

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 27

H.P. 30

House of Representatives, January 6, 2005

**An Act To Require That Licensed Pastoral Counselors Be
Recognized as Licensed Professionals for Purposes of Insurance
Reimbursement**

Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GLYNN of South Portland.

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

2
4 **Sec. 1. 24-A MRSA §2744**, as amended by PL 2003, c. 65, §1 and affected by §5, is further amended to read:

6 **§2744. Mental health services**

8 1. Notwithstanding any provision of a health insurance
10 policy subject to this chapter, whenever the policy provides for
12 payment or reimbursement for services that are within the lawful
14 scope of practice of a psychologist licensed to practice in this
16 State; a certified social worker licensed for the independent
18 practice of social work in this State ~~who has at least a masters~~
20 ~~degree in social work from an accredited educational institution,~~
22 ~~has been employed in social work for at least 2 years, and who,~~
24 ~~after January 1, 1985, must be licensed as a clinical social~~
26 ~~worker in this State;~~ a licensed clinical professional counselor
28 licensed for the independent practice of counseling ~~who has at~~
30 ~~least a masters degree in counseling from an accredited~~
32 ~~educational institution, has been employed in counseling for at~~
34 ~~least 2 years and, after January 1, 2002, must be licensed as a~~
36 ~~clinical professional counselor in this State;~~ a licensed
38 pastoral counselor licensed as a pastoral counselor in the State;
40 or a licensed nurse who is certified by the American Nurses'
42 Association as a clinical specialist in adult psychiatric and
44 mental health nursing or as a clinical specialist in child and
46 adolescent psychiatric and mental health nursing, any person
48 covered by the policy is entitled to reimbursement for these
50 services if the services are performed by a physician; a
 psychologist licensed to practice in this State; a certified
 social worker licensed for the independent practice of social
 work ~~who has at least a masters degree in social work from an~~
 ~~accredited educational institution, who has been employed in~~
 ~~social work for at least 2 years, and who, after January 1, 1985,~~
 ~~must be licensed as a clinical social worker in this State;~~ a
 licensed clinical professional counselor licensed for the
 independent practice of counseling ~~who has at least a masters~~
 ~~degree in counseling from an accredited educational institution,~~
 ~~has been employed in counseling for at least 2 years and, after~~
 ~~January 1, 2002, must be licensed as a clinical professional~~
 ~~counselor in this State;~~ a licensed pastoral counselor licensed
 as a pastoral counselor in this State; or a licensed nurse
 certified by the American Nurses' Association as a clinical
 specialist in adult or child and adolescent psychiatric and
 mental health nursing. Payment or reimbursement for services
 rendered by clinical social workers licensed in this State,
 licensed clinical professional counselors licensed in this State,
 licensed pastoral counselors licensed in this State or licensed
 nurses certified by the American Nurses' Association as clinical
 specialists in adult or child and adolescent psychiatric and

2 mental health nursing may not be conditioned upon prior diagnosis
or referral by a physician or other health care professional,
4 except in cases where diagnosis of the condition for which the
services are rendered is beyond the scope of their licensure.

6 2. Nothing in subsection 1 may be construed to require a
health insurance policy subject to this chapter to provide for
8 reimbursement of services that are within the lawful scope of
practice of a psychologist licensed to practice in this State, a
10 clinical social worker licensed in this State, a clinical
professional counselor licensed to practice in this State, a
12 licensed pastoral counselor licensed in this State, a certified
social worker licensed to practice in this State, or a certified
14 nurse licensed to practice in this State.

16 3. **Mental health services provided by counseling**
professionals. Except as provided in subsection 1 with regard to
18 reimbursement of clinical professional counselors and pastoral
counselors licensed in this State, an insurer that issues
20 individual health care contracts providing coverage for mental
health services shall offer coverage for those services when
22 performed by a counseling professional who is licensed by the
State pursuant to Title 32, chapter 119 to assess and treat
24 interpersonal and intrapersonal problems, has at least a masters
degree in counseling or a related field from an accredited
26 educational institution and has been employed as a counselor for
at least 2 years. Any contract providing coverage for the
28 services of counseling professionals pursuant to this section may
be subject to any reasonable limitations, maximum benefits,
30 coinsurance, deductibles or exclusion provisions applicable to
overall benefits under the contract. This subsection applies to
32 all contracts executed, delivered, issued for delivery, continued
or renewed in this State on or after January 1, 1997. For
34 purposes of this subsection, all contracts are deemed renewed no
later than the next yearly anniversary of the contract date.

36
38 **Sec. 2. 24-A MRS §2835**, as amended by PL 2003, c. 517, Pt.
B, §13, is further amended to read:

40 **§2835. Mental health services**

42 1. Notwithstanding any provision of a health insurance
policy or certificate issued under a group policy subject to this
44 chapter, whenever the policy provides for payment or
reimbursement for services that are within the lawful scope of
46 practice of a psychologist licensed to practice in this State; a
certified social worker licensed for the independent practice of
48 social work in this State ~~who has at least a masters degree in~~
~~social work from an accredited educational institution, has been~~
50 ~~employed in social work for at least 2 years, and who, after~~

2 ~~January 1, 1985, must be licensed as a clinical social worker in~~
3 ~~this State;~~ a licensed clinical professional counselor licensed
4 ~~for the independent practice of counseling who has at least a~~
5 ~~masters degree in counseling from an accredited educational~~
6 ~~institution, has been employed in counseling for at least 2 years~~
7 ~~and, after January 1, 2002, must be licensed as a clinical~~
8 ~~professional counselor in this State;~~ a licensed pastoral
9 counselor licensed as a pastoral counselor in this State; or a
10 licensed nurse who is certified by the American Nurses'
11 Association as a clinical specialist in adult psychiatric and
12 mental health nursing or as a clinical specialist in child and
13 adolescent psychiatric and mental health nursing, any person
14 covered by the policy is entitled to reimbursement for these
15 services if the services are performed by a physician; a
16 psychologist licensed to practice in this State; a certified
17 social worker licensed for independent practice in this State ~~who~~
18 ~~has at least a masters degree in social work from an accredited~~
19 ~~educational institution, who has been employed in social work for~~
20 ~~at least 2 years, and who, after January 1, 1985, must be~~
21 ~~licensed as a clinical social worker in this State;~~ a licensed
22 clinical professional counselor licensed for the independent
23 practice of counseling ~~who has at least a masters degree in~~
24 ~~counseling from an accredited educational institution, has been~~
25 ~~employed in counseling for at least 2 years and, after January 1,~~
26 ~~2002, must be licensed as a clinical professional counselor~~
27 ~~in this State;~~ a licensed pastoral counselor licensed as a pastoral
28 counselor in this State; or a licensed nurse certified by the
29 American Nurses' Association as a clinical specialist in adult or
30 child and adolescent psychiatric and mental health nursing.
31 Payment or reimbursement for services rendered by clinical social
32 workers licensed in this State, licensed clinical professional
33 counselors licensed in this State, licensed pastoral counselors
34 licensed in this State or licensed nurses certified by the
35 American Nurses' Association as clinical specialists in adult or
36 child and adolescent psychiatric and mental health nursing may
37 not be conditioned upon prior diagnosis or referral by a
38 physician or other health care professional, except in cases
39 where diagnosis of the condition for which the services are
40 rendered is beyond the scope of their licensure.

41
42 2. Nothing in subsection 1 may be construed to require a
43 health insurance policy subject to this chapter to provide for
44 reimbursement of services that are within the lawful scope of
45 practice of a psychologist licensed to practice in this State, a
46 clinical social worker licensed in this State, a clinical
47 professional counselor licensed in this State, a licensed
48 pastoral counselor licensed in this State, a certified social
49 worker licensed to practice in this State, or a nurse certified
50 and licensed to practice in this State.

2 **3. Mental health services provided by counseling**
3 **professionals.** Except as provided in subsection 1 with regard to
4 reimbursement of clinical professional counselors and pastoral
5 counselors licensed in this State, an insurer that issues group
6 health care contracts providing coverage for mental health
7 services shall make available coverage for those services when
8 performed by a counseling professional who is licensed by the
9 State pursuant to Title 32, chapter 119 to assess and treat
10 interpersonal and intrapersonal problems, has at least a masters
11 degree in counseling or a related field from an accredited
12 educational institution and has been employed as a counselor for
13 at least 2 years. Any contract providing coverage for the
14 services of counseling professionals pursuant to this section may
15 be subject to any reasonable limitations, maximum benefits,
16 coinsurance, deductibles or exclusion provisions applicable to
17 overall benefits under the contract. This subsection applies to
18 all policies, contracts and certificates executed, delivered,
19 issued for delivery, continued or renewed in this State. For
20 purposes of this subsection, all contracts are deemed renewed no
21 later than the next yearly anniversary of the contract date.

22 **Sec. 3. Application.** This Act applies to all policies,
23 contracts and certificates executed, delivered, issued for
24 delivery, continued or renewed in this State on or after January
25 1, 2006. For purposes of this Act, all contracts are deemed to
26 be renewed no later than the next yearly anniversary of the
27 contract date.

28

SUMMARY

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31 This bill requires that all health care plans reimburse for
32 mental health services provided by licensed pastoral counselors
33 licensed in this State. The bill applies to all policies issued
34 or renewed on or after January 1, 2006.