

By Mr. Lees, a petition (accompanied by bill, Senate, No. 353) of Brian P. Lees for legislation to prohibit the unauthorized practice of psychotherapy. Government Regulations.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Four

AN ACT PROHIBITING THE UNAUTHORIZED PRACTICE OF PSYCHOTHERAPY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 112 of the General Laws is hereby amended by insert-
2 ing the following new sections: —

3 Section 22A. The following words shall have the following
4 meanings:

5 “Psychiatrist” means an individual licensed by the Board of
6 Registration in Medicine and who meets the qualifications set
7 forth in section two.

8 “Psychologist” means an individual licensed by the Board of
9 Registration of Psychology and who meets the qualifications set
10 forth in section one hundred and nineteen.

11 “Social Worker” means an individual licensed by the Board of
12 Registration of Social Workers and who meets the qualifications
13 set forth in section one hundred and thirty-one.

14 “Practice of Psychotherapy” means the rendering or offer to
15 render treatment, diagnosis, or counseling in a professional rela-
16 tionship, whether licensed or not, to assist individuals or groups to
17 alleviate mental disorders, understand unconscious or conscious
18 motivation, resolve emotional, relationship, or attitudinal con-
19 flicts, or modify behaviors which interfere with effective emotion-
20 al social, or intellectual functioning.

21 “Professional Relationship” means the rendering of services for
22 a fee, whether licensed or not.

23 Section 22B. Unauthorized practice of psychotherapy by a psy-
24 chiatrist, psychologist, or social worker whose license is suspend-
25 ed or revoked.

26 Upon suspension or revocation of the license of any psychia-
27 trist, psychologist, or social worker, the authorized licensing
28 board shall determine whether the disciplined individual has com-
29 mitted a patient care related misconduct. Such disciplined individ-
30 ual shall be deemed to have committed a patient care related mis-
31 conduct if the licensing board determines that the individual poses
32 a threat to current or future patients or clients. Any psychiatrist,
33 psychologist, or social worker whose license is suspended or
34 revoked due to misconduct which threatens the safety of his or her
35 patients or clients shall be deemed to have committed a patient
36 care related misconduct and shall not engage in the practice of
37 psychotherapy as long as the individual has a suspended or
38 revoked license.

39 In determining whether the disciplined individual poses a threat
40 to current or future patients or clients, the authorized licensing
41 board shall consider, but is not limited to:

42 1.) whether the misconduct places into question the dis-
43 ciplined individual's competence to engage in the practice of
44 psychotherapy;

45 2.) whether the disciplined individual was convicted of a crimi-
46 nal offense which reasonably calls into question his or her ability
47 to engage in the practice of psychotherapy;

48 3.) whether the disciplined individual physically abused or had
49 sexual contact with a patient or client;

50 4.) the likelihood of repeated offenses by the disciplined indi-
51 vidual.

52 Section 22C. Penalties.

53 Any person violating section twenty-two B shall be punished
54 by a fine of not more than one thousand dollars (\$1000) or by
55 imprisonment of not more than one year, or both, and each viola-
56 tion shall be deemed a separate offense.

57 Section 22D. Written Notice.

58 The authorized licensing board responsible for suspension or
59 revocation of the psychiatrists, psychologist or social worker's
60 license shall provide written notice to the psychiatrist, psycholo-
61 gist or social worker determined to have committed a patient care

62 related misconduct, stating that the psychiatrist, psychologist, or
63 social worker is prohibited from the future practice of psychother-
64 apy while the individual has a suspended or revoked license.
65 Notice shall be sent within fifteen days of the suspension or revo-
66 cations. The board of registration of medicine shall provide writ-
67 ten notice to a psychiatrist. The board of registration of psycholo-
68 gy shall provide written notice to a psychologist, and the board of
69 registration of social work shall provide written notice to a social
70 worker.

71 The notice is sufficient if served on the disciplined individual
72 personally or be certified mail, return receipt requested, to his or
73 her last known address.

74 Section 22E. Implementation.

75 The director of the Division of Registration shall promulgate
76 rules and regulations as necessary to effectuate the purposes of the
77 above section within ninety days of the passage of this bill into
78 law. Such rules and regulations shall include, but not be limited
79 to:

80 a.) criteria for determining whether a psychiatrist, psychologist
81 or social worker has committed a patient care related misconduct.

82 b.) procedures for notice to the authorized licensing boards and
83 disciplined individuals;

84 c.) procedures for monitoring the authorized licensing boards
85 and disciplined individuals to ensure compliance with the provi-
86 sions of this section.

