

MAINE STATE LEGISLATURE

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(After Deadline)

SECOND REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 2298

H.P. 1744

House of Representatives, March 19, 1984

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on Business Legislation is suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Rolde of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-FOUR

AN ACT to Clarify the Extension of
Consumers' Freedom of Choice Regarding Insured
Mental Health Services.

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

Sec. 1. 24 MRSA §2303, sub-§2, as amended by PL 1983, c. 546, §1, is further amended to read:

2. Mental health services provided by psychologists or certified social workers. Notwithstanding any provision of a contract between a subscriber and a nonprofit hospital or medical service organization entered into pursuant to a hospital service plan, medical service plan or health care plan authorized under this chapter, and notwithstanding any other provision of this chapter, whenever the contract provides for payment or reimbursement for mental health services, payment or reimbursement for the provision

1 of these services shall not be denied because the
2 services are provided by a contracting licensed psy-
3 chologist who is trained and received a doctorate in
4 psychology specializing in the evaluation and treat-
5 ment of human behavior, a licensed clinical social
6 worker who is a contracting certified social worker
7 licensed for the independent practice of social work
8 in this State who has at least a masters degree in
9 social work from an accredited educational institu-
10 tion and has been employed in social work for at
11 least 2 years, or a contracting licensed nurse who is
12 trained and has received a certificate as a clinical
13 specialist in psychiatric and mental health nursing
14 from the American Nurses' Association, acting within
15 the scope of his license or certification. Subject to
16 approval by the Superintendent of Insurance pursuant
17 to sections 2305 and 2316, a nonprofit hospital or
18 medical service organization incorporated under this
19 chapter shall offer contracts to psychologists li-
20 censed pursuant to Title 32, section 3831, subsection
21 2, certified social workers licensed for the indepen-
22 dent practice of social work who have at least a
23 masters degree in social work from an accredited edu-
24 cational institution and who have been employed in
25 social work for at least 2 years, and who are li-
26 icensed as clinical social workers and licensed nurses
27 who are certified by the American Nurses' Association
28 as clinical specialists in adult psychiatric and men-
29 tal health nursing or as clinical specialists in
30 child and adolescent psychiatric and mental health
31 nursing, authorizing the provision of mental health
32 services by these psychologists, licensed clinical
33 who are certified social workers and certified nurses
34 within the scope of their licensure or certification,
35 if the nonprofit hospital or medical service organi-
36 zation provides mental health services in contracts
37 with subscribers. With respect to services provided
38 by psychologists, this subsection applies to all con-
39 tracts between the subscriber and a nonprofit hospi-
40 tal or medical service organization entered into or
41 renewed after January 1, 1976. With respect to ser-
42 vices provided by social workers and nurses, this
43 subsection applies to all contracts between the sub-
44 scriber and a nonprofit hospital or medical service
45 organization entered into or renewed after January 1,
46 1984, and before January 1, 1988.

1 Sec. 2. 24-A MRSA §2744, as amended by PL 1983,
2 c. 546, §2, is further amended to read:

3 §2744. Mental health services

4 1. Notwithstanding any provision of a health in-
5 surance policy subject to this chapter, whenever the
6 policy provides for payment or reimbursement for ser-
7 vices which are within the lawful scope of practice
8 of a psychologist licensed to practice in this State,
9 a licensed clinical social worker who is a certified
10 social worker licensed for the independent practice
11 of social work in this State who has at least a
12 masters degree in social work from an accredited edu-
13 cational institution and has been employed in social
14 work for at least 2 years, or a licensed nurse who is
15 certified by the American Nurses' Association as a
16 clinical specialist in adult psychiatric and mental
17 health nursing or as a clinical specialist in child
18 and adolescent psychiatric and mental health nursing,
19 any person covered by the policy shall be entitled to
20 reimbursement for these services if the services are
21 performed by a physician, a psychologist licensed to
22 practice in this State, a licensed clinical social
23 worker who is a certified social worker licensed for
24 the independent practice of social work who has at
25 least a masters degree in social work from an accred-
26 ited educational institution and who has been em-
27 ployed in social work for at least 2 years, or a li-
28 censed nurse certified by the American Nurses' Asso-
29 ciation as a clinical specialist in adult or child
30 and adolescent psychiatric and mental health nursing.
31 With respect to services provided by physicians or
32 psychologists, this section applies to all health
33 insurance policies, contracts or certificates issued,
34 renewed, modified, altered, amended or reissued on or
35 after July 1, 1975. With respect to services pro-
36 vided by social workers and nurses, this section ap-
37 plies to all health insurance policies, contracts or
38 certificates issued, renewed, modified, altered,
39 amended or reissued on or after January 1, 1984, and
40 before January 1, 1988.

41 2. Nothing in subsection 1 may be construed to
42 require a health insurance policy subject to this
43 chapter to provide for reimbursement of services
44 which are within the lawful scope of practice of a

1 psychologist licensed to practice in this State, a
2 licensed clinical social worker who is a certified
3 social worker licensed to practice in this State, or
4 a certified nurse licensed to practice in this State.

5 Sec. 3. 24-A MRSA §2835, as amended by PL 1983,
6 c. 546, §3, is further amended to read:

7 §2835. Mental health services

8 1. Notwithstanding any provision of a health in-
9 surance policy subject to this chapter, whenever the
10 policy provides for payment or reimbursement for ser-
11 vices which are within the lawful scope of practice
12 of a psychologist licensed to practice in this State,
13 a licensed clinical social worker who is a certified
14 social worker licensed for the independent practice
15 of social work in this State who has at least a
16 masters degree in social work from an accredited edu-
17 ca-tional institution and has been employed in social
18 work for at least 2 years, or a licensed nurse who is
19 certified by the American Nurses' Association as a
20 clinical specialist in adult psychiatric and mental
21 health nursing or as a clinical specialist in child
22 and adolescent psychiatric and mental health nursing,
23 any person covered by the policy shall be entitled to
24 reimbursement for these services if the services are
25 performed by a physician, a psychologist licensed to
26 practice in this State, a licensed clinical social
27 worker who is a certified social worker licensed for
28 independent practice in this State who has at least a
29 masters degree in social work from an accredited edu-
30 ca-tional institution and who has been employed in so-
31 cial work for at least 2 years, or a licensed nurse
32 certified by the American Nurses' Association as a
33 clinical specialist in adult or child and adolescent
34 psychiatric and mental health nursing. With respect
35 to services provided by physicians or psychologists,
36 this section applies to all health insurance poli-
37 cies, contracts or certificates issued, renewed, mod-
38 ified, altered, amended or reissued on or after April
39 16, 1976. With respect to services provided by so-
40 cial workers and nurses, this section applies to all
41 health insurance policies, contracts or certificates
42 issued, renewed, modified, altered, amended or reis-
43 sued on or after January 1, 1984, and before January
44 1, 1988.

1 2. Nothing in subsection 1 may be construed to
2 require a health insurance policy subject to this
3 chapter to provide for reimbursement of services
4 which are within the lawful scope of practice of a
5 psychologist licensed to practice in this State, a
6 licensed clinical social worker licensed to practice
7 in this State who is a certified social worker li-
8 icensed to practice in this State, or a nurse certi-
9 fied and licensed to practice in this State.

10 Sec. 4. 32 MRSA §7001, sub-§5-A is enacted to
11 read:

12 5-A. Licensed clinical social worker. A "li-
13 icensed clinical social worker" is a person who has
14 received a license as a clinical social worker from
15 the board and whose practice includes the application
16 of recognized principles, methods and procedures of
17 the profession of social work to the diagnosis of
18 mental illness and emotional disorders and to the
19 treatment and prevention of psycho-social disorders.

20 Sec. 5. 32 MRSA §7001, sub-§§6 and 8, as enacted
21 by PL 1977, c. 673, §3, are amended to read:

22 6. Psycho-social evaluation. "Psycho-social
23 evaluation" as used in this chapter ~~means~~ includes
24 the determination and examination by social workers
25 of the ~~social~~ psycho-social situation of an individu-
26 al or group related to inter and intra personal
27 stress, family background, family interaction, living
28 arrangements and socio-economic problems, diagnosis
29 of mental illness and emotional disorders and treat-
30 ment, evaluation, plans and goals to the extent per-
31 mitted by the licensure provisions of this chapter.

32 8. Social work. "Social work" means engaging in
33 psycho-social evaluation and therapy, to the extent
34 permitted by the licensure provisions of this chap-
35 ter, to effect a change in the feelings, attitudes
36 and behavior of a client, whether an individual,
37 group or community, in response to a ~~social~~
38 psycho-social situation.

39 Sec. 6. 32 MRSA §7003, sub-§4 is enacted to
40 read:

1 4. Limitation. Nothing in this chapter may be
2 construed as permitting the practice of medicine as
3 defined in section 3270 by social workers.

4 Sec. 7. 32 MRS §7051, as enacted by PL 1977, c.
5 673, §3, is amended to read:

6 §7051. Registration required

7 In order to safeguard the life, health and wel-
8 fare of the people of this State, any person practic-
9 ing or offering to practice as a licensed clinical,
10 certified, registered or associate social worker
11 shall be required to submit evidence that he is qual-
12 ified to so practice and shall be registered as pro-
13 vided in this subchapter.

14 Sec. 8. 32 MRS §7052, as enacted by PL 1977, c.
15 673, §3, is repealed and the following enacted in its
16 place:

17 §7052. Independent practice of social work; license
18 required

19 1. Licensed clinical social worker. In order to
20 safeguard the life, health and welfare of the people
21 of this State, any person engaging in and offering to
22 engage in the practice of social work as a licensed
23 clinical social worker shall be required to submit
24 evidence to the board that he is qualified to so
25 practice and shall be licensed as a clinical social
26 worker as provided in this chapter.

27 2. Independent practice of social work. In or-
28 der to safeguard the life, health and welfare of the
29 people of this State, any person engaging in or of-
30 fering to engage in the independent practice of so-
31 cial work shall be required to submit evidence to the
32 board that he is qualified to so practice, shall have
33 been employed in social work for at least 2 years and
34 shall be licensed as a certified social worker as
35 provided in this subchapter.

36 Sec. 9. 32 MRS §7053, as amended by PL 1983, c.
37 413, §226, is repealed and the following enacted in
38 its place:

1 §7053. Qualifications

2 To be eligible for a license to practice clinical
3 social work and for certification as a certified so-
4 cial worker, registered social worker or an associate
5 social worker, an applicant shall be at least 18
6 years of age and a resident of this State and shall
7 satisfactorily pass any examination as the board may
8 prescribe by its rules. Each applicant shall demon-
9 strate that he is trustworthy and competent to engage
10 in the practice of social work in such a manner as to
11 safeguard the interests of the public.

12 The following shall be considered as minimum evi-
13 dence satisfactory to the board that an applicant is
14 qualified for registration and certification as a
15 certified, registered or associate social worker, re-
16 spectively.

17 1. Licensed clinical social worker. As a li-
18 icensed clinical social worker, an applicant shall
19 have received a masters degree in social work from an
20 accredited educational institution, shall have subse-
21 quently completed 2 years of supervised social work
22 experience in a clinical setting, shall have demon-
23 strated to the satisfaction of the board adherence to
24 the ethics of the social work profession and shall
25 have successfully completed the examination pre-
26 scribed by the board.

27 2. Certified social worker. As a certified so-
28 cial worker, an applicant shall have received either
29 a masters or doctoral degree in social work from an
30 accredited educational institution, shall have demon-
31 strated to the satisfaction of the board adherence to
32 the ethics of the social work profession and shall
33 have successfully completed the examinations pre-
34 scribed by the board.

35 3. Registered social worker. As a registered
36 social worker, an applicant shall have received a
37 bachelor's degree in social work or social welfare
38 from an accredited educational institution, shall
39 have been employed in social work for a period of at
40 least one year subsequent to the receipt of a bache-
41 lor's degree, shall have demonstrated to the satis-
42 faction of the board adherence to the ethics of the

1 social worker profession and shall have successfully
2 completed the examination prescribed by the board.

3 4. Associate social worker. As an associate so-
4 cial worker, an applicant shall have been employed in
5 social work for not less than 6 years, or shall have
6 received a bachelor's degree from an accredited edu-
7 cational institution and shall have been employed in
8 social work for not less than 2 years, shall have
9 demonstrated to the satisfaction of the board adher-
10 ence to the ethics of the social work profession and
11 shall have successfully completed the examination
12 prescribed by the board.

13 Any person having the necessary qualifications
14 prescribed in this chapter to entitle him to regis-
15 tration as a certified, registered or associate so-
16 cial worker shall be eligible for that registration
17 though he may not be practicing his profession at the
18 time of making the application.

19 STATEMENT OF FACT

20 The purpose of this bill is to clarify the eligi-
21 bility for insurance reimbursement of certain diag-
22 nostic services provided by qualified social workers
23 by changing the definition of social work as con-
24 tained in current law and by establishing a new cate-
25 gory of "licensed clinical social worker" and pre-
26 scribing the qualifications therein. These changes
27 are necessary, in the view of the Attorney General,
28 to clarify the scope of reimbursable social work ser-
29 vices permissible under insurance laws.

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