

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
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3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
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5 Legislative Document

No. 955

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7 H.P. 743

House of Representatives, March 2, 1983

8 Referred to the Committee on Business Legislation. Sent up for con-  
9 currence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Rolde of York.

Cosponsors: Senator Clark of Cumberland, Representative Pines of  
11 Limestone and Representative Conary of Oakland.

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12 STATE OF MAINE  
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14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
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17 AN ACT to Extend Consumers Freedom of  
18 Choice Regarding Insured Mental Health  
19 Services.  
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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23 Sec. 1. 24 MRSA §2303, sub-§2, as repealed and  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 clinical  
12 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, contracts,  
26 contracts 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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