

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1690

H.P. 1242

House of Representatives, December 23, 2011

An Act To Protect the Privacy of Social Workers

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 21, 2011. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative HAYES of Buckfield.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** social workers are required to take an examination to be licensed by the
4 State; and

5 **Whereas,** a passing grade on that exam is required by law in order to obtain a
6 license; and

7 **Whereas,** the interest of the public is whether the social worker is licensed, not the
8 actual score obtained by the licensed social worker; and

9 **Whereas,** current law does not provide confidentiality regarding the score achieved
10 by a person completing the exam, which is a breach of privacy; and

11 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
12 the meaning of the Constitution of Maine and require the following legislation as
13 immediately necessary for the preservation of the public peace, health and safety; now,
14 therefore,

15 **Be it enacted by the People of the State of Maine as follows:**

16 **Sec. 1. 32 MRSA §7057,** as amended by PL 2007, c. 402, Pt. V, §11, is further
17 amended to read:

18 **§7057. Examinations**

19 Written examinations ~~shall~~ must be held at such times and places as the board ~~shall~~
20 ~~determine~~ determines and ~~shall~~ must be based on fundamental social work subjects as
21 determined by the board.

22 The passing grade on any examination must be established by the board based upon
23 National Testing Scores set by the testing company.

24 The grade achieved by a person sitting for the examination is confidential and not
25 open to public inspection and does not constitute a public record as defined in Title 1,
26 section 402, subsection 3.

27 **Emergency clause.** In view of the emergency cited in the preamble, this
28 legislation takes effect when approved.

29 **SUMMARY**

30 This bill specifies that the score of a person taking the examination for licensure as a
31 social worker, a clinical social worker or a master social worker is confidential and not
32 subject to public disclosure under the freedom of access laws.