

Texas Department of Human Services
Social Work Certification Program
Self-evaluation Report

Submitted
to

The Texas Sunset Commission

October 1, 1991

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Texas Department of Human Resources
Social Work Certification Program
Background

Creation and Powers

The Social Work Certification Program was established by the enactment of Chapter 50 of the Human Resources Code as passed by the 67th Legislature in 1981 and as amended by the 68th Legislature in 1983. The purpose of the law was to establish minimum qualifications for entry into the social work profession and protect the public by promoting professional standards, promulgating a code of ethics, and by taking appropriate disciplinary action when violations occur.

Under the law the Department of Human Services is responsible for administering the social work certification program. The law also establishes the Council for Social Work Certification. The council advises the department on problems related to the practice of social work, reviews rules and minimum standards for social work certification, and make recommendations to the department concerning rules, standards and administration under Chapter 50 of the Human Resources Code.

Since the enactment of the law there have been no major changes in the program's responsibilities or authority. However, changes in both state and federal regulations have impacted the program. Agencies, such as hospitals and ICFMR facilities, that come under federal regulation now require that social workers be appropriately certified. Many state regulations also require certification for social work positions. One example of this is the change in OBRA regulation that went into effect on October 1, 1990. Both federal and state regulations now require social workers employed in long-term care facilities to be certified. Another example is the 1985 amendment of the State Insurance Code which recognizes social workers for third party reimbursement by insurance companies.

Policy-making Body

The policy-making authority of the Social Work Certification Program is vested in the Texas Department of Human Services' Board appointed by the Governor. The department's Board appoints members to the Council for Social Work Certification. All council members are volunteers who are only reimbursed for travel and expenses as provided by state law. Nominations to the council are submitted to the department's Board. Council members serve two year staggered terms.

There are nine voting members on the Council for Social Work Certification. The law requires that three members of the council be certified in the Certified Social Worker (CSW) category, three members be certified either in the Social Worker (SW) or Social Work Associate (SWA) category, and three members represent consumers of social work services. Alternate members are also appointed to the council.

Funding and Organization

The program's total budget for fiscal year 1991 was \$245,646. There are three full time employee in the program. The program is housed in the departments state office headquarters located at 701 W. 51st. Street in Austin, Texas.

Programs and Functions

The activities of the Social Work Certification Program can be divided into three areas; screening, regulation and enforcement. Chapter 50 of the Human Resources Code establishes three categories of certification and provides for recognition of specialty and private practice. Applicants for certification are required to submit an application to the department documenting their qualifications, along with professional references and documentation of education. Additionally, applicants are required to pass a certification examination. A national examination is used, and if an applicant has successfully completed the required examination in another jurisdiction the examination is waived.

The department reviews the applicant's documentation and approves qualified applicants to take the examination. On successful completion of the examination the applicant is approved for certification.

Certifications must be renewed annually on the last day of the social worker's month of birth. During the certification period, the social worker must complete thirty hours of continuing education related to social work practice. The Social Work Certification Program does not directly approve individual continuing education programs, but rather accepts all continuing education approved by colleges, universities, professional organization and associations, and agencies that meet accepted continuing education standards. A social worker who is not living in the state or who is not employed in a social work position may place his certification on inactive status. While on inactive status no continuing education is required. Additionally, social workers who become disabled or who are at least 55 years of age and retire from the profession are eligible for Emeritus certification at no cost.

The department publishes a monthly newsletter which contains

information on the certification program's policies and procedures as well as issues under consideration by the Council for Social Work Certification. To assist social workers to meet the continuing education requirements for certification renewal, listings of upcoming continuing education programs are also included.

The department has sponsored two statewide continuing education conferences and three regional conferences since 1989 and has co-sponsored and participated in numerous other conferences and workshops across the state in an attempt to make quality continuing education available at a reasonable cost to participants. As a result of the department's workshops on professional ethics and standards of practice, numerous other "ethics" workshops have been held across the state.

The department investigates sworn complaints filed against social workers. Social workers are required to provide services that meet social work certification regulations, including the code of ethics. To assist consumers of social work services, social workers are required to use their certification title or initial in all professional uses of their name and to post their certificate in their primary place of business along with a copy of the code of ethics which includes information on how to contact the department. Additionally, social workers in private practice are required to make available to their clients a copy of the department's clients' rights brochure, which advises consumers of what they may expect from a social worker and what action they should take if they believe their rights have been violated.

If on completion of a complaint investigation a social worker is found to have violated any of the provisions of social work regulation, the department takes appropriate disciplinary action. The penalties provided by law include letters of reprimand, suspension, probation and revocation.

Annually, the department publishes a directory listing all currently certified social workers. A copy of the Social Work Certification act, department rules and other regulations relevant to social worker are included in the directory. The directory is made available to all interested parties.

Since 1981 Social Work Certification staff have made over 100 public presentations regarding the program to social work organization and students and faculty of the four graduate schools and 20 undergraduate social work programs, and the public.

The department is a member of the American Association of State Social Work Boards, a national association representing the 49 states that currently regulate social work in the United States. The primary goal of AASSWB is to assist the individual state regulatory bodies in the development of effective regulations and

procedures to assure protection of the public from incompetent or unethical practice of social work. Department staff have served on numerous AASSWB committees working on the development of quality standards for the social work profession. Of particular note in the departments participation is the development and validation of the current national examination now used by every state which requires an examination for certification/licensure. Department staff were also instrumental in the development of a national reporting system which when implemented will make it difficult for a social worker who has been disciplined in one state to become licensed/certified in another state without disclosing that information. The department's participation in AASSWB has also benefited other states in other ways. Both the client's rights brochure developed in Texas and the Code of Ethics have been modified and adopted by a number of other states in the association.

Texas Department of Human Resources
Social Work Certification Program
Policy Issues

Issue 1:

Should Chapter 50 of the Human Resources Code be amended to change it from a certification to a licensing law?

Background:

In the years preceding the passage of the Social Work Certification Act the primary supporters of social work regulation worked for the passage of a licensing law. The certification bill that passed in 1981 represented a political compromise between those who wanted no new regulatory agencies and those seeking social work licensing. The debate focuses on two issues. First, licensure is seen as more prestigious and more professional. The second issue concerns control of the profession. Certification restricts the use of titles. A person who is clearly engaged in social work activities can evade certification regulation by using another title such as "caseworker."

Arguments For/Against:

The primary opposition to licensure for social workers seems to be based on an assumption that state agencies that hire social workers would have greater difficulty finding candidates for their vacant positions, that requiring certification would be unfair to employees currently working in social work positions, and that the agency might have to pay the employees' certification fees. In response the supporters of licensure point out that there are four graduate social work schools and over twenty undergraduate programs in Texas that could meet the demand for professionally trained social workers that current employees could be "grandfathered" under a new law, and that state agencies do not pay the licensing fees of other professionals such as doctors lawyers etc and therefore would not be responsible for social work certification fees. Additionally they point out that state agencies might save money currently spent on training and lost through staff turnover. New social work staff would come to the job already in possession of basic social work skills, and, because they are self selecting, would be more likely to remain on the job for a longer period of time.

Interest Groups:

The Texas Chapter of the National Association of Social Workers and the Texas Society of Clinical Social Work, the two largest professional social work organizations in Texas, support social work licensure. Some state agencies might be in opposition to a licensing bill.

Previous Legislation:

HB 2714 was introduced by Representative Eliot Naishtat in the 72nd Legislature which would have changed the Social Work Certification Act to a licensing bill.

Issue 2:

Should the Social Work Certification Program be placed under the Texas Department of Licensing and Regulation.

Background:

The social work certification program was placed in the Texas Department of Human Service as a result of a compromise between the professional organizations seeking regulation of the profession and the state Legislature. The National Association of Social Workers asked and the department agreed to administer the program in response to legislative opposition to creating a new state agency.

Arguments For/Against:

The Sharp report presents an excellent case for the advantages of placing programs like the Social Work Certification Program administratively under an umbrella agency. An arrangement for administrative services through an agency specializing in professional licensing while professional social work practitioners maintain involvement in policy development and implementation would appear to be an ideal arrangement. Opponents might point out that there would not be any significant savings over existing arrangements. Proponents would counter that the program is self supporting and no increased cost to the state would be anticipated if the change were made. Centralized services could increase public access to information and services. Additionally, shared resources could make it possible to provide additional services on a regional basis to the public and to those professionals who are regulated. The transfer out of the department would also lay to rest the issue of why the department regulates social workers but does not require its staff to be certified.

Interest Groups:

None of the professional social work organizations in Texas have expressed opposition to centralized administrative services.

Previous Legislation:

SB 4 in the 72nd Legislature proposed this change.

Issue 3:

Should the Social Work Associate Category of certification be eliminated?

Background:

The Social Work Associate (SWA) category of certification was included in the 1981 version of the Social Work Certification Act as a mechanism to "grandfather" individuals who had experience in social work positions but had not completed a bachelor's or master's degree in social work. Originally, only individuals who applied and qualified for this before September 1, 1982 could hold this category of certification. No additional SWA certifications would be issued after that date. Substantial opposition to the restriction of social workers without a social work degree to the SWA category developed. When the law was amended in 1983 social workers without a social work degree were allowed to qualify for all categories of certification based on a combination of experience and education and the SWA category was made a permanent part of the certification program.

Arguments For/Against:

The professional social work organizations have been opposed to the Social Work Associate as an ongoing category of certification since 1983. On the whole, the SWA is seen as a non-professional, a person who may have engaged in some social work or social work related services but lacks training and understanding of the principles of social work practice. They see the continuation of this category of certification as detrimental to the profession as a whole and as deceiving to the public. Supporters point out that many entry level social work positions require certification but the pay is too low to attract social workers with BSW or MSW degrees. They also argue that there should be an alternative way to enter into certification for individuals who have learned by doing but have not completed a social work degree.

Interest Groups:

The Texas Society of Clinical Social Work and the National Association of Social Workers oppose the continuation of the Social Work Associate category. No organized support of the SWA certification category has been noted.

Previous Legislation:

None

Issue 4:

Should an applicant for certification be allowed to take the certification examination more than four times or should there be an alternate means to achieve certification.

Background:

Chapter 50 of the Human Resources Code states that an applicant must pass the designated certification examination to be certified and if he fails the exam, he may only retake it three times. The department uses the same national examination that has been adopted by all other states in the country that require an examination for licensure/certification. The examination is in compliance with federal guidelines and is demonstrably valid and reliable. The issue is that evidence has been presented that some individuals who have performed competently in the judgement of their supervisors and peers have not been able to pass the examination within the limits set by law. These persons present evidence that they are competent but are unable to demonstrate that competency on a multiple choice examination.

Arguments For/Against:

The primary argument against changing this requirement is that the same standards should be applied to all. This is followed with the question of what mechanism to measure competency would be used in lieu of the examination. Those in favor of the change argue that to block an individual who may have spent four to six years obtaining the required training and education from ever participating in the profession is unfair and unjustified. Since the purpose of the program is public protection nothing would be lost if an effective alternative mechanism were developed to judge competency. Alternatively, the individual should be able to petition to re-take the examination additional upon completion of requirements set out by the department.

Interest Groups:

No organized groups are known to oppose or support this change.

Previous Legislation:

None

ADDITIONAL DATA

Chart B

COMMERCIAL ACTIVITIES CONTRACTED

<p>TYPE OF SERVICE:</p> <p>SCOPE OF SERVICE CONTRACTED:</p> <p>CONTRACTOR:</p> <p>CONTRACT AMOUNT:</p> <p>LENGTH OF CONTRACT:</p> <p>WHEN RENEWED, RENEGOTIATED OR REBID:</p> <p>WHEN WAS ACTIVITY FIRST CONTRACTED:</p> <p>WHEN WAS CONTRACT WITH THIS CONTRACTOR FIRST ESTABLISHED:</p> <p>STAFF CONTACT RESPONSIBLE FOR MONITORING CONTRACTOR'S COMPLIANCE WITH THE CONTRACT TERMS:</p>	<p>PRINTING</p> <p>MONTHLY NEWSLETTER WITH 15,000 CIRCULATION TWO ANNUAL DIRECTORIES (22,000 COPIES)</p> <p>SILENT PARTNERS, AUSTIN, TEXAS</p> <p>\$35,000</p> <p>ANNUAL</p> <p>RENEWED OCTOBER 31, 1991</p> <p>FY 89</p> <p>SEPTEMBER, 1989</p> <p>MICHAEL O. DOUGHTY SOCIAL WORK</p>
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Chart B (cont)

COMMERCIAL ACTIVITIES CONTRACTED

TYPE OF SERVICE:	PROFESSIONAL SERVICES
SCOPE OF SERVICE CONTRACTED:	PILOT MEDIATION PROJECT
CONTRACTOR:	MARIE MULLINEAUX, AUSTIN, TX
CONTRACT AMOUNT:	SHALL NOT EXCEED \$10,000
LENGTH OF CONTRACT:	1 YR.
WHEN RENEWED, RENEGOTIATED OR REBID:	EXTENDED TO DECEMBER 31, 1989
WHEN WAS ACTIVITY FIRST CONTRACTED:	JULY 15, 1988
STAFF CONTACT RESPONSIBLE FOR MONITORING CONTRACTOR'S COMPLIANCE WITH THE CONTRACT TERMS:	MICHAEL O. DOUGHTY SOCIAL WORK CERTIFICATION

Chart B (cont)

COMMERCIAL ACTIVITIES CONTRACTED

<p>TYPE OF SERVICE:</p> <p>SCOPE OF SERVICE CONTRACTED:</p> <p>CONTRACTOR:</p> <p>CONTRACT AMOUNT:</p> <p>LENGTH OF CONTRACT:</p> <p>WHEN WAS ACTIVITY FIRST CONTRACTED:</p> <p>WHEN WAS CONTRACT WITH THIS CONTRACTOR FIRST ESTABLISHED:</p> <p>STAFF CONTACT RESPONSIBLE FOR MONITORING CONTRACTOR'S COMPLIANCE WITH THE CONTRACT TERM:</p>	<p>CONSULTING</p> <p>MODIFICATIONS TO AND MAINTENANCE FOR THE DEPT.'S SOCIAL WORK CERTIFICATION COMPUTER TRACKING SYSTEM</p> <p>AUSTIN DATA MANAGEMENT AUSTIN, TX</p> <p>\$25,000</p> <p>DEC. 1, 1989-AUG. 31, 1990 SEPT. 1, 1990-AUG. 31, 1992</p> <p>FY 89</p> <p>SEPTEMBER, 1989</p> <p>MICHAEL O. DOUGHTY SOCIAL WORK CERTIFICATION</p>
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Chart B (cont)

COMMERCIAL ACTIVITIES PERFORMED IN-HOUSE

TYPE OF SERVICE:	COMPLAINT INVESTIGATIONS
DEPT. PERFORMING SERVICE	OFFICE OF INVESTIGATOR GENERAL
SCOPE OF SERVICE	INVESTIGATE ALL COMPLAINTS FILED AGAINST SOCIAL WORKERS
TOTAL BUDGET	\$25,000
NUMBER OF EMPLOYEES	1
APPROXIMATE DATE AGENCY FIRST INITIATED THIS ACTIVITY IN HOUSE	FY 87
IF CONTACT HAS BEEN DETER- MINED NOT TO BE FEASIBLE, INDICATE REASONS FOR THAT DETERMINATION:	USE OF TDHS INVESTIGATORS IN REGIONS DETERMINED TO BE THE MOST EFFICIENT MANNER TO CONDUCT INVESTIGATIONS
STAFF CONTACT RESPONSIBLE FOR MANAGEMENT OF THIS	MICHAEL O. DOUGHTY SOCIAL WORK

CHART C

COUNCIL FOR SOCIAL WORK CERTIFICATION
MEMBERS
1989-1991

<u>BOARD MEMBER/TERM</u>	<u>MAILING ADDRESS</u>	<u>TELEPHONE#</u>
VICKI CLARK-BRADLEY JANUARY 31, 1992	4202 SINCLAIR AUSTIN, TEXAS	512/458-5517
MELODEE HURSEY JANUARY 31, 1994	3114 HUMMINGBIRD CIR. BRYAN, TEXAS 77801	409/823-4805
JIM HARVEY JANUARY 31, 1994	708 WELLESLEY RD. EL PASO, TX 79902	915/532-6001
SHERRI ABEE JANUARY 31, 1992	3501 CURRY LANE #706 ABILENE, TX 79606	915/691-5562 915/691-5562
EILENE CROSIER JANUARY 31, 1992	1601 N. ALAMO #200 SAN ANTONIO, TX 78215	512/964-3644
CAROLYN STARKEY JANUARY 31, 1992	223 CHESTER STREET SAN ANTONIO, TX 78209	512/829-5057
HERMILA ANZALDUA JANUARY 31, 1993	1401 HIBISCUS MCALLEN, TX 78501	512/381-3575
MICHAEL MONTANEZ JANUARY 31, 1993	5439 6TH STREET LUBBOCK, TX 79416	806/793-0771
GEORGE WILLIAMS JANUARY 31, 1993	11104 W. AIRPORT BLVD. #108 HOUSTON, TX 77477	713/879-0933
OLA WARD JANUARY 31, 1990	RT. 3, BOX 708 TYLER, TX 75705	214/566-2544
ELIZABETH PARSONS JANUARY 31, 1990	708 WELLESLEY EL PASO, TX 79902	915/532-6001
CHARLOTTE MCWILLIAMS JANUARY 31, 1992	2240 6TH AVENUE FT. WORTH, TX 76110	817/923-6589
JANET DANIEL JANUARY 31, 1990	1902 BELMEADE BROWNWOOD, TX 76801	915/646-6311
ARLINE MEYERS JANUARY 31, 1991	1260 NOTTINGHAM BEAUMONT, TX 77706	409/866-4120

SALLY MCCRACKEN
JANUARY 31, 1991

1312 THADDEUS COVE
AUSTIN, TX 78746

512/327-3001

BARBARA HENLEY
JANUARY 31, 1991
DAVID FAIR
JANUARY 31, 1994

49 BRIAR HOLLOW DR. #1902
HOUSTON, TX 77027
ROTO-CAST PLASTICS
CAMP BOWIEE
BROWNWOOD, TX 76801

713/621-4254
915/646-1566

AGENCY DESIGNATED LIAISON

ADDRESS

TELEPHONE NUMBER

MICHAEL O. DOUGHTY

701 WEST 51ST

512/450-3255

CHART D

COUNCIL FOR SOCIAL WORK CERTIFICATION MEETINGS
 HELD OUTSIDE OF AUSTIN
 FISCAL YEARS 1989-1991

TOTAL NUMBER OF COUNCIL MEETINGS HELD IN FY 1989 8; FY 1990 4; FY 1991 4.

MEETING DATE	LOCATION OF MEETING	PURPOSE OF MEETING
APRIL 4, 1989 THUR APRIL 7, 1989	SAN ANTONIO, TX	SOCIAL WORK ETHICS CONFERENCE
MAY 3, 1990 THUR MAY 4, 1990	MCALLEN, TX	SOCIAL WORK ETHICS CONFERENCE
AUGUST 28, 1990 THUR AUGUST 30, 1990	MIDLAND, TX	SOCIAL WORK ETHICS CONFERENCE

Chart A
Texas Department of Human Services
Social Work Certification Program
Complaint Information

	FY 89	FY 90
Total Complaints		
Pending from Prior Years	0	1
Received during Fiscal Year	17	31
Total	17	32
Method of Resolution		
Investigation	15	30
By Hearing		
By Appeal		
By Other Method	2	2
Disposition of Complaints		
Not Proven/Invalidated	12	23
Reprimand	1	1
Suspension		1
Revocation		2
Other	4	5
Time Period for Resolution		
Within 30 days	10	9
31-60 days	3	6
61-90 days		7
More than 90 days	4	10

CHART E
 COUNCIL MEMBER COMPENSATION
 FISCAL YEARS 1989 - 1991 YTD

BOARD/COMMISSION MEMBER	AMOUNT EXPENDED FOR COMPENSATORY PER DIEM AND OTHER TRAVEL EXPENSES		
	FISCAL YR 1989	FISCAL YR 1990	FISCAL YR 1991 (YTD)
1. OLA WARD	724.87	99.00	0
2. BARBARA HENLEY	1080.70	148.50	0
3. CAROLYN STARKEY	694.19	723.32	846.05
4. ELIZABETH PARSONS	2134.43	0	0
5. HERMILA ANZALDUA	1016.84	974.29	1207.50
6. VICKI CLARK-BRADLEY	511.15	280.00	134.30
7. ARLINE MEYERS	520.90	0	0
8. SUSAN HARDIE	308.55	0	0
9. JANET DANIEL	212.12	137.04	0
10. GEORGE WILLIAMS	155.85	513.58	838.00
11. CHARLOTTE MCWILLIAMS	557.03	0	0
12. MICHAEL MONTANEZ	0	275.50	592.00
13. EILENE CROSIER	0	448.73	694.60
14. MELODEE HURSEY	0	136.76	242.00
15. SHERRIE ABEE	0	0	986.00
16. DAVID FAIR	0	0	0
17. JIM HARVEY	0	0	2001.00

Chart F

Texas Department of Human Services
 Social Work Certification
 Equal Employment Data
 Staff Analysis

FY 1986

Total Agency Employees this Classification	ANGLO		HISPANIC		BLACK		OTHER		TOTAL	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Exempt										
Group 17-21	1								1	
Group 12-16		1								1
Group 07-11		1								1
Group 02-06				1						1
Total	1	2		1					1	3

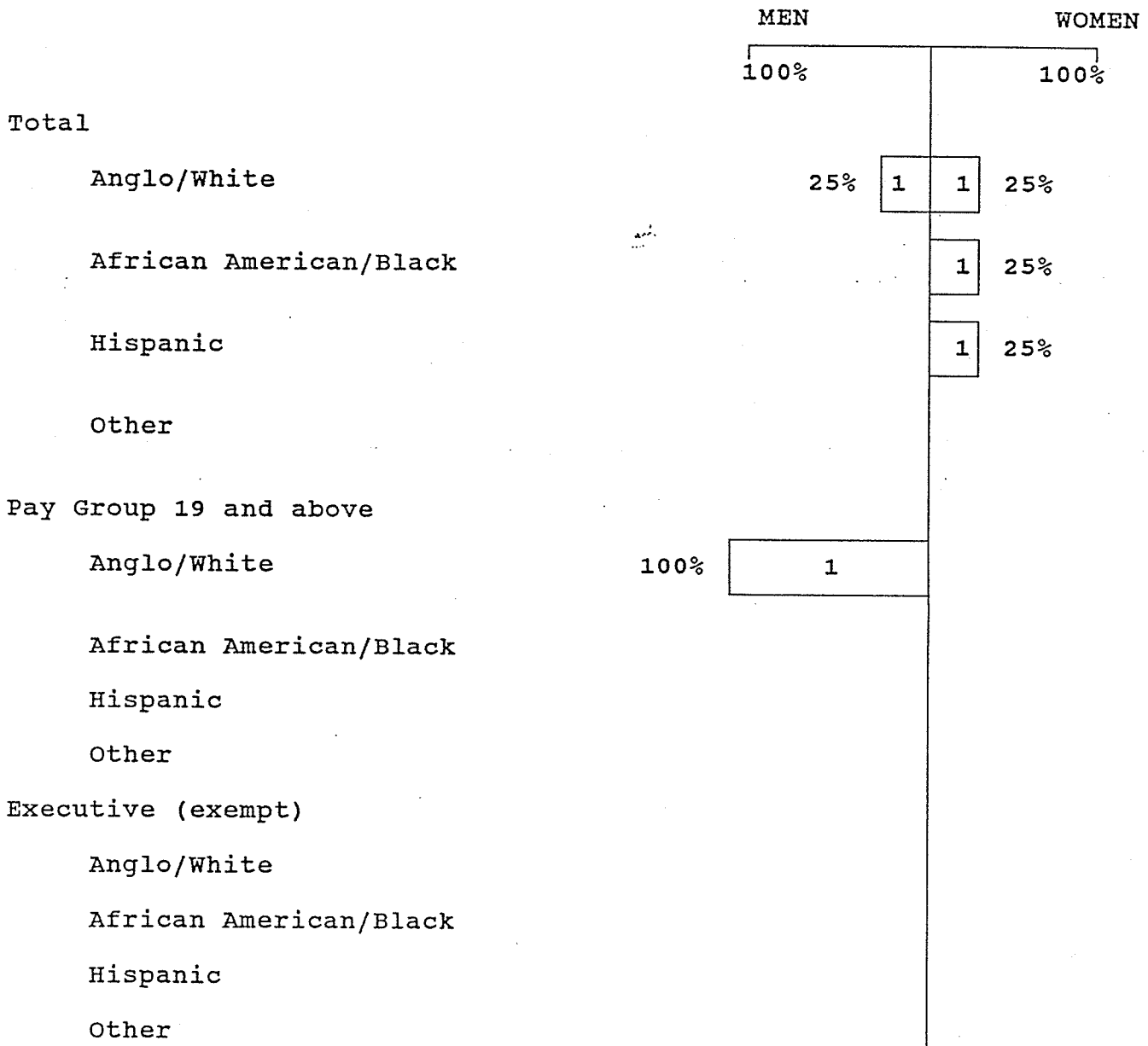
Chart F

Texas Department of Human Services
 Social Work Certification
 Equal Employment Data
 Staff Analysis

FY 1990

Total Agency Employees this Classification	ANGLO		HISPANIC		BLACK		OTHER		TOTAL	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Exempt										
Group 17-21	1								1	
Group 12-16										
Group 07-11		1				1				2
Group 02-06				1						1
Total	1	1		1		1			1	3

Chart G
Ethnic and Gender Composition



Organization Chart
Texas Department of Human Services
Social Work Certification Program

