administrative penalties.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The functions directly affect Texas consumers of social work and mental health services and Texas social workers. There are approximately 20,500 licensed social workers in Texas. It is not known how many clients those licensees serve on a daily basis although the majority of the mental health services, including direct care and counseling services, in the state and country are provided by social workers, psychologists, marriage and family therapists, and professional counselors.

Qualifications to become a licensed social worker are set out in the Occupations Code § 505.353 and Board rules 22 TAC § 781. Currently they are:

- Licensed Master Social Worker (LMSW) requires a master's or doctoral degree in social work from a graduate program accredited by the Council of Social Work Education (CSWE).
- Licensed Social Worker (LSW) requires a baccalaureate degree in social work from an educational program accredited by CSWE.
- Social Work Associate (SWA) requires a baccalaureate degree from an accredited educational institution and satisfactory completion of one year providing social work services under the supervision of a LSW/LMSW.
- Licensed Master Social Worker-Advanced Clinical Practitioner (LMSW-ACP) recognition requires licensure as a LMSW and three years of clinical experience with two years of approved supervision.
- Licensed Master Social Worker-Advanced Practitioner (LMSW-AP) recognition requires licensure as a LMSW and three years of non-clinical experience with two years of approved supervision.

All applicants for licensure are required to successfully complete a nationally validated licensing examination. Those applicants at the SWA, LSW, and LMSW level of license failing the national exam, with a score of 60 or higher, may apply to the board to be granted a license by completing the Alternative

Method of Examining Competency (AMEC) that has been adopted by the board as listed in § 781.311 of the board rules.

Significant changes to the licensing of social workers occurred as part of the 78th Texas Legislature and will be discussed more fully later in this document.

F. Describe how the program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

Rulemaking processes are carried out in accordance with the Administrative Procedure Act.

The application for social worker licensure process is detailed in the flowchart labeled Attachment 24. Applications for approved supervisor status and continuing education provider follow a similar approval process.

The renewal process is detailed in the flowchart labeled Attachment 25. Renewals for supervisors and continuing education providers follow a similar process.

The complaint processing and enforcement processes are detailed in the flowchart labeled as Attachment 26.

G. If the program or function works with local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency.

Program staff does not routinely interact with local units of government. Occasionally, there is a need for cooperation or coordination with local law enforcement concerning a complaint investigation. The board cooperates with investigations into licensee wrongdoing and takes action either in conjunction with other agencies or in response to other agency information regarding licensee professional behavior and actions.

H. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

General revenue fund	\$717,482
Third party reimbursement	\$42,203

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

Overall, current funding resources are appropriate to achieve the program's mission and goals. Some board members have expressed concern at the lack of funding available for in-state and out-of-state travel, which hampers the board's ability to exchange information with its regulatory counterparts in other states and gain information regarding national trends in social worker regulation.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

There are no other state government programs engaged in the regulation of social workers. There are state boards and councils that license and regulate other mental health-related occupations, such as psychologists, marriage and family therapists, professional counselors, and sex offender treatment providers.

K. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question J and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The board has a MOU agreement with the Texas Chapter of the National Association of Social Workers regarding complaints. The agreement states that when a complaint is filed with the board and the association simultaneously, the association will discontinue its investigation process until such time as the complaint is investigated and determined by the board. This agreement, which has been in place for several years, benefits both the board and the association.

L. Please provide any additional information needed to gain a preliminary understanding of the program or function.

M. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. If this is a regulatory program, please describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

The regulation of social work is necessary as a means to protect and promote public health, safety, and welfare. The regulation of social workers is intended to ensure that persons seeking mental health counseling or social work services are availing themselves of the services of a qualified and competent social worker.

The Professional Social Work Act does not provide authority for routine inspections or compliance audits of the worksite of social workers. When a jurisdictional consumer complaint is filed, the matter is investigated. Violations of law or rule, verified through a complaint investigation, are presented to the Ethics Committee for consideration and the imposition of disciplinary action, if appropriate. The board does audit a percentage of licensees regarding continuing education compliance as well as those providing continuing education opportunities.

When non-compliance is identified, a number of follow-up actions may be taken. In a complaint matter, the social worker may be required to complete additional college level or continuing education in addition to enforcement sanctions, such as probation or suspension. In some enforcement matters, the Ethics Committee requires supervision by another licensed social worker or other licensed mental health professional if a social worker is not available with quarterly progress reports submitted for board review.

Program staff monitors these enforcement orders and report non-compliance to the Ethics Committee for additional action. If another complaint is received or if there is reason to believe the problem has not been resolved, program staff re-investigates or submits the complaint to the Investigations Unit and provide additional investigative results to the Ethics Committee for action.

The Texas State Board of Social Worker Examiners is authorized to impose a broad range of enforcement sanctions to ensure compliance with the Act and rules. These sanctions include application or renewal application denial, administrative penalties, emergency suspension, reprimand, suspension, probation, and revocation. Additionally, the Board may resolve contested cases through the use of agreed orders, requirements for additional education, and practice limitations. (See Occupations Code § 505.451)

Procedures for handling consumer complaints against social workers are illustrated in the flowchart labeled Attachment 26.

N. Please fill in the following chart for each regulatory program. The chart headings may be changed if needed to better reflect the agency's practices.		
Texas State Board of Social Worker Examiners		
Exhibit 15: Complaints Against Regulated Entities or Persons – Fiscal Years 2001 and 2002		
	FY 2001	FY 2002
Number of complaints received	70	126
Number of complaints resolved	41	23
Number of complaints dropped/found to be without merit	23	26
Number of sanctions	36	8*
Number of complaints pending from prior years	31	42
Average time period for resolution of a complaint	241	241
Number of entities inspected or audited by the agency	NA	NA
Total number of entities or persons regulated by the agency	19,911	20,145

*In 2002, changes to the Ethics Committee and investigations process implemented by the board resulted in fewer final disciplinary actions by the board. The change in process resulted in the board recommending 12 disciplinary actions which resulted in informal settlement conferences. The board also had to cancel one full board meeting and two ethics committee meetings as a result of quorum issues. New appointments to the board in September 2002 should alleviate these problems in the future.

VII. Agency Performance Evaluation

A. What are the agency's most significant accomplishments?

Since the enabling legislation passed in 1981, the board's accomplishments include regulation of social work practice and title, the creation of the standards of practice and code of ethics for licensees, creation of standards of education for the practice of social work, and the development of standards for continued professional development

Implementation of Legislative Initiatives: The 1993 review of the Council on Social Work Certification resulted in legislation that significantly impacted the board and the licensing program. The board successfully implemented this legislation that renamed the board, provided for governor-appointed board members, authorized the board to adopt rules and impose disciplinary action independent of the approval of another agency, and organizationally aligned it with Texas Department of Health. Additional legislation in 2002 (HB 3365) required the board to develop rules allowing for the independent practice of social work for all levels of licensure. This resulted in the board's taskforce, which studied the issues surrounding private and independent social work practice. The taskforce identified statutory barriers and made recommendations for amendments to the Act, which resulted in the enactment of SB 810 in the 78th Legislative session.

Rulemaking: As a result of the passage of SB 810, the board is undergoing significant rule revision. The plan is to repeal the existing rules in their entirety and to promulgate a new set of rules with new and revised sections. The rules committee and taskforce members met in July 2003 and will meet again in September 2003. The rules will be posted in September 2003 for comments. An extended comment period will be held to allow for the Texas Society of Clinical Social Work, Texas Society of Social Work Leadership in Healthcare, Texas Association of Social Work Program Deans and Director, Texas Field Educators Consortium and the National Association of Social Worker-Texas Chapter to hold their statewide conference meetings. This will provide ample opportunity for the board to utilize the existing structures of these organizational meetings as public hearings regarding the rules. The existing Chapter 781 is labeled as Attachment 7.

Enforcement and Complaint Processing: In 1997, representatives of TDH's Professional Licensing Division and the TDH Office of General Counsel implemented a process improvement team to study procedures for processing complaints, managing hearings, and making recommendations for improvements to current complaint and enforcement processes for the Texas State Board of Social Worker Examiners, the Texas State Board of Examiners of Professional Counselors, and the Texas State Board of Examiners of marriage and Family Therapists (the boards). The team was formed in December 1997 and a Steering Committee charge to the team was developed. The team included chairs of the affected boards, executive directors, investigators, and program attorneys. The Steering Committee included board chairs, the TDH General Counsel, and the TDH Associate Commissioner for Health Care Quality and Standards. The team collected data, identified problem areas, and developed 27 recommendations for process improvement. A final report was written and most recommendations were implemented by early 1999. This significant accomplishment resulted in evaluation and upgrading of the complaint tracking systems, adoption of uniform investigation referral and case referral documents, streamlined routing of complaints for investigation, monthly meetings between mental health board management to review common cases, adoption of a uniform Report of Investigation, increased use of informal conferences to avoid the time and expense of formal hearings, the assignment of regular investigators and attorneys for mental health board cases, uniform case presentation formats to boards and

committees, and other improvements intended to reduce the processing time associated with enforcement and to prioritize severity levels of allegations and findings.

National Perspectives in Social Work Regulation: The board has maintained continued and active involvement with the Association of Social Work Boards (ASWB). The association is an affiliation of state social work regulatory board members and staff that meet to consider regulatory issues and problems of mutual concern. The Texas State Board of Social Worker Examiners Executive Director, Andrew Marks, is currently serving as the Education Chair for the Fall Delegate Assembly and Spring Education Conference of the ASWB until 2005.

B. Describe the internal process used to evaluate agency performance, including how often performance is formally evaluated and how the resulting information is used by the policymaking body, management, the public, and customers.

At each board meeting, members are briefed by the division director on budgetary matters (relating specifically to the board and to the Professional Licensing and Certification Division), relevant legislation (proposed or passed), legal opinions, and current policy issues. The Executive Director also provides a report regarding programmatic issues at each meeting. As policy or other issues develop (Sunset Review, PLCD reorganization), program staff contacts board members by e-mail.

Shared performance measure reporting associated with the appropriation to TDH in the C.1.1. strategy (Health Care Standards) is compiled quarterly. This information includes the number of new applications and renewal applications processed, the number of jurisdictional complaints received, the number of jurisdictional complaints resolved, the number and types of disciplinary action taken, and the average number of days required to resolve a complaint. The annual report of the Health Professions Council provides similar information for the Texas State Board of Social Worker Examiners and is distributed to board members. The report is an opportunity for the board to assess its performance in those areas and provides statistical information used for staffing and resource allocations.

Program staff is evaluated by TDH in accordance with agency policy and procedure. The Professional Licensing Division also performs specific activities related to assessing customer service, including a customer comment survey. Survey results in summary form are provided to the staff and board for analysis and improvements.

C. What are the agency's biggest opportunities for improvement?

Over the next year, the board and staff will be working to implement the requirements of SB 810, which restructured the levels of social worker licensing and required the board to develop a statute of limitations on the filing of complaints. Activities required will be rulemaking utilizing stakeholder input; the creation and/or revision of forms and licenses; and the creation and/or revision of public information.

The board has opportunities for improvement in license application and license renewal processing. Senate Bill 1152 (78th Leg.) requires Texas Department of Health and its programs to participate in the Texas Online project administered by the Texas Online Authority through the Department of Information Resources (DIR). TDH staff met with DIR representatives in July 2003 to discuss implementation of online application and renewal processing for social workers, as well as other TDH regulatory programs. DIR is moving forward with the initiative and the board will be providing baseline information for the

project during the fall of 2003. Other licensing agencies currently using the online renewal system are realizing significant efficiencies and cost savings associated with online renewals.

An opportunity for improvement in terms of the program's placement within the Professional Licensing and Certification Division (PLCD) is currently underway. In June 2003, division management implemented a functional reorganization plan to better position the licensing and certification programs to implement legislative initiatives, address concerns arising from a reduced budget, and assimilate duties of retiring positions. The division has been organized along programmatic lines since its inception in 1985. The current plan to reorganize division staff (61 FTEs) based on function is scheduled for implementation on September 1, 2003. The reorganization will be closely monitored, evaluated, and adjusted as necessary during a 120-day transition period that ends December 31, 2003. The division's Reorganization Implementation Team, made up of division supervisors, managers, and program administrators, is charged with implementation and evaluation. The Reorganization Plan is labeled as Attachment 29.

D. How does the agency ensure its functions do not duplicate those of other entities?

Currently the board works closely with the Texas State Board of Examiners of Marriage and Family Therapists, Texas State Board of Examiners of Professional Counselors, and Council on Sex Offender Treatment regulatory bodies in regards to complaints and other functions. If one program receives a complaint the investigations unit verifies the licensure status of the licensee and if licensee falls within multiple jurisdictions the complaint is referred to all appropriate jurisdictions. Although each board initially hears the complaint case independently, often the boards will hold collaborative informal settlement conferences with a licensee who is licensed by more than one board to save on administrative costs of the hearing and the travel expenses of witnesses. The board also refers complaints not within the jurisdiction of the TSBSWE to those programs that may regulate the individual.

There are no other entities involved in functions related to the regulation of social workers. Program staff regularly communicate with other entities, including regulatory boards for social workers, social workers, and sex offender treatment providers, to coordinate on matters of mutual interest to mental health care providers.

E. Are there any other entities that could perform any of the agency's functions?

No. Social workers occupy a unique role in the field of social services mental health care.

F. What process does the agency use to determine customer satisfaction and how does the agency use this information?

Customer surveys are provided with initial licenses and renewed licenses. The information is analyzed and maintained by PLCD staff and forwarded to board staff for review by the board. Survey cards bearing a name or identifying information that request or require a response is a high priority for staff.

All specific and general suggestions for improvements or complaints are considered when the survey is received. The information is then provided to the board. The board and staff believe that customer

feedback and satisfaction levels are important indicators of the need to clarify or simplify licensing processes.

G. Describe the agency’s process for handling complaints against the agency, including the maintenance of complaint files and procedures for keeping parties informed about the process. If the agency has a division or office, such as an ombudsman, for tracking and resolving complaints from the public or other entities, please provide a description.

Due to the board’s organizational placement, the customer service policies and procedures of TDH apply. Please see Attachment 27 (TDH Complaint Resolution Policy and Procedures) and Attachment 28 (TDH Compact with Texans.)

H. Please fill in the following chart. The chart headings may be changed if needed to better reflect the agency’s practices.

The information requested in Exhibit 16 for complaints filed against the board is not available. Due to the board’s organizational placement within the larger structure of TDH, the information is not maintained at the program level. Please see Attachment 30 (Customer Service at the Texas Department of Health for Fiscal Years 2000-2002.)

Texas State Board of Social Worker Examiners		
Exhibit 16: Complaints <u>Against the Agency</u> – Fiscal Years 2001 and 2002		
	FY 2001	FY 2002
Number of complaints received		
Number of complaints resolved		
Number of complaints dropped/found to be without merit		
Number of complaints pending from prior years		
Average time period for resolution of a complaint		

I. What process does the agency use to respond to requests under the Public Information (Open Records) Act?

Requests under the Public Information Act are processed in accordance with TDH Operating Procedure OP-1355 (Handling Requests for Public Information), the TDH Procedural Checklist for Public Information Requests, and the Public Information Act. Please see Attachment 21.

J. Please fill in the following chart with updated information and be sure to include the most recent e-mail address if possible.			
Texas State Board of Social Worker Examiners Exhibit 17: Contacts			
INTEREST GROUPS (groups affected by agency actions or that represent others served by or affected by agency actions)			
Group or Association Name/ Contact Person	Address	Telephone & Fax Numbers	E-mail Address
Texas Counseling Association (TCA) Jan Friese, Executive Director	316 West 12 th Street Suite 402 Austin TX 78701	(512) 472-3403 (512) 472-3756 fax	jan@txca.org
Texas Association of Marriage and Family Therapists – Chris Shields Executive Director	1005 Congress, Suite 470 Austin TX 78701	512-708-1593 512-476-7297 (fax)	tamft@cshiledspc.com
INTERAGENCY, INTRA-AGENCY, STATE, OR NATIONAL ASSOCIATIONS (that serve as an information clearinghouse or regularly interact with the agency)			
Group or Association Name/ Contact Person	Address	Telephone & Fax Numbers	E-mail Address
National Association of Social Workers – Texas Chapter Vicki Hansen, Executive Director	810 W. 11 th Street Austin TX 78701	512-474-1454 512-474-1317 (fax)	vhansen@naswtx.org
Texas Society for Social Work Leadership in Health Care-Sharon Hinderer (representative only)	211 Commerce Blvd Round Rock TX 78664	512-248-3259 512-248-3236	shinderer@wilco.org
Texas Society for Clinical Social Work –Kathy Rider Governmental Relations Chair	3724 Jefferson, Suite 206 Austin TX 78731	512-452-8948	Krider4@austin.rr.com
LIAISONS AT OTHER STATE AGENCIES (with which the agency maintains an ongoing relationship, e.g., the agency’s assigned analyst at the Legislative Budget Board, or attorney at the Attorney General’s office)			
Agency Name/Relationship/ Contact Person	Address	Telephone & Fax Numbers	E-mail Address
Office of the Governor Appointments Division Amy Erben	Office of the Governor P.O. Box 12428 Austin, Texas 78711-2428	512-463-6395	aerben@governor.state.tx.us
Texas Department of Health-Medical Case Management Cossy Hough	1100 W. 49 th Street Austin TX 78756	512-485-7111 x6664	cssy.hough@tdh.state.tx.us
Health Professions Council Charles Horton, Administrative Officer	333 Guadalupe Street, Tower 2, Suite 220 Austin TX 78701-3942	(512) 305-8550 (512) 305-8553	Charles.Horton@hpc.state.tx.us

VIII. 78th Legislative Session Chart

Texas State Board of Social Worker Examiners Exhibit 18: 78th Legislative Session Chart		
Legislation Enacted - 78th Legislative Session		
Bill Number	Author	Summary of Key Provisions/Intent
HB 2985	Capelo	Relating to the establishment of an office of patient protection within the Health Professions Council.
HB 2292	Wohlgemuth	Reorganizes the Health and Human Services enterprise, including reorganization and consolidation activities at the Texas Department of Health (TDH.) Requires that all licenses issued by TDH, or any entity attached to TDH, be issued for a term of two years effective January 1, 2005. Requires that all TDH licensing programs set fees in amounts designed to recover from license holders all direct and indirect costs of the licensing program.
SB 161	Nelson	Relating to the granting of certain enforcement sanctions to TDH licensing programs. The bill increased the criminal penalty for unlicensed social work practice to a Class A misdemeanor.
HB 660	Allen	Grants specific authority to TDH programs to perform both DPS and FBI criminal history record checks.
SB 1152	Shapleigh	Relating to the use of Texas Online. Requires TDH programs to participate in online license application and renewal functions.
SB 810	Harris	Relating to the restructuring of social worker licensing including deletion of the Social Worker Associate (SWA) license, creation of the Licensed Clinical Social Worker License (LCSW), provision for the approval of all levels of licensure for independent practice, provision of criminal penalty, mandate to create statute of limitation for complaints.
Legislation Not Passed - 78th Legislative Session		
Bill Number	Author	Summary of Key Provisions/Intent/Reason the Bill did not Pass
HB 1492	Naishtat	Relating to the restructuring of social worker licensing including deletion of the Social Worker Associate (SWA) license, creation of the Licensed Clinical Social Worker License (LCSW), provision for the approval of all levels of licensure for independent practice, provision of criminal penalty, mandate to create statute of limitation for complaints. Was companion bill to SB 810.

IX. Policy Issues

A. Brief Description of Issue

Should the Texas State Board of Social Worker Examiners remain within TDH, be moved to another agency, or reconfigured to serve in an advisory capacity to another board or commission within the Texas Health and Human Services system?

B. Discussion

Two recent studies related to the TDH Professional Licensing and Certification Division (PLCD) have examined the different regulatory models housed within PLCD (and state government generally.) See *Report on Texas Department of Health Regulatory Programs, Recommendations for Consolidating, Restructuring, or Moving Health-Related Regulatory Programs, December 15, 2000*, Texas Health and Human Services Commission; and *Texas Department of Health Business Practices Evaluation*, Elton Bomer, Consultant, August 31, 2001.

Both reports examined challenges associated with an umbrella agency housing regulatory boards and programs that possess certain authority independent of the umbrella agency's authority. The Bomer report found that "independent boards, functioning as quasi-agencies unto themselves, yet operating within the structure of a larger agency, are a fundamental organizational mistake."

The HHSC report examined five models for organizing regulatory programs and identified challenges associated with the TDH administration of PLCD regulatory programs. One of the commission's recommendations was to give "more of a voice" in decisions "related to policy, budget, and Legislative Appropriations Requests" to the licensing, certification, and advisory boards administratively attached to TDH. The commission's rationale for the recommendation follows:

The programs attached to the Professional Licensing and Certification Division are required to raise the revenue to operate their programs from the professionals they regulate. Yet independent boards have not routinely been involved in major decisions such as Legislative Appropriations Requests, development of the agency Five-Year Strategic Plan, and establishment of annual operating budgets. TDH has established the principle that the executive director of each program will bring any funding needs, issues, or concerns to TDH management. This has not proven to be sufficient in the opinions of members of the boards, committees, advisory bodies, and HHSC. Additional mechanisms should be developed to improve two-way communication – both from TDH to the statutorily established bodies, and from those bodies to TDH. Such mechanisms should include opportunities for the statutorily established bodies to have periodic access to the Board of Health.

The TDH Associate Commissioner for Health Care Quality and Standards (now Consumer Health Protection) formed the Council of Independent Licensing Board Chairs in 2001 in response to recommendations in the HHSC report and as a means to enhance communication between administratively attached boards and TDH senior management. The Council meets several times a year to discuss issues of mutual concern, to directly address problem areas with TDH senior management, and to recommend solutions to common challenges. The Council also met with members of the Texas Board of Health for a luncheon in 2002.

The commission also recommended "TDH should examine its regulatory programs and determine which ones could benefit from being functionally organized. It may be possible in some cases to combine staff in different programs performing similar activities to carry out common practices, such as licensing,

investigations, enforcement, and compliance.” The commission’s rationale was “There may be opportunities for the regulatory programs at TDH to share additional costs and functions by organizing like programs along functional lines. Such arrangements have been demonstrated to be effective and efficient alternatives to having distinct and perhaps duplicative functions when organizing along program lines.”

C. Possible Solutions and Impact

The board is functioning effectively within Texas Department of Health. If the boards and programs of the Professional Licensing and Certification Division are transferred to a new or existing licensing agency in the future, the Texas State Board of Social Worker Examiners should be transferred with them at that time.

A recent functional reorganization of the TDH Professional Licensing and Certification Division is anticipated to increase efficiencies in social worker regulation through the use of shared resources. The Bomer report indicated that independent and quasi-independent boards should be converted to TDH advisory committees, which would result in efficiencies to be achieved through consolidation and uniformity. However, those efficiencies are anticipated through the division’s functional reorganization, which is being implemented within the current statutory framework.

An examination of the different regulatory models set out in the HHSC Report illustrates the options for placement of regulatory programs within state government. The models include regulatory programs as autonomous boards, boards with shared administrative functions, administratively attached boards with shared authority, administratively attached boards with limited authority, and centralized licensing agencies. Each model has perceived advantages and disadvantages in terms of cost-effectiveness, effective consumer protection, and effective professional regulation. The board has closely examined each model, but has not taken an official position on whether it should become a free-standing agency within the Health Professions Council, remain within TDH, or be administratively attached to another agency. The board strongly believes that the Bomer recommendation should not be implemented and that rulemaking and disciplinary authority over licensed social workers should remain with the board.

In February 2003, the associations representing the professions of counseling, marriage and family therapy, and social work met to discuss the possibility of creating an independent agency of the boards regulating mental health professions, utilizing a “council” format. The format allows for the sharing of administrative duties among boards but maintains the independence in rule making and enforcement actions for ethical violations. The group’s recommendations are available upon request from the Texas Chapter, National Association of Social Workers.