

TEXAS STATE BOARD OF SOCIAL WORKER EXAMINERS



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Member: Texas Behavioral Health Executive Council

Darrel D. Spinks

Executive Director, TBHEC

Sarah Faszholz, MBA

Board Administrator, TSBSWE

MINUTES

Friday, October 8, 2021

The Texas State Board of Social Worker Examiners met via Zoom video conference on October 8, 2021. The following Board members were in attendance: Brian Brumley, LMSW-IPR, Chair; Martha Mosier, LCSW-S, Vice-Chair; Katie Andrade, LMSW; Ben Morris, MEd; Audrey Ramsbacher, LBSW; Asia Rodgers; Dolores Saenz-Davila, LCSW-S; and Jennifer Swords, LBSW. Also, in attendance were Darrel Spinks, BHEC Executive Director; Tim Speer, BHEC Director of Operations; Patrick Hyde, BHEC General Counsel; Andrew Hurt, BHEC Staff Attorney; Brian Clark, BHEC Staff Attorney; Brenda Skiff, BHEC Executive Assistant; and Sarah Faszholz, TSBSWE Board Administrator.

1. The meeting was called to order at 8:35 a.m. by Chair Brumley.
2. The Board considered Item 2: approval of the July 9, 2021 Board meeting minutes. Ms. Mosier made the motion to approve the minutes. Ms. Ramsbacher seconded the motion. The minutes were approved.
3. The Board considered Item 3: Board review and possible action regarding appeals of application for licensure denials, including
 - A. Charrise Robertson-West: Ms. Robertson-West attended and had opportunity to address the Board. Ms. Mosier made the motion to deny the application per statute. Ms. Ramsbacher seconded the motion. Ms. Rodgers abstained. The motion carried.
 - B. Martin Trevino: Mr. Trevino attended and was represented by Atty Rodney Montes. Atty Montes had opportunity to address the Board. Ms. Mosier made the motion to accept supervised experience hours under Lt. Col. Matthew Masry, MD at Sheppard Air Force Base, determined supervised experience requirements satisfied, instructed staff to accept April 2021 passing ASWB clinical exam score and issue LCSW license to Martin Trevino. Mr. Morris seconded the motion. The motion carried.
4. The Board considered Item 4: Board review and possible action regarding agreed orders to be executed by the Board. Ms. Faszholz reported there were none.
5. The Board considered Item 5: Board review and possible action regarding contested cases from the State Office of Administrative Hearings (SOAH). Ms. Faszholz reported there were none. Later, Atty Hurt noted one case may be forwarded to SOAH, if agreement could not be reached.
6. The Board considered Item 6: Report of agreed orders executed by the Council's Executive Director. Ms. Faszholz and staff provided the written report.
7. The Board considered Item 7: Report of cases dismissed by the Council's Executive Director. Staff provided the written report.
8. The Board considered Item 8: Status report of quarterly enforcement case activities. Staff provided the written report.

9. The Board considered Item 9: Report of compliance with agreed orders. Staff provided the written report.
10. The Board considered Item 10: Report from Committee Chairs:
 - A. Report from Ethics Committee Chair. Mr. Brumley gave the report of the committee member's participation in informal settlement conferences.
 - B. Report from Licensing Standards and Qualification Committee Chair. Ms. Mosier gave the report, including committee's August meeting.
 - C. Report from Professional Development Committee Chair. Mr. Brumley reported no committee activity since last meeting.
 - D. Report from Rules Committee Chair. Ms. Mosier reported no committee activity since last meeting.
11. The Board considered Item 11: Discussion and possible action regarding jurisprudence exam:
 - A. Ms. Faszholz provided the vendor's written quarterly summary for the Board's Jurisprudence Exam.
 - B. Ms. Faszholz reported, as of September 15, 2021 the vendor completed changes in the Board's Jurisprudence Exam to align with current rules.
12. The Board considered Item 12. Discussion and possible action regarding process for individuals who failed ASWB national examination three times by a certain margin. No action was taken.
13. The Board considered Item 13. Discussion and possible action concerning implications of post-degree internship. No action was taken.
14. The Board considered Item 14: Discussion and possible action regarding supervisor's retention of supervisee's records. The Board requested Director Spinks add the item to the list being considered by the Council's Standardization Work Group.
15. The Board considered Item 15: Report from the Board Chair. Chair Brumley gave the report, noting October 8, 2021, letter to Board from Texas Society of Clinical Social Workers (TSCSW), Central Texas Association of Black Social Workers (CTABSW), and National Association of Social Workers – Texas Chapter (NASW-TX) with related documents, requesting “that the Texas State Board of Social Worker Examiners insist on access to its licensure exam data broken down by passage rate and examinees’ demographics, including but not limited to race, ethnicity, gender identity, age and identified disability status. [Also, the TXSCSW, CXTABSW, and NASW-TX requested] This report should also include an analysis of the pass rate for questions in the exams to better understand the questions being asked and the knowledge being assessed. [The groups] further request[ed] the de-identified passage rate for first, second, third and any subsequent attempts by an individual, as this will be vital to determining inequities throughout the process. [The groups opined] Having this information will help the Board and schools of social work consider what domains their students are struggling with in an effort to improve curriculum and test preparation.” The Board instructed Ms. Faszholz to include this topic on a future Board agenda. Director Spinks informed the Board that the “minimum dataset” required by Texas statute and collected via the Council’s online licensing system is forwarded directly to the Health Professions Council and the Health and Human Services Commission. Director Spinks noted he will provide an update regarding the Workforce Study to the Council at its meeting on October 26 2021.
16. The Board considered Item 16: Report from the Board's Delegates to the Texas Behavioral Health Executive Council regarding the activities of the Council. Staff provided written report, including
 - A. The Council's rulemaking actions taken at its August 24, 2021 meeting.
 - B. Year-to-Date (July 31, 2021) Financial Reports.
 - C. Update on Budget Process and Hearings for the 2022-2023 Biennium.
 - D. Update regarding licensing and enforcement operations with Policy on Exchange of Complaint Information Between Regulatory Agencies as well as staff accomplishments.

- E. Legislative Update: HB 139 amends Texas Education Code, Chapter 21 and Texas Occupation Code (TOC) Chapter 55; and HB 549 amends Texas Health and Safety Code (THSC), Chapter 611 and TOC Chapter 159. Atty Hyde informed the Board that the Council was proceeding with rule changes in regard to amendments to TOC Chapter 55 and that amendments to THSC Chapter 611 required no rule changes.
 - F. Report on audits: DPS/FBI audit and Texas Workforce/Human Rights Commission audit. Director Spinks reported an audit by the State Office of Risk Management (SORM) has been postponed until 2023.
17. The Board considered Item 17: Report from the Board Administrator. Ms. Faszholz gave the report, including rulemaking activities reported on SW Board News webpage, up-to-date Consolidated Rulebook on Statutes and Rules webpage, reminder that fingerprint is required for renewal with information and frequently asked questions on Fingerprint Information webpage, and notice the SW supervisor/supervisee module is now available in the online licensing system. Mr. Speer added that a How-To-Guide for the supervisor/supervisee module and updated forms for Temporary license are in process and should be posted soon.
18. The Board considered Item 18: Discussion and possible action regarding future priorities and activities of the Board. During discussion of Board Chair's report (agenda item 15), Ms. Faszholz was instructed to include on next agenda discussion and possible action concerning TXSCSW, CTXABSW, and NASW-TX requests in October 8, 2021 letter. Ms. Saenz-Davila requested update on SW Compact since Director Spinks attended SW Compact Technical Assistance Group Meeting on October 4 and 5 2021.
19. The Board opened Item 19: Public comment:
- A. Will Francis, LMSW, Executive Director for National Association of Social Workers, Texas Chapter (NASW-TX), thanked the Board for opportunity to give public comment; suggested future agendas list public comment before discussion and possible action concerning future priorities and activities of the Board; thanked Chair Brumley and Vice Chair Mosier for bringing up October 8 letter and offered to answer any questions; recommended at future meeting's discussion of October 8 letter's topic to allow stakeholder panel, including but perhaps not limited to TXSCSW, CTXABSW, and NASW-TX and extend invitation to ASWB as well; supported SW Compact, noting popularity of increased portability, and expressed concern about insurance rates, opining that more social workers are moving to private pay, that insurance panels are dropping rates, were concerned that we didn't pass teletherapy parity here; encouraged strong structure in SW Compact that don't allow another jurisdiction with lower rates to provide services here, thereby, harming Texas social workers; appreciated that number of complaints dropped from 1300 to 600 but hoped Board will address length of time to resolve a complaint; and recognized staff's achievement in reducing time for application processing.
 - B. David Marsden, LCSW-S, appreciated opportunity to address the Board; recognized the Board's hard work since the launch of BHEC, citing progress in the organization and function of the Board; disappointed in Board's action concerning licensing appeal, opining that the Board bent over backwards to accommodate licensee's situation and expressing concern that today's action sets precedent for future cases.
 - C. Kathy Rider, LCSW-S, Governmental Affairs Chair, Texas Society for Clinical Social Work (TXSCSW), clarified issue expressed on October 8, 2021 letter to the Board is about discrimination – not about diversity – noting articles and studies show bias in ASWB exam questions that is of national concern, mentioning congress to be held in January with ASWB and supporting the Board in requesting information from ASWB; disturbed by continued use of "upgrade" in terms of applications, forms, and report, opining it is disrespectful to all three categories of Texas license and notice LBSWs, LMSWs and LCSWs all have distinct scopes of practice and it is not an "upgrade" for the holder of an LBSW license to qualify for LMSW or for LMSW to complete clinical supervision for LCSW; encouraged Board and staff to cease use of "upgrade"; as a licensee who has been court-appointed over the years, expressed concern about proposed rule 22 TAC §884.4 *Special Requirements for Complaints Alleging Violations Related to Court-ordered Therapy or Parenting Facilitator Services*, noting that those who bring allegations of parental alienation or lack of parental access during the court process should be encouraged to go to the court or somehow to prohibit practitioners to collude with parents who are fighting their issues with children being harmed as

time is a very precious element in these cases; thanked the Board for being willing to consider the SW Compact – a national effort that will take four to five years to develop – and encouraged that the Compact be structured to work best for Texas; and thanked the Board for its work and for opportunity to speak to the Board.

D. Ken Colson, Baylor University MSW student, thanked the Board for its work, noting a number of students from various classes attended meeting to learn more about the Board's functions.

E. Erica Harris, LCSW-S, first-time attendee at Board meeting, recognized the Board's hard work.

20. The Board considered Item 20: Announcements and comments not requiring Board action, such as statements regarding conferences and other recent or upcoming events.

October 12 and 13, 2021 online Forensic Social Work Certificate Program by the National Organization of Forensic Social Work

October 21 to 23, 2021 NASW-TX virtual conference

October 26, 2021 BHEC meeting

October 29, 2021 BHEC "Insights Over the Lunch Hour: Visit with Executive Staff" via zoom townhall

November 11, 2021 ASWB Administrator's Forum (Ms. Faszholz to attend on behalf of the Board)

November 18, 2021 ASWB Annual Delegate Assembly (Chair Brumley to serve as Board's delegate)

January 7, 2022 SW Board meeting

February 1, 2022 BHEC meeting

21. The meeting was adjourned at 11:07 a.m. by Chair Brumley.