

HOUSE No. 4262

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

12 Of the members required to be licensed, one shall be an active member of an organized
13 labor organization representing social workers. At least one licensed social work member and
14 one member representing the general public shall be from a minority group, as defined by the

15 federal Department of Health and Human Services. No more than six members of the board shall
16 belong to any one political party.

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

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

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

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

32 The board shall be under the supervision of the division of professional licensure and
33 have the following powers and duties: (i) to administer and enforce sections 130-137 inclusive,
34 of chapter 112; (ii) to adopt rules and regulations governing the licensure of social workers and
35 the practice of social work to promote the public health, welfare and safety of citizens of the
36 commonwealth; (iii) to establish standards of professional and ethical conduct; (iv) to establish

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

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

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