

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1589

H.P. 1047

House of Representatives, April 10, 2025

An Act to Improve Parity in Insurance Coverage for Outpatient Counseling Services in Maine

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative CRAFTS of Newcastle.

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

2 **Sec. 1. 24-A MRSA §2744, sub-§2**, as repealed and replaced by PL 2005, c. 683,
3 Pt. A, §39, is repealed.

4 **Sec. 2. 24-A MRSA §2744, sub-§2-A**, as repealed and replaced by PL 2005, c.
5 683, Pt. A, §39, is amended to read:

6 **2-A.** ~~Subsections 1 and 2 apply~~ Subsection 1 applies with respect to the following
7 types of professionals:

8 A. A psychologist licensed to practice in this State;

9 B. A certified social worker licensed for the independent practice of social work in
10 this State;

11 C. A licensed clinical professional counselor licensed for the independent practice of
12 counseling in this State;

13 D. A licensed nurse who is certified by the American Nurses' Association as a clinical
14 specialist in adult psychiatric and mental health nursing or as a clinical specialist in
15 child and adolescent psychiatric and mental health nursing;

16 E. A marriage and family therapist licensed as a marriage and family therapist in this
17 State; and

18 F. A licensed pastoral counselor licensed as a pastoral counselor in this State.

19 **Sec. 3. 24-A MRSA §2744, sub-§3**, as repealed and replaced by PL 2005, c. 683,
20 Pt. A, §39, is repealed.

21 **Sec. 4. 24-A MRSA §2744, sub-§4** is enacted to read:

22 **4. Coverage of outpatient counseling services; reimbursement and participation.**

23 An insurer that issues individual health care contracts providing coverage for mental health
24 services shall provide coverage for outpatient counseling services in accordance with this
25 subsection.

26 A. An insurer shall reimburse for outpatient counseling services when those services
27 are provided by a licensed counseling professional providing services that are within
28 the lawful scope of practice of the counseling professional's license, including a master
29 social worker, clinical social worker, clinical professional counselor, pastoral
30 counselor or marriage and family therapist.

31 B. At a minimum, an insurer shall reimburse for outpatient counseling services in an
32 amount equal to 150% of the MaineCare reimbursement rate for that service.

33 C. An insurer may not discriminate against a licensed counseling professional as
34 described in paragraph A or arbitrarily reduce the reimbursement rate for outpatient
35 counseling services provided by a licensed counseling professional based solely on the
36 type of license held by a licensed counseling professional.

37 D. An insurer may not impose prior authorization or referral requirements as a
38 condition of coverage for outpatient counseling services or impose any restriction or
39 limitation on access to outpatient counseling services that does not have a clinical basis.

1 E. An insurer shall maintain an adequate network of licensed counseling professionals
2 to ensure reasonable access to outpatient counseling services.

3 **Sec. 5. 24-A MRSA §2835, sub-§2**, as repealed and replaced by PL 2005, c. 683,
4 Pt. A, §40, is repealed.

5 **Sec. 6. 24-A MRSA §2835, sub-§2-A**, as repealed and replaced by PL 2005, c.
6 683, Pt. A, §40, is amended to read:

7 **2-A.** ~~Subsections 1 and 2 apply~~ Subsection 1 applies with respect to the following
8 types of professionals:

9 A. A psychologist licensed to practice in this State;

10 B. A certified social worker licensed for the independent practice of social work in
11 this State;

12 C. A licensed clinical professional counselor licensed for the independent practice of
13 counseling in this State;

14 D. A licensed nurse who is certified by the American Nurses' Association as a clinical
15 specialist in adult psychiatric and mental health nursing or as a clinical specialist in
16 child and adolescent psychiatric and mental health nursing;

17 E. A marriage and family therapist licensed as a marriage and family therapist in this
18 State; and

19 F. A licensed pastoral counselor licensed as a pastoral counselor in this State.

20 **Sec. 7. 24-A MRSA §2835, sub-§3**, as repealed and replaced by PL 2005, c. 683,
21 Pt. A, §40, is repealed.

22 **Sec. 8. 24-A MRSA §2835, sub-§4** is enacted to read:

23 **4. Coverage of outpatient counseling services; reimbursement and participation.**

24 An insurer that issues group health care contracts providing coverage for mental health
25 services shall provide coverage for outpatient counseling services in accordance with this
26 subsection.

27 A. An insurer shall reimburse for outpatient counseling services when those services
28 are provided by a licensed counseling professional providing services that are within
29 the lawful scope of practice of the counseling professional's license, including a master
30 social worker, clinical social worker, clinical professional counselor, pastoral
31 counselor or marriage and family therapist.

32 B. At a minimum, an insurer shall reimburse for outpatient counseling services in an
33 amount equal to 150% of the MaineCare reimbursement rate for that service.

34 C. An insurer may not discriminate against a licensed counseling professional as
35 described in paragraph A or arbitrarily reduce the reimbursement rate for outpatient
36 counseling services provided by a licensed counseling professional based solely on the
37 type of license held by a licensed counseling professional.

38 D. An insurer may not impose prior authorization or referral requirements as a
39 condition of coverage for outpatient counseling services or impose any restriction or
40 limitation on access to outpatient counseling services that does not have a clinical basis.

E. An insurer shall maintain an adequate network of licensed counseling professionals to ensure reasonable access to outpatient counseling services.

Sec. 9. 24-A MRSA §4234-A, sub-§8-A, as amended by PL 2003, c. 20, Pt. VV, §23 and affected by §25, is repealed.

Sec. 10. 24-A MRSA §4234-A, sub-§8-B is enacted to read:

8-B. Coverage of outpatient counseling services; reimbursement and participation. A health maintenance organization that issues individual or group health care contracts providing coverage for mental health services shall provide coverage for outpatient counseling services in accordance with this subsection.

A. A health maintenance organization shall reimburse for outpatient counseling services when those services are provided by a licensed counseling professional providing services that are within the lawful scope of practice of the counseling professional's license, including a master social worker, clinical social worker, clinical professional counselor, pastoral counselor or marriage and family therapist.

B. At a minimum, a health maintenance organization shall reimburse for outpatient counseling services in an amount equal to 150% of the MaineCare reimbursement rate for that service.

C. A health maintenance organization may not discriminate against a licensed counseling professional as described in paragraph A or arbitrarily reduce the reimbursement rate for outpatient counseling services provided by a licensed counseling professional based solely on the type of license held by a licensed counseling professional.

D. A health maintenance organization may not impose prior authorization or referral requirements as a condition of coverage for outpatient counseling services or impose any restriction or limitation on access to outpatient counseling services that does not have a clinical basis.

E. A health maintenance organization shall maintain an adequate network of licensed counseling professionals to ensure reasonable access to outpatient counseling services.

Sec. 11. Application. This Act applies to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2026. 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 insurers and health maintenance organizations that provide individual and group health coverage to provide coverage for outpatient counseling services when those services are provided by a licensed counseling professional acting within the lawful scope of the counseling professional's license, including a master social worker, clinical social worker, clinical professional counselor, pastoral counselor or marriage and family therapist. The bill requires these counseling professionals to be reimbursed, at a minimum, in an amount equal to 150% of the MaineCare reimbursement rate for the same services. The bill also prohibits discrimination against a licensed counseling professional or an arbitrary reduction in reimbursement rates based solely on the type of license held by a

1 licensed counseling professional. The bill prohibits the imposition of prior authorization or
2 referral requirements as a condition of coverage for outpatient counseling services or the
3 imposition of any restriction or limitation on access to outpatient counseling services that
4 does not have a clinical basis. The bill also requires that insurers and health maintenance
5 organizations maintain an adequate network of licensed counseling professionals to ensure
6 reasonable access to outpatient counseling services. The requirements apply beginning
7 January 1, 2026.