

By Ms. Stanley of West Newbury, petition of Harriett L. Stanley and other members of the General Court relative to the membership and duties of the Board of Allied Health Professions. Health Care.

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT RELATIVE TO THE BOARD OF ALLIED HEALTH PROFESSIONALS.

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 11A of Chapter 13, of the MGL shall be
2 amended by deleting the following words: “two such members
3 shall be physical therapists licensed in accordance with the provi-
4 sions of said section twenty-three B; one such member shall be a
5 physical therapist assistant licensed in accordance with the provi-
6 sions of said section twenty-three B” and inserting in place
7 thereof the following:— “three such members shall be physical
8 therapists licensed in accordance with the provisions of said
9 section twenty-three B;”.

1 SECTION. 2. Chapter 13, Section 11A, of MGL shall be
2 amended by adding after paragraph “c”, the following para-
3 graphs:—

4 (d) to conduct administrative proceedings in accordance with
5 chapter 30A regarding disciplinary matters; provided however,
6 that the provisions of subsection 12 of said chapter shall not apply
7 to these proceedings.

8 (e) to fine, censure, suspend, revoke or otherwise discipline
9 licensees pursuant to the disciplinary proceedings provided for
10 herein;

11 (f) to summarily suspend the license of licensees who pose an
12 imminent danger to the public provided a hearing is afforded to
13 the licensee within seven days of the board’s action to determine
14 whether such summarily action was warranted;

15 (g) to perform such other functions and duties as may be neces-
16 sary to carry out the provisions of this chapter

17 (f) the Board shall be empowered to deny or refuse to renew a
18 license, or suspend or revoke a license or issue an order to cease
19 and desist from certain conduct or to otherwise lawfully discipline
20 an applicant or licensee who has,

21 i. attempted to or obtained licensure by fraud or misrepresenta-
22 tion;

23 ii. engaged in unethical or unprofessional conduct, including,
24 but not limited to, willful acts, negligence or incompetence in the
25 course of professional practice.

26 iii. engaged in habitual intoxication or personal misuse of any
27 drug, including alcohol, narcotics or controlled substance so as to
28 adversely affect the person's ability to practice:

29 iv. been convicted of any offense under state or federal laws
30 involving moral turpitude; or

31 v. violated any lawful order, rule or regulation rendered or
32 adopted by the board. Such disciplinary action against an appli-
33 cant or licensee may include any or all of the following actions:

34 i. denial, suspension, revocation or cancellation of, or refusal to
35 renew such license

36 ii. placement of such a licensee on probation;

37 iii. reprimanding or censuring the holder of such license;

38 iv. assessing upon the holder of such license of a fine not to
39 exceed \$5,000 for each violation;

40 v. requiring the holder of such license to perform, for each vio-
41 lation up to 100 hours of community service in a manner and time
42 to be determined by the board

43 vi. requiring the holder of such license to complete additional
44 education and training as a condition of retention or reinstatement
45 of such license, or requiring an applicant for such license to com-
46 plete additional education and training as a condition for future
47 consideration of such application.

48 vii. requiring the holder of such license to participate in an
49 alcohol or drug rehabilitation program or undergo drug testing, or
50 both, as a condition of retention or reinstatement of such license,
51 or requiring an applicant for such license to participate in an
52 alcohol or drug rehabilitation program or undergo drug testing, or
53 both, as a condition for future consideration of such application;
54 and

55 viii. requiring the holder of such license to make restitution of
56 not more than \$50,000, where appropriate.

57 Nothing in this section shall be deemed a limitation on the
58 board's authority to impose such sanctions by consent agreement
59 as are deemed reasonable and appropriate by the board. Any
60 person aggrieved by any disciplinary action taken by the board
61 pursuant to this section may, pursuant to section 64 of
62 chapter 112, file a petition for judicial review of such disciplinary
63 action with the supreme judicial court. The supreme judicial court
64 shall have exclusive jurisdiction over all petitions and any such
65 petition shall be reviewed in accordance with the sin accordance
66 with the standards for review provided in paragraph (8) of
67 section 14 of chapter 30A.

68 After issuing an order for revocation or suspension the board
69 may also file a petition in equity in the superior court in the
70 county in which the respondent resides or conducts his practice, or
71 in the Suffolk county, to ensure appropriate injunctive relief to
72 expedite the secure enforcement of its order.

