

Accompanying the twenty-ninth recommendation of the Executive Office of Consumer Affairs and Business Regulation (House, No. 33). Government Regulations.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT RELATIVE TO THE BOARDS OF REGISTRATION WITHIN THE DIVISION OF REGISTRATION.

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 61 of chapter 112 of the General Laws,
2 as appearing in the 1988 Official Edition, is hereby amended by
3 striking out the first paragraph in its entirety and inserting in place
4 thereof the following two paragraphs: —

5 Except as otherwise provided by law, each board of registration
6 within the division of registration may, by a majority vote of the
7 whole board and upon a determination made after a hearing that
8 the holder of a certificate, registration, license or authority issued
9 by it is guilty of any of the offenses enumerated in this section,
10 a) suspend, revoke or cancel such certificate, registration, license
11 or authority; b) reprimand or censure such holder; c) impose upon
12 such holder a fine not to exceed one thousand dollars; d) require
13 such holder to perform up to one hundred hours of public service
14 in a manner and at a time and place determined by the board;
15 e) require such holder to complete additional education or
16 training; f) require such holder to practice under appropriate
17 supervision for a period of time determined by the board;
18 g) require such holder to participate in an alcohol or drug
19 rehabilitation program; or h) require restitution where appro-
20 priate.

21 Each such board of registration shall discipline the holder of
22 a certificate, registration, license or authority issued by it in
23 accordance with the provisions of this section if such holder a)
24 is guilty of conduct which places into questions the holder's

25 competence to practice his profession, including but not limited
26 to gross misconduct in the practice of the profession, or practicing
27 the profession fraudulently or beyond its authorized scope, or with
28 gross incompetence, or with negligence on more than one
29 occasion; b) is guilty of abuse, or excessive use of drugs, including
30 alcohol, drugs or chemicals; c) has been convicted of a criminal
31 offense which reasonably calls into questions the licensee's ability
32 to practice his or her profession; d) is guilty of dishonesty, fraud
33 or deceit which is reasonably related to the practice of his
34 profession; e) had a certificate, registration, license or authority
35 issued by another state or territory of the U.S. or the District of
36 Columbia or if the basis for the action would constitute a basis
37 for disciplinary action in the Commonwealth; f) is guilty of
38 violating any rule or regulation of the board of registration
39 governing the practice of his or her profession.

1 SECTION 2. Said chapter 112, is hereby further amended by
2 adding, after section 61, the following section: —

3 Section 62A. Notwithstanding any provision of this chapter to
4 the contrary, no board of registration shall refuse to issue to an
5 applicant a certificate, registration, license or authority because
6 of such applicant's nationality or duration of residence in the
7 Commonwealth.

1 SECTION 3. Said chapter 112 is hereby further amended by
2 adding, after section 62A, the following section: —

3 Section 62B. No such board shall suspend a certificate,
4 registration, license or authority for a period exceeding two years.
5 Upon the petition of a person whose license has been revoked,
6 any such board, may by a majority vote of the whole board,
7 reinstate such certificate, registration, license or authority if the
8 board determines that such reinstatement will not adversely affect
9 the public health, safety or welfare; provided, that no board shall
10 act on any petition until three years after the effective date of a
11 revocation.

1 SECTION 4. Section 65 of chapter 112 is hereby amended by
2 striking it in its entirety and inserting in place thereof the following
3 section: —

4 Section 65. Whoever continues to practice any trade or
5 profession after his certificate, registration, license or authority
6 authorizing him so to do has been suspended, revoked or canceled
7 under authority of section sixty-one, and while such disability
8 continues, or any person continues to practice any trade or
9 profession after his certificate, registration, license or authority
10 authorizing him so to do has expired, shall be punished by a fine
11 of not more than one thousand dollars or by imprisonment for
12 not more than six months, or both.

1 SECTION 5. Said chapter 112 is hereby further amended by
2 adding, after section 65, the following section: —

3 Section 65A. The provisions of sections 65B to 65G inclusive
4 shall apply to the following boards of registration: Allied Health
5 Professions, Barbers, Chiropractors, Cosmetology, Dentistry,
6 Dispensing Opticians, Funeral Service, Certification of Health
7 Officers, Nursing Home Administrators, Optometry, Pharmacy,
8 Podiatry, Psychologists, Public Accountancy, Real Estate
9 Brokers and Salesmen, Respiratory Care, Sanitarians, Social
10 Workers, Speech Language Pathology and Audiology, Veterinary
11 Medicine, and Allied Mental Health and Human Service
12 Professionals.

1 SECTION 6. Said chapter 112 is hereby further amended by
2 adding after Section 65A, the following section: —

3 Section 65B. Except as otherwise permitted by law, whoever
4 engages in the practice of any trade or profession, enumerated in
5 the provisions of Section 65A of this chapter, for which a certi-
6 ficate, registration, license or authority is required shall, after a
7 hearing held pursuant to chapter 30A before any such board
8 having jurisdiction over the trade or profession, be subject to a
9 civil penalty not to exceed one thousand dollars. The provisions
10 of this paragraph shall not affect, but shall be in addition to, any
11 other penalty or remedy provided by law.

1 SECTION 7. Said chapter 112 is hereby further amended by
2 adding after section 65B, the following section: —

3 Section 65C. Notwithstanding any other provision of this
4 chapter or of any law to the contrary, the boards having juris-

5 diction over the practice of any health related profession, may
6 without a hearing, suspend or refuse to renew a registrant's certi-
7 ficate, registration, license or authority if such boards find that
8 the health, safety or welfare of the public warrants such summary
9 action, provided, that such boards shall, within seven days of such
10 summary action, afford the registrant the opportunity of a hearing
11 pursuant to chapter 30A of the General Laws. Any suspension
12 imposed by any such board shall remain in effect until the
13 conclusion of the proceedings, including judicial review thereof,
14 unless sooner dissolved by a court of competent jurisdiction or
15 withdrawn by any such board.

1 SECTION 8. Said chapter 112 is hereby further amended by
2 adding, after section 65C, the following section: —

3 Section 65D. Any board enumerated in the provisions of
4 section 65A of this chapter, may issue a certificate, registration,
5 license or authority, without examination, to an applicant
6 currently registered or licensed in another state or territory in the
7 United States or the District of Columbia or the Commonwealth
8 of Puerto Rico if the board determines that such applicant was
9 certified, registered licensed or authorized under laws which, in
10 the opinion of the board, require standards substantially
11 equivalent to the standards required by applicants in this
12 commonwealth.

1 SECTION 9. Said chapter 112 is hereby further amended by
2 adding, after section 65D, the following section: —

3 Section 65E. Said boards, as enumerated in section 65A of this
4 chapter, shall keep confidential any complaint, report, record or
5 other information received or kept by any board in connection
6 with an investigation conducted by the board pursuant to
7 section 61; provided, however, that, except to the extent that
8 disclosures of records or other information may be restricted as
9 otherwise provided by law, investigative records or information
10 of the board shall be kept confidential after the board has disposed
11 of the matter under investigation by issuing an order to show
12 cause, by dismissing a complaint or by taking other final action,
13 nor shall the requirement that investigative records or infor-
14 mation be kept confidential at any time apply to requests from

15 the person under investigation, the complainant, or other state
16 or federal agencies, boards or institutions as the board shall
17 determine by regulation.

1 SECTION 10. Said chapter 112 is hereby further amended by
2 adding, after section 65E, the following section: —

3 Section 65F. No such board and no such holder of a certifi-
4 cate, registration, license or authority issued by any such board
5 shall discriminate against any person on the basis of race, color,
6 sex, religion, national origin or handicap.

1 SECTION 11. Section 9 of chapter 13 of the General Laws,
2 as appearing in the 1986 Official Edition, is hereby amended by
3 adding, after the first paragraph, the following paragraph: —

4 The Secretary of Consumer Affairs and Business Regulation
5 shall have the authority to review and approve rules and regu-
6 lations proposed by the boards of registration, enumerated in
7 section 65A of this chapter, within the Division of Registration.
8 Such rules and regulations will be deemed approved unless
9 disapproved within fifteen days of submission to the Secretary;
10 provided, however, that any such disapproval shall be in writing
11 setting forth the reasons for such disapproval, and provided
12 further that such disapproval shall not be arbitrary, capricious or
13 against public policy.

1 SECTION 12. Chapter 13 of the General Laws, as appearing
2 in the 1986 Official Edition, is hereby amended by adding, after
3 section 9B, the following section: —

4 Section 9C. There shall be within the Division of Registration
5 an investigative unit, under the supervision of the Directory,
6 which shall investigate complaints relative to the trades and
7 professions regulated by the various boards of registration. The
8 investigative unit shall also perform inspections as directed by
9 various boards and the Director. The investigative unit shall
10 report the various results of all investigations and all inspections.
11 All final determinations as to the disposition of any complaint
12 shall be made solely by the board possessing jurisdiction. This
13 section shall not preclude any board from designating a hearing
14 officer who shall make recommendations to the board regarding
15 the disposition of the complaint.

1 SECTION 13. Said chapter 13 is hereby further amended by
2 adding, after section 9C, the following section: —

3 Section 9D. Notwithstanding any provision of chapter 112 or
4 of any other law to the contrary, members of the various boards
5 of registration shall be compensated for work actually performed
6 at such rate as may be established by the Executive Office of
7 Administration and Finance, and shall be reimbursed for the
8 reasonable expenses incurred in the performance of their duties,
9 provided, that the foregoing shall not adversely affect the
10 compensation of board members serving a term of office on the
11 effective date of this act.

1 SECTION 14. Said chapter 13 is hereby further amended by
2 adding, after section 9D, the following two sections: —

3 Section 9E. Notwithstanding any other provision or law to the
4 contrary the executive secretaries of the various boards shall be
5 appointed by the board with concurrence of the Director of the
6 Division of Registration.

7 Section 9F. Every board of registration shall have the power
8 to sue and be sued in its official name as an agency in the common-
9 wealth; to issue subpoenas to compel attendance of witnesses and
10 the production of documents; to administer oaths; to take
11 testimony and receive evidence concerning all matters within its
12 jurisdiction. In case of disobedience of a subpoena, the boards
13 may invoke the aid of any court of the commonwealth in requiring
14 the attendance and testimony of witnesses and the production of
15 documentary evidence. The boards, the members and their agents,
16 shall be immune from personal liability for actions taken in good
17 faith in the discharge of their responsibilities, and the common-
18 wealth shall hold the boards, their members and agents, harmless
19 from all costs, damages and attorney's fees arising from claims
20 and suits against them with respect to matters to which such
21 immunity applies.

1 SECTION 15. Said chapter 112 is hereby further amended by
2 adding, after section 65F, the following section: —

3 Section 65G. "No person filing a complaint or reporting or
4 providing information pursuant to this chapter or assisting any

5 board, as enumerated in section 65A of this chapter, at its request
6 in discharging its duties and functions shall be liable in any cause
7 of action arising out of the receiving of such information or assis-
8 tance, provided the person making the complaint or reporting or
9 providing such information or assistance does so in good faith
10 and without malice.”

The first part of the report deals with the general situation of the country and the progress of the work during the year. It is followed by a detailed account of the various projects and the results achieved. The report concludes with a summary of the work done and a list of the names of the persons who have assisted in the work.

The second part of the report deals with the financial statement of the year. It shows the total amount of money received and the amount expended. It also shows the balance carried over from the previous year and the amount of money available for the next year.

The third part of the report deals with the list of names of the persons who have assisted in the work. It is arranged in alphabetical order and includes the names of all the persons who have been named in the report.

The fourth part of the report deals with the list of names of the persons who have been named in the report. It is arranged in alphabetical order and includes the names of all the persons who have been named in the report.