

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Michael J. Rodrigues**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to modernize the board of registration of social workers.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Michael J. Rodrigues

8th Bristol

Michael W. Morrissey

# 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:*

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

3

4   Section 80. There shall be a board of registration of social workers which shall consist of nine members  
5 to be appointed by the governor. Members of the board shall be residents of the commonwealth.  
6 Seven members of the board shall be licensed under the provisions of sections one hundred and thirty  
7 to one hundred and thirty- seven, inclusive, of chapter one hundred and twelve and shall have been  
8 actively engaged in the practice or education of social work as defined in section one hundred and thirty  
9 of chapter one hundred and twelve for the five years next preceding their appointment. Of the seven  
10 licensed members, five members shall be licensed independent clinical social workers or licensed  
11 certified social workers as defined in section one hundred and thirty of chapter one hundred and twelve,  
12 one member shall be a licensed social worker as defined in section one hundred and thirty of chapter  
13 one hundred and twelve, and one member shall be a licensed social work associate as defined in section  
14 one hundred and thirty of chapter one hundred and twelve. One member shall be an active member of  
15 an organized labor organization representing social workers, and one shall be engaged in social work  
16 education. Two members shall be selected from and shall represent the general public. At least one  
17 member shall be from a minority group, as defined by the United States Department of Health and  
18 Human Services.

19

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

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

28

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

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

37

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

54

55 The board may issue orders to licensees directing them to cease and desist from unethical or  
56 unprofessional conduct if the board finds, after the opportunity for a hearing, that the licensee has  
57 engaged in such conduct. No person filing a complaint, reporting or providing information pursuant to

58 this clause or assisting the board at its request in any manner in discharging its duties and functions,  
59 shall be liable in any cause of action arising out of such complaints, reporting or providing of information  
60 or assistance; provided, however, that the person making such complaint or reporting or providing such  
61 information or assistance does so in good faith.

62

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