

November 15, 2016

The Honorable Sunset Commission Members and Ken Levine, Director  
Sunset Advisory Commission  
P. O. Box 13066  
Austin, TX 78711-3066

Dear Sunset Commission Members and Mr. Levine,

The members of the Texas State Board of Social Worker Examiners (board) would like to thank you for presenting the Sunset Advisory Commission Staff Report on the Board. The Board members and I would like to express our appreciation for the opportunity of working with the Sunset Advisory Commission investigators during the review process. Each board member is cognizant of and take with earnest intent our responsibilities to the Governor and citizenry of the State of Texas and understand the importance for review of government agencies to assess the effective and efficient operation of the agency, and to ascertain if there are opportunities to adjust processes to improve the effective and efficient administration, as well as financial management of the agency.

The board members acknowledge there are always opportunities for adjustment and growth; therefore, appreciate this opportunity to respond to the Sunset Commission staff and Sunset Commission Members. The board believes the Sunset investigators intensions during the review process and the Sunset Advisory Commission Staff Report were not performed with purpose of malice; however, board members believe this report negates to present the significant positive work of the board, including the plethora of hours volunteered, dedication and work performed by each board member on behalf of the Governor and citizenry as we fulfilled our obligation to protect the public. The Sunset Advisory Commission Staff Report presented by the investigators fails to acknowledge any positive attributes of the board and does not permit corrective action opportunities by the board that national accreditation organizations such as Joint Commission or Commission on the Accreditation of Rehabilitation Facilities afford.

As noted in the report, the board regulates the profession of Social Work in the State of Texas. The board oversees one of the largest groups of health and helping professions with a cohort of over 23,000 licensees. The report does not adequately acknowledge the diverse scope of practice of the different level of licensure, the complexity of the discipline or the functions of the board, instead the report emphasizes the processes of the Ethics Committee.

The Sunset investigators surmise the board failed to ineffectively regulate Social Work and in providing the public and its constituents timely services. The investigators acknowledge the board's administrative attachment to the Texas Department of State

Health Services (DSHS); however, they neglect to disclose multiple events that saddled DSHS, which negatively impacted the operations of the board: two 5% budget reductions, which resulted in the reduction of staff and a freezing of hiring staff, who support the operations of the board and its committees; five Executive Directors in the course of 10 years; 85% turnover in investigative personnel in the past 10 years, resulting in the reduction and delay of managing the investigation of and the disposition of ethics cases; and the board operating with a deficit of three members for 1 year.

Any board or agency experiencing these obstacles and under the same circumstances would have the operational challenges. Once the significant backlog of ethic cases came to light and with the correction of the deficit investigative staffing insufficiency, board members instructed the DSHS staff to expedite the processing of cases. This has increased the number of ethics case dispositions. The board has no reservations with consultation and adjustment of the ethics process. The proposed application of a matric of penalty table was well received by the board to the extent we have requested the Executive Director assigned to the board request the Director of Texas Department of Licensing and Regulation (TDLR) share the matric used by the agency.

The board has dissension with the Sunset investigators associated with the assertion the board has not establish a process for DSHS staff to close particular ethics filings. Another disclosure by the investigators that the board has not implemented expedited processing of military applicants is not completely accurate. Prior to the Sunset investigation the board initiated rule promulgation to satisfy this requirement and at the December 2016 meeting will propose to implement rules to accomplish this requirement. In response to the Sunset investigators position of fingerprint review for applicants, the board has historically requested the department to review applicants' fingerprint-based criminal background checks and reporting of ethics violations to a national database.

The Sunset investigators, while suggesting the board did not effectively protect the public labile as noted in the change of their position of public protection by asserting the board is overly restrictive in education and supervision requirements for individuals desiring to enter the practice. The board believes this is a naïve position by the investigators who are without conceptualization of the reality how an unprepared, uneducated and supervised practitioner providing mental health services can cause damage to a person's psyche that can negatively impact a person for the rest of the person's life. The board's framework for education and supervision standards align with the Association of Social Work Boards Model Social Work Practice Act, which is a cumulative work of standards completed by and endorsed by the following National organizations: American Board of Examiners in Clinical Social Work, Association of Baccalaureate Program Directors, Council on Social Work Education, National Association of Black Social Workers, National Association of Deans and Directors, National Association of Social Workers, National Federation of Social Workers, School Social Work Associations of America, Society for Social Work Administration in Health Care, as well as many individuals and State Social Work Boards.

The symbiotic nature of the relationship between DSHS and the board has placed the board at the mercy of the operations of the department. While the board greatly appreciates the hard work and dedication of the DSHS staff towards the function of the board and their collegial and supportive manner, the enterprise of the department has not always been to the welfare of the board. The Sunset investigators propose the conversion of the board from an independent board to an advisory board, the transferring the regulation of the board from DSHS to TDLR, the board members be striped of the authority of rulemaking authority and to abolish the board's complaints and ethics committees. Presently, TDLR does not regulate behavioral health board and therefore, the board does not have an adequate data base to form an opinion about the move. The board requests the Sunset Commission keep the board as an independent board. Social workers best understand the practice of social work; therefore, should drive the evaluation of and standardization of rulemaking and governing of the practice within the State of Texas.

Thank you for your attention, time and consideration of these matters.

Respectfully submitted,

Timothy M. Brown, LCSW  
Chair/Presiding Officer Texas State Board of Social Worker Examiners