



Texas Society for Clinical Social Work

06-03-2014

Honorable Senator Jane Nelson
Chair, Sunset Advisory Commission

Madame Chair and Members of the Sunset Advisory Commission,

We appreciate this opportunity to provide written comments on the Sunset Staff Report, May 2014, on the Department of State Health Services.

The Sunset Staff review of the Department of State Health Services (DSHS) identified nine (9) issues related to the mission of DSHS to improve health and well-being in Texas. Initially, we wish to comment on the identified Issue 3 "The Unmanageable Scope of DSHS' Regulatory Functions Reduces Needed Focus on Protecting Public Health". State law requires a critical examination of regulatory programs under review. DSHS administers more than seventy (70) regulatory programs, with about 360,000 licensees. The Practice of Social Work has been regulated by the State of Texas since 1975. All previous sunset reviews have recommended continuation of legal regulation for social work. There are currently over 23,000 licensed social workers in Texas practicing in every county.

As stated in the review, "the Sunset staff took a broad view of DSHS' regulatory programs to first see how well they fit within the agency's overall mission and then developed a series of criteria that served as a basis for assessing the need for and the organizational structure of these various programs". Legal regulation exists for the primary purpose of the protection of the consumer. The continuation of the regulatory function of the practice of social work within DSHS is directly related to the agency's mission.

Sunset Questions for Occupational Licensing (as set forth by the Sunset Staff):

1) Does the occupational licensing program serve a meaningful public interest and provide the least restrictive form of regulation needed to protect the public interest?

Among the four major health care professions (medicine, nursing, social work and psychology), Social Workers are the largest providers of mental health and substance abuse services in Texas and the United States. The provision of an independent board of examiners appointed by the Governor provides an avenue for the consumer to file a

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grievance and is the least restrictive form of regulation needed to protect consumers and their families.

2) Could the program's regulatory objective be achieved through market forces, private certification and accreditation programs, or enforcement of other law?

No, the regulatory objective can not be achieved through market forces. Adults, children and adolescents who are experiencing mental health issues are a vulnerable population and need the safeguards provided by legal regulation.

3) Are the skill and training requirements for a license consistent with a public interest, or do they impede applicants, particularly those with moderate or low incomes, from entering the occupation?

The educational and licensing requirements are consistent with the protection of the public. There are social work programs, both undergraduate and graduate, across the state with scholarships available for those presenting a financial need. Following graduation and licensing, employment opportunities are present, particularly in child and adult protective services as well as in the state hospitals and state supported living centers.

4) What is the impact of the regulation on competition, consumer choice, and the cost of services?

Social Workers practice in a variety of settings. Licensed social workers give consumers choice and reasonable costs of services. Licensed clinical social workers are preferred providers on the state's insurance code. They are also Medicaid and Medicare providers. Social Work services are also offered on a sliding fee basis or pro bono depending on the needs of the consumers.

The transfer of the Texas State Board of Social Work Examiners and its regulatory functions of the practice of social work would not be cost neutral as the recommendation of the Sunset Staff is for the Texas Department of Licensing and Regulation to place a surcharge on the granting of a license and to increase fees associated with the licensing application/renewal process. This increase in the cost of having a license could necessitate a fee increase in the provision of service to the consumers of services.

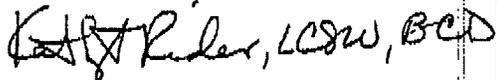
Further, this transfer would cause a potential lessening of professional standards of practice without the practice being regulated by an independent board appointed by the Governor. There would be a change in the checks and balances of best practices. The consumer would also lose their right to file a grievance with an independent board.

With regard to the staff identified Issue 1 "Resolving the Current Crisis in the State Mental Health Hospital System Requires Action, Starting Now", the Sunset Staff has recommended that community alternatives to costly inpatient treatment be explored to lessen the pressure on the overburdened state hospital system. Social Workers are part of the solution. As providers in the community at large and in the community mental health centers, social work practitioners can ease the demand for services with those persons diagnosed with serious mental health issues and their families.

The Social Work Practice community respectfully requests that the Sunset Advisory Commission continue the legal regulation of the practice of social work in Texas with DSHS providing the regulatory function with an independent board appointed by the Governor or establish a separate licensing agency for the regulation of the practice of social work. The protection of the consumer is most important. The well-being of the state of Texas requires that social work practitioners be service providers to our most vulnerable populations.

Thank you for your time and consideration of these matters.

Respectfully submitted,



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