

Alliance for Multicultural Services
Association for the Advancement
of Mexican Americans (AAMA)
Avenue 360 Health & Wellness
Baylor College of Medicine Teen
Health Clinic
Behavioral Hospital of Bellaire
Career and Recovery Resources
Catholic Charities of the Arch-
diocese of Galveston-Houston
Cenikor Foundation
The Center for Success &
Independence
Communities In Schools of
Houston
The Council on Recovery
Covenant House Texas
Cypress Creek Hospital
DePelchin Children's Center
El Centro de Corazón
Family Houston
Fort Bend Regional Council on
Substance Abuse, Inc.
Harris County Protective Services
for Children & Adults
Harris County Public Health
Harris County Psychiatric Center
Harris Health System
Healthcare for the Homeless-
Houston
HGI Counseling Center
Houston Methodist
Houston Recovery Center
IntraCare Behavioral Health
Jewish Family Service
The Jung Center
Kingwood Pines Hospital
Krist Samaritan Center
Legacy Community Health
Memorial Assistance Ministries
The Menninger Clinic
Mental Health America of
Greater Houston
The Montrose Center
NAMI Greater Houston
Open Door Mission
The Salvation Army
Santa Maria Hostel, Inc.
SEARCH Homeless Services
SUN Behavioral Houston
Vecino Health Centers
Volunteers of America Texas
West Oaks Hospital
The Women's Home

October 20, 2020

The Honorable Greg Abbott
Governor, State of Texas
P.O. Box 12428
Austin, TX 78711

RE: Rescinding the Change to §781.201 Texas Administrative Code (TAC) Related to the Social Worker Code of Conduct

Dear Governor Abbott:

I am writing on behalf of The Network of Behavioral Health Providers (NBHP), a collaborative of the executives of 46 public and private mental health and substance use service provider organizations in the greater Houston area. NBHP members employ more than 5,000 behavioral health professionals and are committed to serving *all* individuals in need of mental health and substance use disorder services without discrimination. ***For this reason, we want to express our strong opposition to the rule change adopted on Friday, October 9 during the joint meeting of the Texas Behavioral Health Council (TBHEC) and the Texas State Board of Social Worker Examiners (TSBSWE) that removed language prohibiting social workers from refusing to serve clients solely due to their disability, sexual orientation, gender identity and expression.***

While federal laws regarding disability generally categorize serious mental illness (SMI) and co-occurring substance use disorders (SUDs) as disabilities, individuals with physical, intellectual and developmental disabilities also “have a higher prevalence of SMI and SUD, as well as lower treatment rates for both conditions than do people without these disabilities.”ⁱ According to the 2015 Behavioral Risk Factor Surveillance System in Texas, “LGBT adults...were significantly more likely to have been diagnosed with a depressive disorder by a health care professional than non-LGBT adults.”ⁱⁱ In Houston and Fort Worth, “LGB students were much more likely to have seriously considered suicide...compared to non-LGB students.”ⁱⁱⁱ For both of these groups, the need for treatment is high, yet discrimination may act as a barrier preventing them from receiving needed services.

The National Association of Social Workers Code of Ethics clearly states that “social workers should not practice, condone, facilitate, or collaborate with any form of discrimination,” including on the basis of sexual orientation, gender identity and disability.ⁱⁱⁱ ***For the TBHEC and TSBSWE to remove these protections from the state Code of Ethics creates the perception that the Boards will in fact condone and tolerate such blatantly unethical behavior from their licensees.***

Although we understand that when you made this recommendation you were trying to ensure alignment between §781.201 TAC and §505.451 Occupations Code, Texas law specifically gives the TSBSWE the authority to propose rules to the TBHEC regarding “the scope of practice of and standards of care and ethical practice for social work.”^{iv} More importantly, however, is the fact that the current TAC rule does **not** conflict with anything in Texas statute. §781.201 TAC lists a number of discriminatory actions that are considered unethical conduct (which, again, Texas statute gives TSBSWE the authority to propose) and states that those actions are grounds for discipline. §505.451 Occupations Code, on the other hand, does not address ethics but lays out which types of discriminatory actions require discipline. ***In short, while the TAC describes unethical behavior and potential discipline for the behavior, the statute simply specifies which of those behaviors require discipline, so there is no inherent conflict or misalignment between the two.*** Maintaining the rule change, however, would in fact conflict with the National Social Worker Code of Ethics.

As Timothy M. Brown, Chair of the TSBSWE, wrote some two years ago, “If not for a regulatory board, who would advocate that unethical practitioners must be held accountable—and that social justice be served?”^v With its recent actions, the TSBSWE is abdicating its responsibility to do just that.

It is our firm belief that this rule change will further reinforce the stigma of behavioral health services and discourage people with disabilities, LGBTQ communities and other vulnerable populations from seeking and receiving needed services, as well as do irreparable harm to the practice of social work and the field of behavioral health at-large. ***We are asking that you request that the Board reverse this rule, and, if there is still desire to move forward with such a change, to post it in the Texas Register as is appropriate in order to allow for public comment.***

Thank you in advance for your consideration of this request. If you have any questions or would like to talk further about this matter, please do not hesitate to contact me at 832-577-4602.

Sincerely



Andrea Usanga
Executive Director

cc: Alice Bradford, Executive Director, Texas State Board of Social Worker Examiners
Timothy M. Brown, Chair, Texas State Board of Social Worker Examiners
Gloria Consecro, Chair, Texas Behavioral Health Executive Council

ⁱ Substance Abuse and Mental Health Services Administration. *Advisory: Mental and Substance Use Disorder Treatment for People With Physical and Cognitive Disabilities*. Retrieved from: https://store.samhsa.gov/sites/default/files/d7/priv/pep19-02-00-002_508_022620.pdf

ⁱⁱ UCLA School of Law, Williams Institute. *The Impact of Stigma and Discrimination Against LGBT People in Texas*. 2017. Retrieved from: <https://williamsinstitute.law.ucla.edu/publications/impact-lgbt-discrimination-tx/>

ⁱⁱⁱ National Association of Social Workers. *Code of Ethics: Ethical Standards, 4.02. Discrimination*. Revised 2017. Retrieved from: <https://www.socialworkers.org/About/Ethics/Code-of-Ethics/Code-of-Ethics-English>

^{iv} §505.2015 Texas Occupations Code. Retrieved from: <https://statutes.capitol.texas.gov/Docs/OC/htm/OC.505.htm>

^v Brown, Timothy. *The New Social Worker. “Case in Point: How Social Work Regulation Advocates for Client Protection.”* 2018. Retrieved from: <https://www.socialworker.com/extras/social-work-month-2018/case-in-point-how-social-work-regulation-advocates-client-protection/>