

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 28

H.P. 31

House of Representatives, January 6, 2005

**An Act To Require That Mental Health Workers with Family  
Therapist Licenses Be Recognized as Licensed Professionals for  
Purposes of Insurance Reimbursement**

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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.  
Cosponsored by Representative DUDLEY of Portland.

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

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

**§2744. Mental health services**

1. Notwithstanding any provision of a health insurance policy subject to this chapter, whenever the policy provides for payment or reimbursement for services that are within the lawful scope of practice of a psychologist licensed to practice in this State, ~~a certified social worker licensed for the independent practice of social work in this State who has at least a masters degree in social work from an accredited educational institution, 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 marriage and family therapist licensed as a marriage and family therapist in this State or a licensed nurse who is certified by the American Nurses' Association as a clinical specialist in adult psychiatric and mental health nursing or as a clinical specialist in child and adolescent psychiatric and mental health nursing, any person covered by the policy is entitled to reimbursement for these 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 marriage and family therapist licensed as a marriage and family therapist 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 marriage and family therapists licensed in this State or licensed nurses certified by the American Nurses' Association as clinical specialists in adult or child and adolescent psychiatric

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

7  
8 2. Nothing in subsection 1 may be construed to require a  
9 health insurance policy subject to this chapter to provide for  
10 reimbursement of services that are within the lawful scope of  
11 practice of a psychologist licensed to practice in this State, a  
12 clinical social worker licensed in this State, a clinical  
13 professional counselor licensed to practice in this State, a  
14 licensed marriage and family therapist licensed in this State, a  
15 certified social worker licensed to practice in this State, or a  
16 certified nurse licensed to practice in this State.

17  
18 3. **Mental health services provided by counseling**  
19 **professionals.** Except as provided in subsection 1 with regard to  
20 reimbursement of clinical professional counselors and marriage  
21 and family therapists licensed in this State, an insurer that  
22 issues individual health care contracts providing coverage for  
23 mental health services shall offer coverage for those services  
24 when performed by a counseling professional who is licensed by  
25 the State pursuant to Title 32, chapter 119 to assess and treat  
26 interpersonal and intrapersonal problems, has at least a masters  
27 degree in counseling or a related field from an accredited  
28 educational institution and has been employed as a counselor for  
29 at least 2 years. Any contract providing coverage for the  
30 services of counseling professionals pursuant to this section may  
31 be subject to any reasonable limitations, maximum benefits,  
32 coinsurance, deductibles or exclusion provisions applicable to  
33 overall benefits under the contract. This subsection applies to  
34 all contracts executed, delivered, issued for delivery, continued  
35 or renewed in this State on or after January 1, 1997. For  
36 purposes of this subsection, all contracts are deemed renewed no  
37 later than the next yearly anniversary of the contract date.

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

40  
41 **§2835. Mental health services**

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

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

42  
2. Nothing in subsection 1 may be construed to require a  
44 health insurance policy subject to this chapter to provide for  
reimbursement of services that are within the lawful scope of  
46 practice of a psychologist licensed to practice in this State, a  
clinical social worker licensed in this State, a clinical  
48 professional counselor licensed in this State, a licensed  
marriage and family therapist licensed in this State, a certified

social worker licensed to practice in this State, or a nurse certified and licensed to practice in this State.

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

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

### SUMMARY

This bill requires that all health care plans reimburse for mental health services provided by licensed marriage and family therapists. The bill applies to all policies issued or renewed on or after January 1, 2006.