

HOUSE No. 174

The Commonwealth of Massachusetts

In the Year Two Thousand 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:

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

4 Section 80. There shall be a board of registration of social workers which shall consist of
5 nine members to be appointed by the governor. Members of the board shall be residents of the
6 commonwealth. Seven members of the board shall be licensed under the provisions of sections
7 one hundred and thirty to one hundred and thirty- seven, inclusive, of chapter one hundred and
8 twelve and shall have been actively engaged in the practice or education of social work as
9 defined in section one hundred and thirty of chapter one hundred and twelve for the five years
10 next preceding their appointment. Of the seven licensed members, five members shall be
11 licensed independent clinical social workers or licensed certified social workers as defined in
12 section one hundred and thirty of chapter one hundred and twelve, one member shall be a
13 licensed social worker as defined in section one hundred and thirty of chapter one hundred and
14 twelve, and one member shall be a licensed social work associate as defined in section one

15 hundred and thirty of chapter one hundred and twelve. One member shall be an active member of
16 an organized labor organization representing social workers, and one shall be engaged in social
17 work education. Two members shall be selected from and shall represent the general public. At
18 least one member shall be from a minority group, as defined by the United States Department of
19 Health and Human Services.

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

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

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

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

35 The board shall be under the supervision of the division of professional licensure and
36 have the following powers and duties: (i) to administer and enforce sections 130-137 inclusive,

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

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

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