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An Act To Protect the Privacy of Social Workers

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

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

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

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

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

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

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

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

§ 7057.Examinations

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

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

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

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

SUMMARY

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