

Senate No. 2476

Senate, June 15, 2021 -- Majority Report on the Governor's Reorganization Plan No. 1 of 2021
(submitted by the Governor pursuant to Article LXXXVII of the Amendments to the Constitution) An
Act reorganizing certain licensing agencies of the executive department (House, No. 3774).

The Commonwealth of Massachusetts

Majority Report

On

The Governor's Reorganization Plan

No. 1 of 2021

(submitted by the Governor pursuant to [Article LXXXVII of the Amendments to the Constitution](#))

An Act reorganizing certain licensing agencies of the executive department

House, No. 3774

MAJORITY REPORT

ON THE GOVERNOR'S REORGANIZATION PLAN No. 1

House, No. 3774 (of 2021-2022)

AN ACT REORGANIZING CERTAIN LICENSING AGENCIES OF THE EXECUTIVE DEPARTMENT

House, No. 3774, filed under the provisions of Article 87 of the state Constitution and Joint Rule 32A of the two branches of the General Court, is the Governor's plan to transfer 13 health-related boards of licensure currently within the Division of Professional Licensure to the Department of Public Health, and to change the name of the Division of Professional Licensure to the Division of Occupational Licensure.

According to the Governor, in a cover letter submitted with the Reorganization Plan No. 1 (House, No. 3774) at the time of its filing on May 19, 2021, by transferring these health-related licensing boards, the Commonwealth will be better served with these licensing functions within an agency more appropriately aligned with their areas of expertise.

Further, the Governor holds that the approximately 88,000 licensed health professionals affected will directly benefit from the oversight of the Department of Public Health, which is staffed by many public health experts and licensed health professionals who regularly work with the myriad of state and federal laws and regulations. Such action would foster more collaboration and coordination between the Department of Public Health, the boards, and licensed health professionals.

Upon the transfer of these health-related boards, the Division of Professional Licensure would retain oversight of 15 boards of registration covering occupational licensure ranging from electricians to massage therapists, as well as oversight of 10 boards or governing bodies within the Office of Public Safety and Inspections, and the Office of Private Occupational School Education. Proponents of House, No. 3774 maintain that changing the name of the agency to the Division of Occupational Licensure would more accurately reflect its function and purpose.

The high points of Reorganization Plan No. 1, as presented to the General Court in House, No. 3774, are as follows:

Changes the agency's name from the Division of Professional Licensure to the Division of Occupational Licensure with immediate effect.

Transfers the several boards currently within the Division of Professional Licensure to the Department of Public Health as follows: the board of registration in naturopathy, the board of registration of social workers, the board of registration of psychologists, the board of registration of allied mental health and human services professions, the board of allied health professions, the board of registration of dietitians and nutritionists, the board of registration in podiatry, the board of registration in optometry, the board of registration of dispensing opticians, the board of registration of chiropractors, the board of registration of speech-language pathology and audiology, the board of registration of hearing instrument specialists, the board of certification of health officers, the board of registration of sanitarians.

Replaces the trust fund serving the board of physical therapists with the Department of Public Health trust fund (part of the board of allied mental health)

Replaces language in section 113V of chapter 175 of the General Laws, which currently reflects boards under the Division of Professional Licensure dealing with automobile insurance fraud.

Charges the Division of Professional Licensure and Department of Public Health with developing and implementing a transfer agreement for the relocated boards; the services of the transferring boards shall not be interrupted; personnel, monetary responsibilities, and physical artefacts shall also be transferred. With a transfer to occur either upon the execution of a transfer agreement or 18 months after the passage of the legislation, whichever comes first.

As this bill was filed pursuant to the provisions of Article LXXXVII of the amendments to the Constitution, it cannot be amended and must be accepted or rejected as presented.

1. The Joint Committee on Consumer Protection and Professional Licensure, to whom was referred Reorganization Plan No. 1 (House, No. 3774) of His Excellency the Governor, reports recommending that the Plan **ought to be approved**.
2. The Legislature has the duty and the authority under the Constitution to review any proposed reorganization plan for the executive branch. Under Article 87 of the Amendments to the Constitution, the Legislature is required to take action in an “up or down” vote on the entire reorganization plan submitted by the Governor within 60 days of its filing.
3. During the Committee’s June 7th public hearing on House, No. 3774, members took testimony from the Commissioner of the Department of Professional Licensure relative to the benefit of further reorganizing the Department of Public Health into a “one-stop-shop” for consumers’ benefit via a unified approach to healthcare professional practice standards and consistent regulatory enforcement efforts. The Department of Public Health is similarly organized and operates much like the Division of Professional Licensure at it relates licensure and enforcement.
4. The Committee has been assured that as part of the 18-month transition process, the Department of Public Health will receive the necessary support from the Division of Professional Licensure in the form of transferring staff and financial resources. This would include administrative and director staff, as well as investigators and attorneys who handle enforcement efforts for these boards. Such staff members with years of experience will preserve continuity and ensure that there is no loss of knowledge in the reorganization.
5. As outlined in House, No. 3774, relevant trust funds will be redirected appropriately to ensure that the Department of Public Health receives the revenues generated by these boards and their enforcement activities. The Committee understands that the Department of Public Health will also have access to other outside funds historically received by the Department of Professional Licensure in support of its healthcare boards and related healthcare enforcement efforts, such as Healthcare Fraud monies which come from the Automobile Insurers Bureau.
6. Further, the Committee has been assured that outside of these changes and the transfer of these health-related boards, there will be little to no impact to the Division of Professional Licensure or any of its other programs, and that Division staff and resources devoted to non-health boards will not be affected.
7. In light of these attestations, the Committee recommended during public executive session on June 14th that House, No. 3774 **ought to be approved**.

We, the undersigned members of the Joint Committee on Consumer Protection and Professional Licensure recommend that the Reorganization Plan, House, No. 3774 **ought to be approved.**

Senate

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