

## **BILL ANALYSIS**

S.B. 415  
By: Shapleigh  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

In 1993, the Legislature established the Texas State Board of Social Worker Examiners within the Department of Health, now the Department of State Health Services. The Board oversees social work by licensing qualified individuals, setting rules, and enforcing the Act by investigating and resolving complaints.

The Social Worker Board is subject to the Sunset Act and will be abolished on September 1, 2005 unless continued by the Legislature. As a result of its review of the Texas State Board of Social Worker Examiners, the Sunset Advisory Commission recommended continuation of the agency and several other statutory modifications that are contained in this legislation.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas State Board of Social Worker Examiners in SECTION 14, SECTION 19, and SECTION 29 of this bill.

### **ANALYSIS**

#### ***Continuation of Social Worker Regulation***

The bill continues the regulation of social workers until September 1, 2017.

#### ***Licensing Process***

The bill clarifies that the Board must address felony and misdemeanor convictions in the standard manner. The bill requires applicants to pass a jurisprudence exam, given twice each calendar year. The bill removes exemptions from the Social Work Act for non-Texas residents to practice without temporary licensure. For licenses expired for 90 days or less the renewal fee would be equal to 1¼ times the normal renewal fee, while for licenses expired for more than 90 days but less than one year the fee would be equal to 1½ times the normal renewal fee. The bill requires the commissioner to file a report annually to the governor, and presiding officer of each house of the legislature regarding the licensing of social workers for the preceding year.

#### ***Enforcement and Complaints***

The bill increases the maximum administrative penalty of the Board from \$500 to \$5,000, per violation, per day. The bill requires the Board to adopt a penalty matrix associating fine amounts with the severity of violations. The bill authorizes the Board to require refunds as part of the settlement conference process. The bill authorizes the Board to issue cease-and-desist orders against unlicensed activity. The bill authorizes the Board to refuse to renew a license of a person who fails to pay an administrative penalty if enforcement is stayed or a court has ordered that the penalty is not owed. The bill also updates standard Sunset language requiring the Board to maintain information on all complaints and notify the parties about complaint policies and the status of their complaint.

#### ***Board and Committee Appointments***

The bill adds standard Sunset language requiring impartial appointments to the Board. The bill updates standard Sunset language prohibiting Board members, high-level employees, and spouses from serving as an officer or employee of a related Texas trade association. The bill updates standard Sunset language requiring members of the Board to complete training before assuming their duties. The bill provides for reimbursement for travel while attending training program. The bill also updates standard Sunset language specifying the grounds for removing a

Board member. The bill clarifies the Board's authority to appoint Board committees, but only comprised of Board members. The bill also requires the Board to include a public member on complaint committees.

***Administrative Process***

The bill updates statutory language to reflect HB 2292, 78th Session, that transformed the Department of Health into the Department of State Health Services. The bill adds standard Sunset language requiring separation of policymaking and agency staff functions. The bill also adds standard Sunset language requiring the Board to make effective use of technology in the delivery of services and provision of information to the public. The bill also adds standard Sunset language requiring the Board to develop a policy that encourages the use of negotiated rulemaking and alternative dispute resolution.

**EFFECTIVE DATE**

September 1, 2005.