

Testimony to BHEC r.e. the Rule Change to the Social Work Code of Conduct

October 27, 2020

Good afternoon Chair Canseco and members of the Council. My name is Dr. Megan Mooney. My pronouns are she/her/hers. I am the current President for the Texas Psychological Association.

I sincerely appreciate the vote this morning by the BHEC to keep the social workers' original rule in place. I also appreciate Mr. Bielamowicz's motion and the Council's approval of the request for an opinion from the AG as to why the statutory authority given to BHEC would *not* include the ability to approve language that prohibits discriminatory behaviors by licensees of any of the Boards under BHEC.

Although psychologists do not yet have comparable language in our Texas Board rules, we have our code of ethics from the American Psychological Association (2017) which asserts that "In their work-related activities, psychologists do not engage in unfair discrimination based on age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, socioeconomic status, or any basis proscribed by law." In fact, APA asserts that "there exists essential incompatibility between APA's existing policies and discriminatory laws, policies and practices that seek to limit the rights of individuals, including but not limited to sexual and gender minorities" (APA, 2020).

In the profession of psychology, we are charged with using science and data to drive our decisions regarding providing appropriate care, treatment planning, and public statements. As BHEC moves forward with consideration of enacting rules related to professional standards of behavior, I would like to share with you all that we have ample evidence to suggest that perceived discrimination based on factors such as race, gender, and sexual orientation is linked to a variety of negative physical and mental health outcomes (e.g., Pascoe & Richman, 2009).

It is not just that discrimination in our communities and daily lives is of concern. There is evidence that there are negative impacts of state-level policies such as the ones being discussed today on the mental health and well-being of citizens. For example, research (Hatzenbuehler et al, 2009) shows that LGBTQ people living in states with social policies that did not extend protection to lesbian, gay, and bisexual individuals, have significantly higher rates of multiple psychiatric disorders including depression, anxiety, and PTSD.

APA advises that psychologists seek not just to “do no harm” but also to do good. In that vein, APA (2020) has provided that “there is an emerging body of research suggesting that *nondiscriminatory or equalizing* legislation has significant *positive* implications for LGBTQ+ people. That is, the *absence* of discriminatory policies is not enough; rather, policies must be put in place which codify *protections* for LGBTQ+ people into law.” Thus, the new consideration discussed by BHEC today to adopt language prohibiting discriminatory behaviors by licensees could potentially help the mental health and well-being of Texans simply by enacting such rules.

Earlier this year, APA issued a formal resolution stating that

- “APA reaffirms its opposition to discrimination against LGBTQ+ people and will take a leadership role in actively opposing the adoption of discriminatory laws, policies, and practices as well as advancing equalizing laws, policies, and practices...
- APA opposes the enactment of laws, policies, and procedures that exempt any group from following antidiscrimination laws designed to protect any group.”

In the past three years, I have had increasing conversations with my young clients about politics and the changes to laws and policies that specifically negatively impact LGBTQ+ people in the United States and Texas. I have been a licensed psychologist in Texas for over a decade and have treated children and families for almost 20 years. I have never had the kinds of conversations related to just fear of being alive as I have in the past three years. The majority of my clients are LGBTQ+ youth, many of whom are fearful for their safety and their ability to access affirming medical and mental health care in Texas. They are acutely aware of how decisions such as yours impact their own well-being and they are scared and angry. Just this past Friday, one of my clients who is a 17-year-old transgender Honors student in high school said, “Our lives have become a ballpark for politics.”

I am therefore here today as the President of TPA, a member of APA, and a licensed psychologist who fights every day to help young LGBTQ+ people to stay alive and hold onto hope for a better world and a safer environment in which they can live. I am registering my opposition to *any* changes to rules guiding the conduct of mental health professionals in Texas that promote discrimination against people on the basis of their gender identity and expression,

sexual orientation, and/or disability status. And I will gladly return in the future to register my wholehearted support for any changes that protect our most vulnerable Texans by enacting any language that prohibits discriminatory behaviors against members of the LGBTQ+ or disability communities by licensees.