



October 26, 2020

Gloria Canseco  
Presiding Member  
Texas Behavioral Health Executive Council

Alice Bradford  
Executive Director  
Texas State Board of Social Worker Examiners

Good Afternoon,

The Disability Policy Consortium (DPC) would like to thank you for the opportunity to submit public comment today. The DPC is a coalition of over 20 organizations that share a passion for disability rights. We stand for Texans with disabilities and with the LGBTQ+ community in condemning the recent rule change, which eliminated rules to protect our communities from being discriminated against by social workers. We ask that the Texas State Board of Social Worker Examiners reestablish anti-discrimination protections in §781.201 of the Texas Administrative Code immediately.

As a group, we support the accessibility of social work services for everyone. We recognize the prevalence of discriminatory practices which persist against people with disabilities and affirm the necessity of rule language to protect their rights in conjunction with federal law. Without explicit anti-discrimination language established, the door remains open for social workers with prejudices against the disability community to turn them away. It allows for opportunities for practitioners to pick and choose less severe cases they believe have higher chances of success, over those who have the potential for the same success but require slightly more support.

While the board claims this rule change will not have a significant impact on the disability community because people with disabilities are still protected under a number of federal anti-discrimination laws and regulations, the elimination of the protections has been a bold statement about how little they value the rights of those who are LGBTQ+ and/or have a disability. We would like to remind the board that the LGBTQ+ and disability communities are not mutually exclusive. Laws which protect people with disabilities despite this rule change do not protect people with disabilities who are lesbian, gay, bisexual, transgender, queer, and gender-fluid. There are Texans who have disabilities, who are LGBTQ+, and who are intersectional. They all deserve protections, whether they have a disability, are LGBTQ+, or both.

Additionally, we firmly contend that the assurance of federal protections does not address the potentially severe implications of the change. The board must consider the following scenarios this rule change facilitates: The social worker in foster care who knows placing a child who is blind may take more time, so they choose not to work with them. The hospital social worker who is not comfortable working with a gay sexual assault victim with cerebral palsy, so he or she goes without recovery services. The career counselor at the Texas Workforce Commission, who



is a licensed social worker, and is now permitted to turn away an employment support seeker with Down Syndrome because the person with Autism seems easier to place.

Furthermore, for people with disabilities who are not as experienced or familiar with their federal protections, it would be reasonable to learn about the rule changes and take away the following information: “People who I used to rely on for support can now refuse to help me.” For some, the idea of going without services will be easier to cope with than being discriminated against by a group that is meant to support people, or trying to navigate the complexities of finding someone who is sure to work with them. DPC members are concerned the lack of protections will discourage people who need social workers from seeking their services. Such discouragement can cause drops in employment, decrease education program enrollment, and prevent people from getting life-saving information about medical, recovery, family, and community supports.

The Board and its influencers have a responsibility to rescind the rule change and maintain protections for targeted populations and social workers, who should never be permitted or asked to go against federal and human equity standards. We do not want prejudiced practitioners to be allowed to act on their own bias, and we do not want prejudice leadership to be within their rights to pressure subordinates to make discriminatory decisions.

Our government is built on the idea that people will have the opportunity to be actively involved in the decisions which will affect them. This idea was neglected when this rule change was made. Now, placed in a position to make a retroactive request, we ask that the Texas Behavioral Health Executive Council and the Texas State Board of Social Worker Examiners reestablish the anti-discrimination and protection rules in their code of conduct. We also ask that when future changes are made, the board request and actively pursue stakeholder feedback, so the implications of their decisions are proactively addressed. We ask this on behalf of people with disabilities, people who are LGBTQ+, and all groups who experience discrimination in Texas.

I would like to thank you again for your time. I am happy to answer any questions you may have, and I have provided DPC contact information should any questions or concerns come up at a later time.

Thank you,

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