

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 843

7 S.P. 278

In Senate, February 23, 1983

8 Referred to the Committee on Business Legislation. Sent down for
9 concurrence and ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Clark of Cumberland.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Extend Consumers Freedom of
18 Choice Regarding Insured Mental Health
19 Services.
20

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

23 Sec. 1. 24 MRSA §2303, sub-§2, as repealed and
24 replaced by PL 1975, c. 581, is amended to read:

25 2. Mental health services provided by psychol-
26 ogists or certified social workers. Notwithstanding
27 any provision of a contract between a subscriber and
28 a nonprofit hospital or medical service organization
29 entered into pursuant to a hospital service plan,
30 medical service plan or health care plan authorized
31 under this chapter, and notwithstanding any other
32 provision of this chapter, whenever the contract pro-
33 vides for payment or reimbursement for mental health

1 services, payment or reimbursement for the provision
2 of these services shall not be denied because the
3 services are provided by a contracting licensed psy-
4 chologist who is trained and received a doctorate in
5 psychology specializing in the evaluation and treat-
6 ment of human behavior, a contracting certified
7 social worker licensed for the independent practice
8 of social work in this State who has at least a
9 masters degree in social work from an accredited edu-
10 cational institution and has been employed in social
11 work for at least 2 years, or a contracting licensed
12 nurse who is trained and has received a certificate
13 as a clinical specialist in psychiatric and mental
14 health nursing from the American Nurses' Association,
15 acting within the scope of his license or certifica-
16 tion. Subject to approval by the Superintendent of
17 Insurance pursuant to sections 2305 and 2316, a non-
18 profit hospital or medical service organization
19 incorporated under this chapter shall offer contracts
20 to psychologists licensed pursuant to Title 32,
21 section 3831, subsection 2, certified social workers
22 licensed for the independent practice of social work
23 who have at least a masters degree in social work
24 from an accredited educational institution and who
25 have been employed in social work for at least 2
26 years, and licensed nurses who are certified by the
27 American Nurses' Association as clinical specialists
28 in adult psychiatric and mental health nursing or as
29 clinical specialists in child and adolescent psychi-
30 atric and mental health nursing, authorizing the
31 provision of mental health services by these psychol-
32 ogists, certified social workers and certified nurses
33 within the scope of ~~this~~ their licensure or certifi-
34 cation, if the nonprofit hospital or medical service
35 organization provides mental health services in con-
36 tracts with subscribers. This subsection shall apply
37 to all contracts between the subscriber and a non-
38 profit hospital or medical service organization
39 entered into or renewed after January 1, 1976 1984.

40 Sec. 2. 24-A MRSA §2744, as enacted by PL 1975,
41 c. 770, §104, is amended to read:

42 §2744. Mental health services

43 1. Notwithstanding any provision of a health
44 insurance policy subject to this chapter, whenever

1 the policy provides for payment or reimbursement for
2 services which are within the lawful scope of prac-
3 tice of a psychologist licensed to practice in this
4 State, a certified social worker licensed for the
5 independent practice of social work in this State who
6 has at least a masters degree in social work from an
7 accredited educational institution and has been
8 employed in social work for at least 2 years, or a
9 licensed nurse who is certified by the American
10 Nurses' Association as a clinical specialist in adult
11 psychiatric and mental health nursing or as a clini-
12 cal specialist in child and adolescent psychiatric
13 and mental health nursing, any person covered by the
14 policy shall be entitled to reimbursement for these
15 services if the services are performed by a physician
16 or, a psychologist licensed to practice in this
17 State, a certified social worker licensed for the
18 independent practice of social work who has at least
19 a masters degree in social work from an accredited
20 educational institution and who has been employed in
21 social work for at least 2 years, or a licensed nurse
22 certified by the American Nurses' Association as a
23 clinical specialist in adult or child and adolescent
24 psychiatric and mental health nursing. This section
25 shall apply to all health insurance policies, con-
26 tracts or certificates issued, renewed, modified,
27 altered, amended or reissued on or after July 1, 1975
28 January 1, 1984.

29 2. Nothing in subsection 1 ~~shall~~ may be con-
30 strued to require a health insurance policy subject
31 to this chapter to provide for reimbursement of ser-
32 vices which are within the lawful scope of practice
33 of a psychologist licensed to practice in this State,
34 a certified social worker licensed to practice in
35 this State, or a certified nurse licensed to practice
36 in this State.

37 Sec.3. 24-A MRSA §2835, as amended by PL 1979,
38 c. 541, Pt.A, §165, is further amended to read:

39 §2835. Mental health services

40 1. Notwithstanding any provision of a health
41 insurance policy subject to this chapter, whenever
42 the policy provides for payment or reimbursement for
43 services which are within the lawful scope of prac-

1 tice of a psychologist licensed to practice in this
2 State, a certified social worker licensed for the
3 independent practice of social work in this State who
4 has at least a masters degree in social work from an
5 accredited educational institution and has been
6 employed in social work for at least 2 years, or a
7 licensed nurse who is certified by the American
8 Nurses' Association as a clinical specialist in adult
9 psychiatric and mental health nursing or as a clinical
10 specialist in child and adolescent psychiatric
11 and mental health nursing, any person covered by the
12 policy shall be entitled to reimbursement for these
13 services if the services are performed by a physician
14 or, a psychologist licensed to practice in this
15 State, a certified social worker licensed for inde-
16 pendent practice in this State who has at least a
17 masters degree in social work from an accredited edu-
18 cational institution and who has been employed in
19 social work for at least 2 years, or a licensed nurse
20 certified by the American Nurses' Association as a
21 clinical specialist in adult or child and adolescent
22 psychiatric and mental health nursing. This section
23 shall apply to all health insurance policies, con-
24 tracts or certificates issued, renewed, modified,
25 altered, amended or reissued on or after April 16,
26 1976 January 1, 1984.

27 2. Nothing in subsection 1 ~~shall~~ may be con-
28 strued to require a health insurance policy subject
29 to this chapter to provide for reimbursement of ser-
30 vices which are within the lawful scope of practice
31 of a psychologist licensed to practice in this State,
32 a certified social worker licensed to practice in
33 this State, or a nurse certified and licensed to
34 practice in this State.

35 STATEMENT OF FACT

36 The purpose of this bill is to give state consum-
37 ers freedom of choice in receiving therapeutic mental
38 health services. The bill provides that if a person
39 has health insurance which includes coverage for
40 mental health services, the insured can choose to
41 receive those services from a certified social worker
42 licensed for independent practice or a licensed nurse
43 who is certified as a clinical specialist in psychi-

1 atric and mental health nursing. These professionals
2 are licensed or certified to deliver psychiatric
3 health care by reason of their advanced training and
4 clinical experience.

5 This bill does not mandate mental health coverage
6 in a health insurance policy. When there is coverage
7 the insured can elect to have treatment provided by a
8 certified social worker or a certified psychiatric
9 nurse. The treatment will be paid or reimbursed
10 under the policy.

11 Many state citizens, particularly those in rural
12 areas, have limited access to psychiatrists and psy-
13 chologists for mental health services. This bill
14 will expand the availability of mental health ser-
15 vices by requiring payment or reimbursement for ser-
16 vices provided by certified social workers and certi-
17 fied psychiatric nurses if the insured has mental
18 health coverage. This bill expands the availability
19 of professional psychiatric services provided by
20 female therapists, because there are more women than
21 men in the certified social worker and psychiatric
22 nursing professions.

23 In 1975, the state insurance laws were amended to
24 provide that payment for mental health services could
25 not be denied under a health insurance policy merely
26 because the services were provided by a psychologist,
27 rather than a physician. This bill extends those
28 provisions of the insurance laws to protect consumers
29 who receive treatment by licensed certified social
30 workers and licensed certified psychiatric nurses.

31 Ten states have enacted legislation of this kind.
32 Figures from other states indicate that there is no
33 increase in premiums, or minimal increase, as a
34 result of this bill.

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