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state committee and the sum of one thousand dollars in the case of each town or ward committee. For the purposes of the limitations established by this section, all campaign contributions made by political committees established, financed, maintained or controlled by any person, including any parent committee of a subsidiary committee or any person other than a natural person, shall be considered to have been made by a single political committee. Nothing in this section shall be construed to permit contributions to political committees which are otherwise prohibited by this chapter.

**SECTION 3.** Section 7 of said chapter 55 is hereby amended by striking out the fifth sentence, as so appearing.

Approved November 24, 1987.

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**Chapter 520. AN ACT PLACING THE PAROLE BOARD UNDER THE PROVISIONS OF THE ADMINISTRATIVE PROCEDURES ACT.**

Be it enacted, etc., as follows:

Chapter 30A of the General Laws is hereby amended by inserting after section 1B, as appearing in the 1986 Official Edition, the following section:-

Section 1C. The parole board shall be subject to sections one to eight, inclusive, and shall not otherwise be subject to this chapter, notwithstanding the exclusion of said board from the definition of the word "agency" in section one.

Approved November 24, 1987.

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**Chapter 521. AN ACT ESTABLISHING A BOARD OF ALLIED MENTAL HEALTH AND HUMAN SERVICES PROFESSIONS; PRESCRIBING THE MEMBERSHIP, DUTIES, AND POWERS OF SAID BOARD; PROVIDING FOR ISSUANCE AND REVOCATION OF LICENSES; FIXING PENALTIES FOR VIOLATION.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 13 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following three sections:-

Section 88. There shall be a board of registration of allied mental health and human services professions, in this section and sections eighty-nine and ninety, which shall consist of nine members, one of whom shall be designated as chairperson, to be appointed in the manner

provided by section eighty-nine. Of the first board members appointed three shall continue in office for one year, three for two years and three, including the chairperson, shall continue in office for three years. Their successors shall be appointed for terms of three years each except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the board member to be succeeded. Upon the expiration of the term of office, a board member shall continue to serve until a successor shall have been appointed and shall have qualified. No person shall be appointed more than once to fill an unexpired term for more than two consecutive terms. The governor shall designate one board member to serve as chairperson during the term of such person's appointment to the board; provided, however, that no person shall serve as chairperson for more than three years.

The governor may remove any member of the board or the chairperson from such position as chairperson only for neglect of duty or malfeasance or conviction of a felony or crime of moral turpitude while in office. No member may be removed without a public hearing with at least thirty days prior written notice of the charges and the date fixed for such hearing. No board member shall participate in any matter before the board in which a pecuniary interest, personal bias or other similar conflict of interest is established.

Board members shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of official board business.

Section 89. The governor shall appoint members of the board only from among the candidates who meet the following qualifications:

(A) Six members shall be licensed practicing mental health and human service professionals, two of whom shall be marriage and family therapists, two of whom shall be rehabilitation counselors, two of whom shall be mental health counselors; and each shall have been, for at least five years immediately preceding appointment, actively engaged as a practitioner rendering professional services in that field, or in the education and training of graduate students or interns in the field, or in appropriate human developmental research, or in other areas deemed substantially equivalent thereto, and shall have spent the majority of the professional time in such activity during the two years preceding the appointment in the commonwealth. One of the six shall also be a member of a union licensable under sections one hundred and sixty-three to one hundred and seventy-two, inclusive, of chapter one hundred and twelve; and

(B) Three members shall be representatives of the general public who have no direct affiliation with the practice of any allied mental health or human services profession.

The initial appointees, with the exception of representatives of the general public, shall be deemed to be and shall become licensed immediately upon their appointment and qualification as members of the board.

The governor shall immediately appoint the first board member to be

appointed under this section. The governor shall nominate a new member to fill a vacancy on the board within thirty days of the occurrence of such vacancy.

The appointment of any member of the board shall automatically terminate within thirty days after the date such member is no longer a resident of the commonwealth.

Each appointee shall, upon accepting appointment to the board, take and subscribe to the oath or affirmation prescribed by law and file the same in the office of secretary of state.

Section 90. The board shall hold at least two regular meetings each year, but additional meetings may be held upon the call of the chairperson, or the secretary, or upon the written request of any two board members. Six members of the board shall constitute a quorum; provided, however, that at least one of those six members shall be a member who was selected from and who represents the general public. The principal office of the board shall be in the city of Boston but the board may act and exercise all of its powers in such other jurisdictions as it deems necessary.

The board shall administer and enforce the provisions of section one hundred and sixty-three to one hundred and seventy-two, inclusive, of chapter one hundred and twelve. Said board shall promulgate regulations which set forth education requirements necessary for a person to be licensed under the provisions of section one hundred and sixty-five of said chapter one hundred and twelve; and the board may, from time to time, adopt such rules and regulations as it deems necessary to carry out the performance of its duties.

The secretary of consumer affairs and business regulations shall have authority to review and approve rules and regulations proposed by the board. Such regulations will be deemed approved unless disapproved within fifteen days of submission to said secretary; provided, however that any such disapproval shall be in writing setting forth the reasons for such disapproval.

Said board shall examine and pass on the qualifications of all applicants for licenses under sections one hundred and sixty-three to one hundred and seventy-two, inclusive, of chapter one hundred and twelve, and shall issue a license to each successful applicant therefor, attesting to their professional qualifications to be a licensed allied mental health and human services professional. After a person has applied for licensure, no member of the board may supervise such applicant for a fee nor shall any member vote on any applicant previously supervised by such member.

The board shall establish standards committees for each allied mental health and human services profession. Each standards committee shall have three members, two of whom shall be the board members representing their respective professions and one of whom shall be a board member representing the general public. Each standards committee, by a majority vote, shall recommend approval or disapproval of the granting of all licenses for that profession, approve the examination required of applicants for licensure in that profession,

provide for the grading of that examination and provide for other matters relating to the standards for licensure in that profession.

No decision of a standards committee shall become effective until approved by the board. The board may initiate or otherwise act regarding any matter in which a standards committee is authorized to act. No decision of the board regarding the standards of a particular allied mental health and human services profession shall become effective without the approval of a majority of the standards committee for such profession.

Said board shall adopt a seal which shall be affixed to all licenses.

Said board may authorize expenditures deemed necessary to carry out its duties under this chapter from funds appropriated therefor.

Said board shall employ, subject to chapter thirty-one, such attorneys, experts and other employees as it may, from time to time, deem appropriate for the proper performance of its duties and for whom the necessary funds are appropriated.

Said board may recommend to the governor and the general court, after a public hearing which shall be advertised by publication of notices to the appropriate mental health and human service professional organizations and in major media outlets throughout the commonwealth, modifications and amendments to sections eighty-eight, eighty-nine and this section and sections one hundred and sixty-three to one hundred and seventy-two, inclusive, of chapter one hundred and twelve.

Said board shall cause examinations to be held not less than twice annually and shall evaluate examinations to keep them free from cultural bias.

Said board shall annually publish a list of names and addresses of persons who are licensed under sections one hundred and sixty-three to one hundred and seventy-two inclusive, of chapter one hundred and twelve.

Fees for examinations and for initial and renewal applications shall be determined annually by the commissioner of administration under the provisions of section three B of chapter seven.

Said board shall establish regulations for continuing educational requirements for licenses. Said regulations shall not require more than thirty contact hours per year, on average through the term of the license, of approved continuing education programs as a condition for continuing registration, nor more than fifteen contact hours per year on average for any licensed individual during the term of their employment by the commonwealth or any political subdivisions thereof.

Said board shall cause public hearings to be held prior to setting specifications for any continuing educational requirements.

The board shall establish procedures to permit consumers to file written complaints against licensed individuals and investigate and take appropriate action on such complaints.

**SECTION 2.** Chapter 112 of the General Laws, as so appearing, is hereby amended by adding the following ten sections:-

Section 163. As used in sections one hundred and sixty-three to one

hundred and seventy-two, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Allied Mental Health and Human Services Professional" a licensed marriage and family therapist, a licensed rehabilitation counselor or a licensed mental health counselor.

"Licensed marriage and family therapist", a person licensed or eligible for licensure under section one hundred and sixty-five.

"Practice of marriage and family therapy", the rendering of professional services to individuals, family groups, couples or organizations, either public or private for compensation, monetary or otherwise. Said professional services shall include applying principles, methods and therapeutic techniques for the purpose of resolving emotional conflicts, modifying perceptions and behavior, enhancing communications and understanding among all family members and the prevention of family and individual crisis. Individual marriage and family therapists may also engage in psychotherapy of a nonmedical nature with appropriate referrals to psychiatric resources and research and teaching in the overall field of human development and interpersonal relationships.

"Licensed rehabilitation counselor", a person licensed or eligible for licensure under section one hundred and sixty-five.

"Practice of rehabilitation counseling", the rendering of professional services for compensation, monetary or otherwise. These professional services would include the application of principles, methods and techniques of the rehabilitation counseling profession such as client assessment, job analysis, vocational assessment, counseling and job development for the purpose of maximizing or restoring the capacities of physically or mentally handicapped individuals for self-sufficiency and independent living including vocational and social functioning and creating those conditions favorable to this goal. The practice of rehabilitation counseling involves the following objectives: assisting individuals in the coordination of appropriate services; counseling with individuals, families or groups; serving an advocacy role with communities or groups toward the provision or implementation of rehabilitation services; research and teaching in the field of rehabilitation counselor education.

"Licensed mental health counselor", a person licensed or eligible for licensure under section one hundred and sixty-five.

"Practice of mental health counseling", the rendering of professional services to individuals, families or groups for compensation, monetary or otherwise. These professional services include: applying the principles, methods and theories of counseling and psychotherapeutic techniques to define goals and develop a treatment plan of action aimed towards the prevention, treatment and resolution of mental and emotional dysfunction and intra or interpersonal disorders in persons diagnosed at intake as nonpsychotic; and engaging in psychotherapy of a nonmedical nature utilizing supervision when appropriate and making referrals to other psychiatric, psychological or medical resources when the person is diagnosed as psychotic.

"Advertise", includes, but is not limited to, distributing or causing to be distributed any card, sign or device to any person; or the causing, permitting or allowing any sign or marking on or in any building or structure, or in any newspaper or magazine or in any directory, or on radio or television, or by the use of any other means designed to secure public attention.

"Use a title or description of", means to hold oneself out to the public as having a particular status by means of statements on signs, mailboxes, address plates, stationery, announcement, calling cards or other instruments of professional identification.

"Board", the Massachusetts board of registration of allied mental health and human services professions.

"Recognized educational institution", any educational institution which grants a bachelor's, master's, or doctor's degree and which is recognized by the board, or by a nationally or regionally recognized educational or professional accrediting organization; provided, however, that such institution is also approved by the United States Department of Education.

"Approved Continuing Education", continuing education such as research and training programs, college and university courses, in-service training programs, seminars and conferences designed to maintain and enhance the skills of allied mental health and human services professionals and which are recognized by the board.

Section 164. Except as otherwise provided in sections one hundred and sixty-three to one hundred and seventy-two, inclusive, commencing March first, nineteen hundred and eighty-nine, no individual who is not licensed or exempted from licensure under said sections shall advertise the performance of or use a title or description of:

- (1) licensed mental health counselor, advisor or consultant;
- (2) licensed marital or marriage and family therapist, advisor or consultant; or
- (3) licensed rehabilitation counselor, specialist, advisor or consultant;

No individual who is not licensed or exempted from licensure shall engage in practice as a licensed mental health professional. This does not prevent individuals not eligible to apply for licensure from advertising and practicing as counselors or therapists, provided that such individuals do not advertise or otherwise hold themselves out to the public to be licensed allied mental health professionals.

The following individuals shall be exempt from the requirements of this section:

(1) a licensed psychologist, a licensed social worker, a licensed occupational therapist, or a licensed physician or registered nurse.

(2) an employee or other agent of a recognized academic institution or alcohol or drug education or awareness program, employee assistance program, or of a federal, state, county or local government institution, program agency, or facility, or a school committee, school district, school board or board of regents while performing those duties constituting employment by such an institution, program, agency or facility; provided, however, that such individuals are performing those

activities solely within the agency or under the jurisdiction of such agency; and, provided further, that a license granted under section one hundred and sixty-five need not be a requirement for qualification for civil service examinations nor shall it be a requirement for employment in any state, county or municipal agency.

(3) an employee of an organization which is nonprofit or licensed by the commonwealth, and which is determined by the board to provide adequate supervision while performing those duties constituting employment by such an agency; provided, however, that such individuals are performing those activities solely within the agency or under the jurisdiction of the organization.

(4) a student in the discipline of an allied mental health and human services profession or an intern or trainee in an allied mental health and human services profession receiving qualified supervision approved by the board, and whose training status is designated by such titles as "mental health intern", "family therapy intern", or a person who is issued a temporary permit by the board to engage in the activities for which licensure is required.

Nothing in this section shall be construed to prevent qualified members of other professions including Christian Science practitioners, registered nurses, physicians, attorneys, or members of the clergy from doing the work of an allied mental health and human services professional consistent with the accepted standards of their respective professions; provided, however, that no such person shall use a title stating or implying that they are a licensed allied mental health and human services professional.

Nothing in this section shall be construed to prevent members of peer group or self-help groups from performing peer counseling or self-help activities which may be, wholly or in part, included as a defined professional service in section one hundred and sixty-three; provided, however, that no members of peer group or self-help groups shall use a title stating or implying that they are a licensed allied mental health or human services professional.

Section 165. The board may issue a license to an applicant as a marriage and family therapist, a rehabilitation counselor and a mental health counselor; provided, however, that each such applicant shall provide satisfactory evidence to the board that such applicant: (1) is of good moral character; (2) has not engaged or is not engaging in any practice or conduct which would be grounds for refusing to issue a license under section one hundred and sixty-nine; (3) demonstrates to the board, the successful completion of a master's degree in a relevant field from an educational institution licensed by the state in which it is located and meets national standards for granting of a master's degree with a subspecialization in marriage and family therapy, rehabilitation counseling, counseling, or a relevant subspecialization approved by the board. To be eligible for licensure, an applicant must have two additional years of supervised clinical experience in the relevant field in either a clinic or hospital licensed by the department of mental health or accredited by the Joint Commission on Accreditation of Hospitals or in

an equivalent center or institute approved by the board. For purposes of this clause, "Supervision" shall be defined as no less than four hours per week for full-time employees, or two hours per week for part-time employees, and shall consist of individual supervision with a clinician who has expertise in marriage and family therapy, rehabilitation counseling or counseling and who holds a master's degree in social work, rehabilitation counseling, or counseling, or holds a doctorate in psychology, or a medical degree with a subspecialization in psychiatry and has a minimum of five years of clinical experience in the appropriate field; (4) successfully passes a written or oral examination administered by the board to determine the applicant's qualifications for licensure for each profession licensed pursuant to this section; and (5) individuals licensed under the provisions of this section will not be eligible to renew licenses issued pursuant to the provisions of section three of chapter eight hundred and eighteen of the acts of nineteen hundred and seventy-seven unless such individuals satisfy the requirements of section one hundred and thirty-one of chapter one hundred and twelve of the General Laws, except for successful completion of an examination.

Section 166. The board shall conduct examinations at least twice a year at a time and place designated by the board, in order to determine any applicant's qualifications for the practice of an allied mental health and human services profession.

Examinations may be written or oral as determined by the board. In any written examination each applicant shall be designated so that the name shall not be disclosed to the board until examinations have been graded.

Examinations shall include questions in such theoretical and applied fields as the board deems most suitable to test an applicant's knowledge and competence to engage in the practice of the allied mental health and human services profession in which licensure is sought.

An applicant shall be held to have passed an examination upon affirmative vote of at least five members of the board.

Any individual who fails an examination conducted by the board shall not be admitted to a subsequent examination for a period of at least six months.

The board shall issue a license without examination to the following: (1) an applicant licensed as a professional in a comparable field in another state whose requirements for the license are determined by the board to be equivalent to or exceed the requirements of the commonwealth (2) an applicant who has passed a civil service examination for a position whose title is included in the definition of an allied mental health and human services professional in section one hundred and sixty-three and who has completed six months service in such position with an agency of the commonwealth or its political subdivisions and who meets the requirements of section one hundred and sixty-five; provided, however, that such applicant shall submit an application on forms prescribed by the board and pay the licensure fee therefor.

Section 167. The board, at its discretion, may issue a temporary



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permit, effective for up to one year, to an individual whose application for licensure under this chapter is being processed by the board, or to a person awaiting the opportunity to take the first written examination offered by the board after filing such application.

Section 168. A fee, as determined by the commissioner of administration pursuant to section three B of chapter seven shall be paid to the board for the original license. Licenses shall be valid for two years and must be renewed biennially. Any application for renewal of a license which has expired shall require the payment of a re-registration fee.

On or before September thirtieth of the year preceding the expiration of a license, the secretary of the board shall forward to the holder of the license a form of application for renewal thereof. Upon the receipt of the completed form and the renewal fee on or before November thirtieth, the secretary shall issue a new license for the year commencing January first.

Section 169. The board, subject to a majority vote of its members, is authorized to deny, revoke or suspend a license granted pursuant to this chapter on the following grounds:

(1) conviction by a court of competent jurisdiction of a crime which the board determines to be of such a nature as to render such person unfit to practice as a mental health and human services professional. Said board shall maintain and publish a list of such crimes;

(2) violation of ethical standards of such a nature as to render such individual unfit to practice as a mental health and human services professional. Said board shall publish and maintain such ethical standards;

(3) fraud or misrepresentation in obtaining a license; or

(4) other just and sufficient cause which renders a person unfit to practice as a mental health and human services professional.

No license may be suspended or revoked for the reasons set forth in the preceding paragraph without prior notice and opportunity for hearing on such suspension or revocation, except that the board may, in its discretion, without prior notice or hearing, suspend for up to one year the license of any individual convicted of a crime as set forth therein. The burden of proof shall be on the board in any proceeding to suspend or revoke a license. No license may be suspended or revoked under this section except by majority vote of the full board, notwithstanding any other provisions.

Any individual may file a complaint with the board seeking denial, suspension or revocation of a license issued or to be issued by the board. Such complaints shall be in a form prescribed by the board and shall be verified under oath by the complainant or his duly authorized agent. If the board determines that a complaint alleges facts which, if true, would require denial, revocation or suspension of a license, it shall promptly conduct a hearing. Whenever said board establishes that a complaint does not state facts which warrant a hearing, such complaint may be dismissed.

Said board shall not hear complaints against any licensed individuals

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for actions which have occurred in the course of employment by any agency of the commonwealth or its political subdivisions unless such complaint is received by the board subsequent to the dismissal of a licensee by such agency for reasons of moral turpitude or gross negligence; provided, however, that said licensee shall have exhausted all administrative appeals of such dismissal.

Any individual may be permitted to intervene and participate in board hearings on suspension or revocation of a license upon a showing of an interest in such proceeding.

Any individual whose license has been suspended or revoked may apply to the board for vacation of the suspension or reinstatement of the license.

Section 170. The board shall conduct its proceedings in accordance with the provisions of this chapter and chapter thirty A. Any individual may be heard by the board in person or by an attorney. Every vote and official act of the board shall be entered on the record. All hearings and rule making proceedings shall be open to the public. A stenographic record shall be made of every hearing before the board.

The board shall have subpoena power to require the attendance and testimony of witnesses and the production of all books, papers and documents relating to any matter under investigation. Subpoenas shall be issued by the board upon application by any party to a proceeding before the board and a showing of general relevance and reasonable scope. Witnesses summoned before the board shall be paid the same fees and mileage paid witnesses in courts of the commonwealth. In case of disobedience of a subpoena, the board may apply to the superior court for an order requiring the person subpoenaed to appear before the board and testify and produce books, papers, or documents called for by such subpoena.

One or more board members or a hearing examiner or other officer appointed by the board shall preside at hearings.

Section 171. Any individual not licensed under sections one hundred and sixty-three to one hundred and seventy-two who on March first, nineteen hundred and eighty-nine holds himself out to be or advertises himself as a licensed marriage and family therapist, rehabilitation therapist or mental health counselor in violation of this chapter shall be punished by a fine not exceeding five hundred dollars for the first offense and five hundred dollars for each subsequent offense; provided, however, that the board may also proceed in the superior court to enjoin and restrain any unlicensed individual violating any section of this chapter. The board shall not be required to post bond at any such proceeding.

Section 172. Any communication between an allied mental health or human services professional and a client shall be deemed to be confidential. Said privilege shall be subject to waiver only in the following circumstances:

(a) where the allied mental health and human services professional is a party defendant to a civil, criminal or disciplinary action arising from such practice in which case the waiver shall be limited to that action;

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(b) where the client is a defendant in a criminal proceeding and the use of the privilege would violate the defendant's right to compulsory process and right to present testimony and witnesses in his own behalf;

(c) when the communication reveals the contemplation or commission of a crime or a harmful act; and

(d) where a client agrees to the waiver, or in circumstances where more than one person in a family is receiving therapy, where each such family member agrees to the waiver.

The provisions of this section shall not be construed to prevent third party reimbursor from inspecting and copying, in the ordinary course of determining eligibility for or entitlement to benefits, any and all records relating to diagnosis, treatment or other services provided to any person, including a minor or incompetent, for which coverage, benefit or reimbursement is claimed, so long as the policy or certificate under which the claim is made provides that such access to such records is permitted. The provisions of this section shall not be construed to prevent access to any such records pursuant to any peer review or utilization review procedures applied and implemented in good faith.

**SECTION 3.** The board shall issue a license without examination to any applicant who applies on or before March first, nineteen hundred and eighty-nine if the individual meets qualifications set forth in section one hundred and sixty-five of chapter one hundred and twelve of the General Laws, and meets the education experience qualifications determined by the board.

The board at its own discretion may issue a license without examination to any applicant who applies on or before March first, nineteen hundred and eighty-nine who has been practicing in one of the allied health and human services professions for a reasonable period of time as specified and determined by the board; and who satisfies the board that he meets the professional standards established by the standards committee.

The board may issue a temporary permit effective for up to two years to an individual applying under this section if such individual is required to complete additional courses as required by the board.

Any applicant under the provisions of this section shall be required to pay fees as provided for in paragraph K of section ninety of chapter thirteen of the General Laws.

An individual licensed pursuant to this section shall not be subject to the provisions of section one hundred and seventy-one of chapter one hundred and twelve of the General Laws.

Approved November 24, 1987.

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**Chapter 522. AN ACT FURTHER DEFINING MENTAL ILLNESS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 7 of chapter 4 of the General Laws, as appearing