262 CMR 6.00: Disciplinary Action

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6.01: Preface

262 CMR 6.00 establishes conduct which warrants disciplinary action by the Board against a licensee.

6.02: Definitions

Board. The Board of Allied Mental Health and Human Services Professions.

Licensee. A person holding a license issued pursuant to M.G.L. c. 112, §§ 163 through 172.

6.03: General Provisions

(1) The Board may, by majority vote after a hearing conducted in accordance with M.G.L. c. 30A and 801 CMR 1.00, et seq., take disciplinary action against any individual who holds a license issued by the Board. Grounds for such disciplinary action shall include, but shall not be limited to:

(a) engaging in, authorizing, or aiding or abetting fraud, deceit, misrepresentation of material facts, the provision of false or forged evidence, or bribery in connection with any application for any license which may be issued by the Board or in connection with any application for reinstatement of a license issued by the Board;

(b) violation of any provision of 262 CMR or any provision of M.G.L. c. 112, §§ 61 through 65A or 163 through 172A;

(c) engaging in practice which is fraudulent or beyond the authorized scope of practice for the license issued by the Board;

(d) incompetence, negligence, or malpractice, where such incompetence, negligence, or malpractice results in injury to a client or creates an unreasonable risk that a client may be harmed;

(e) permitting, aiding or abetting an unlicensed person to perform activities requiring a license;

(f) continuing to practice while the Licensee's license is lapsed, suspended, or revoked;

(g) suspension, revocation, or restriction of the Licensee's license to practice any other licensed profession by a competent authority in any state, federal, or foreign jurisdiction;

(h) failure to cooperate with the Board in any investigation of the Board or its agent or otherwise interfering with the actions of the Board or its agent in such an investigation, whether or not the Licensee is the subject of the investigation;

(i) failure to comply with an order issued by the Board or a consent agreement entered into with Board;

(j) misrepresentation or fraud in any aspect of the conduct of the business or practice of the Licensee's profession;

(k) advertising that is fraudulent, false, deceptive or misleading;

(l) failure to comply with the continuing education requirements under 262 CMR 7.00.

(2) For purposes of 262 CMR 6.03(1), the term "disciplinary action" shall include, but shall not be limited to:

(a) denial, revocation or suspension of any license or certification which may lawfully be issued by the Board;

(b) refusal to renew any such license or certification; issuance of a letter of censure;

(c) issuance of a written reprimand;

(d) placement of a Licensee on probation; or

(e) other such sanctions as provided for under M.G.L. c. 112, §§ 163 through 172A or M.G.L. c. 112, § 61.