

HOUSE No. 4262

The Commonwealth of Massachusetts

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, No. 174, a Bill modernizing the board of registration of social workers (House, No. 4262). September 29, 2009.

An Act TO MODERNIZE THE BOARD OF REGISTRATION OF SOCIAL WORKERS.

FOR THE COMMITTEE:

NAME:	DISTRICT/ADDRESS:
Theodore C. Speliotis	13th Essex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act TO MODERNIZE THE BOARD OF REGISTRATION OF SOCIAL WORKERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 80 of chapter 13 of the General Laws as appearing in the 2006 Official Edition, is hereby amended by striking such section and inserting in place thereof the following:-

Section 80. There shall be a board of registration of social workers hereinafter called the board, which shall consist of nine members to be appointed by the governor. Members of the board shall be residents of the commonwealth and citizens of the United States. Six members of the board shall be licensed under the provisions of sections one hundred and thirty to one hundred and thirty-seven, inclusive, of chapter one hundred and twelve. Three members shall be licensed independent clinical social workers, one member shall be a licensed certified social worker, one member shall be a licensed social worker, and one member shall be a licensed social work associate. Three members shall be selected from and shall represent the general public.

Of the members required to be licensed, one shall be an active member of an organized labor organization representing social workers. At least one licensed social work member and one member representing the general public shall be from a minority group, as defined by the federal Department of Health and Human Services. No more than six members of the board shall belong to any one political party.

SECTION 2. Section 81 of chapter 13 of the General Laws is hereby amended by adding the following sentence at the end thereof:-

Each member of the board shall serve for a term of three years and may continue to serve until replaced. No member shall be appointed to more than two consecutive full terms, provided, however, that a member appointed for less than a full term may serve two full terms in addition to such part of a full term. All board members shall be subject to chapter 268A and shall be public employees for the purposes of chapter 258 for all acts or omissions within the scope of their duties as board members.

SECTION 3. Section 84 chapter 13 of the General Laws is hereby amended by striking such section and inserting in place thereof the following:-

The board shall at its first meeting and, annually thereafter, elect from among its members, by majority vote, a chairman, vice-chairman, and secretary. Such officers shall serve until their successors are elected and qualified. The board shall meet at least once every 6 months and may hold additional meetings as necessary to discharge its duties. A majority of the serving members shall constitute a quorum.

The board shall be under the supervision of the division of professional licensure and have the following powers and duties: (i) to administer and enforce sections 130-137 inclusive, of chapter 112; (ii) to adopt rules and regulations governing the licensure of social workers and the practice of social work to promote the public health, welfare and safety of citizens of the commonwealth; (iii) to establish standards of professional and ethical conduct; (iv) to establish standards for continuing education reflecting acceptable national standards; and (v) to investigate complaints, conduct inspections, review billing and treatment records, and set and administer penalties as defined in sections 61 to 65E of chapter 112, inclusive, and sections 130-137, inclusive, of chapter 112 for fraudulent, deceptive, or professionally incompetent and unsafe practices and for violations of rules and regulations promulgated by the board. Conduct which places into question the holder's competence to practice social work shall include, but not be limited to: (1) committing fraud or misrepresentation in obtaining a license; (2) criminal conduct which the board determines to be of such a nature as to render the person unfit to practice as a social worker, as evidenced by criminal proceedings which resulted in a conviction, guilty plea, or plea of nolo contendere, or an admission of sufficient facts; (3) violating any rule or regulation of the board; (4) failing to reasonably cooperate with the board or its agents in the conduct of an inspection or investigation.

The board may issue orders to licensees directing them to cease and desist from unethical or unprofessional conduct if the board finds, after the opportunity for a hearing, that the licensee has engaged in such conduct. No person filing a complaint, reporting or providing information pursuant to this clause or assisting the board at its request in any manner in discharging its duties and functions, shall be liable in any cause of action arising out of such complaints, reporting or providing of information or assistance; provided, however, that the person making such complaint or reporting or providing such information or assistance does so in good faith.

Licensing and application fees collected by the board shall be as prescribed by the executive office of administration and finance pursuant to section 3B of chapter 7 and shall be deposited into the trust fund established in section 35V of chapter 10.

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THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE BOARD OF REGISTRATION OF SOCIAL WORKERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 13 of the General Laws is hereby amended by striking out section 80, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

Section 80. There shall be a board of registration of social workers hereinafter called the board, which shall consist of 9 members to be appointed by the governor. Members of the board shall be residents of the commonwealth and citizens of the United States. Six members of the board shall be licensed under the provisions of sections 130 to 137, inclusive, of chapter 112; provided, however, that 3 members shall be licensed independent clinical social workers, 1 of whom shall be a licensed certified social worker, 1 of whom shall be a licensed social worker and 1 of whom shall be a licensed social work associate; and provided further, that 1 member shall be an active member of an organized labor organization representing social workers. Three members shall be selected from and shall represent the general public. At least 1 licensed social work member and 1 member representing the general public shall be from a minority group, as defined by the federal Department of Health and Human Services. No more than 6 members of the board shall belong to any 1 political party.

SECTION 2. Section 81 of said chapter 13, as so appearing, is hereby amended by adding the following sentence:- Each member of the board shall serve for a term of 3 years and may continue to serve until replaced. No member shall be appointed to more than 2 consecutive full terms; provided, however, that a member appointed for less than a full term may serve 2 full terms in addition to the part of a full term. All board members shall be subject to chapter 268A and shall be public employees for the purposes of chapter 258 for all acts or omissions within the scope of their duties as board members.

SECTION 3. Said chapter 13 is hereby further amended by striking out section 84, as so appearing, and inserting in place thereof the following section:-

Section 84. The board shall at its first meeting and, annually thereafter, elect from among its members, by majority vote, a chairman, vice-chairman and secretary. The officers shall serve until their successors are elected and qualified. The board shall meet at least once every 6 months and may hold additional meetings as necessary to discharge its duties. A majority of the serving members shall constitute a quorum.

The board shall be under the supervision of the division of professional licensure and have the following powers and duties: (1) to administer and enforce sections 130 to 137, inclusive, of chapter 112; (2) to adopt rules and regulations governing the licensure of social workers and the practice of social work to promote the public health, welfare and safety of citizens of the commonwealth; (3) to establish standards of professional and ethical conduct; (4) to establish standards for continuing education reflecting acceptable national standards; and (5) to investigate complaints, conduct inspections, review billing and treatment records, and set and administer penalties as defined in sections 61 to 65E, inclusive, of said chapter 112 and sections 130 to 137, inclusive, of said chapter 112 for fraudulent, deceptive, or professionally incompetent and unsafe practices and for violations of rules and regulations promulgated by the board; provided, however, that conduct which places into question the holder's competence to practice social work shall include, but not be limited to: (i) committing fraud or misrepresentation in obtaining a license; (ii) criminal conduct which the board determines to be of such a nature as to render the person unfit to practice as a social worker, as evidenced by criminal proceedings which resulted in a conviction, guilty plea, or plea of nolo contendere, or an admission of sufficient facts; (iii) violating any rule or regulation of the board; and (iv) failing to reasonably cooperate with the board or its agents in the conduct of an inspection or investigation.

The board may issue orders to licensees directing them to cease and desist from unethical or unprofessional conduct if the board finds, after the opportunity for a hearing, that the licensee has engaged in such conduct. No person filing a complaint, reporting or providing information under this section or assisting the board at its request in any manner in discharging its duties and functions, shall be liable in a cause of action arising out of the complaints, reporting or providing of information or assistance; provided, however, that the person making the complaint or reporting or providing information or assistance does so in good faith.

Licensing and application fees collected by the board shall be as prescribed by the executive office of administration and finance under section

H. 4262

3B of chapter 7 and shall be deposited into the Division of Professional Licensure Trust Fund established in section 35V of chapter 10.

House of Representatives, December 7, 2009.

Passed to be enacted,

Paul D. Amato Speaker.

In Senate, December 7, 2009.

Passed to be enacted,

Thomas M. McSee President.

17 December, 2009.

Approved,

[Signature]

Governor.