

## **BILL ANALYSIS**

C.S.H.B. 1492  
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Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

In 2001, the Texas Legislature passed House Bill 3365, which directed the Texas State Board of Social Work Examiners to adopt rules permitting a social worker to provide medical case management services under the medical assistance program. This statute expires September 1, 2003. Accordingly, the Board appointed a task force to review the current independent practice provisions for all categories of social work licensure and recommend revisions to the Social Work Practice Act, which will ensure adequate participation in the medical assistance program for the delivery of social work services. The changes to the Social Work Practice Act recommended by the task force are included in CSHB 1492. CSHB 1492 would provide for the independent practice of social work, clarify the three categories of licensure, and include other important provisions which update the Act, improving access and protecting the consumer of social work services. CSHB 1492 would create an offense of a Class B misdemeanor if an individual knowingly acts as a social worker without a license. CSHB 1492 would provide for the independent practice of social work, clarify the three categories of licensure, and include other important provisions which update the Act, improve access, and protect the consumer of social work services.

### **RULEMAKING AUTHORITY**

This bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

CSHB 1492 amends the Occupations Code to further regulate the practice of social work, including the definition of a licensed social worker, the application of social work theory and methods, and the use of diagnostic classification systems by licensed social workers. The bill provides an exemption pertaining to an activity conducted or services performed by individual who does not represent the service as social work, represent that the person is a social worker, uses a title that implies that the person is licensed in social work, or is acting within the person's ministerial capabilities. The bill changes the makeup of the Texas State Board of Social Workers Examiners (Board) by requiring that:

- two members are licensed master social workers;
- two members who are licensed baccalaureate social workers; and
- two members who are licensed clinical social workers.

The bill requires the Board to establish requirements, criteria, and procedures for each type of license issued and for recognition of independent practice. The bill requires the Board to prepare and publish a roster that contains the name and address of each person licensed. This legislation prescribes the time after an act or omission during which a person may file a complaint with the Board regarding the act or omission in order for the Board to consider the complaint. The bill authorizes the Board to establish, within a scope of social work practice, specialty areas for license holders and prohibits the Board from authorizing a specialty area within the practice of social work unless the Board sets the minimum qualifications. The bill prohibits a person from using the title "Licensed Social Worker" unless the person is qualified for the independent practice of clinical social work, and authorizes the Board to approve another title. The bill amends the Occupations Code to require the Board to establish procedures for recognizing a social worker

qualified for independent practice based on education, experience, and supervision.

CSHB 1492 requires a person may not use or cause to be used the title “licensed baccalaureate social worker” or “licensed social worker” unless the person holds the appropriate license issued under this chapter. The bill authorizes an applicant to take the licensing examination conducted by the Board for a baccalaureate social work license or a clinical social worker license if the applicant possesses the appropriate degree from an accredited program approved by the Board and meets the qualifications for practice as determined by the Board. The bill authorizes a person to apply for provisional license as a social worker, establishes the requirements for doing so, and prescribes the identification with which a “licensed master social worker” and a “licensed baccalaureate social worker” must use.

CSHB 1492 requires the Board to establish mandatory continuing education requirements for license holders under this chapter and prohibits a business or professional entity from directly or indirectly using the term “licensed baccalaureate social workers” or other prohibited forms of identification and from actively engaging in conduct performed under the supervision of a licensed social worker or licensed clinical social worker. The bill creates an offense under this subsection as a Class B misdemeanor if a person knowingly acts as a social worker without holding a license required under this chapter.

CSHB 1492 defines a “social worker” as an individual licensed as a social worker under the Occupations Code.

CSHB 1492 amends the Government Code to strike the language “certified alcohol and drug abuse counselor,” replacing it with “licensed chemical dependency counselor.”

#### **EFFECTIVE DATE**

September 1, 2003.

#### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

CSHB 1492 modifies the original bill by requiring, rather than authorizing, the Texas State Board of Social Work Examiners to establish procedures for recognizing a social worker that is qualified for independent practice. In addition, CSHB 1492 strikes the language “certified alcohol and drug abuse counselor,” replacing it with “licensed chemical dependency counselor.”