

From: [Sunset Advisory Commission](#)
To: [Janet Wood](#); [Brittany Roberson](#)
Subject: FW: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Friday, June 06, 2014 12:01:15 PM

-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Friday, June 06, 2014 8:35 AM
To: Sunset Advisory Commission
Subject: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)

Submitted on Friday, June 6, 2014 - 08:34

Agency: DEPARTMENT STATE HEALTH SERVICES DSHS

First Name: Miriam

Last Name: Nisenbaum

Title: Executive Director

Organization you are affiliated with: National Association of Social Workers Texas Chapter

City: Austin

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

NASW Texas Comments to the Sunset Commission for The Texas Department of State Health Services-The Texas Board of Social Worker Examiners

NASW Texas is very concerned about the current functioning of the Board of Social Worker Examiners and believes that the issues below must be addressed.

The following are comments and concerns by NASW Texas in response to the staff report issued by the Sunset Commission on the Texas Department of State Health Services. Specifically these comments and concerns are with the recommendations regarding the Texas State Board of Social Worker Examiners.

- An independent board or advisory board must consist of the following; key stakeholders, members of the profession, and customers in order to be effective. It is effective for staff to perform the initial review of complaints to determine if the complaint meets criteria for investigation. Staff should include a trained legal professional to evaluate the first stages of the complaint and determine if criteria is met for investigation. This board must be empowered to hear complaints, rule on those complaints, and decide the disciplinary actions to be taken. The board must have access to licensed professional Social Workers to provide professional expertise in rule development, rule changes, and implementation.
- The rules must be presented in a clear manner that results in a transparent process for the public and the licensees. The current website and lack of staff availability to answer questions does not meet these criteria. Adequate staff and IT funding is critical to a well functioning board.

DSHS is extremely challenged in many areas because of lack of funding and staffing resources to effectively operate this licensing office, not because they necessarily lack focus.

- If another agency, such as TDRL, will oversee the Social Worker Licensing Board, the agency must possess the necessary public health, social work, and mental health expertise to fully understand scope of professional practice issues and to ensure that Texas has a properly educated and trained workforce. Clearly, the regulation of helping professionals is not equivalent to the current occupations regulated by TDRL such as the regulation of Plumbers and HVAC technicians.
- Any professional regulatory agency must collect and analyze data on the professionals as a means of planning for future workforce needs, as well as to measure effectiveness of the licensure activities. This is not currently happening at DSHS, due to lack of personnel and funding resources, and must happen regardless of the agency overseeing the board.
- The current Executive Director of the Board is not a social worker, but is supervised by a licensed social worker. NASW Texas strongly advocates for professional, licensed social work managerial level staff at the licensing board, regardless of the regulatory agency that provides oversight. Structurally, the staff of the licensing board must report ultimately to the Executive Director to ensure that there is consistency and proper oversight of its functions.
- NASW Texas advocates that the statute of limitations for complaints to the social work licensing board should be in line with other professional fields, of five to no more than seven years. Any changes must contain a grandparent clause to include all complaints covering events prior to the change. Any changes must comply with all other statutes regulating the practice of social work.

Finally, social workers should not have to pay for any administrative decision to move the program with surcharges to their licensing fees. This is punitive and grossly inappropriate as the profession has not advocated for this change.

Any Alternative or New Recommendations on This Agency: See body of comments posted above

My Comment Will Be Made Public: I agree

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NASW Texas is very concerned about the current functioning of the Board of Social Work Examiners and believes that the issues below must be addressed. The following are comments and concerns by NASW Texas in response to the staff report issued by the Sunset Commission on the Texas Department of State Health Services. Specifically these comments and concerns are with the *recommendations regarding the Texas State Board of Social Worker Examiners*.

- **An independent board or advisory board** must consist of the following; key stakeholders, members of the profession, and customers in order to be effective. We believe that it is effective for staff to perform the initial review of complaints to determine if the complaint meets criteria for investigation. Licensing board staff should include a trained legal professional to evaluate the first stages of the complaint and determine if criteria is met for investigation. **Then the complaint should go forward for investigation.** There should be a specific time limit for investigation and resolution of complaints in the licensing statutes. This board must be empowered to hear complaints, rule on those complaints, and decide the disciplinary actions to be taken. The board must have access to licensed professional Social Workers to provide professional expertise in rule development, rule changes, implementation.
- The rules must be presented in a clear manner that results in a transparent process for the public and the licensees. The current website is not updated regularly; in fact, a notice that a board meeting was rescheduled in 2013, remained on the web page for a year before it was removed. The lack of staff availability to answer questions does not meet these criteria. Staff who routinely answer the phones, refer licensees to NASW Texas for clarification of licensing regulations and statutes. This is not an appropriate referral to a professional membership association. The board staff and they alone should answer questions related to licensure as it is under their purview. Adequate staff, appropriately trained staff, and IT funding is critical to a well functioning board, this is lacking at the present time. DSHS is extremely challenged in many areas because of **lack of funding and staffing resources** to effectively operate this licensing office, not because they necessarily lack focus
- **If** another agency, such as TDRL, will oversee the Social Worker Licensing Board, the agency must possess the necessary **public health, social work, and mental health expertise** to fully understand scope of professional practice issues and to ensure that Texas has a properly educated and trained workforce. Clearly, the regulation of helping professionals is not equivalent to the current occupations regulated by TDRL, i.e. Plumbers and HVAC technicians.
- Any **professional** regulatory agency must collect and analyze data on the professionals as a means of planning for **future workforce needs**, as well as to measure effectiveness of the licensure activities This is not currently happening at DSHS, **due to lack of staff and funding resources**, and must happen regardless of the agency overseeing the board.
- The current Executive Director of the Board is not a social worker, but is supervised by a licensed social worker, NASW Texas strongly advocates for **professional, licensed social work managerial level** staff at the licensing board, regardless of the regulatory agency that provides

oversight. Structurally, the staff of the licensing board must report ultimately to the Executive Director to ensure that there is consistency and proper oversight of its functions.

- NASW Texas advocates that the statute of limitations for complaints to the social work licensing board should be in line with other professional fields, of **five to no more than seven years**. Any changes must contain a grandparent clause to include all complaints covering events prior to the change. Any changes must comply with all other statutes regulating the practice of social work.

In conclusion, social workers **should not have to pay** for any administrative decision to move the program with surcharges to their licensing fees. This is punitive and grossly inappropriate as the **profession has not advocated for this change**.

**For more information, please contact Miriam Nisenbaum, LMSW, ACSW, Executive Director, NASW/TX at mnisenbaum@naswtx.org or 512-474-1454.