

# **Self-Evaluation Report**

## **Texas State Board of Social Worker Examiners**



Presented to the

**Sunset Advisory Commission  
August 2017**



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## Texas State Board of Social Worker Examiners Self-Evaluation Report

### I. Agency Contact Information

#### Texas State Board of Social Worker Examiners Exhibit 1: Agency Contacts

	Name	Address	Telephone & Fax Numbers	Email Address
<b>Presiding Officer</b>	Timothy Martel Brown LCSW, Chair	P.O. Box 149347 Mail Code 1982 Austin, Texas 78714-9347	(512) 719-3521 or (800) 232-3162 (512) 834-6677 fax	lsw@dshs.texas.gov lsw@hhsc.state.tx.us
<b>Agency Head</b>	Alice Bradford, Executive Director	P.O. Box 149347 Mail Code 1982 Austin, Texas 78714-9347	(512) 834-6628, ext. 2715 (512) 834-6677 fax	alice.bradford@hhsc.state.tx.us
<b>Agency's Sunset Liaison</b>	Sarah Faszholz, Regulation and Standards Group Project Manager	P.O. Box 149347 Mail Code 1982 Austin, Texas 78714-9347	(512) 834-6695 (512) 834-6677 fax	sarah.faszholz@hhsc.state.tx.us

Table 1 Exhibit 1 Agency Contacts

## II. Key Functions and Performance

### A. Provide an overview of your agency's mission, objectives, and key functions.

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 standards for social workers as a means to protect and promote public health and welfare. The board accomplishes its mission by establishing and administering qualifications for licensure and license renewal and enforcing standards for the profession, as specified in Chapter 505, Occupations Code.

The board is administratively attached to the Professional Licensing and Certification Unit (PLCU) at the Texas Department of State Health Services (DSHS) and does not function as an independent state agency. DSHS employs staff and provides necessary facilities and infrastructure to carry out the board's functions.

In accordance with Section 505.101, Occupations Code, the governor appoints nine members to the board, including two members who are licensed master social workers, two members who are licensed baccalaureate social workers, two members who are licensed clinical social workers, and three members who represent the public.

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

- Promulgate rules necessary to carry out its duties (Section 505.201(a)(1), Occupations Code);
- Administer, coordinate, and enforce Chapter 505, Occupations Code (Section 505.201(a), Occupations Code);
- Issue licenses, including provisional and temporary licenses, and specialty recognitions to qualified applicants (Sections 505.201(e), 505.305(b), 505.357, and 505.358, Occupations Code);
- Provide for the examination of license and specialty recognition applicants (Sections 505.303, 505.354, and 505.3545, Occupations Code));
- Prepare and publish a registry of license holders (Section 505.205, Occupations Code);
- Adopt rules for the continuing education of a license holder (Section 505.404, Occupations Code);
- Establish fees in amounts reasonable and necessary to cover costs of administration (Section 505.203, Occupations Code);
- Adopt a code of professional standards and ethics for license holders (Sections 505.201(a)(2), Occupations Code);
- Receive and investigate complaints filed by consumers regarding license holders (Sections 505.204, 505.253, 505.254 and 505.2547, Occupations Code);

- Impose disciplinary action and/or assess an administrative penalty against a license holder found to be in violation of the law or rules (Sections 505.551 and 505.552, Occupations Code); and
- Deny an application or probate, suspend, or revoke the license and/or specialty recognition of a license holder whose practice constitutes an ongoing and imminent threat to the public welfare (Sections 505.451 and 505.453, Occupations Code).

**B. Do your key functions continue to serve a clear and ongoing objective? Explain why each of these functions is still needed. What harm would come from no longer performing these functions?**

Yes, the board's key functions continue to serve a clear and ongoing objective: to ensure public health, safety, and welfare. This includes the establishment of minimum training requirements as well as the enforcement of professional standards in the delivery of social work services. Social workers should also be required to further develop and maintain their knowledge and skill levels biennially through continuing education and report to the board events (such as criminal convictions) that could reflect their fitness to practice.

Since each complaint may involve a situation in which a client's well-being is compromised, each complaint should be evaluated thoroughly. When evidence indicates that a violation has occurred, it is in the interest of public safety to initiate disciplinary proceedings against the license holder. Depending on the situation, a range of disciplinary actions may be imposed, up to and including revocation of the of the person's right to practice in this state.

Public information, provided through the DSHS website, is necessary to inform license holders and Texans of the standards of practice and of the board's complaint procedures.

If these functions were no longer performed, the lack of regulation of social workers could result in Texas consumers receiving services from individuals who lack minimum competence as well as appropriate qualifications and standards. This could result in potential harm to vulnerable consumers.

**C. What evidence can your agency provide to show your overall effectiveness and efficiency in meeting your objectives?**

The program's workload statistics demonstrate overall effectiveness and efficiency. This includes annual totals of:

- persons licensed as social workers and social workers recognized for specialty practice;
- complaints received;
- jurisdictional complaints resolved; and
- disciplinary actions taken.

See Attachment 2, Health Professions Council's Annual Report for fiscal years 2015 and 2016 for details on the above-listed totals.

DSHS 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. See Attachment 20 for the Customer Survey and quarterly evaluations of the Customer Survey data.

**D. Does your agency's enabling law continue to correctly reflect your mission, objectives, and approach to performing your functions? Have you recommended changes to the Legislature in the past to improve your agency's operations? If so, explain. Were the changes adopted?**

In general, the enabling law continues to correctly reflect the mission, objectives, and approach to performing the regulatory functions of the board. The board has not recommended changes to the Texas Legislature to improve operations.

**E. Do any of your agency's functions overlap or duplicate those of another state or federal agency? Explain if, and why, each of your key functions is most appropriately placed within your agency. How do you ensure against duplication with other related agencies?**

There is no other state or federal agency that licenses and regulates Texas social workers. DSHS staff communicates regularly with other entities, including regulatory boards for counselors, marriage and family therapists, and sex offender treatment providers, to coordinate on matters of mutual interest to mental health care providers. Also, DSHS staff refers complaints not within the jurisdiction of the board to those programs that may regulate the individual or entity. For example, a complaint filed with the board against a licensed psychologist is referred to the Texas State Board of Examiners of Psychologists.

**F. 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 and territories, 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. In September 2014, the Commonwealth of Northern Mariana Islands (CNMI) and the Territory of Guam joined ASWB as part of adopting new regulations for the social work profession. These jurisdictions vary in regulating social work practice and in the titles that licensees may use in professional practice.

**G. What key obstacles impair your agency's ability to achieve its objectives?**

There are no significant obstacles identified at this time that impair the board's ability to achieve its objectives.

**H. Discuss any changes that could impact your agency's key functions in the near future (e.g., changes in federal law or outstanding court cases).**

There are no changes anticipated from federal law or court cases that could impact the board's key functions in the near future.

**I. What are your agency's biggest opportunities for improvement in the future?**

Increasing the use of online application and renewal systems will provide an opportunity to improve the efficiency and timeliness of licensure processing. Strategies to encourage use of the online system will be developed by DSHS staff and presented to boards for consideration. These may include moving to postcard notification of impending license renewal, rather than providing renewal letters and payment coupons, and creating mechanisms for electronic submission of supporting documentation.

Utilizing the results of the routine licensing audits implemented in FY 2015 will provide an opportunity to increase the quality and accuracy of licensure processing. This will allow for further development of staff training tools, such as license approval worksheets, and process improvements.

**J. In the following chart, provide information regarding your agency's key performance measures included in your appropriations bill pattern, including outcome, input, efficiency, and explanatory measures.**

The Texas State Board of Social Worker Examiners is administratively attached to the DSHS Professional Licensing and Certification Unit and does not function as an independent state agency. DSHS provides the staff, facilities, and infrastructure necessary to accomplish the board's mission and functions.

The board is funded through an appropriation to DSHS, not the board, for Strategy 4.1.4 (Health Care Professionals). This appropriation funds 25 programs within DSHS. 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, there are no specific legislative performance measures associated with the board. However, shared performance measure reporting associated with the appropriation to DSHS for Strategy 4.1.4 (Health Care Professionals) is compiled quarterly. The report includes the number of health care professionals licensed and the number of professional complaint investigations conducted for all license types within the strategy. In addition, the performance measures include the percentage of licenses issued within the fiscal year and the percentage of licensed professionals with no recent violations. For statistical information specific to the Texas State Board of Social Worker Examiners, the annual report of the Health Professions Council provides the total number of licensees, the number of new licenses issued, the number of renewal licenses issued, the number and type of complaints received, the number of jurisdictional complaints received, the number of complaint investigations completed, the number of jurisdictional complaints resolved, the method in which the complaints were resolved, the average length of time required to resolve a complaint, the total fees collected and the total expenses (see Attachment 2). 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.



**Texas State Board of Social Worker Examiners  
Exhibit 2: Key Performance Measures — Fiscal Year 2016**

Key Performance Measures	FY 2016 Target	FY 2016 Actual Performance	FY 2016 % of Annual Target
N/A (see above)			

[Table 2 Exhibit 2 Key Performance Measures](#)

**Texas State Board of Social Worker Examiners  
Exhibit 2: Key Performance Measures — Fiscal Year 2017**

Key Performance Measures	FY 2017 Target	FY 2017 Actual Performance	FY 2017 % of Annual Target
N/A (see above)			

[Table 3 Exhibit 2 Key Performance Measures](#)

### **III. History and Major Events**

#### **Texas State Board of Social Worker Examiners**

##### **1981**

The 67<sup>th</sup> Texas Legislature amended Chapter 50, Human Resources Code and regulated social workers. The Department of Human Resources (DHR) was designated as the agency to regulate social workers. 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 categories of certification in 1982 and more than 9,000 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 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 1, 1986. Exam administration began in April 1986. Exams were offered throughout the state four times each year.

##### **1990**

The council established specialty recognition for Advanced Practitioner (AP) within the Certified Social Worker category. This created a non-clinical advanced recognition certification.

##### **1993**

The 73<sup>rd</sup> Texas Legislature passed Senate Bill 1426, which licensed social workers. The bill transferred the council from the Department of Human Services (formerly known as the Department of Human Resources) to the Texas Department of Health (TDH). The bill also changed the name of the Council on Social Work Certification to the Texas State Board of Social Worker Examiners, with its nine members appointed by the governor.

### **1994**

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

### **1995**

The 72<sup>nd</sup> Texas Legislature enacted Senate Bill 3, which eliminated the board's dedicated fee fund and moved the funding source to general appropriations.

### **1997**

The Alternate Method of Examining Competency (AMEC) Program was created by statute and implemented by the board. The AMEC Program granted a probationary license for a minimum of one year, under which a supervised individual completes a professional portfolio, quarterly reports and other requirements before being issued a regular license. A study was completed and reported in the board's annual report that those licensed under the grandfathering criteria were more likely to have been disciplined by the board. The study found no correlation between the education of the licensee and disciplinary action taken by the board.

### **1999**

In September 1999, the board determined that the Medical Case Management Program within TDH was in violation of the "private and independent" practice of social work. The board agreed to promulgate rules to allow social workers to work in the program, but later determined the provision was established in statute, thereby not under the authority of the board to amend.

### **2001**

The 77<sup>th</sup> Texas Legislature passed House Bill 3365 that required the board to develop rules to allow all categories of licensure to engage in independent practice. The board developed a multidisciplinary taskforce, which included members of the TDH Medical Case Management Sections, National Association of Social Workers – 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.

**2003**

Senate Bill 810 was enacted by the 78<sup>th</sup> Texas Legislature and related 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 for independent practice within all categories of licensure, provision of criminal penalty, and mandate to create a statute of limitations for complaints. 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.

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

**2004**

Texas Department of State Health Services (DSHS) was created as a new agency, a product of the consolidation of TDH, Texas Commission on Alcohol and Drug Abuse, and the mental health programs and services of the Texas Department of Mental Health and Mental Retardation. The board was organizationally placed within the Division for Regulatory Services, Health Care Quality Section, Professional Licensing and Certification Unit.

**2005**

The 79<sup>th</sup> Texas Legislature enacted Senate Bill 415 (Sunset legislation), amending Chapter 505, Occupations Code to reflect the organizational and agency name changes that occurred in 2004; narrowing the exemptions to exclude a service performed by a non-Texas resident; amending provisions related to board appointments and grounds for removal; dividing the policy-making responsibilities of the board and the management responsibilities of the executive director and department staff; authorizing the board to order a licensee to pay a refund to a consumer instead of, or in addition to, imposition of an administrative penalty; allowing the board to issue a cease and desist order; and directing the board to establish rules related to the consequences of criminal conviction, use of technology, negotiated rulemaking and alternative dispute resolution policy, complaint committee, license eligibility, jurisprudence examination, issuance of licenses to certain out-of-state applicants, and grounds for refusing renewal to a person who failed to pay an administrative penalty.

**2007**

To complete implementation of Senate Bill 810, 78<sup>th</sup> Texas Legislature, which amended Chapter 505, Occupations Code, and required the board to establish independent practice authorization for all categories of licensure, the board adopted final rules, updated forms, and issued a letter to all licensed social workers. The letter clarified the tiered structure of Texas social worker licenses as well as the specialty recognition of Independent Non-clinical Practice and explained the board's plan to allow a six-month timeframe and a method for social workers to obtain recognition of independent practice or to obtain supervision toward recognition, utilizing board forms.

## **2009**

House Bill 1012, 81<sup>st</sup> Texas Legislature, amended Chapter 153, Family Code, which required certain occupational licensing boards to promulgate rules related to the provision of parenting coordination and parenting facilitation services.

The board issued a letter to all licensed social workers in an effort to further awareness of board rules and provided examples of compliance and noncompliance.

## **2010**

The board held two special topic task force meetings to assist with rule and policy changes. One task force focused on further defining the unique scope and parameters of clinical social work as opposed to non-clinical social work. The other addressed which category of licensure could serve in substance abuse treatment programs as a Qualified Credentialed Counselor — a federally defined role. Social work leaders of Texas, representing different social work professional organizations, areas of practice, geographic areas, and categories of licensure were invited to participate in the work groups.

## **2015**

The 84<sup>th</sup> Texas Legislature enacted Senate Bill (SB) 200, which took a phased approach to restructuring the health and human services system, including transferring the Department of Assistive and Rehabilitative Services; client services at the Department of Aging and Disability Services, the Department of Family and Protective Services (DFPS) and the Department of State Health Services (DSHS); and certain administrative services to the Health and Human Services Commission (HHSC) on September 1, 2016. Regulatory programs (including DSHS PLCU, which supports the board's operations) as well as state supported living centers and state hospitals were required to transfer to HHSC on September 1, 2017. SB 200 required HHSC to develop and submit a detailed transition plan for moving all programs and functions to the newly created Transition Legislative Oversight Committee.

In addition, Senate Bill (SB) 202 transferred to the Texas Department of Licensing And Regulation (TDLR), during the biennium ending August 31, 2017, six health-related programs; transferred three health-related programs and one independent board to the Texas Medical Board as soon as practicable after September 1, 2015; and deregulated 9 programs — all currently supported by DSHS PLCU. The Texas State Board of Social Worker Examiners, the Texas State Board of Examiners of Professional Counselors, the Texas State Board of Examiners of Marriage and Family Therapists, and the Licensed Chemical Dependency Counselor Program — as well as the Council on Sex Offender Treatment — were unaffected by SB 202 and remain supported by DSHS PLCU.

## **2016**

The Texas State Board of Examiners of Professional Counselors, the Texas State Board of Examiners of Marriage and Family Therapists, and the Texas State Board of Social Worker Examiners participated in a joint-rulemaking taskforce and adopted rules to implement Senate Bill (SB) 807 and SB 1307, 84th Legislature, Regular Session, 2015, which amended Texas Occupations Code, Chapter 55, relating to occupational license application; examination fees and licensing and renewal of certain military service members, military veterans, and military

spouses and to implement House Bill (HB) 1449, 84th Legislature, Regular Session, 2015, as it relates to child custody and adoption evaluations in certain suits affecting the parent-child relationship.

**2017**

Transfers of certain programs to the Texas Department of Licensing And Regulation (TDLR) as required by Senate Bill (SB) 202, 84th Legislature, Regular Session, 2015, were completed by August 31, 2017. Transition of regulatory programs, including the Department of State Health Services' Professional Licensing and Certification Unit (DSHS PLCU) to HHSC as required by Senate Bill (SB) 200, 84th Legislature, Regular Session, 2015, was completed by September 1, 2017.

## IV. Policymaking Structure

- A. Complete the following chart providing information on your policymaking body members.**

**Texas State Board of Social Worker Examiners  
Exhibit 3: Policymaking Body**

Member Name	Term / Appointment Dates / Appointed by	Qualification	City
Timothy Martel Brown, Chair	6 years / February 1, 2013 / Governor	Licensed Clinical Social Worker – Supervisor (LCSW-S)	Dallas
Mark Talbot, Vice Chair	6 years / February 1, 2013 / Governor	Public Member	McAllen
Brian Brumley	6 years / November 1, 2016 / Governor	Licensed Master Social Worker - Independent Non-Clinical Practice (LMSW-IPR)	Sumner
Maria Castro	6 years / February 1, 2013 / Governor	Licensed Baccalaureate Social Worker - Independent Non-Clinical Practice (LBSW-IPR)	Weslaco
Beverly Jackson Loss	6 years / November 1, 2016 / Governor	Licensed Master Social Worker (LMSW)	Wolfe City
Benny Morris	6 years / November 1, 2016 / Governor	Public Member	Cleburne
Martha Mosier	6 years / November 1, 2016 / Governor	Licensed Clinical Social Worker – Supervisor (LCSW-S)	College Station
Denise Pratt	6 years / February 1, 2011 / Governor	Public Member	Baytown
Carol Rainey-Nivens	6 years / February 1, 2011 / Governor	Licensed Baccalaureate Social Worker (LBSW)	Keller

**Table 4 Exhibit 3 Policymaking Body**

- B. Describe the primary role and responsibilities of your policymaking body.**

Powers and duties of the board are set out in Sections 505.201 – 505.211, Occupations Code. The board’s primary role is to adopt and enforce rules relating to the licensure and regulation of social workers, including review of consumer complaints and discipline of license holders found to be in violation of the law or rules.

- C. How is the chair selected?**

Section 505.107(a), Occupations Code requires the governor to designate a member of the board as presiding officer and specifies that the presiding officer serves at the will of the governor.

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

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

**E. In general, how often does your policymaking body meet? How many times did it meet in FY 2014? In FY 2015?**

Section 505.108, Occupations Code requires the Texas State Board of Social Worker Examiners to meet at least once a year. The board held four meetings in fiscal year 2014 and four meetings in fiscal year 2015. In fiscal year 2016, the board and its committees met 5 times. The Ethics Committee met one additional time in fiscal year 2016. In fiscal year 2017, the board and its committees convened four times. The Ethics Committee met 4 additional times in fiscal year 2017.

**F. What type of training do members of your agency's policymaking body receive?**

Section 505.109, Occupations Code requires an appointee to complete a training program prior to assuming the member's duties. In addition, Section 101.101, Occupations Code requires the Health Professions Council (HPC) to establish a training program for the governing bodies of state agencies that regulate health professions. The training curriculum created by HPC was adapted for use with the regulatory boards administratively attached to the DSHS Professional Licensing and Certification Unit.

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 costs and revenue 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 placement within DSHS and the staffing, structure, and mission of the DSHS Division for Regulatory Services.

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

Section 505.155, Occupations Code requires the board to develop and implement policies that clearly separate the policy-making responsibilities of the board and the management responsibilities of the executive director and DSHS staff. See Attachment IV-G Board Policy: Responsibilities of board and staff.



**H. What information is regularly presented to your policymaking body to keep them informed of your agency's performance?**

At each regular meeting of the board, the executive director presents information regarding the number and categories of license holders. The Professional Licensing and Certification Unit manager provides information regarding the board's annual costs and revenue, legislation impacting the program or the Unit, management initiatives or projects within the Unit or DSHS Regulatory Services, DSHS legislative performance measures, staffing updates, and other information relative to the operation of the Unit and DSHS.

**I. How does your policymaking body obtain input from the public regarding issues under the jurisdiction of the agency? How is this input incorporated into the operations of your 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 public health and safety by regulating the practice of social work.

Each board or committee meeting agenda has a public comment item. Agendas are posted in the *Texas Register* in compliance with the Texas Open Meetings Act. The board's stakeholders regularly address the board and provide input.

The board's structure lends itself to considerable input from the public, including three members must represent the public and each board committee must have at least one public member.

In regard to rulemaking, stakeholders' recommendations for rule changes are considered. Proposed rules are posted in the *Texas Register* for review and comment. Public hearings may also be held during the rule comment period. The board fully considers all written comments received during the statutory public comment period, as well as oral comments received at public hearings. 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 taskforce to ensure all interested parties are involved in the rule making process.

As funds allow, the board members and/or staff attend statewide conferences relating to social work to receive direct input from the regulated community, present on board-related topics, provide information, and answer questions regarding the board and its functions.

- J. If your policymaking body uses subcommittees or advisory committees to carry out its duties, 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	Four members / One public and three professional members / The board chair appoints committee members.	To consider matters related to complaints and propose disciplinary action, as warranted, if a violation of the law or the rules is substantiated. The committee may also dismiss matters for no violation, for lack of substantiation of a violation, or for lack of jurisdiction.	Occupations Code §§ 505.110 and 505.2547 22 Tex. Admin. Code § 781.309  By law, the Complaints Committee must have at least one public member. By rule, each committee shall consist of least one public member and one professional member, unless the board authorizes otherwise.
Rules Committee	Four members / One public and three professional members / The board chair appoints committee members.	To consider matters relating to the board's rules, including proposals for rulemaking and management of the rule review process.	Occupations Code § 505.110 22 Tex. Admin. Code § 781.309  By rule, each committee shall consist of least one public member and one professional member, unless the board authorizes otherwise.
Licensing Standards and Qualification Committee	Four members / One public and three professional members / The board chair appoints committee members.	To consider matters related to licensing and specialty recognition, including appeals from applicants or licensees for waiver of certain requirements.	Occupations Code § 505.110 22 Tex. Admin. Code § 781.309  By rule, each committee shall consist of least one public member and one professional member, unless the board authorizes otherwise.
Professional Development Committee	Four members / One public and three professional members / The board chair appoints committee members.	To consider matters related to the professional development of social workers, including the Alternative Method of Examining Competency (AMEC) program, continuing education, and the jurisprudence examination.	Occupations Code § 505.110 22 Tex. Admin. Code § 781.309  By rule, each committee shall consist of least one public member and one professional member, unless the board authorizes otherwise.

Table 5 Exhibit 4 Subcommittees and Advisory Committees

## V. Funding

### A. Provide a brief description of your agency’s funding.

The Texas State Board of Social Worker Examiners is administratively attached to the DSHS Professional Licensing and Certification Unit and does not function as an independent state agency. DSHS provides the staff, facilities, and infrastructure necessary to accomplish the board’s mission and functions.

The board is funded through an appropriation to DSHS, not the board, for Strategy 4.1.4 (Health Care Professionals). This appropriation funds 25 programs within DSHS. The General Appropriations Act (GAA) does not contain a line-item appropriation to the board; in fact, the GAA does not mention the board. All revenue and expenditures are processed, accounted for, tracked, and audited through the DSHS budget, fiscal, and audit structures.

Due to the absence of a legislative appropriation, the board is unable to hire its own staff or expend funds. Some information requested in Sections V (Funding), VI (Organization), and XI (Additional Information) is available in a format that is specific to the board, with some necessary modifications, and the modified information is submitted in this report.

The board’s fee revenue exceeds the direct and indirect costs of operating the board’s functions.

### B. List all riders that significantly impact your agency’s budget.

N/A (see above)

### C. Show your agency’s expenditures by strategy.

**Texas State Board of Social Worker Examiners  
Exhibit 5: Expenditures by Strategy — Fiscal Year 2014 (Actual)**

Goal / Strategy	Amount Spent	Percent of Total	Contract Expenditures Included in Total Amount
Licensing and regulation of social workers	\$566,951	100%	N/A
<b>GRAND TOTAL:</b>	<b>\$566,951</b>	<b>100%</b>	<b>N/A</b>

Table 6 Exhibit 5 Expenditures by Strategy

**Texas State Board of Social Worker Examiners  
Exhibit 5: Expenditures by Strategy — Fiscal Year 2015 (Actual)**

Goal / Strategy	Amount Spent	Percent of Total	Contract Expenditures Included in Total Amount
Licensing and regulation of social workers	\$577,269*	100%	N/A
<b>GRAND TOTAL:</b>	<b>\$577,269*</b>	<b>100%</b>	<b>N/A</b>

\*Cost for 2015 reflects corrected amount that differs from the cost in the FY2015 Fee Resource Manual.

Table 7 Exhibit 5 Expenditures by Strategy

**Texas State Board of Social Worker Examiners  
Exhibit 5: Expenditures by Strategy — Fiscal Year 2016 (Actual)**

Goal / Strategy	Amount Spent	Percent of Total	Contract Expenditures Included in Total Amount
Licensing and regulation of social workers	\$500,168	100%	N/A
<b>GRAND TOTAL:</b>	<b>\$500,168</b>	<b>100%</b>	<b>N/A</b>

Table 8 Exhibit 5 Expenditures by Strategy

**Texas State Board of Social Worker Examiners  
Exhibit 5: Expenditures by Strategy — Fiscal Year 2017  
*Fiscal Year 2017 Data Is Not Yet Available***

Goal / Strategy	Amount Spent	Percent of Total	Contract Expenditures Included in Total Amount
Licensing and regulation of social workers	Data not yet available	Data not yet available	N/A
<b>GRAND TOTAL:</b>	<b>Data not yet available</b>	<b>Data not yet available</b>	<b>N/A</b>

Table 9 Exhibit 5 Expenditures by Strategy

- D. Show your agency's sources of revenue. Include all local, state, and federal appropriations, all professional and operating fees, and all other sources of revenue collected by the agency, including taxes and fines.**

**Texas State Board of Social Worker Examiners  
Exhibit 6: Sources of Revenue — Fiscal Year 2014 (Actual)**

Source	Amount
Licensing fees deposited into General Revenue Fund No. 0001, Revenue Code 361600	\$1,203,012
<b>TOTAL</b>	<b>\$1,203,012</b>

Table 10 Exhibit 6 Sources of Revenue

**Texas State Board of Social Worker Examiners  
Exhibit 6: Sources of Revenue — Fiscal Year 2015 (Actual)**

Source	Amount
Licensing fees deposited into General Revenue Fund No. 0001, Revenue Code 361600	\$1,274,317
<b>TOTAL</b>	<b>\$1,274,317</b>

Table 11 Exhibit 6 Sources of Revenue

**Texas State Board of Social Worker Examiners  
Exhibit 6: Sources of Revenue — Fiscal Year 2016 (Actual)**

Source	Amount
Licensing fees deposited into General Revenue Fund No. 0001, Revenue Code 361600	\$1,282,629
<b>TOTAL</b>	<b>\$1,282,629</b>

Table 12 Exhibit 6 Sources of Revenue

**Texas State Board of Social Worker Examiners  
Exhibit 6: Sources of Revenue — Fiscal Year 2017  
*Fiscal Year 2017 Data Is Not Yet Available***

Source	Amount
Licensing fees deposited into General Revenue Fund No. 0001, Revenue Code 361600	Data not yet available
<b>TOTAL</b>	<b>Data not yet available</b>

Table 13 Exhibit 6 Sources of Revenue

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

**Texas State Board of Social Worker Examiners  
Exhibit 7: Federal Funds — Fiscal Year 2014 (Actual)**

Type of Fund	State / Federal Match Ratio	State Share	Federal Share	Total Funding
<b>TOTAL</b>				<b>N/A</b>

Table 14 Exhibit 7 Federal Funds

- F. If applicable, provide detailed information on fees collected by your agency.**

**Texas State Board of Social Worker Examiners  
Exhibit 8: Fee Revenue — Fiscal Year 2014**

Fee Description/ Program/ Statutory Citation	Current Fee/ Statutory Maximum	Number of Persons or Entities Paying Fee	Fee Revenue	Where Fee Revenue is Deposited <i>(e.g., General Revenue Fund)</i>
<b>Application Fee for licenses, approved supervisory status, or specialty recognition / Occupations Code, § 505.203</b>	\$20 / none	1,844	\$36,880	General Revenue Fund
<b>License Fee for LBSW or LMSW / Occupations Code, § 505.203</b>	\$60 / none	1,544	\$92,640	General Revenue Fund

<b>Fee Description/ Program/ Statutory Citation</b>	<b>Current Fee/ Statutory Maximum</b>	<b>Number of Persons or Entities Paying Fee</b>	<b>Fee Revenue</b>	<b>Where Fee Revenue is Deposited (e.g., General Revenue Fund)</b>
<b>License Fee for LCSW /</b> Occupations Code, § 505.203	\$100 / none	163	\$16,300	General Revenue Fund
<b>Temporary License Fee/</b> Occupations Code, § 505.203	\$30 / none	137	\$4,110	General Revenue Fund
<b>Renewal Fee for LBSW or LMSW /</b> Occupations Code, § 505.203	\$80 biennially / none	5,780	\$462,400	General Revenue Fund
<b>Renewal Fee for LCSW /</b> Occupations Code, § 505.203	\$100 biennially / none	3,229	\$322,900	General Revenue Fund
<b>Renewal Fee for Inactive Status /</b> Occupations Code, § 505.203	\$30 biennially / none	889	\$26,670	General Revenue Fund
<b>Board-approved Supervisor Renewal Fee /</b> Occupations Code, § 505.203	\$50 biennially / none	999	\$49,950	General Revenue Fund
<b>Additional License Fee for Advanced Practitioner or Independent Practice specialty recognition /</b> Occupations Code, § 505.203	\$20 biennially / none	884	\$17,680	General Revenue Fund
<b>Additional or Replacement License Fee</b> / Occupations Code, § 505.203	\$10 / none	409	\$4,090	General Revenue Fund
<b>Late Renewal Fee (up to 90 days) /</b> Occupations Code, § 505.203	\$20 (for LBSW & LMSW) \$25 (for LCSW, LBSW- IPR, LMSW-IPR, & LMSW- AP) [Renewal fee plus fee equal to ¼ of the renewal fee]	134	\$2,948	General Revenue Fund
<b>Late Renewal Fee (90 days to less than 1 year)</b> / Occupations Code, § 505.203	\$40 (for LBSW & LMSW) \$50 (for LCSW, LBSW- IPR, LMSW-IPR, & LMSW- AP) [Renewal fee plus fee equal to ½ of the renewal fee]	34	\$1,526	General Revenue Fund

Self-Evaluation Report

<b>Fee Description/ Program/ Statutory Citation</b>	<b>Current Fee/ Statutory Maximum</b>	<b>Number of Persons or Entities Paying Fee</b>	<b>Fee Revenue</b>	<b>Where Fee Revenue is Deposited (e.g., General Revenue Fund)</b>
<b>Conversion Fee (active to inactive status or inactive to active status) /</b> Occupations Code, § 505.203	\$30 / none	257	\$7,710	General Revenue Fund
<b>Criminal History Evaluation Letter Fee /</b> Occupations Code, § 505.203	\$50 / none	31	\$1,550	General Revenue Fund
<b>Continuing Education Sponsor Application Fee /</b> Occupations Code, § 505.203	\$50 annually / none	1,148	\$57,400	General Revenue Fund
<b>Written License Verification Fee /</b> Occupations Code, § 505.203	\$10 per copy / none	294	\$2,940	General Revenue Fund
<b>Specialty License Verification Fee /</b> Occupations Code, § 505.203	\$10 per copy / none	0	\$0	General Revenue Fund
<b>Delinquent Child Support Administrative Fee /</b> Occupations Code, § 505.203	\$35 / none	0	\$0	General Revenue Fund
<b>AMEC Participant Administrative Fee /</b> Occupations Code, § 505.203	Fee equal to the current contract examination fee (\$230)	24	\$4,200	General Revenue Fund
<b>Office of Patient Protection Fee /</b> Occupations Code, § 101.307	\$1 & \$5 / max: \$1 for renewals; \$5 for initial license	10,973	\$39,982	General Revenue Fund
<b>Texas Online Fee /</b> Government Code § 2054.252(g)	\$5 & \$10 / max: \$5 for annual; \$10 for biennial occupational license	10,973	\$51,136	General Revenue Fund

Table 15 Exhibit 8 Fee Revenue

## VI. Organization

The Texas State Board of Social Worker Examiners is administratively attached to the DSHS Professional Licensing and Certification Unit, and does not function as an independent state agency. DSHS provides the staff, facilities, and infrastructure necessary to accomplish the board's mission and functions.

- A. Provide an organizational chart that includes major programs and divisions, and shows the number of FTEs in each program or division. Detail should include, if possible, Department Heads with subordinates, and actual FTEs with budgeted FTEs in parenthesis.**

For the organizational chart of the DSHS Professional Licensing and Certification Unit, see Attachment VI-A. The Unit is organized into groups with specific functions.

*Policy, Standards, and Board Support Functions:* Staff members who serve as executive directors for the Unit's licensing programs are organized within the Regulation and Standards Group. Other staff members in this group provide administrative support for board and committee meetings, and carry out examination-related functions. The board's executive director may serve as interim executive director as needed for another board or program during periods of vacancy.

*Licensing and Customer Service Functions:* Staff who process licensing applications and renewals, and provide customer service by telephone, fax, e-mail, and in-person, is organized within one of the Unit's three licensing groups. One of these groups, Licensing Group C, serves five licensing programs, including the Texas State Board of Social Worker Examiners. Other programs served by Licensing Group C include the Council on Sex Offender Treatment, the Texas State Board of Examiners of Marriage and Family Therapists, and the Texas State Board of Examiners of Professional Counselors. Group C supported the Dyslexia Therapist and Dyslexia Practitioner Licensing Program through its deregulation — as soon as practicable after September 1, 2015 — as required by Senate Bill 202, 84th Legislature, Regular Session.

*Complaint and Investigation Functions:* Staff members who receive, process, and investigate consumer complaints are organized within the Investigations and Quality Assurance Group, which provides complaint and investigation services for the five licensing programs of the Professional Licensing and Certification Unit.



**B. If applicable, fill in the chart below listing field or regional offices.**

**Texas State Board of Social Worker Examiners  
Exhibit 9: FTEs by Location — Fiscal Year 2014**

Headquarters, Region, or Field Office	Location	Co-Location? Yes / No	Number of Budgeted FTEs FY 2014	Number of Actual FTEs as of June 1, 2014
Headquarters	8407 Wall Street, Austin	No	9.35	8.85
			<b>TOTAL: 9.35</b>	<b>TOTAL: 8.85</b>

Table 16 Exhibit 9 FTEs by Location

**Texas State Board of Social Worker Examiners  
Exhibit 9: FTEs by Location — Fiscal Year 2015**

Headquarters, Region, or Field Office	Location	Co-Location? Yes / No	Number of Budgeted FTEs FY 2015	Number of Actual FTEs as of August 31, 2015
Headquarters	8407 Wall Street, Austin	No	9.35	8.85
			<b>TOTAL: 9.35</b>	<b>TOTAL: 8.85</b>

Table 17 Exhibit 9 FTEs by Location

**Texas State Board of Social Worker Examiners  
Exhibit 9: FTEs by Location — Fiscal Year 2016**

Headquarters, Region, or Field Office	Location	Co-Location? Yes / No	Number of Budgeted FTEs FY 2016	Number of Actual FTEs as of August 31, 2016
Headquarters	8407 Wall Street, Austin	No	8.20	8.20
			<b>TOTAL: 8.20</b>	<b>TOTAL: 8.20</b>

Table 18 Exhibit 9 FTEs by Location

**Texas State Board of Social Worker Examiners  
Exhibit 9: FTEs by Location — Fiscal Year 2017**

Headquarters, Region, or Field Office	Location	Co-Location? Yes / No	Number of Budgeted FTEs FY 2017	Number of Actual FTEs as of August 31, 2017
Headquarters	8407 Wall Street, Austin	No	7.20	7.20
			<b>TOTAL: 7.20</b>	<b>TOTAL: 7.20</b>

Table 19 Exhibit 9 FTEs by Location

**C. What are your agency's FTE caps for fiscal years 2014–2017?**

N/A

**D. How many temporary or contract employees did your agency have as of August 31, 2014?**

N/A

- E. List each of your agency's key programs or functions, along with expenditures and FTEs by program.

**Texas State Board of Social Worker Examiners  
Exhibit 10: List of Program FTEs and Expenditures — Fiscal Year 2014**

Program	Number of Budgeted FTEs FY 2014	Actual FTEs as of August 31, 2014	Actual Expenditures
Licensing and regulation of social workers	9.35	9.35	\$566,951
<b>TOTAL</b>	<b>9.35</b>	<b>9.35</b>	<b>\$566,951</b>

Table 203 Exhibit 10 List of Program FTEs and Expenditures

**Texas State Board of Social Worker Examiners  
Exhibit 10: List of Program FTEs and Expenditures — Fiscal Year 2015**

Program	Number of Budgeted FTEs FY 2015	Actual FTEs as of August 31, 2015	Actual Expenditures
Licensing and regulation of social workers	9.35	9.35	\$577,269*
<b>TOTAL</b>	<b>9.35</b>	<b>9.35</b>	<b>\$577,269*</b>

\*Cost for 2015 reflects corrected amount that differs from the cost in the FY2015 Fee Resource Manual.

Table 21 Exhibit 10 List of Program FTEs and Expenditures

**Texas State Board of Social Worker Examiners  
Exhibit 10: List of Program FTEs and Expenditures — Fiscal Year 2016**

Program	Number of Budgeted FTEs FY 2016	Actual FTEs as of August 31, 2016	Actual Expenditures
Licensing and regulation of social workers	8.20	8.20	\$500,168
<b>TOTAL</b>	<b>8.20</b>	<b>8.20</b>	<b>\$500,168</b>

Table 22 Exhibit 10 List of Program FTEs and Expenditures

**Texas State Board of Social Worker Examiners  
Exhibit 10: List of Program FTEs and Expenditures — Fiscal Year 2017**

Program	Number of Budgeted FTEs FY 2017	Actual FTEs as of August 31, 2017	Actual Expenditures
Licensing and regulation of social workers	7.20	7.20	unavailable until December 2017
<b>TOTAL</b>	<b>7.20</b>	<b>7.20</b>	<b>unavailable until December 2017</b>

Table 23 Exhibit 10 List of Program FTEs and Expenditures

## VII. Guide to Agency Programs

### A. Provide the following information at the beginning of each program description.

**Name of Program or Function:** Licensing and regulation of social workers

**Location/Division:** Professional Licensing and Certification Unit  
Texas Department of State Health Services  
8407 Wall Street, Austin, TX 78754

**Contact Name:** Alice Bradford, Executive Director

**Actual Expenditures, FY 2016:** \$500,168 (FY 2017 data is not yet available.)

**Number of Actual FTEs as of August 31, 2016:** 8.20 (FY 2017 data is not yet available.)

**Statutory Citation for Program:** Chapter 505, Occupations Code

### B. What is the objective of this program or function? Describe the major activities performed under this program.

The board's mission is to regulate social workers in Texas in order to improve and maintain standards for the profession and to protect the public. The board accomplishes these goals by establishing and administering qualifications for licensure and license renewal and enforcing standards for the profession.

Major activities include:

- Adopt rules to administer and enforce Chapter 505, Occupations Code;
- Process, evaluate, and approve applications to become licensed social workers and/or to be recognized for specialty practice;
- Issue new and renew licenses and/or specialty recognition to qualified social workers;
- Process of consumer complaints against license holders;
- Investigate and present complaints to the Ethics Committee, and impose enforcement sanctions against license holders found to be in violation of the law or rules; and
- Provide public information through the DSHS website concerning the regulation of social workers.

**C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.**

The program's workload statistics demonstrate overall effectiveness and efficiency. This includes annual totals of:

- persons licensed as social workers and/or recognized for specialty practice;
- complaints received;
- jurisdictional complaints resolved; and
- disciplinary actions taken.

See Attachment 2, Health Professions Council's Annual Report for fiscal years 2015 and 2016 for details on the above-listed totals.

DSHS 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. See Attachment 20 for the Customer Survey and quarterly evaluations of the Customer Survey data.

**D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.**

Refer to Section III – History and Major Events.

**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 services provided by persons regulated by the board. In fiscal year 2016, there were 24,464 licensed social workers in Texas. The board does not collect data on how many clients those license holders serve.

Eligibility criteria for licensure are stipulated in Section 505.353, Occupations Code, and qualifications for licensure are found in Section 781.401, Title 22 Texas Administrative Code.

An eligible applicant must: (1) be at least 18 years of age; (2) be worthy of the public trust and confidence; (3) satisfy the education and experience requirements; and (4) pass the licensing examination and the jurisprudence examination.

To qualify as a *Licensed Baccalaureate Social Worker (LBSW)*, an applicant must demonstrate that he or she has:

- been conferred a baccalaureate degree in social work from a Council on Social Work Education (CSWE) accredited social work program; and
- passed the Bachelors examination administered nationally by ASWB.

To qualify as a *Licensed Master Social Worker (LMSW)*, an applicant must demonstrate that he or she has:

- been conferred a master's degree in social work from a CSWE-accredited social work program or a doctoral degree in social work from an accredited university acceptable to the board, and has documentation in the form of a university transcript of successfully completing a field placement in social work; and
- passed the Master's examination administered nationally by ASWB.

To qualify as a *Licensed Clinical Social Worker (LCSW)*, an LMSW must demonstrate that he or she has:

- been conferred a master's degree in social work from a CSWE-accredited social work program, or a doctoral degree in social work from an accredited institution of higher learning acceptable to the board, and has documentation in the form of a university transcript of successfully completing a field placement in social work;
- completed 3000 hours of board-approved supervised professional clinical experience over a period of 24 to 48 months;  
accrued a minimum of 100 hours of board-approved supervision, over the course of the 3000 hours of experience, with a board-approved supervisor — within the five calendar years immediately preceding the date of LCSW application; and
- passed the Clinical examination administered nationally by ASWB.

To qualify as a *Licensed Master Social Worker-Advanced Practitioner (LMSW-AP)*, an LMSW, must demonstrate that he or she has:

- completed 3000 hours of board-approved supervised professional non-clinical social work experience over a period of 24 to 48 months;
- accrued a minimum of 100 hours of board-approved supervision, over the course of the 3000 hours of experience, with a board-approved supervisor — within the five calendar years immediately preceding the date of LMSW-AP application; and
- passed the Advanced Generalist examination administered nationally by the ASWB.

To qualify for *Independent Non-clinical Practice (IPR)*, an LBSW or LMSW must demonstrate that he or she has:

- completed 3000 hours of board-approved supervised full-time social work experience over a minimum two-year period, but within a maximum five-year; and
- accrued a minimum of 100 hours of board-approved supervision, over the course of the 3000 hours of experience, with a board-approved supervisor — within the 5 calendar years immediately preceding the date of application for IPR specialty recognition.

In addition, all applicants for a license must complete the board's jurisprudence examination and submit proof of completion at the time of application. The jurisprudence examination must have been completed no more than six months prior to the date of application.

Recognition as a *Board-approved Supervisor* is stipulated in Section 781.404, Title 22 Texas Administrative Code as follows: A board-approved supervisor must be actively licensed by the board as an LBSW, LMSW, LCSW, or be recognized as an LMSW-AP, in good standing as well as have practiced at his or her category of licensure for at least two years. A board-approved supervisor must also complete a board-approved supervisor's training program, file an application, and pay the applicable fee.

**F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

Rulemaking processes are carried out in accordance with the Administrative Procedure Act; Occupations Code, Chapter 505; and the policies and procedures of DSHS. See Attachment VII-F1 for the Application for Licensure Process flowchart and Attachment VII-F2-O for the Complaint /Enforcement Process flowchart.

**G. 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).**

Fees collected on behalf of the Texas State Board of Social Worker Examiners are deposited into the General Revenue Fund.

**H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.**

There is no other state or federal agency that regulates social workers in Texas. There are state boards and councils that regulate other mental health-related occupations, such as psychologists, marriage and family therapists, professional counselors, and sex offender treatment providers.

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

The board's licensure activities are distinct from the other programs listed in Question H, and there is no duplication or conflict. The board holds a memorandum of understanding with the ASWB to administer the licensure examinations for social workers in Texas.

- J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.**

DSHS staff does not routinely interact with local, regional, or federal units of government. Occasionally, there is a need for cooperation or coordination with local law enforcement concerning a complaint investigation, or the social work regulatory body in another jurisdiction, or state and federal agencies related to Medicaid/Medicare fraud. The board cooperates with investigations into licensee wrongdoing and takes action either in conjunction with other agencies, sharing information with another agency, or in response to information shared by another agency.

- K. If contracted expenditures are made through this program please provide:**

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2014;
- the number of contracts accounting for those expenditures;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

N/A

- L. Provide information on any grants awarded by the program.**

N/A

- M. What statutory changes could be made to assist this program in performing its functions? Explain.**

N/A

- N. Provide any additional information needed to gain a preliminary understanding of the program or function.**

N/A

- O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, 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 workers is necessary as a means to protect and promote public health, safety, and welfare of Texans. The regulation is intended to ensure that persons seeking social services are receiving services from a qualified practitioner.

Chapter 505, Occupations Code does not provide authority for routine inspections or compliance audits of the licensee's worksite. When received, a jurisdictional consumer complaint is evaluated and, if appropriate, sent to investigations. Complaint files are presented to the Ethics Committee for review, determination of whether a violation has occurred, and the imposition of disciplinary action, if appropriate. The committee makes its recommendation, which is distributed to the licensee via a Notice of Violation.

Additionally, the board audits a percentage of licensees regarding compliance with continuing education requirements as well as a percentage of continuing education providers for compliance with requirements for board-approved status.

When non-compliance is identified, a number of follow-up actions may be taken. In a complaint matter, the license holder could be required to complete additional continuing education and/or enforcement sanctions. DSHS staff monitors enforcement orders and report non-compliance to the Ethics Committee for appropriate disposition. If another complaint is received, or if there is reason to believe the problem has not been resolved, the matter is re-investigated and submitted to Ethics Committee for further disposition.

The board is authorized to impose a broad range of enforcement sanctions to ensure compliance with the law and rules. These sanctions include denial of an application or renewal, administrative penalties, emergency suspension, reprimand, suspension, probation, and revocation. Procedures for handling consumer complaints are illustrated Attachment VII-F2-O.



- P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

**Texas State Board of Social Worker Examiners**  
**Exhibit 11: Information on Complaints Against Regulated Persons or Entities**  
**Fiscal Years 2014-2017\***

*\*Some Fiscal Year 2017 Data Is Not Yet Available*

	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	Fiscal Year 2017
Total number of regulated persons	23,053	23,797	24,464	Not yet available
Total number of regulated entities	0	0	0	0
Total number of entities inspected	0	0	0	0
Total number of investigations	31	93	183	150
Total number of complaints received from the public	124	130	113	150
Total number of complaints initiated by agency	4	16	92	Not yet available
Number of complaints pending from prior years	276	239	443	Not yet available
Number of jurisdictional complaints received	122	146	204	149
Number of jurisdictional complaints resolved	50	44	111	266
Average number of days for complaint resolution	735	911	1,105	Not yet available
Complaints resolutions - Disciplinary action:	2	9	6	26
Administrative penalty	0	0	0	1
Reprimand	0	0	0	0
Probation	1	6	4	21
Suspension	0	0	0	2
Revocation	0	1	2	1
Denial	1	0	0	0
Surrender	0	2	0	1
Complaint resolutions - Other	48	35	105	240
No violation	8	11	54	133
Non-substantiated	4	6	3	6
Violation found and corrected	1	0	0	0
Withdrawal	1	0	0	4
License expiration	12	0	12	19
Warning letter	11	13	33	74
Cease and desist letter	11	5	3	4

Table 24 Exhibit 11 Information on Complaints Against Persons or Entities

## VIII. Statutory Authority and Recent Legislation

- A. Fill in the following charts, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact your agency. Do not include general state statutes that apply to all agencies, such as the Public Information Act, the Open Meetings Act, or the Administrative Procedure Act. Provide information on Attorney General opinions from FY 2011–2015, or earlier significant Attorney General opinions, that affect your agency’s operations.

### Texas State Board of Social Worker Examiners Exhibit 12: Statutes / Attorney General Opinions

#### Statutes

Citation / Title	Authority / Impact on Agency <i>(e.g., “provides authority to license and regulate nursing home administrators”)</i>
Occupations Code, Chapter 505 / The Social Work Practice Act	Creates the Texas State Board of Social Worker Examiners administratively attached to DSHS and provides authority to regulate 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 Professional Licensing and Certification Unit at DSHS (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.	Establishes the National Practitioners Data Bank. Requires the board to report certain disciplinary actions to the NPDB.

Table 25 Exhibit 12 Statutes

**Attorney General Opinions**

Attorney General Opinion No.	Impact on Agency
ORD-2011-08927	Complaint information not subject to disclosure under Chapter 552, Government Code, Public Information Act.
Opinion No. GA-0944, May 30, 2012, related to Family Code, § 261.101(b)	A mental health professional is not required to report abuse or neglect that he or she believes occurred during an adult patient's childhood.
Opinion No. GA-1089, December 1, 2014, related to Government Code § 531.021(a); Human Resource Code § 32.021(a); Insurance Code § 1451.104	Confirms the Health and Human Services Commission’s rule Section 355.8091, Texas Administrative Code — Counseling services provided by a licensed professional counselor, a licensed master social worker-advanced clinical practitioner, or a licensed marriage and family therapist ... are reimbursed at 70 percent of the existing fee for similar services provided by psychiatrists and psychologists as described in Section 355.8085 of this title (relating to Texas Medicaid Reimbursement Methodology (TMRM)) — is not contrary to, nor does it conflict with, Section 1451.104, Insurance Code and does not govern a contract for services between a managed care organization and a health service provider.

Table 26 Exhibit 12 Attorney General Opinions

- B. Provide a summary of recent legislation regarding your agency by filling in the charts below or attaching information already available in an agency-developed format. Briefly summarize the key provisions. For bills that did not pass, briefly explain the key provisions and issues that resulted in failure of the bill to pass (e.g., opposition to a new fee, or high cost of implementation). Place an asterisk next to bills that could have a major impact on the agency. See Exhibit 13 Example.**

**Texas State Board of Social Worker Examiners  
Exhibit 13: 84th Legislative Session**

**Legislation Enacted**

Bill Number	Author	Summary of Key Provisions
SB 200	Nelson, et al.	<p>Senate Bill 200 takes a phased approach to restructuring the health and human services system, including transferring the Department of Assistive and Rehabilitative Services; client services at the Department of Aging and Disability Services, the Department of Family and Protective Services (DFPS) and the Department of State Health Services (DSHS); and certain administrative services to HHSC on September 1, 2016. Regulatory programs as well as state supported living centers and state hospitals will transfer to HHSC on September 1, 2017. Senate Bill 200 requires HHSC to develop and submit a detailed transition plan for moving all programs and functions to the newly created Transition Legislative Oversight Committee.</p> <p>In addition, Senate Bill 200 directs the executive commissioner, not later than September 1, 2018, to conduct a study and submit a report and recommendation to the Transition Legislative Oversight Committee regarding the need to continue the DFPS and DSHS as state agencies separate from the commission.</p>

Bill Number	Author	Summary of Key Provisions
SB 202	Nelson, et al.	Senate Bill 202 transfers to the Texas Department of Licensing And Regulation (TDLR), during the biennium ending August 31, 2017, six health-related programs; transfers three health-related programs and one independent board to the Texas Medical Board as soon as practicable after September 1, 2015; and deregulates 9 programs — all currently supported by DSHS PLCU. The Texas State Board of Social Worker Examiners, the Texas State Board of Examiners of Professional Counselors, the Texas State Board of Examiners of Marriage and Family Therapists, and the Licensed Chemical Dependency Counselor Program are unaffected by Senate Bill 202 and remain supported by DSHS PLCU. While the PLCU may move into another group or organizational structure, no impact to the key functions of the Texas State Board of Social Worker Examiners is anticipated at this time.
SB 378	Rodríguez	Senate Bill 378 amended the Section 84.003(5), Civil Practice and Remedies Code, expanding the definition of "Volunteer health care provider" to include "a social worker licensed under Chapter 505, Occupations Code, or a retired social worker who is eligible to engage in the practice of social work under the law of this state" — affording a social worker, who is a volunteer of a charitable organization, some protection from civil liability.
SB 807	Campbell	Senate Bill 807 amended the Chapter 55, Occupations Code, requiring the board, by rule, to implement procedures to "waive the license application and examination fees paid to the state" for certain military service members, military veterans, or military spouses.
SB 1307	Menéndez	Senate Bill 1307 amended the Chapter 55, Occupations Code, requiring the board, by rule, to extend the deadline for military service members to meet license renewal requirements; provide alternative licensing and expedited license issuance and renewal procedures for military service members, military veterans, and military spouses; and establish apprenticeship requirements for applicants with military experience; as well as a required notice on the homepage of the board's website describing the above-listed provisions that are available to military service members, military veterans, and military spouses.
HB 1449	Thompson, et al	House Bill 1449 amended the Family Code as it relates to child custody evaluations and adoption evaluations conducted and testimony provided in certain suits affecting the parent-child relationship.

Table 27 Exhibit 13 Legislation Enacted 84th Leg

**Legislation Not Passed**

<b>Bill Number</b>	<b>Author</b>	<b>Summary of Key Provisions / Reason Bill Did Not Pass</b>
HB 3662	Hughes, et al	House Bill 3662 sought to amend Chapter 105, Civil Practice and Remedies Code, related to recovery of damages, attorney’s fees, and costs related to frivolous regulatory actions by state agencies.
HB 3713	Schaefer	House Bill 3713 sought to amend Subchapter A, Chapter 215, Local Government Code, related to the authority of a municipality to regulate occupations.
HB 3877 / HB 3898 (duplicate)	Sanford	House Bill 3877 sought to amend Chapter 55, Occupations Code, related to active duty personnel and exemption from penalty for failure to renew license as well as extension of certain deadlines for active duty military personnel.
HB 3974	Darby	House Bill 3974 sought to add Chapter 116 to Occupations Code, related to the records of certain disciplinary actions against health care professionals.
HB 3999	Naishtat	House Bill 3999 sought to amend Chapters 503 and 505, Occupations Code, related to the exemption of certain persons from licensure as a professional counselor or social worker.

Table 28 Exhibit 13 Legislation Not Passed 84th Leg

## **IX. Major Issues**

N/A

## X. Other Contacts

- A. Fill in the following charts with updated information on people with an interest in your agency, and be sure to include the most recent email address.

### Texas State Board of Social Worker Examiners Exhibit 14: Contacts

#### *Interagency, State, or National Associations and Interest Groups*

Group or Association Name / Contact Person	Address	Telephone	Email Address
American Case Management Association – Greater Houston Chapter / Paula Lenhart	11701 W. 36th Street Little Rock, AR 72211	(501) 907-2262	
Latino Social Workers Organization / Adrian Delgado		(312) 212-3857	adrian@lsw.org
National Association of Black Social Workers / J. Toni Oliver, MSW, National President	2305 Martin Luther King Ave. S.E. Washington, D.C. 20020	(202) 678-4570	president@nabsw.org
National Association of Deans and Directors of Schools of Social Work / Vitali Chamov, NADD Manager	1701 Duke Street, Suite 200 Alexandria, VA 22314	(703) 683-8080 (703) 683-8099 fax	naddssw@cswe.org
National Association of Social Workers – Texas Chapter / Miriam Nisenbaum, Executive Director	810 W. 11 <sup>th</sup> Street Austin, TX 78701	(512) 474-1454 (512) 474-1317 fax	naswtex@naswtx.org
North American Association of Christians in Social Work – Texas Chapter / Denis Costello, President	P.O. Box 121 Botsford, CT 06404	(888) 426-4712	info@nacsw.org
The Society for Social Work Leadership in Health Care - Texas Chapter / Kathy Giovas, LMSW, President	SSWLHC-TX P.O. BOX 180152 Dallas, TX 75218  Kathy Giovas, LMSW Univ Medical Cntr of El Paso El Paso, TX 79905	915-242-8560	giovask@yahoo.com
Texas Society for Clinical Social Work / Kathy Rider Governmental Relations Chair	3724 Jefferson, Suite 206 Austin, TX 78731	(512) 452-8948, ext 4	riderkt63@gmail.com

Table 29 Exhibit 14 Interagency, State, and National Association

**Liaisons at Other State Agencies**

*(with which your 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	Email Address
Office of the Governor Appointments Division/ Liz Doerr	Office of the Governor P.O. Box 12428 Austin, Texas 78711-2428  1100 San Jacinto Austin, TX 78701  Capitol Extension E1.008	(512) 463-1828 (512) 475-2576 fax	
Texas Department of State Health Services - Case Management for Children & Pregnant Women	Mail Code 1938 PO Box 149347 Austin, TX 78714-9347  1100 West 49th Street Austin, TX 78756-3199	(512) 776-2168 (512) 776-7574 fax	
Health Professions Council / John Monk, Administrative Officer	333 Guadalupe Street, Tower 2, Suite 220 Austin, TX 78701-3942	(512) 305-8550 (512) 305-8553 fax	jmonk@hpc.texas.gov

**Table 30 Exhibit 14 Liaisons at Other State Agencies**



## XI. Additional Information

The Texas State Board of Social Worker Examiners is administratively attached to the DSHS Professional Licensing and Certification Unit, and does not function as an independent state agency. DSHS provides the staff, facilities, and infrastructure necessary to accomplish the board’s mission and functions.

Due to the absence of a legislative appropriation, the board is unable to hire staff or expend funds in its own name. Some information requested in Sections V (Funding), VI (Organization), and XI (Additional Information) 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. Texas Government Code, Sec. 325.0075 requires agencies under review to submit a report about their reporting requirements to Sunset with the same due date as the SER.**

**Texas State Board of Social Worker Examiners  
Exhibit 15: Evaluation of Agency Reporting Requirements**

Report Title	Legal Authority	Due Date and Frequency	Recipient	Description	Is the Report Still Needed? Why?
N/A					

[Table 31 Exhibit 15 Agency Reporting Requirements](#)

- B. Has the agency implemented statutory requirements to ensure the use of "person first respectful language"? Please explain and include any statutory provisions that prohibits these changes.**

Yes. See Attachment XI-B Respectful Language policy.

- C. Fill in the following chart detailing information on complaints regarding your agency. Do not include complaints received against people or entities you regulate. The chart headings may be changed if needed to better reflect your agency’s practices.

**Texas State Board of Social Worker Examiners  
Exhibit 16: Complaints Against DSHS Staff — Fiscal Years 2013 and 2014**

	Fiscal Year 2013 <i>(data collection did not begin until July 2013)</i>	Fiscal Year 2014
Number of complaints received	0	6
Number of complaints resolved	0	6
Number of complaints dropped / found to be without merit	0	5
Number of complaints pending from prior years	0	0
Average time period for resolution of a complaint	0	5.5 days

Table 32 Exhibit 16 Complaints Against the Agency

- D. Fill in the following charts detailing your agency’s Historically Underutilized Business (HUB) purchases.

**Texas State Board of Social Worker Examiners  
Exhibit 17: Purchases from HUBs**

***Fiscal Year 2013***

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal*	Statewide Goal
N/A					

Table 33 Exhibit 17 HUB Purchases for FY 2013

\* If your goals are agency specific-goals and not statewide goals, please provide the goal percentages and describe the method used to determine those goals. (TAC Title 34, Part 1, Chapter 20, Rule 20.13)

***Fiscal Year 2014***

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
N/A					

Table 34 Exhibit 17 HUB Purchases for FY 2014

**Fiscal Year 2015**

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
N/A					

Table 35 Exhibit 17 HUB Purchases for FY 2015

**E. Does your agency have a HUB policy? How does your agency address performance shortfalls related to the policy? (Texas Government Code, Sec. 2161.003; TAC Title 34, Part 1, rule 20.15b)**

N/A

**F. For agencies with contracts valued at \$100,000 or more: Does your agency follow a HUB subcontracting plan to solicit bids, proposals, offers, or other applicable expressions of interest for subcontracting opportunities available for contracts of \$100,000 or more? (Texas Government Code, Sec. 2161.252; TAC Title 34, Part 1, rule 20.14)**

N/A

**G. For agencies with biennial appropriations exceeding \$10 million, answer the following HUB questions.**

**1. Do you have a HUB coordinator? If yes, provide name and contact information. (Texas Government Code, Sec. 2161.062; TAC Title 34, Part 1, rule 20.26)**

N/A

**2. 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? (Texas Government Code, Sec. 2161.066; TAC Title 34, Part 1, rule 20.27)**

N/A

**3. Has your agency developed a mentor-protégé 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? (Texas Government Code, Sec. 2161.065; TAC Title 34, Part 1, rule 20.28)**

N/A

**H. Fill in the charts below detailing your agency’s Equal Employment Opportunity (EEO) statistics.**

**Texas State Board of Social Worker Examiners  
Exhibit 18: Equal Employment Opportunity Statistics**

**1. Officials / Administration**

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
N/A							

Table 36 Exhibit 18 EEO Statistics for Officials/Administration

**2. Professional**

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
N/A							

Table 37 Exhibit 18 EEO Statistics for Professionals

**3. Technical**

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
N/A							

Table 38 Exhibit 18 EEO Statistics for Technical

**4. Administrative Support**

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
N/A							

Table 39 Exhibit 18 EEO Statistics for Administrative Support

**5. Service / Maintenance**

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
N/A							

Table 40 Exhibit 18 EEO Statistics for Service and Maintenance

**6. Skilled Craft**

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
N/A							

Table 41 Exhibit 18 EEO Statistics for Skilled Craft

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

N/A