

Texas State Board of Social Worker Examiners

Board Meeting Agenda for
Friday, October 7, 2022, 8:30 a.m.

The October 7, 2022 meeting of the Texas State Board of Social Worker Examiners will be held by videoconference call, as authorized under Texas Government Code section 551.127. One or more board members may appear at the scheduled meeting via videoconference call, but the presiding member will be physically present at 1801 Congress Avenue, Suite 7.301, Austin, Texas 78701. This location will be open to the public, but seating is limited to first come, first served. Due to the size of the available meeting room, public seating will be limited to three (3) individuals.

In lieu of attending in person, members of the public are encouraged to access and participate virtually in this meeting by entering the URL address <https://us02web.zoom.us/j/85662046876> into their web browser. Telephone access numbers and additional videoconference call access information can be found in the attached addendum. An electronic copy of the agenda and meeting materials will be made available at www.bhec.texas.gov prior to the meeting. A recording of the meeting will be made available on the Texas Behavioral Health Executive Council's YouTube channel after the meeting is adjourned. To obtain a copy of the recording, please contact the Council's public information officer at Open.Records@bhec.texas.gov.

For members of the public wishing to give public comment, once the public comment item is reached on the agenda after the meeting convenes, the presiding member will allow those who are attending in person to give public comment first and then ask those joining by computer to use the "raise hand" feature to indicate who would like to make a public comment. Those individuals who raise their hand will then be unmuted to give public comment. Once all of the individuals with raised hands have been given an opportunity to make public comment, the individuals appearing by telephone will be unmuted and asked whether they would like to make a public comment. Please note that public comment is not intended for a discussion or a question-and-answer session with the board members. Additionally, when making a public comment, please identify yourself and whether you are speaking individually or on behalf of an organization. All public comments will be limited to 3 minutes, unless otherwise directed by the presiding officer. In lieu of providing public comment during the meeting, you may submit written public comments by email through our [Contact Us](#) webpage in advance of the meeting. To submit an email simply click on the "[Email Us](#)" link on that page and select "Submission of Public Comment for Proposed Rule(s) or Open Meeting" from the drop-down menu. Please use the email subject line "Public Comment for (enter date of meeting here) Meeting" to ensure your comments are identified as such and directed accordingly. Only those written public comments received by 5 p.m. on the last business day prior to the meeting will be submitted to the board members for their consideration. No written comments received will be read aloud during the meeting.

Please note that the board may request input during the meeting from any interested parties or members of the public during its discussion of an agenda item.

If you are planning to attend this meeting and need auxiliary aids, services or materials in an alternate format, please contact the Council at least 5 working days before the meeting date. Phone: (512) 305-7700, TTY/RELAY TEXAS: 711 or 1-800-RELAY TX.

The board may go into Executive Session to deliberate any item listed on this agenda if authorized under Texas Open Meetings Act, Government Code, Ch. 551.

The board may discuss and take action concerning any matter on the agenda and in a different order from what it appears herein.

SW BOARD MEETING AGENDA FOR FRIDAY, OCTOBER 7, 2022, 8:30 A.M. ([Brumley](#), Andrade, Graham, Morris, Mosier, Ramsbacher, Rodgers, Saenz-Davila, Swords)

1. Call meeting to order.

2. Board review and possible action regarding appeals of application for licensure denials, including Barrens, Alicia; Cantu-Ramos, Laiza; Crawford, Brian; De La Fuente, Aurelio; Herren, Nancy; Herrera, Emelio; Johnson, Michael; Jones, Donnie; Jones, Shamika; Kern, Rebecca; Rivera, Amelia; Troegel, Julie; Walsh, Kate; Williams, Yulonda;
3. Board review and possible action regarding agreed orders to be executed by the Board.
4. Board review and possible action regarding contested cases from the State Office of Administrative Hearings (SOAH).
5. Report of agreed orders executed by the Council's Executive Director.
6. Report of cases dismissed by the Council's Executive Director.
7. Status report of quarterly enforcement case activities.
8. Report of compliance with agreed orders.
9. Discussion and possible action to re-elect or replace professional member delegate to the Texas Behavioral Health Executive Council per Texas Occupations Code §507.051 *Executive Council Membership*, Brian Brumley, LMSW-IPR, whose term as delegate expires February 1, 2023 per Title 22 of the Texas Administrative Code, §881.4, *Council Member Terms*.
10. Discussion and possible action concerning posting of Board's Guidelines for Using Social Media and Board's Guidelines for Electronic Practice on the Board's Forms and Publications webpage.
11. Report from Committee Chairs:
 - A. Report from Ethics Committee Chair Mr. Brumley.
 - B. Report from Licensing Standards and Qualification Committee Chair Ms. Mosier.
 - C. Report from Professional Development Committee Chair Mr. Brumley.
 - D. Report from Rules Committee Chair Ms. Mosier.
12. Discussion and possible action concerning potential changes in Title 22 of the Texas Administrative Code (22 TAC) as recommended by the Rules Committee on August 19, 2022:
 - A. §§781.401 *Qualifications for Licensure* and 781.404 *Recognition as a Council-approved Supervisor and the Supervision Process*: to ease supervised experience requirements, such that an applicant's qualified supervised experience for LCSW license may exceed 48 months and for Independent Practice Recognition may exceed 60 months (or five years).
 - B. §781.421 *Remedy for Incomplete License Requirements*: to allow the Board to make exceptions for applicants that have difficulty fulfilling certain licensing requirements due to a declared disaster. For example, some social workers have expressed difficulty in meeting the required supervised experience hours due to the COVID-19 pandemic.
13. Discussion and possible action regarding Rules Committee's request for Board approval to informally gather stakeholder input concerning crisis intervention experience and related continuing education.
14. Discussion and possible action related to staff recommendations for changes to 22 TAC §781.501 *Requirements for Continuing Education*: to expand list of providers from which licensees must obtain at least 50% of their continuing education hours to include "a hospital or hospital system, including any clinic, division, or department within a hospital or hospital system" and to add effective date for subsection (f) as January 1, 2024.
15. Discussion and possible action concerning public comment on the proposed rule (published in the August 5, 2022 *Texas Register* [[47 TexReg 4614](#)] of this proposed rule as well as recommendations to the Texas Behavioral Health Executive Council (Council) concerning adoption of proposed changes in 22 TAC,
 - A. §781.304 *Relationships with Clients*: to remove duplicative language that is currently stated in §781.310, pertaining to billing and financial relationships.

- B. §781.401 *Qualifications for Licensure*: to remove the requirements that supervised experience must be obtained within five years immediately preceding the date of application for specialty recognition.
 - C. §781.405 *Application for Licensure*: to correct a typographical error.
 - D. §781.406 *Required Documentation of Qualifications for Licensure*: to remove the requirement that supervised experience must be obtained within five years immediately preceding the date of application for LCSW.
 - E. §781.803 *Severity Levels*: to make the rule clearer and simplifying the guide by combining levels 2 and 3 into a suspension for any amount of time. Additionally, the maximum penalty amount for each level is raised to \$5,000 to align with Occupations Code Section 507.352.
 - F. §781.805 *Schedule of Sanctions*: to replace the current schedule of sanctions and make it easier to use and to align with amendments to §781.803.
16. Discussion and possible action regarding jurisprudence exam:
 - A. Board review and possible action concerning the quarterly summary from the Texas State Board of Social Worker Examiners' Jurisprudence Exam vendor.
 - B. Discussion and possible action related to changes in the Board's Jurisprudence Exam.
 - C. Discussion and possible action concerning timed function in jurisprudence exam.
 17. Report from the Board Chair concerning current challenges and accomplishments; lawsuits; interaction with stakeholders, state officials, and staff; committee appointments and functions; workload of Board members; conferences; and general information regarding the routine functioning of the Board.
 18. Report from the Board's Delegates to the Texas Behavioral Health Executive Council regarding the activities of the Executive Council, including
 - A. The Council published proposed rules in the August 5, 2023 *Texas Register* [[47 TexReg 4632](#)], affecting 22 TAC §885.1 *Executive Council Fees*: to act on October 8, 2019, letter from Governor Greg Abbott, instructing agencies to reduce license applications fees to 75% or less of the national average for equivalent or comparable occupations, whenever possible.
 - B. The Council's rulemaking actions taken at its August 23, 2022 meeting.
 - C. Other Council updates.
 19. Report from the Board Administrator concerning operations, organization, and staffing; workload processing and statistical information; status of rulemaking; customer service accomplishments, inquiries, and challenges; media, legislative, and stakeholder contacts and concerns; special projects; and general information regarding the routine functioning of the program.
 20. Discussion and possible action regarding future priorities and activities of the Board.
 21. Public Comment.
 22. Announcements and comments not requiring Board action, such as statements regarding conferences and other recent or upcoming events.
 23. Adjournment.

CONTACT: Sarah Faszholz, Board Administrator
 Texas State Board of Social Worker Examiners
[Click here](#) and select "Administration and Executive Leadership" from the drop-down menu to send an email.

Addendum: Additional Videoconference and Telephone Conference Call Information

When: Oct 7, 2022 08:30 AM Central Time (US and Canada)

Topic: Texas State Board of Social Worker Examiners' October 7, 2022 meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85662046876>

Or One tap mobile :

US: +13462487799,,85662046876# or +12532158782,,85662046876#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 253 215 8782 or +1 669 444 9171 or +1 669 900 9128
or +1 719 359 4580 or +1 301 715 8592 or +1 309 205 3325 or +1 312 626 6799
or +1 386 347 5053 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860

Webinar ID: 856 6204 6876

International numbers available: <https://us02web.zoom.us/u/kdGk0K4enk>

COMPLAINT NO. 1072-18-0095

IN THE MATTER OF

MISTY ELY

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**BEFORE THE TEXAS BEHAVIORAL
HEALTH EXECUTIVE COUNCIL**

**THE TEXAS STATE BOARD
OF SOCIAL WORKER
EXAMINERS**

AGREED ORDER

Pursuant to the authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(e), the Executive Director for the Texas Behavioral Health Executive Council ("Council") hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of the Council, which have been approved and accepted by Misty Ely ("Respondent") and which constitutes a full settlement and compromise of the complaint currently pending against Respondent before the Council in the above-referenced and numbered matter.

FINDINGS OF FACT

1. Respondent is licensed as a clinical social worker (#60119) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent is a military veteran and currently works under the supervision of the Presiding Judge of the 296th Judicial District Court of Texas as the Clinical Director for the North Texas Veterans Court where she began working after its creation in 2020 and the veteran's assistance program known as the VALOR program, where she has worked since 2018.
3. Prior to her current employment, for several months in 2015 and into January of 2016, Respondent provided counseling to an adult male client suffering from PTSD related to prior military service.
4. At the conclusion of counseling by Respondent in January of 2016, the client went into a distant VA treatment center for additional care, and upon discharge later that year he returned to Respondent's area and initiated personal communication by text.
5. During the spring and summer of 2016, Respondent and her former client developed a personal relationship through texts, emails, phone calls, and in-person contacts which gradually became closer and eventually intimate.
6. In the fall of 2016, Respondent and the former client discussed the nature of their personal relationship and the professional prohibitions against such a relationship, and

they concluded that it was in their mutual best interests to discontinue the relationship due to the personal and professional complications it presented.

7. The close personal relationship was terminated in November of 2016 and over the weeks and months to follow there were email and telephone communications which waned over time and were ultimately discontinued.
8. In February of 2018, the former client took his own life, and his 2016 personal relationship with Respondent was discovered by friends and family resulting in a corresponding complaint being filed with the Texas State Board of Social Work Examiners.
9. After being notified of the former client's death and to address the personal and professional issues associated with their relationship and his passing, Respondent sought out counseling with an experienced licensed clinical social worker who has since provided a letter of support for Respondent's continued practice.
10. Respondent has notified her employer of the complaint as well as the underlying circumstances, and a letter of support has been submitted to the Council from her supervisor expressing a willingness and hope to continue her employment.
11. Since 2016, Respondent has completed over 500 hours of continuing education with a substantial number of the earned credits being in the areas of professionalism and ethics.
12. Respondent has had no other reported violations aside from the 2016 matter that is the subject of this Agreed Order.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 505 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 34 and 41.
2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§505.451, 507.301, and 507.351 of the Texas Occupations Code.
3. Based on the above Findings of Fact, the Council finds that Respondent violated Council Rules 781.301(9), formerly 781.201(a)(9) (effective March 28, 2013) and 781.305(b), formerly 22 Tex. Admin. Code §§ 781.205(b) (effective January 27, 2011).
4. This Agreed Order is a Settlement Agreement under the Texas Rules of Evidence and is not admissible for the purposes of civil litigation. By entering into this Agreed Order, Respondent does not admit the foregoing Findings of Fact or Conclusions of Law, but

agrees to resolve this matter to avoid the expense and uncertainty of further proceedings.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent, by signing this Agreed Order, voluntarily **RESIGNS** her license (#60119), effective sixty (60) days after the ratification of this order, in lieu of further adjudication by the Council on these matters.
2. Respondent shall return her license to the Council no later than sixty (60) days after the date this order is ratified.
3. If Respondent seeks to apply for a license with the Council in the future, and the Council is willing to reinstate the license, Respondent will be subject to conditions of eligibility to be imposed by the Council at that time.

WARNING

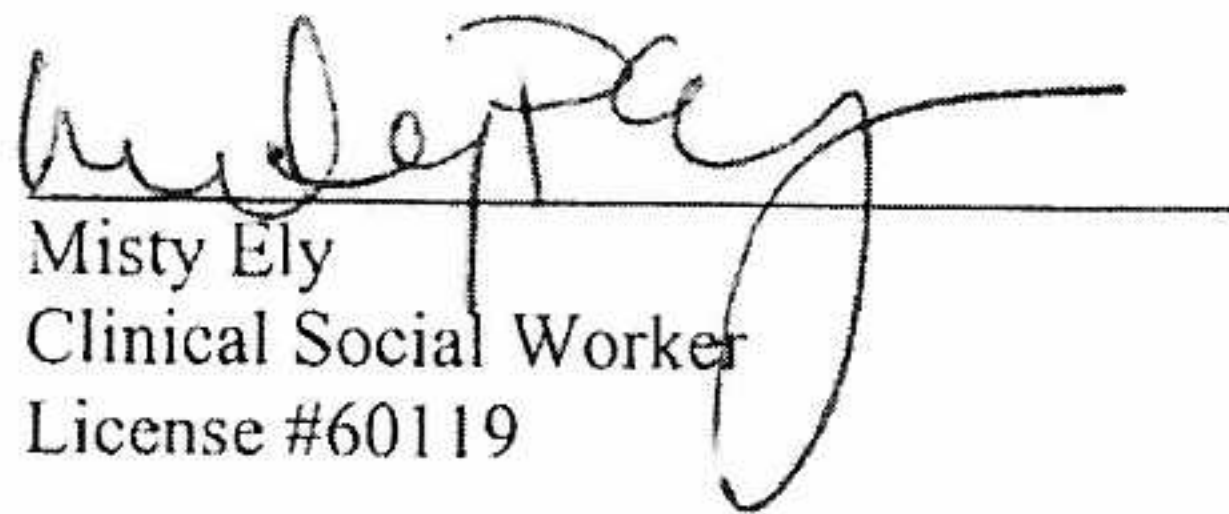
RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

WAIVERS

On the underlying investigative file, Respondent has waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange for the conditions set out in this Agreed Order.


THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

FOR THE RESPONDENT:


Misty Ely
Clinical Social Worker
License #60119

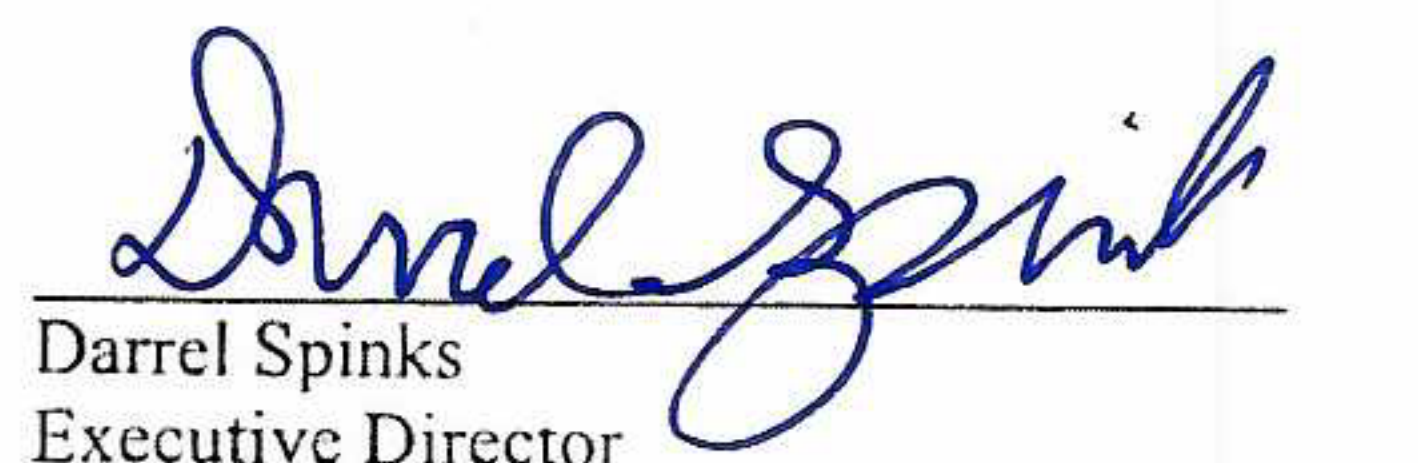
DATE SIGNED: July 3, 2022

FOR THE STAFF OF THE COUNCIL:


Brian Clark
Texas Bar No. 24099457
Staff Attorney
Texas Behavioral Health Executive Council
333 Guadalupe, Ste. 3-900
Austin, Texas 78701

DATE SIGNED: 7/13/22

APPROVED, RATIFIED, AND ENTERED THIS 13 DAY OF July, 2022.


Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NO. 1072-19-0069

IN THE MATTER OF

HAILEY MCNUTT

§ BEFORE THE TEXAS BEHAVIORAL
§ HEALTH EXECUTIVE COUNCIL
§
§ THE TEXAS STATE BOARD
§ OF SOCIAL WORKER
§ EXAMINERS

AGREED ORDER

Pursuant to the authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(e), the Executive Director for the Texas Behavioral Health Executive Council ("Council") hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of the Council, which have been approved and accepted by Hailey McNutt ("Respondent") and which constitutes a full settlement and compromise of the complaint currently pending against Respondent before the Council in the above-referenced and numbered matter.

FINDINGS OF FACT

1. Respondent is licensed as a master social worker (#66872) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. On or about January 9, 2019, Respondent conducted a session in which possible abuse or neglect of an infant was disclosed. Respondent made a report to CPS on January 13, 2019. Although the report to CPS was made, Respondent failed to make the report within forty-eight (48) hours as required by 22 TAC 781.311(f)(1)
3. On or about January 16, 2019, Respondent provided clinical services without the proper supervision.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 505 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 34 and 41.
2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§505.451, 507.301, and 507.351 of the Texas Occupations Code.
3. Based on the above Findings of Fact, the Council finds that Respondent violated Council Rules 781.211(f)(1) and 781.202(c).

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent's license is hereby REPRIMANDED.
2. Respondent is assessed and shall pay, within thirty (30) days of the date this order is ratified, an administrative penalty in the total amount of \$250.00; of which \$225.00 represents administrative costs and \$25.00 represents administrative penalty.
3. Respondent, within ninety (90) days of the date this order is ratified, shall complete and submit proof of completion of twelve (12) hours of continuing education on the topic of ethics and six (6) hours of continuing education on the topic of reporting. This professional development is in addition to the professional development hours required for license renewal. Respondent will pay all costs of the coursework.

WARNING

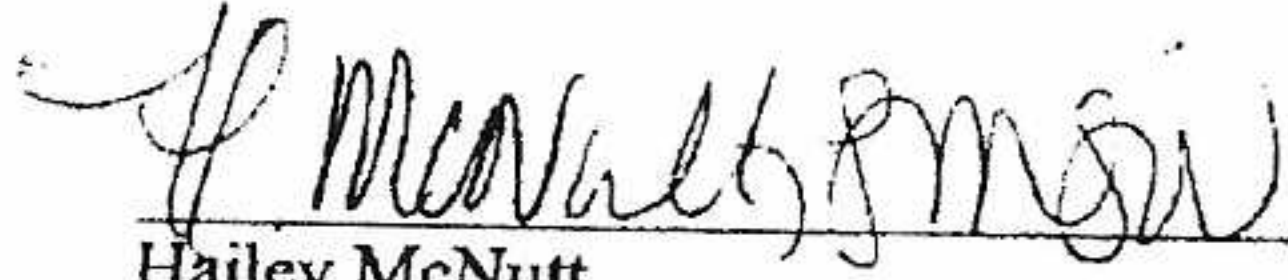
RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

WAIVERS

On the underlying investigative file, Respondent has waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange for the conditions set out in this Agreed Order.

THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

FOR THE RESPONDENT:



Hailey McNutt
Master Social Worker
License #66872

DATE SIGNED:

6/14/22

McClement 6.16.22
att'y for H. McNutt

APPROVED, RATIFIED, AND ENTERED THIS 22nd DAY OF June, 2022.

FOR THE STAFF OF THE COUNCIL:



Brian Clark
Texas Bar No. 24099457
Staff Attorney
Texas Behavioral Health Executive Council
333 Guadalupe, Ste. 3-900
Austin, Texas 78701

DATE SIGNED:

6/20/22



Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NO. 1072-19-0091

IN THE MATTER OF

ROBERT SMITH

§ BEFORE THE TEXAS BEHAVIORAL
§ HEALTH EXECUTIVE COUNCIL
§
§ THE TEXAS STATE BOARD
§ OF SOCIAL WORKER
§ EXAMINERS

AGREED ORDER

Pursuant to the authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(e), the Executive Director for the Texas Behavioral Health Executive Council ("Council") hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of the Council, which have been approved and accepted by Robert Smith ("Respondent") and which constitutes a full settlement and compromise of the complaint currently pending against Respondent before the Council in the above-referenced and numbered matter.

FINDINGS OF FACT

1. Respondent is licensed as a clinical social worker (#07705) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. On or about June 15, 2017, Respondent saw minor clients without getting proper consent and without requesting the divorce decree or child custody agreement.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 505 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 34 and 41.
2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§505.451, 507.301, and 507.351 of the Texas Occupations Code.
3. Based on the above Findings of Fact, the Council finds that Respondent violated Council Rule 781.303(9), formerly Rule 781.203(9).

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent's license is hereby REPRIMANDED.
2. Respondent, within ninety (90) days of the date this order is ratified, shall complete and submit proof of completion of six (6) hours of professional development relating to ethics, six (6) hours of professional development relating to court rules, and six (6) hours of professional development relating to record keeping. This professional development is in addition to the professional development hours required for license renewal. Respondent will pay all costs of the coursework.
3. Pursuant to Rule 781.404(b)(10)(M) Respondent's status as a supervisor is hereby revoked. Once the terms of this order have been completed Respondent may then reapply for supervisor status. Respondent must meet all applicable licensure rules and requirements at the time of reapplication for supervisor status, the fact that Respondent previously held supervisor status does not guarantee Respondent's future application will be approved.

WARNING


RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

WAIVERS

On the underlying investigative file, Respondent has waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange for the conditions set out in this Agreed Order.


THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

FOR THE RESPONDENT:


Robert Smith
Clinical Social Worker
License # 07705

DATE SIGNED: 6-16-22

FOR THE STAFF OF THE COUNCIL:


Brian Clark
Texas Bar No. 24099457
Staff Attorney
Texas Behavioral Health Executive Council
333 Guadalupe, Ste. 3-900
Austin, Texas 78701

DATE SIGNED: 7/13/22

APPROVED, RATIFIED, AND ENTERED THIS 13 DAY OF July, 2022.


Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NO. 1072-20-0020

IN THE MATTER OF

JANE YOUNG

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**BEFORE THE TEXAS BEHAVIORAL
HEALTH EXECUTIVE COUNCIL**

**THE TEXAS STATE BOARD
OF SOCIAL WORKER
EXAMINERS**

AGREED ORDER

Pursuant to the authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(e), the Executive Director for the Texas Behavioral Health Executive Council ("Council") hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of the Council, which have been approved and accepted by Jane Young ("Respondent") and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

FINDINGS OF FACT

1. Respondent is licensed as a Master Social Worker (#17038) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent did not notify the Council of a conviction within the required time frame.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 505 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 34 and 41.
2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§505.451, 507.301, and 507.351 of the Texas Occupations Code.
3. Based on the above Findings of Fact, the Council finds that Respondent violated Council Rule Texas Administrative Code §884.32(a)(1), pertaining to Reportable Legal Action and Discipline.
4. This Agreed Order is a Settlement Agreement under the Texas Rules of Evidence and is not admissible for the purposes of civil litigation. By entering into this Agreed Order, Respondent does not admit the foregoing Findings of Fact or Conclusions of Law, but agrees to resolve this matter to avoid the expense and uncertainty of further proceedings.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent's license (#17038) is hereby **Reprimanded**.
2. Within 30 days of the ratification of this ORDER, Respondent shall retake the Texas State Board of Social Work Examiners' Jurisprudence Exam, which is normally required for Social Worker Licensing, and submit proof of the successful completion of the exam to the Council or the Council's designee.

WARNING

RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

WAIVERS

On the underlying investigative file, Respondent has waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange for the conditions set out in this Agreed Order.

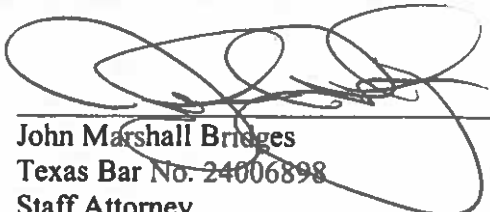
THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

FOR THE RESPONDENT:


Jane Young LMSW #17038

DATE SIGNED: 6-10-2022

FOR THE STAFF OF THE COUNCIL:


John Marshall Bridges
Texas Bar No. 24006898
Staff Attorney
Texas Behavioral Health Executive Council
333 Guadalupe, Ste. 3-900
Austin, Texas 78701

DATE SIGNED: 14 June 2022

APPROVED, RATIFIED, AND ENTERED THIS 22nd DAY OF June, 2022.


Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NO. 1072-20-0108

IN THE MATTER OF

MICHAL TANNENBAUM

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BEFORE THE TEXAS BEHAVIORAL
HEALTH EXECUTIVE COUNCIL

THE TEXAS STATE BOARD
OF SOCIAL WORKER
EXAMINERS

AGREED ORDER

Pursuant to the authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(c), the Executive Director for the Texas Behavioral Health Executive Council ("Council") hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of the Council, which have been approved and accepted by **Michal Tannenbaum** ("Respondent") and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

FINDINGS OF FACT

1. Respondent is licensed as a Licensed Master Social Worker (#68387) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent failed to ensure that all legally authorized persons representing a minor client who is named in a Suit Affecting Parent Child Relationship (SAPCR) have signed a consent for services.
3. Specifically, Respondent failed to obtain a copy of the SAPCR before commencing social work services and ensuring that all legally authorized person consented to social work services.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 505 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 34 and 41.
2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§ 505.451, 507.301, and 507.351 of the Texas Occupations Code.
3. Based on the above Findings of Fact, the Council finds that Respondent violated Council Rules 22 Texas Administrative Code §781.203(9) (now at 781.303(9)).

4. This Agreed Order is a Settlement Agreement under the Texas Rules of Evidence and is not admissible for the purposes of civil litigation. By entering into this Agreed Order, Respondent does not admit the foregoing Findings of Fact or Conclusions of Law, but agrees to resolve this matter to avoid the expense and uncertainty of further proceedings.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent's license is hereby REPRIMANDED.

WARNING

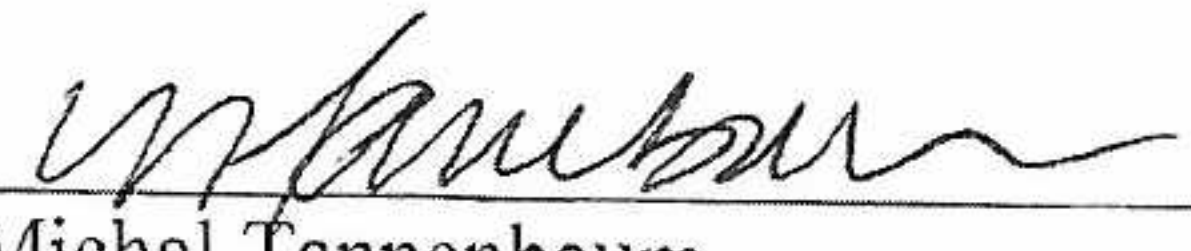
RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

WAIVERS

On the underlying investigative file, Respondent has waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange for the conditions set out in this Agreed Order.


THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

FOR THE RESPONDENT:


Michal Tannenbaum
License# 68387


DATE SIGNED: 8/20/22

FOR THE STAFF OF THE COUNCIL:


Andrew Hurt
Texas Bar No. 24091699
Staff Attorney
Texas Behavioral Health Executive Council
George H. W. Bush State Office Building
1801 Congress Ave., Ste. 7.300
Austin, Texas 78701

DATE SIGNED: 8/22/22

APPROVED, RATIFIED, AND ENTERED THIS 24th DAY OF August, 2022.


Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

STATUS REPORT 4th Quarter		4Q FY22 June 1, 2022 to Aug 31, 2022	3Q FY22 Mar 1, 2022 to May 31, 2022	2Q FY22 Dec 1, 2021 to Feb 28, 2022	1Q FY22 Sep 1, 2021 to Nov 30, 2021
Number of Pending Complaints		467 TSBEP-188 TSBSWE-169 TSBEMFT-30 TSBEP-80	532 TSBEP-235 TSBSWE-181 TSBEMFT-43 TSBEP-73	594 TSBEP-291 TSBSWE-171 TSBEMFT-54 TSBEP-78	579 TSBEP-266 TSBSWE-191 TSBEMFT-54 TSBEP-68
Number of New Complaints Received		159	164	105	148
Pending Priority 1 Cases (Imminent Physical Harm)		1 TSBEP-1 TSBSWE-0 TSBEMFT-0 TSBEP-0	1 TSBEP-0 TSBSWE-1 TSBEMFT-0 TSBEP-0	4 TSBEP-2 TSBSWE-1 TSBEMFT-1 TSBEP-0	6 TSBEP-2 TSBSWE-3 TSBEMFT-1 TSBEP-0
Pending Priority 2 Cases (Sexual Misconduct)		59 TSBEP-33 TSBSWE-19 TSBEMFT-4 TSBEP-3	57 TSBEP-28 TSBSWE-26 TSBEMFT-0 TSBEP-3	52 TSBEP-25 TSBSWE-24 TSBEMFT-1 TSBEP-3	52 TSBEP-24 TSBSWE-24 TSBEMFT-2 TSBEP-2
Pending Priority 3 Cases (Applicants)		19 TSBEP-7 TSBSWE-10 TSBEMFT-1 TSBEP-1	12 TSBEP-4 TSBSWE-8 TSBEMFT-0 TSBEP-0	15 TSBEP-4 TSBSWE-8 TSBEMFT-1 TSBEP-2	11 TSBEP-1 TSBSWE-6 TSBEMFT-2 TSBEP-2
Cases Resolved this Quarter		226	228	89	197
Agreed Orders Signed		19	25	9	15
Cases Dismissed by Staff		207	203	80	182
Cases Dismissed by member Boards		0	0	0	0
Cases Reviewed at an ISC this Quarter		16	17	3	22
Pending Cases by Fiscal Year					
FY2015	0 going to SOAH	0	1	1	2
FY2016	3 going to SOAH	3	3	3	5
FY2017	1 going to SOAH	4	4	8	11
FY2018	0 going to SOAH	0	2	6	8
FY2019	1 going to SOAH	3	14	35	56
FY2020	4 going to SOAH	44	82	167	199
FY2021	7 going to SOAH	80	111	153	163
FY2022	2 going to SOAH	333	315	221	135
Total		467	532	594	579

Rule: 781.401. Qualifications for Licensure.

Action: Proposed Amendment

Comment: Proposed by August 19th Rules Committee – The proposed amendments delete the 48 and 60 month maximums for completing required supervised experience for LCSW or IPR.

Proposed on August 5th in Texas Register - The proposed amendment removes the requirements that supervised experience must be obtained within five years immediately preceding the date of application for specialty recognition.

§781.401. Qualifications for Licensure.

(a) Licensure. The following education and experience is required for licensure as designated. If an applicant for a license has held a substantially equivalent license in good standing in another jurisdiction for one year immediately preceding the date of application, the applicant will be deemed to have met the experience requirement under this chapter.

(1) Licensed Clinical Social Worker (LCSW).

(A) Has been conferred a master's degree in social work from a CSWE-accredited social work program, or a doctoral degree in social work from an accredited institution of higher learning acceptable to the Council, and has documentation in the form of a university transcript of successfully completing a field placement in social work.

(B) Has had 3000 hours of supervised professional clinical experience over a period of at least 24 ~~to 48~~ months, or its equivalent if the experience was completed in another jurisdiction. Hours accrued in non-clinical settings may be used to satisfy the requirements of this rule if the applicant works at least 4 hours per week providing clinical social work as defined in §781.102 of this title (relating to Definitions).

(C) Has had a minimum of 100 hours of supervision, over the course of the 3000 hours of supervised experience, with a Council approved supervisor. If the social worker completed supervision in another jurisdiction, the social worker shall have the supervision verified by the regulatory authority in the other jurisdiction. If such verification is impossible, the social worker may request that the Council accept alternate verification of supervision.

(D) Has passed the Clinical examination administered nationally by ASWB.

(2) Licensed Master Social Worker (LMSW).

(A) Has been conferred a master's degree in social work from a CSWE-accredited social work program, or a doctoral degree in social work from an accredited university acceptable to the Council, and has documentation in the form of a university transcript of successfully completing a field placement in social work.

(B) Has passed the Master's examination administered nationally by ASWB.

(3) Licensed Baccalaureate Social Worker (LBSW).

(A) Has been conferred a baccalaureate degree in social work from a CSWE accredited social work program.

- (B) Has passed the Bachelors examination administered nationally by ASWB.
- (b) Specialty Recognition. The following education and experience is required for Independent Non-clinical Practice specialty recognitions.
- (1) Is currently licensed in the State of Texas as an LBSW or LMSW.
 - (2) While fully licensed as a social worker has had 3000 hours of supervised full-time social work experience over a minimum two-year period, ~~but within a maximum five year period~~ or its equivalent if the experience was completed in another state. Supervised professional experience must comply with §781.404 of this title and all other applicable laws and rules.
 - (3) Has had a minimum of 100 hours of supervision, over the course of the 3000 hours of experience, with a Council-approved supervisor. Supervised experience must have occurred within the 5 calendar years immediately preceding the date of application for IPR specialty recognition. If supervision was completed in another jurisdiction, the social worker shall have the supervision verified by the regulatory authority in the other jurisdiction. If such verification is impossible, the social worker may request that the Council accept alternate verification.
- (c) Applicants for a license must complete the Council's jurisprudence examination and submit proof of completion at the time of application.

Rule: 781.404. Recognition as a Council-approved Supervisor and the Supervision Process.

Action: Proposed Amendment

Comment: Proposed by August 19th Rules Committee – The proposed amendments delete the 48 and 60 month maximums for completing required supervised experience for LCSW or IPR.

Proposed on October __ in Texas Register - The proposed amendment provides more specific details regarding the minimum standards for the 40 hours of education required to apply for supervisor status. Additionally, the proposed change deletes some duplicative language regarding the Council's ability to discipline a licensee that continues to provide supervision after the licensee no longer possesses supervisor status, and the outdated subparagraph that initially required the 40 hours supervision training back in 2014.

§781.404. Recognition as a Council-approved Supervisor and the Supervision Process.

(a) Types of supervision include:

- (1) administrative or work-related supervision of an employee, contractor or volunteer that is not related to qualification for licensure, practice specialty recognition, a disciplinary order, or a condition of new or continued licensure;
- (2) clinical supervision of a Licensed Master Social Worker in a setting in which the LMSW is providing clinical services; the supervision may be provided by a Licensed Professional Counselor, Licensed Psychologist, Licensed Marriage and Family Therapist, Licensed Clinical Social Worker or Psychiatrist. This supervision is not related to qualification for licensure, practice specialty recognition, a disciplinary order, or a condition of new or continued licensure;
- (3) clinical supervision of a Licensed Master Social Worker, who is providing clinical services and is under a supervision plan to fulfill supervision requirements for achieving the LCSW; a Licensed Clinical Social Worker who is a Council-approved supervisor delivers this supervision;
- (4) non-clinical supervision of a Licensed Master Social Worker or Licensed Baccalaureate Social Worker who is providing non-clinical social work service toward qualifications for independent non-clinical practice recognition; this supervision is delivered by a Council-approved supervisor; or
- (5) Council-ordered supervision of a licensee by a Council-approved supervisor pursuant to a disciplinary order or as a condition of new or continued licensure.

(b) A person who wishes to be a Council-approved supervisor must file an application and pay the applicable fee.

- (1) A Council-approved supervisor must be actively licensed in good standing by the Council as an LBSW, an LMSW, an LCSW, or be recognized as an Advanced Practitioner (LMSW-AP), or hold the equivalent social work license in another jurisdiction. The person applying for Council-approved status must have practiced at his/her category of licensure for two years. The Council-approved supervisor shall supervise only those supervisees who provide services that fall within the supervisor's own competency.

- (2) The Council-approved supervisor is responsible for the social work services provided within the supervisory plan.
- (3) The Council-approved supervisor must have completed a 40-hour supervisor's training program acceptable to the Council.

(A) At a minimum, the 40-hour supervisor's training program must meet each of the following requirements:

- (i) the course must be taught by a licensed social worker holding both the appropriate license classification, and supervisor status issued by the Council;
- (ii) all related coursework and assignments must be completed over a time period not to exceed 90 days; and
- (iii) the 40-hour supervision training must include at least:
 - (I) three (3) hours for defining and conceptualizing supervision and models of supervision;
 - (II) three (3) hours for supervisory relationship and social worker development;
 - (III) twelve (12) hours for supervision methods and techniques, covering roles, focus (process, conceptualization, and personalization), group supervision, multi-cultural supervision (race, ethnic, and gender issues), and evaluation methods;
 - (IV) twelve (12) hours for supervision and standards of practice, codes of ethics, and legal and professional issues; and
 - (V) three (3) hours for executive and administrative tasks, covering supervision plan, supervision contract, time for supervision, record keeping, and reporting.

(B) Subparagraph (A) of this subsection is effective May 1, 2023.

- (4) The Council-approved supervisor must submit required documentation and fees to the Council.
- (5) When a licensee is designated Council-approved supervisor, he or she may perform the following supervisory functions.
 - (A) An LCSW may supervise clinical experience toward the LCSW license, non-clinical experience toward the Independent Practice Recognition (non-clinical), and Council-ordered probated suspension;
 - (B) An LMSW-AP may supervise non-clinical experience toward the non-clinical Independent Practice Recognition; and Council-ordered probated suspension for non-clinical practitioners;
 - (C) An LMSW with the Independent Practice Recognition (non-clinical) who is a Council-approved supervisor may supervise an LBSW's or LMSW's non-clinical experience toward the non-clinical Independent Practice Recognition; and an LBSW or LMSW (non-clinical) under Council-ordered probated suspension;

- (D) An LBSW with the non-clinical Independent Practice Recognition who is a Council-approved supervisor may supervise an LBSW's non-clinical experience toward the non-clinical Independent Practice Recognition; and an LBSW under Council-ordered probated suspension.
- (6) The approved supervisor must renew the approved supervisor status in conjunction with the biennial license renewal. The approved supervisor may surrender supervisory status by documenting the choice on the appropriate Council renewal form and subtracting the supervisory renewal fee from the renewal payment. If a licensee who has surrendered supervisory status desires to regain supervisory status, the licensee must reapply and meet the current requirements for approved supervisor status.
- (7) A supervisor must maintain the qualifications described in this section while he or she is providing supervision.
- (8) A Council-approved supervisor who wishes to provide any form of supervision or Council-ordered supervision must comply with the following:
 - (A) The supervisor is obligated to keep legible, accurate, complete, signed supervision notes and must be able to produce such documentation for the Council if requested. The notes shall document the content, duration, and date of each supervision session.
 - (B) A social worker may contract for supervision with written approval of the employing agency. A copy of the approval must accompany the supervisory plan submitted to the Council.
 - (C) A Council-approved supervisor may not charge or collect a fee or anything of value from his or her employee or contract employee for the supervision services provided to the employee or contract employee.
 - (D) Before entering into a supervisory plan, the supervisor shall be aware of all conditions of exchange with the clients served by her or his supervisee. The supervisor shall not provide supervision if the supervisee is practicing outside the authorized scope of the license. If the supervisor believes that a social worker is practicing outside the scope of the license, the supervisor shall make a report to the Council.
 - (E) A supervisor shall not be employed by or under the employment supervision of the person who he or she is supervising.
 - (F) A supervisor shall not be a family member of the person being supervised.
 - (G) A supervisee must have a clearly defined job description and responsibilities.
 - (H) A supervisee who provides client services for payment or reimbursement shall submit billing to the client or third-party payers which clearly indicates the services provided and who provided the services, and specifying the supervisee's licensure category and the fact that the licensee is under supervision.
 - (I) If either the supervisor or supervisee has an expired license or a license that is revoked or suspended during supervision, supervision hours accumulated during that time will be accepted only if the licensee appeals to and receives approval from the Council.

- (J) A licensee must be a current Council-approved supervisor in order to provide professional development supervision toward licensure or specialty recognition, or to provide Council-ordered supervision to a licensee. Providing supervision without having met all requirements for current, valid Council-approved supervisor status may be grounds for disciplinary action against the supervisor.
- (K) The supervisor shall ensure that the supervisee knows and adheres to Subchapter B, Rules of Practice, of this Chapter.
- (L) The supervisor and supervisee shall avoid forming any relationship with each other that impairs the objective, professional judgment and prudent, ethical behavior of either.
- (M) Should a supervisor become subject to a Council disciplinary order, that person is no longer a Council- approved supervisor and must so inform all supervisees, helping them to find alternate supervision. The person may reapply for Council-approved supervisor status by meeting the terms of the disciplinary order and having their license in good standing, in addition to submitting an application for Council-approved supervisor, and proof of completion of a 40-hour Council-approved supervisor training course, taken no earlier than the date of execution of the Council order.
- (N) Providing supervision without Council-approved supervisor status is grounds for disciplinary action. ~~[The Council may deny, revoke, or suspend Council approved supervisory status for violation of the Act or rules. Continuing to supervise after the Council has denied, revoked, or suspended Council-approved supervisor status, or after the supervisor's supervisory status expires, may be grounds for disciplinary action against the supervisor.]~~
- (O) ~~[If a supervisor's Council approved status is expired, suspended, or revoked, the]~~ A supervisor shall refund all supervisory fees the supervisee paid after the date the supervisor ceased to be Council-approved.
- (P) A supervisor is responsible for developing a well- conceptualized supervision plan with the supervisee, and for updating that plan whenever there is a change in agency of employment, job function, goals for supervision, or method by which supervision is provided.
- ~~[(Q) — All Council-approved supervisors shall have taken a Council-approved supervision training course by January 1, 2014 in order to renew Council-approved supervisor status. The Council recognizes that many licensees have had little, if any, formal education about supervision theories, strategies, problem solving, and accountability, particularly LBSWs who may supervise licensees toward the IPR. Though some supervisors have functioned as employment supervisors for some time and have acquired practical knowledge, their practical supervision skills may be focused in one practice area, and may not include current skills in various supervision methods or familiarity with emerging supervisory theories, strategies, and regulations. Therefore, the Council values high quality, contemporary, multi-modality supervision training to ensure that all supervisors have refreshed their supervisory skills and knowledge in order to help supervisees practice safely and effectively.]~~

- (9) A Council-approved supervisor who wishes to provide supervision towards licensure as an LCSW or towards specialty recognition in Independent Practice (IPR) or Advanced Practitioner (LMSW-AP), which is supervision for professional growth, must comply with the following:
- (A) Supervision toward licensure or specialty recognition may occur in one-on-one sessions, in group sessions, or in a combination of one-on-one and group sessions. Session may transpire in the same geographic location, or via audio, web technology or other electronic supervision techniques that comply with HIPAA and Texas Health and Safety Code, Chapter 611, and/or other applicable state or federal statutes or rules.
 - (B) Supervision groups shall have no fewer than two members and no more than six.
 - (C) Supervision shall occur in proportion to the number of actual hours worked for the 3,000 hours of supervised experience. No more than 10 hours of supervision may be counted in any one month, or 30-day period, as appropriate, towards satisfying minimum requirements for licensure or specialty recognition.
 - (D) The Council considers supervision toward licensure or specialty recognition to be supervision which promotes professional growth. Therefore, all supervision formats must encourage clear, accurate communication between the supervisor and the supervisee, including case- based communication that meets standards for confidentiality. Though the Council favors supervision formats in which the supervisor and supervisee are in the same geographical place for a substantial part of the supervision time, the Council also recognizes that some current and future technology, such as using reliable, technologically-secure computer cameras and microphones, can allow personal face-to-face, though remote, interaction, and can support professional growth. Supervision formats must be clearly described in the supervision plan, explaining how the supervision strategies and methods of delivery meet the supervisee's professional growth needs and ensure that confidentiality is protected.
 - (E) Supervision toward licensure or specialty recognition must extend over a full 3000 hours over a period of not less than 24 full months ~~and a period of not more than 48 full months~~ for LCSW or ~~not more than 60 full months~~ for Independent Practice Recognition (IPR). Even if the individual completes the minimum of 3000 hours of supervised experience and minimum of 100 hours of supervision prior to 24 months from the start date of supervision, supervision which meets the Council's minimum requirements shall extend to a minimum of 24 full months.
 - (F) The supervisor and the supervisee bear professional responsibility for the supervisee's professional activities.
 - (G) If the supervisor determines that the supervisee lacks the professional skills and competence to practice social work under a regular license, the supervisor shall develop and implement a written remediation plan for the supervisee.
 - (H) Supervised professional experience required for licensure must comply with §781.401 of this title (relating to Qualifications for Licensure) and §781.402

of this title (relating to Clinical Supervision for LCSW and Non-Clinical Supervision for Independent Practice Recognition) of this title and all other applicable laws and rules.

- (10) A Council-approved supervisor who wishes to provide supervision required as a result of a Council order must comply with this title, all other applicable laws and rules, and/or the following.
- (A) A licensee who is required to be supervised as a condition of initial licensure, continued licensure, or disciplinary action must:
- (i) submit one supervisory plan for each practice location to the Council for approval by the Council or its designee within 30 days of initiating supervision;
 - (ii) submit a current job description from the agency in which the social worker is employed with a verification of authenticity from the agency director or his or her designee on agency letterhead or submit a copy of the contract or appointment under which the licensee intends to work, along with a statement from the potential supervisor that the supervisor has reviewed the contract and is qualified to supervise the licensee in the setting;
 - (iii) ensure that the supervisor submits reports to the Council on a schedule determined by the Council. In each report, the supervisor must address the supervisee's performance, how closely the supervisee adheres to statutes and rules, any special circumstances that led to the imposition of supervision, and recommend whether the supervisee should continue licensure. If the supervisor does not recommend the supervisee for continued licensure, the supervisor must provide specific reasons for not recommending the supervisee. The Council may consider the supervisor's reservations as it evaluates the supervision verification the supervisee submits; and
 - (iv) notify the Council immediately if there is a disruption in the supervisory relationship or change in practice location and submit a new supervisory plan within 30 days of the break or change in practice location.
- (B) The supervisor who agrees to provide Council-ordered supervision of a licensee who is under Council disciplinary action must understand the Council order and follow the supervision stipulations outlined in the order. The supervisor must address with the licensee those professional behaviors that led to Council discipline, and must help to remediate those concerns while assisting the licensee to develop strategies to avoid repeating illegal, substandard, or unethical behaviors.
- (C) Council-ordered and mandated supervision timeframes are specified in the Council order.

Rule: 781.421. Remedy for Incomplete License Requirements.

Action: Proposed New Rule

Comment: The new rule is necessary to allow the Texas State Board of Social Worker Examiners to make exceptions for applicants that have difficulty fulfilling certain licensing requirements due to a declared disaster.

§781.421 Remedy for Incomplete License Requirements.

- (a) An applicant who does not meet all of the prerequisites for a particular license under Chapter 505 of the Occupations Code, may petition the Council for a waiver or modification of the prerequisite(s). An applicant may not petition for the waiver or modification of the degree required for the particular license sought or passage of the requisite examinations.
- (b) The Council may waive or modify a prerequisite for obtaining a license under Chapter 505 of the Occupations Code, subject to subsection (a) of this section, if:
 - (1) the prerequisite is not mandated by federal law, the state constitution or statute, or 22 TAC Part 41 (relating to Texas Behavioral Health Executive Council); and
 - (2) the failure or inability to meet the prerequisite was due to a disaster declared under Chapter 418 of the Government Code or under similar authority in another jurisdiction.
- (c) The Council may approve or deny a petition under this rule, and in the case of approval, may condition the approval on reasonable terms and conditions designed to ensure the applicant's education, training, and experience provide reasonable assurance that the applicant has the knowledge and skills necessary for entry-level practice under the license sought.

Rule: 781.501. Requirements for Continuing Education

Action: Proposed Amendment

Comment: The amendments to this rule add hospitals and hospital systems to subsection (f), and makes the effective date of subsection (f) January 1, 2024.

§781.501. Requirements for Continuing Education

(a) Minimum Continuing Education Hours Required:

- (1) A licensee must complete 30 hours of continuing education during each renewal period that they hold a license. The 30 hours of continuing education must include 6 hours in ethics and 3 hours in cultural diversity or competency.
- (2) A licensee may carry forward to the next renewal period, a maximum of 10 hours accrued during the current renewal period if those hours are not needed for renewal.

(b) Special Continuing Education Requirements.

- (1) A licensee with supervisory status must complete 6 hours of continuing education in supervision.
- (2) The special continuing education requirements set out in this subsection may be counted toward the minimum continuing education hours required under subsection (a).

(c) Acceptable ethics hours include, but are not limited to continuing education on:

- (1) state or federal laws, including agency rules, relevant to the practice of social work;
- (2) practice guidelines established by local, regional, state, national, or international professional organizations;
- (3) training or education designed to demonstrate or affirm the ideals and responsibilities of the profession; and
- (4) training or education intended to assist licensees in determining appropriate decision-making and behavior, improve consistency in or enhance the professional delivery of services, and provide a minimum acceptable level of practice.

(d) Acceptable cultural diversity or competency hours include, but are not limited to continuing education regarding age, disability, ethnicity, gender, gender identity, language, national origin, race, religion, culture, sexual orientation, and socio-economic status.

(e) Acceptable Continuing Education Activities.

- (1) All continuing education hours must have been received during the renewal period unless allowed under subsection (a)(2) of this section, and be directly related to the practice of social work;
- (2) The Council shall make the determination as to whether the activity claimed by the licensee is directly related to the practice of social work;
- (3) Except for hours claimed under subsection (h) of this section, all continuing education hours obtained must be designated by the provider in a letter, email,

certificate, or transcript that displays the licensee's name, topic covered, date(s) of training, and hours of credit earned; and

- (4) Multiple instances or occurrences of a continuing education activity may not be claimed for the same renewal period.
- (f) Licensees must obtain at least fifty percent of their continuing education hours from one or more of the following providers:
 - (1) an international, national, regional, state, or local association of medical, mental, or behavioral health professionals.
 - (2) public school districts, charter schools, or education service centers.
 - (3) city, county, state, or federal governmental entities.
 - (4) an institution of higher education accredited by a regional accrediting organization recognized by the Council for Higher Education Accreditation, the Texas Higher Education Coordinating Board, or the United States Department of Education.
 - (5) religious or charitable organizations devoted to improving the mental or behavioral health of individuals.
 - (6) a licensee that is a Council-approved supervisor. ~~[(6)]~~
 - (7) a hospital or hospital system, including any clinic, division, or department within a hospital or hospital system.
 - ~~(8)~~[(7)] any provider approved or endorsed by a provider listed herein.
- (g) Notwithstanding subsection (f) above, licensees shall receive credit for continuing education activities according to the number of hours designated by the provider, or if no such designation, on a one-for-one basis with one credit hour for each hour spent in the continuing education activity.
- (h) Licensees may claim continuing education credit for each of the following activities:
 - (1) Passage of the jurisprudence examination. Licensees who pass the jurisprudence examination may claim 1 hour of continuing education in ethics.
 - (2) Preparing and giving a presentation at a continuing education activity. The maximum number of hours that may be claimed for this activity is 5 hours.
 - (3) Authoring a book or peer reviewed article. The maximum number of hours that may be claimed for this activity is 5 hours.
 - (4) Teaching or attending a university or college level course. The maximum number of hours that may be claimed for this activity is 5 hours.
 - (5) Self-study. The maximum number of hours that may be claimed for this activity is 1 hour. Self-study is credit that is obtained from any type of activity that is performed by an individual licensee acting alone. Such activities include, but are not limited to, reading materials directly related to the practice of social work. Time spent individually viewing or listening to audio, video, digital, or print media as part of an organized continuing education activity, program or offering from a third-party is not subject to this self-study limitation and may count as acceptable continuing education under other parts of this rule.

- (6) Successful completion of a training course on human trafficking prevention described by §116.002 of the Occupations Code. Licensees who complete this training may claim 1 hour of continuing education credit.
- (i) The Council does not pre-evaluate or pre-approve continuing education providers or hours.
- (j) Licensees shall maintain proof of continuing education compliance for a minimum of 3 years after the applicable renewal period.
- (k) Subsection (f) of this rule is effective January 1, 2024.

Rule: 781.304. Relationships with Clients.

Action: Proposed Amendment

Comment: The proposed amendment removes duplicative language that is currently stated in §781.310, pertaining to billing and financial relationships.

§781.304 Relationships with Clients.

- (a) A social worker shall inform in writing a prospective client about the nature of the professional relationship, which can include but is not limited to office procedures, after-hours coverage, services provided, fees, and arrangements for payment.
- (b) The social worker shall not give or receive a commission, rebate, or any other form of remuneration for referring clients. ~~[A licensee shall not intentionally or knowingly offer to pay or agree to accept any remuneration directly or indirectly, overtly or covertly, in cash or in kind, to or from any person, firm, association of persons, partnership, corporation, or entity for securing or soliciting clients or patronage for or from any health care professional. In accordance with the provisions of the Act, §505.451, a licensee is subject to disciplinary action if the licensee directly or indirectly offers to pay or agrees to accept remuneration to or from any person for securing or soliciting a client or patronage. Payment of credentialing or other fees to insurance companies or other third party payers to be part of an approved provider list shall not be considered as a violation of this chapter.]~~
- (c) A social worker shall not enter into a business relationship with a client. This rule does not prohibit a professional social work relationship with a client, as described in this subchapter.
- (d) A social worker shall not engage in activities that seek to primarily meet the social worker's personal needs or personal gain instead of the needs of the client.
- (e) A social worker shall be responsible for setting and maintaining professional boundaries.
- (f) A social worker shall keep accurate records of services to include, but not be limited to, dates of services, types of services, progress or case notes and billing information for a minimum of seven years after the date of termination of services for an adult client or five years beyond the age of 18 years of age for a minor, whichever is greater.
- (g) A social worker shall bill clients or third parties for only those services actually rendered or as agreed to by mutual written understanding.
- (h) A licensee shall not make any false, misleading, deceptive, fraudulent or exaggerated claim or statement about the effectiveness of the licensee's services; the licensee's qualifications, capabilities, background, training, experience, education, professional affiliations, fees, products, or publications; the type, effectiveness, qualifications, and products or services offered by an organization or agency; or the practice or field of social work.
- (i) If the licensee learns that false, misleading, deceptive, fraudulent or exaggerated statements about the services, qualifications, or products have been made, the licensee shall take reasonable steps to correct the inappropriate claims, prevent their reoccurrence, and report the incident to the Council.

- (j) A licensee shall provide social work intervention only in the context of a professional relationship.
- (k) Electronic practice may be used judiciously as part of the social work process and the supervision process. Social workers engaging in electronic practice, providing services to clients located in the State of Texas, must be licensed in Texas and adhere to provisions of this chapter.
- (l) The licensee shall not provide social work services or intervention to previous or current family members; personal friends; educational or business associates; or individuals whose welfare might be jeopardized by a dual or multiple relationship.
- (m) The licensee shall not accept from or give to a client any gift with a value in excess of \$25. If the licensee's employer prohibits giving or receiving gifts, the licensee shall comply with the employer's policy.
- (n) The licensee or relatives to the fourth degree of consanguinity or affinity of the licensee may not intentionally borrow or lend money or items of value to clients or relatives to the fourth degree of consanguinity or affinity of clients.
- (o) The licensee shall take reasonable precautions to protect individuals from physical or emotional harm resulting from interaction within individual and group settings.
- (p) A licensee shall not promote the licensee's personal or business activities that are unrelated to the current professional relationship.
- (q) A licensee shall set and maintain professional boundaries, avoiding dual or multiple relationships with clients. If a dual or multiple relationship develops, the social worker is responsible for ensuring the client is safe.
- (r) A licensee may not enter into a non-professional relationship with a client's family member or any person having a personal or professional relationship with the client, if the licensee knows or reasonably should have known such a relationship could be detrimental to the client.

Rule: 781. 401. Qualifications for Licensure.

Action: Proposed Amendment

Comment: The proposed amendment removes the requirements that supervised experience must be obtained within five years immediately preceding the date of application for specialty recognition.

§781.401 Qualifications for Licensure.

- (a) Licensure. The following education and experience is required for licensure as designated. If an applicant for a license has held a substantially equivalent license in good standing in another jurisdiction for one year immediately preceding the date of application, the applicant will be deemed to have met the experience requirement under this chapter.
 - (1) Licensed Clinical Social Worker (LCSW).
 - (A) Has been conferred a master's degree in social work from a CSWE-accredited social work program, or a doctoral degree in social work from an accredited institution of higher learning acceptable to the Council, and has documentation in the form of a university transcript of successfully completing a field placement in social work.
 - (B) Has had 3000 hours of supervised professional clinical experience over a period of 24 to 48 months, or its equivalent if the experience was completed in another jurisdiction. Hours accrued in non-clinical settings may be used to satisfy the requirements of this rule if the applicant works at least 4 hours per week providing clinical social work as defined in §781.102 of this title (relating to Definitions).
 - (C) Has had a minimum of 100 hours of supervision, over the course of the 3000 hours of supervised experience, with a Council approved supervisor. If the social worker completed supervision in another jurisdiction, the social worker shall have the supervision verified by the regulatory authority in the other jurisdiction. If such verification is impossible, the social worker may request that the Council accept alternate verification of supervision.
 - (D) Has passed the Clinical examination administered nationally by ASWB.
 - (2) Licensed Master Social Worker (LMSW).
 - (A) Has been conferred a master's degree in social work from a CSWE-accredited social work program, or a doctoral degree in social work from an accredited university acceptable to the Council, and has documentation in the form of a university transcript of successfully completing a field placement in social work.
 - (B) Has passed the Master's examination administered nationally by ASWB.
 - (3) Licensed Baccalaureate Social Worker (LBSW).
 - (A) Has been conferred a baccalaureate degree in social work from a CSWE accredited social work program.
 - (B) Has passed the Bachelors examination administered nationally by ASWB.

- (b) Specialty Recognition. The following education and experience is required for Independent Non-clinical Practice specialty recognitions.
 - (1) Is currently licensed in the State of Texas as an LBSW or LMSW.
 - (2) While fully licensed as a social worker has had 3000 hours of supervised full-time social work experience over a minimum two-year period, but within a maximum five-year period or its equivalent if the experience was completed in another state. Supervised professional experience must comply with §781.404 of this title and all other applicable laws and rules.
 - (3) Has had a minimum of 100 hours of supervision, over the course of the 3000 hours of experience, with a Council-approved supervisor. ~~[Supervised experience must have occurred within the 5 calendar years immediately preceding the date of application for IPR specialty recognition.]~~ If supervision was completed in another jurisdiction, the social worker shall have the supervision verified by the regulatory authority in the other jurisdiction. If such verification is impossible, the social worker may request that the Council accept alternate verification.
- (c) Applicants for a license must complete the Council's jurisprudence examination and submit proof of completion at the time of application.

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Rule: 781.405. Application for Licensure.

Action: Proposed Amendment

Comment: This amendment is made to correct a typographical error.

§781.405 Application for Licensure. A licensure or specialty application must be submitted in accordance with Council rules 882.1 of this title (relating to Application Process) and 882.2 [~~882.1~~] of this title (relating to General Application File Requirements).

Rule: 781.406. Required Documentation of Qualifications for Licensure.

Action: Proposed Amendment

Comment: The proposed amendment removes the requirements that supervised experience must be obtained within five years immediately preceding the date of application.

§781.406. Required Documentation of Qualifications for Licensure.

- (a) Application form. An applicant for licensure must submit a completed official application form with all requested information.
- (b) Education verification.
 - (1) The applicant's education must be documented by official college transcripts from social work educational units accredited by CSWE.
 - (2) Degrees for licensure as an LBSW or LMSW must be from programs accredited or in candidacy for accreditation by CSWE.
- (c) Experience verification.
 - (1) An applicant's experience for licensure or for specialty recognition must meet the requirements of §781.401 of this title (relating to Qualifications for Licensure), §781.402 of this title (relating to Clinical Supervision for LCSW and Non-Clinical Supervision for Independent Practice Recognition), and §781.404 of this title (relating to Recognition as a Council-approved Supervisor and the Supervision Process). The applicant must document the names and addresses of supervisors; beginning and ending dates of supervision; job description; and average number of hours of social work activity per week. The applicant must further document the appropriate supervision plan and verification form for each practice location.
 - (2) The applicant's experience must have been in a position providing social work services, under the supervision of a qualified supervisor, with written evaluations to demonstrate satisfactory performance.
 - ~~[(3) Supervised experience must have occurred within the five calendar years immediately preceding the date of an initial or upgrade application.]~~
 - (3)~~[(4)]~~ The applicant must maintain and upon request, provide to the Council documentation of employment status, pay vouchers, or supervisory evaluations.

Rule: 781.803. Severity Level and Sanction Guide.

Action: Proposed Amended Rule

Comment: This amended rule is proposed to make the rule clearer and simplifying the guide by combining levels 2 and 3 into a suspension for any amount of time. Additionally, the maximum penalty amount for each level is raised to \$5,000 to align with Occupations Code Section 507.352.

§781.803. Severity Levels. The following are severity levels for the schedule of sanctions.

- (1) Level One--Revocation of license. These violations evidence the licensee's intentional or gross misconduct, cause or pose a high degree of harm to the public, and/or require severe punishment to deter the licensee, or other licensees. The fact that a license is ordered revoked does not necessarily mean the licensee can never regain licensure. The Council may also impose an administrative penalty of not less than \$250 or more than \$5,000 for each Level One violation. Each day a violation continues or occurs is a separate violation for the purpose of imposing a financial penalty.
- (2) Level Two—~~Extended~~ suspension of license. These violations involve less misconduct, harm, or need for deterrence than Level One violations, but require suspension of licensure for a period of time ~~[not less than one year]~~. The Council may also impose an administrative penalty of not less than \$250 or more than \$5,000 ~~[\$4,000]~~ for each Level Two violation. Each day a violation continues or occurs is a separate violation for the purpose of imposing a penalty.
- ~~[(3) Level Three Moderate suspension of license. These violations involve less misconduct, harm, or need for deterrence than Level Two violations, but require suspension of licensure for some period of time. The Council may also impose an administrative penalty of not less than \$250 or more than \$3,000 for each Level Three violation. Each day a violation continues or occurs is a separate violation for the purpose of imposing a penalty.]~~
- ~~(3)~~[(4)] Level Three ~~Four~~--Probated suspension of license. These violations do not involve enough harm, misconduct, or need for deterrence to warrant suspension of licensure, yet are severe enough to warrant monitoring of the licensee to ensure future compliance. The Council may also impose an administrative penalty of not less than \$250 or more than \$5,000 ~~[\$2,000]~~ for each Level Three ~~Four~~ violation. Each day a violation continues or occurs is a separate violation for the purpose of imposing a penalty.
- ~~(5)~~[(4)] Level Four ~~Five~~--Reprimand. These violations involve minor misconduct not directly involving the health, safety or welfare of the particular member of the public at issue. The Council may also impose an administrative penalty of not less than \$250 or more than \$5,000 ~~[\$1,000]~~ for each Level Four ~~Five~~ violation. Each day a violation continues or occurs is a separate violation for the purpose of imposing a penalty.

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Rule: 781.805. Schedule of Sanctions.

Action: Proposed New Rule

Comment: This new rule has been proposed to make the schedule of sanction easier to use. Amendments to §§781.404 and 781.803 are also being proposed, so corresponding amendments to this rule have been made to align with those proposed changes. There are no additional substantive changes to the schedule being proposed.

§781.805 Schedule of Sanctions. The following standard sanctions shall apply to violations of the Act and these rules.

DISCIPLINARY ACTIONS (reported to the National Practitioner Databank)

Rule	Level 1: Revocation (Admin Penalty: not less than \$250; no more than \$5,000 per day)	Level 2: Suspension (Admin Penalty: not less than \$250; no more than \$5,000 per day)	Level 3: Probated Suspension (Admin Penalty: not less than \$250; no more than \$5,000 per day)	Level 4: Reprimand (Administrative Penalty: not less than \$250; no more than \$5,000 per day)
781.301(1)			X	
781.301(2)				X
781.301(3)			X	
781.301(5)				X
781.301(6)				X
781.301(7)				X
781.301(8)				X
781.301(9)	X			
781.301(10)		X		
781.301(11)			X	
781.301(12)				X
781.301(13)				X
781.302(d), (e), and (g)-(i)			X	
781.303(1)				X
781.303(2)				X
781.303(3)				X
781.303(4)			X	
781.303(5)	X			
781.303(6)	X			
781.303(7)				X
781.303(8)			X	
781.303(9)				X
781.304(a)				X
781.304(b)		X		
781.304(c)			X	
781.304(d) and (p)				X
781.304(e), (l), and (q)				X
781.304(f)				X
781.304(g)				X
781.304(h)				X
781.304(i)				X
781.304(j)			X	

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781.304(m)				X
781.304(n)			X	
781.304(o)				X
781.305(b) and (c)	X			
781.305(g)(1)-(4)			X	
781.306(a) and (b)				X
781.307(a)				X
781.307(b)				X
781.307(c)			X	
781.308		X		
781.309(1) and (4)				X
781.309(2)			X	
781.309(3)				X
781.309(5)				X
781.309(6)				X
781.310(a) and (b)		X		
781.310(c) and (e)			X	
781.310(d)				X
781.311(b) and (g)				X
781.311(c) and (d)				X
781.311(e)				X
781.311(f)(1-4)			X	
781.312(b)				X
781.313(b)				X
781.316(a), (c), and (d)				X
781.317(a)				X
781.317(b)			X	
781.320(e)			X	
781.321(d)			X	
781.321(ff)			X	
781.322(f)			X	
781.322(g)		X		
781.322(h)(1) and (2)				X
781.322(i)			X	
781.404(b)(1)			X	
781.404(b)(7)		X		
781.404(b)(8)(A)				X
781.404(b)(8)(C)				X
781.404(b)(8)(E) and (L)				X
781.404(b)(8)(F)				X
781.404(b)(8)(H)			X	
781.404(b)(8)(J)		X		
781.404(b)(8)(K)				X
781.404(b)(8)(M)		X		
781.404(b)(8)(N) and (O)	X			
781.404(b)(8)(P)				X
781.404(b)(9)(G)				X
781.404(b)(10)(B)			X	

Rule: 781.805. Schedule of Sanctions.

Action: Proposed Repeal

Comment: Amendments to §781.404 are being proposed, so corresponding amendments to this rule are necessary to align with those proposed changes.

~~[§781.805 — Schedule of Sanctions. The following standard sanctions shall apply to violations of the Act and these rules.~~

DISCIPLINARY ACTIONS (reported to the National Practitioner Databank)

Level 5: Reprimand (Administrative Penalty: not less than \$250; no more than \$1,000 per day)

~~Failure to inform consumer of all required items, provide a written explanation of treatment and charges (§§781.301(6); 781.303(7); 781.304(a); 781.309(5); and 781.313(b))~~

~~Failure to discourage others from making exaggerated or false claims (§781.304(i))~~

~~Failure to protect individual from harm resulting from individual or group setting (§781.304(o))~~

~~Failure to inform client about testing as part of treatment (§781.307(a))~~

~~Appropriate, reproduce, or modify published tests or parts thereof without publisher's permission (§781.307(b))~~

~~Failure to set and maintain proper supervisor-supervisee relationship (§781.404(b)(10)(8)(E) and (L))~~

~~Failure to ensure supervisee knows of, and complies with, all Council rules (§781.404(b)(10)(8)(K))~~

~~Failure to develop and implement written supervision remediation plan (§781.404(b)(11)(9)(G))~~

~~Failure to keep accurate records, keep records for appropriate retention period (§§781.304(f); 781.309(1) and (4))~~

~~Failure to assess proper fee(s), maintain accurate billing records (§§781.304(g); 781.310(d))~~

~~Failure to establish a plan for custody of records when professional services cease (§781.309(3))~~

~~Failure to maintain written release of information in permanent record, review and update (§781.311(e))~~

~~Failure to maintain and timely submit accurate supervised experience records (§781.404(b)(10)(8)(A))~~

~~Make misleading, exaggerated, or false claims (§§781.301(2); 781.304(h); 781.306(a) and (b); 781.316(a), (c), and (d))~~

~~Failure to base all services on an assessment, evaluation or diagnosis of the client; evaluate client's condition without personally interviewing client or disclosing that a personal interview has not been completed (§§781.301(5); 781.303(3))~~

~~Failure to maintain client confidentiality except when disclosure is prescribed by statute or Council rules (§§781.301(7); 781.309(6); 781.311(b) and (g))~~

~~Failure to set and maintain professional boundaries and avoid dual relationships (§§781.301(8); 781.304(e), (l), and (q))~~

~~Failure to evaluate a client's progress on a continuing basis to guide service delivery and make use of supervision and consultation as indicated by client's needs (§781.301(12))~~

- ~~_____ Failure to inform other provider when providing concurrent therapy (§781.303(1))~~
- ~~_____ Failure to obtain informed consent (or court order) with all related items (§781.303(9)) _____ Engage in activities for personal needs or for personal gain; promotion of personal or business activities that are unrelated to the current professional relationship (§781.304(d) and (p))~~
- ~~_____ Accept from or give gift to a client with a value in excess of \$25.00 (§781.304(m))~~
- ~~_____ Failure to comply with Texas Health and Safety Code concerning access to mental health records; release information only with a written permission signed by client or client guardian (§781.311(e) and (d))~~
- ~~_____ Failure to report alleged violation to the Council (except sexual misconduct) (§781.312(b))~~
- ~~_____ Failure to assume responsibility for human subject's emotional, physical, and social welfare when conducting research (§781.317(a))~~
- ~~_____ Failure to provide written information to parties in child custody or adoption evaluations (§781.322(h)(1) and (2))~~
- ~~_____ Charge or collect a fee or anything of value from employee or contract employee for supervision (§781.404(b)(10)(8)(C))~~
- ~~_____ Provide supervision to an individual who is related within the second degree of affinity or consanguinity (§781.404(b)(10)(8)(F))~~
- ~~_____ Failure to develop and update supervision plan (§781.404(b)(10)(8)(P))~~
- ~~_____ Failure to terminate non-beneficial counseling relationship; transfer client to appropriate care (§§781.301(13); 781.303(2))~~

Level 4: Probated Suspension (Admin Penalty: not less than \$250; no more than \$2,000 per day)

- ~~_____ Refusing to serve a client based solely on basis of prohibited discrimination (§781.301(1))~~
- ~~_____ Failure to practice within scope of competency and accepted professional standards as appropriate to client's needs (§§781.301(3), 781.302(d), (e), and (g) (i); 781.303(4); 781.321(ff); 781.322(i))~~
- ~~_____ Exploiting a position of trust with client or former client (§781.301(11))~~
- ~~_____ Failure to assume responsibility for clients during bartering of services (§781.303(8))~~
- ~~_____ Entering into a business relationship with a client (§781.304(e))~~
- ~~_____ Failure to provide services in the context of a professional relationship (§781.304(j))~~
- ~~_____ Borrowing or lending money or items of value to clients or relatives of clients (§781.304(n))~~
- ~~_____ Failure to report alleged sexual misconduct to the Council (§781.305(g)(1) (4))~~
- ~~_____ Failure to administer or interpret test only with training and experience (§781.307(e))~~
- ~~_____ Failure to retain and dispose of client records in ways that maintain confidentiality (§781.309(2))~~
- ~~_____ Knowingly or flagrantly overcharging; bill for improper, unreasonable or unnecessary services (§781.310(e) and (e))~~
- ~~_____ Failure to report information concerning abuse or neglect of minors, elderly, or disabled; report exploitation by a mental health services provider (§781.311(f)(1-4))~~
- ~~_____ Failure to ensure subject's identity and confidentiality when obtaining data from a professional relationship for purposes of research (§781.317(b))~~

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- ~~_____ Providing therapy or any other type of service, including but not limited to a child custody evaluation or parenting facilitation, in the same case (§§781.320(e); 781.321(d); 781.322(f))~~
- ~~_____ Failure to supervise only supervisees within scope of competency (§781.404(b)(1))~~
- ~~_____ Failure to clearly indicating services, licensure category, and that supervisee is under supervision on billing documentation (§781.404(b)(10)(8)(H))~~
- ~~_____ Failure to address issues outlined in Council ordered supervision (§781.404(b)(12)(10)(B))~~

~~Level 3: Suspension (less than a year, Admin Penalty: not less than \$250; no more than \$3,000 per day)~~

- ~~_____ Practice while impaired by alcohol or drugs or use any illegal drug; promote, encourage, or concur in the illegal use or possession of alcohol or drugs (§§781.301(10) and 781.308)~~
- ~~_____ Offer to pay or agree to accept any remuneration for securing or soliciting clients or patronage (§§781.304(b); 781.310(a) and (b))~~
- ~~_____ Provide expert opinion or recommendation without conducting appropriate child custody evaluation (§781.322(g))~~
- ~~_____ Failure to maintain qualifications of supervisory status while providing supervision (§781.404(b)(9)(7))~~
- ~~_____ Provide supervision without having met all requirements for current, valid Council approved supervisor status (§781.404(b)(10)(8)(J))~~
- ~~_____ Failure to inform all supervisees of termination of supervisor status and help them to find alternate supervision (§781.404(b)(10)(8)(M))~~

~~Level 2: Suspension (one year or more, Admin Penalty: not less than \$250; no more than \$4,000 per day)~~

~~Level 1: Revocation (Admin Penalty: not less than \$250; no more than \$5,000 per day)~~

- ~~_____ Engage in sexual misconduct; therapeutic deception (§§781.301(9); 781.305(b) and (c)) _____ Aid or abet unlicensed practice (§781.303(5))~~
- ~~_____ Participate in falsifying documents submitted to the Council (§781.303(6))~~
- ~~_____ Continue to supervise or fail to refund all supervisory fees paid after termination or expiration of supervisor status (§781.404(b)(10)(8)(N) and (O))~~

18. Summary of Council's Activities

A. The Council published proposed rules in the August 5, 2023 *Texas Register* [47 TexReg 4632], affecting 22 TAC §885.1 *Executive Council Fees*: to act on October 8, 2019, letter from Governor Abbott, instructing agencies to reduce license applications fees to 75% or less of the national average, whenever possible. The proposed rules maintain the current fee schedule until September 1, 2023. The delayed effective date of new fees is to provide all interested parties the opportunity to comment.

B. The Council's rulemaking actions taken at its August 23, 2022 meeting are as follows.

1. Proposed rules, affecting Title 22 of the Texas Administrative Code (22 TAC), were approved for publication. An *unofficial* copy of the proposed rules are in the Council's [August 23 Agenda and Public Meeting Materials.pdf](#), available from the Council's [Meeting Dates, Agendas, and Minutes webpage](#). Staff sent proposed rules to Office of the Governor on August 25, 2022.
 - a. §781.303 *General Standards of Practice* – to align with Texas Family Code.
 - b. §781.404 *Recognition as a Council-approved Supervisor and the Supervision Process* – to specify minimum standards for the 40-hours training required to apply for supervisor status and to remove duplicative and outdated language.
2. Adopted rules, affecting 22 TAC, were approved for publication. The adopted rules were published in the September 16, 2022, *Texas Register* and became effective September 21, 2022.
 - a. [§781.404](#) *Recognition as a Council-approved Supervisor and the Supervision Process* – to move provisions related to continuing education (CE) to new §781.501 *Requirements for Continuing Education*.
 - b. [§781.501](#) *Requirements for Continuing Education* – to consolidate all the CE requirements into a single section and to add and change some of the requirements for renewal.
 - c. [§781.508](#) *Hour Requirements for Continuing Education* – repealed, see new §781.501.
 - d. [§781.509](#) *Types of Acceptable Continuing Education* – repealed, see new §781.501.
 - e. [§781.510](#) *Activities Unacceptable as Continuing Education* – repealed, see new §781.501.
 - f. [§781.514](#) *Credit Hours Granted* – repealed, see new §781.501.
 - g. [§882.2](#) *General Application File Requirements* – to reflect the agency's ability to receive digitally certified self-query reports from the National Practitioner Databank (NPDB).
 - h. [§882.22](#) *Reinstatement of a License* – to reflect the agency's ability to receive digitally certified self-query reports from the NPDB and to clarify that only a full license can be reinstated, and a transitory license used to obtain required experience for full licensure cannot.
 - i. [§884.20](#) *Disciplinary Guidelines and General Schedule of Sanctions* – to correct a typographical error

C. Other Council updates include but may not be limited to the following. A copy items 2 through 3 are in the Council's [August 23, 2022 Agenda and Public Meeting Materials.pdf](#), available from the Council's [Meeting Dates, Agendas, and Minutes webpage](#).

1. Policy on Authorized Travel by Council and Board Members
2. FY2022 Third Quarter Performance Measures and Calculations
3. FY2024-2025 Legislative Appropriations Request (LAR)
4. Estimates for Upgrading and Redesigning Council's website

POLICY ON AUTHORIZED TRAVEL BY COUNCIL AND BOARD MEMBERS

The Council has an annual budget for travel funds available for state agency purposes. As a result, Council and Board members are pre-approved to attend:

- meetings held under Chapter 551 of the Government Code;
- legislative or judicial hearings, if requested by the Presiding Member of the Council or Executive Director;
- training events or meetings with other agencies or government officials, if requested by the Presiding Member of the Council or Executive Director; and
- annual meetings of regulatory associations (e.g., ASPPB, AMFTRB, ASWB, AASCB) of which the board (or Council) is a voting member. Reimbursement for board member attendance is limited to one member per meeting.

However, no other agency-related travel expenses will be pre-approved or paid by direct payment by the agency. Members wanting to request reimbursement for other agency-related travel expenses must submit their requests to the Council or the Presiding Member of the Council. The Presiding Member may designate the Executive Director to receive any such requests on his or her behalf.

All requests for reimbursement must be submitted with appropriate supporting documentation. For example, the member must demonstrate each of the following:

- the travel expenses are reasonable and necessary;
- the purpose of the travel clearly involves state business and is consistent with the agency's legal authority; and
- if more than one board or council member will be attending this same event, the number of individuals traveling for the same or similar purpose are necessary to perform state business.

Subject to any applicable limitations, travel expenses may be approved for reimbursement either in whole or in part by the Council or its presiding member. An approval in part or denial by the presiding member is final and may not be appealed to the Council.

All agency travel arrangements and reimbursements must comply with the Travel Regulations Act (Chapter 660 of the Government Code), comptroller rules, travel provisions of the General Appropriations Act, the comptroller's Statewide Procurement Division contract requirements, and the policies and procedures adopted by the comptroller's office as well as the travel reimbursement guidelines promulgated by agency staff. These resources are intended to ensure the Council minimizes the amount of travel expenses paid or reimbursed by the agency and that each travel arrangement is the most cost effective considering all relevant circumstances.



August 30, 2022

Beyond data: A call to action

Message from the CEO and Board of Directors

The Association of Social Work Boards acknowledges and calls out systemic and institutional racism, specifically anti-Blackism, as being core to the racial disparities evidenced by the recently released licensing exam pass rate data. While other pass rate disparities exist, the most jarring and disappointing gap is in the rates reported for Black candidates. ASWB stands firm that this revelation does not in any way reflect on the ability of Black candidates to demonstrate competence. Rather it illuminates the historical burdens of racial trauma, marginalization, and social injustice to which Black candidates have been disproportionately subjected along their journey to licensure.

In November 2021, the ASWB Board of Directors, representing regulatory bodies across the United States and Canada, made the unanimous and groundbreaking decision to invest in the compilation and reporting of disaggregated pass rate data. The Board of Directors acted knowing that they were venturing into territory unprecedented in the health and human services professions and that, given the oppressive histories of our two countries, disparities would most certainly be reflected in the results. Undeterred, the Board held to the belief that this level of sharing was grounded in a clear commitment to foundational social work values, and we did so intending to make these data accessible as a baseline for advocacy and as a barometer for progress.

Accountability in antiracism and equity requires disaggregated data—no matter what it shows—as a necessary first step toward identifying the current realities and allowing for an intentional emphasis on measuring progress. Although demographic self-disclosures by candidates are voluntary and not independently verified, ASWB took affirmative steps to make pass rate data reports public because this decision serves a greater good. Releasing the data provides a pivotal opportunity for the profession to advance upstream solutions that may mitigate the ravages of systemic and institutional racism—starting with those poised to enter the social work profession.

As a profession, and as members of the community, it is dangerous to draw conclusions based on limited information, misinformation, or disinformation. Unfortunately, in some spheres, firm conclusions have been drawn beyond the limits of interpretation for descriptive information and in the absence of knowledge and understanding of the rigorous exam development protocols that ASWB meets and exceeds. On behalf of ASWB and its Board of Directors, stated in no uncertain terms: We are in the pursuit of fairness for the long haul and will continue to regularly publish disaggregated pass rate data because this information needs to be in the light, not in the shadows.

Simultaneous with the data release, ASWB issued a profession-wide invitation for meaningful, solution-focused collaboration and partnership. Individual segments of the profession must join together and ASWB calls for all relevant communities to collaborate toward meaningful change. Diverse opinions and perspectives will always be welcomed; however, **ASWB absolutely denounces all actions that target, threaten, or disrespect anyone, including our colleagues and members.**

A call to schools

Shining a light on disparities reveals that many more questions need to be asked through future research. And work with schools of social work is needed to increase access to and use of exam preparation opportunities. The data show that although everyone takes the exact same exam for their education level, disparities are *not* universal. A closer look at school results shows that there are some programs where graduates perform the same across demographic categories. Continued analyses must be undertaken to better understand the factors that support candidate success and those that pose unjustified barriers.

ASWB is grateful to those who have reached out to us to share their preparation stories. Anecdotal accounts from former students of color have ranged from: those never having any discussion of licensure or what it entails until after graduating from school, to those having been told about licensure from day one, at new student orientation and throughout their programs. From those who were given misinformation and even disinformation about what is needed to pass the exam, to those who felt their preparation was directly enhanced by faculty of color who mentored them.

ASWB is committed to looking behind the numbers and taking a deeper dive into the questions raised by the data. This exploration will help the profession better understand the factors affecting success in demonstrating competency. The association shared descriptive data, knowing that *it was only a first step*. There is now an opportunity to learn more, and we plan to lead those efforts in collaboration with social work researchers and educators similarly committed to informed, substantive change.

A call to the profession

The value of high-quality, equity-informed supervision, a cornerstone of social work, might prove to be a key factor in promoting positive change, at least as it pertains to the Clinical examination.

There may be newfound opportunities to bolster the important and impactful relationship between a candidate and supervisor. ASWB invites supervisors, supervisees, field instructors, and interns to explore what does and does not work in a candidate's journey along the path to licensure.

Looking upstream offers potential insights as well as potential opportunities for impact. Peoples' stories—individually and collectively—start long before they meet with a social worker. And professionals know that those histories are crucial to the helping process. The same holds true for licensure. Ignoring or minimizing candidates' disparate experiences in the months, years, and even generations leading up to the exam conflicts with basic tenets of social work. ASWB contends that failing to honor peoples' histories and experiences prior to exam candidacy not only does a disservice to the profession, but it also dishonors the candidates themselves.

Accounting, engineering, medicine, nursing, teaching, social work, and other fields all have established standards of practice used to assess those seeking to enter the profession. However, historically female-dominated professions tend to be the most vulnerable to having their legitimacy as a true profession questioned and their standards diminished. ASWB is vigilant about factors that affect the practice of social work as a genuine profession, and as such, believes licensure serves the public good, for both consumers of services as well as licensees. As mandated guardians of the public trust, member regulatory boards across the United States and Canada are keenly attuned to consequences impacting the status of the profession and that potentially affect their mandate to protect and to be accountable to the public.

ASWB is committed to providing leadership in stimulating coordinated action consistent with the missions of partner organizations in elevating the status of the profession.

call to ourselves!

The data release offers social work a historic opportunity. From the regulatory side, ASWB is committed to leading change in collaboration with social work partner communities toward addressing the systemic and institutional factors that disproportionately affect Black licensure candidates and those of other historically marginalized groups. ASWB is actively seeking short- and long-term solutions by taking concerted actions:

- Exploring how the professional standard of competency is defined and measured
- Researching and understanding upstream factors accounting for differences in pass rates
- Revisiting the exam structure to increase equitable access, including possible alternative assessment formats
- Providing multiple avenues for engagement and respectful collaboration with the diverse voices of individuals and organizations, including educators, practitioners, and regulators

ASWB will do this work in full alignment with our mission and purpose and is committed to offering regular updates on our progress. Together, we can work to make social work more equitable and to ensure the profession reflects values of antiracism, diversity, equity, and inclusion.

ASWB CEO Stacey D. Hardy-Chandler, Ph.D., J.D., LCSW and President Roxroy Reid, MSW, Ph.D., LCSW on behalf of the ASWB Board of Directors, invite you to:

- ✓ Volunteer to participate in a [community input session](#)
- ✓ [Share your thoughts](#) via [aswb.org](#)
- ✓ Send a question to exam@aswb.org
- ✓ Learn more about how [ASWB measures competence fairly](#)
- ✓ Learn more about [exams for the future of social work](#)
- ✓ Access free [exam resources for social work educators](#)

Exams for the future of social work

Social work is evolving and so are we.

ASWB is expanding how we understand and assess social work competencies.

We are enhancing our research-driven exam development process to reenvision who gives input into exam creation, how test-takers prepare, and what educators can do to help.

Learn more at aswb.org

ASWB ACTION STEPS

Social Work Workforce Coalition

major social work organizations contributing to the creation of exams for the future of social work

Community conversations

focus groups designed to invite additional input from social workers, expanding the range of voices heard

Exam research

definition and measurement of competence, upstream factors accounting for differences in pass rates, possible alternative assessment format

Exam resources for educators

a suite of free resources that provides support to social work educators as they prepare their students for success on the exam

Social Work Census

the largest practice analysis ever undertaken — offered in Spanish, French, and English — capturing who social workers are and what we do, so we can meet our profession where it is

