

**HOUSE . . . . . No. 174**

By Mr. Rodrigues of Westport, a petition (accompanied by bill, House, No. 174) of Michael J. Rodrigues and others for legislation to further regulate the Registration Board of Social Workers, Children, Families and Persons with Disabilities.

**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	Norfolk and Plymouth
John V. Fernandes	10th Worcester
Steven J. D'Amico	4th Bristol
James Cantwell	4th Plymouth
Jonathan Hecht	29th Middlesex
James J. O'Day	14th Worcester District

# 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  
2 Edition, is hereby amended by striking such section and inserting in place thereof the following:-

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

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

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

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

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

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

45 The board may issue orders to licensees directing them to cease and desist from unethical or  
46 unprofessional conduct if the board finds, after the opportunity for a hearing, that the licensee has  
47 engaged in such conduct. No person filing a complaint, reporting or providing information pursuant to  
48 this clause or assisting the board at its request in any manner in discharging its duties and functions, shall  
49 be liable in any cause of action arising out of such complaints, reporting or providing of information or  
50 assistance; provided, however, that the person making such complaint or reporting or providing such  
51 information or assistance does so in good faith.

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