

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 134

H.P. 99

House of Representatives, February 13, 1989

Reference to the Committee on Banking and Insurance suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative GARLAND of Bangor.
Cosponsored by Representative O'DEA of Orono.

STATE OF MAINE

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

**An Act to Expand the Types of Mental Health Care Providers Eligible
for Insurance Reimbursement.**



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

3 **Sec. 1. 24 MRSA §2303, sub-§2,** as amended by PL 1987, c. 80,
5 §1, is further amended to read:

7 **2. Mental health services provided by psychologists or**
9 **certified social workers.** Notwithstanding any provision of a
11 contract between a subscriber and a nonprofit hospital or medical
13 service organization entered into pursuant to a hospital service
15 plan, medical service plan or health care plan authorized under
17 this chapter, and notwithstanding any other provision of this
19 chapter, whenever the contract provides for payment or
21 reimbursement for mental health services, payment or
23 reimbursement for the provision of these services shall not be
25 denied because the services are provided by a contracting
27 licensed psychologist who is trained and received a doctorate in
29 psychology specializing in the evaluation and treatment of human
31 behavior, a contracting certified social worker licensed for the
33 independent practice of social work in this State who has at
35 least a masters degree in social work from an accredited
37 educational institution, has been employed in social work for at
39 least 2 years, and who, after January 1, 1985, must be licensed
41 as a clinical social worker or master social worker in this
43 State, or a contracting licensed nurse who is trained and has
45 received a certificate as a clinical specialist in psychiatric
47 and mental health nursing from the American Nurses' Association,
49 acting within the scope of his license or certification. Subject
51 to approval by the Superintendent of Insurance pursuant to
 sections 2305 and 2316, a nonprofit hospital or medical service
 organization incorporated under this chapter shall offer
 contracts to psychologists licensed pursuant to Title 32, section
 3831, subsection 2, certified social workers licensed for the
 independent practice of social work who have at least a masters
 degree in social work from an accredited educational institution,
 who have been employed in social work for at least 2 years, and
 who, after January 1, 1985, must be licensed as a clinical social
 worker or master social worker in this State, and licensed nurses
 who are certified by the American Nurses' Association as clinical
 specialists in adult psychiatric and mental health nursing or as
 clinical specialists in child and adolescent psychiatric and
 mental health nursing, authorizing the provision of mental health
 services by these psychologists, clinical social workers, master
 social workers, certified social workers and certified nurses
 within the scope of their licensure or certification, if the
 nonprofit hospital or medical service organization provides
 mental health services in contracts with subscribers. Payment or
 reimbursement for services rendered by clinical social workers
 licensed in this State shall not be conditioned upon prior
 diagnosis or referral by a physician or other health care
 professional, except in cases where diagnosis of the condition
 for which the services are rendered is beyond the scope of their

1 licensure. With respect to services provided by psychologists,
3 this subsection applies to all contracts between the subscriber
and a nonprofit hospital or medical service organization entered
into or renewed after January 1, 1976.

5
7 **Sec. 2. 24-A MRSA §2744, sub-§1**, as amended by PL 1987, c. 80,
§2, is further amended to read:

9 1. Notwithstanding any provision of a health insurance
11 policy subject to this chapter, whenever the policy provides for
payment or reimbursement for services which are within the lawful
13 scope of practice of a psychologist licensed to practice in this
State, a certified social worker licensed for the independent
15 practice of social work in this State who has at least a masters
degree in social work from an accredited educational institution,
17 has been employed in social work for at least 2 years, and who,
after January 1, 1985, must be licensed as a clinical social
19 worker or master social worker in this State, or a licensed nurse
who is certified by the American Nurses' Association as a
21 clinical specialist in adult psychiatric and mental health
nursing or as a clinical specialist in child and adolescent
23 psychiatric and mental health nursing, any person covered by the
policy shall be entitled to reimbursement for these services if
25 the services are performed by a physician, a psychologist
licensed to practice in this State, a certified social worker
27 licensed for the independent practice of social work who has at
least a masters degree in social work from an accredited
29 educational institution , who has been employed in social work
for at least 2 years, and who, after January 1, 1985, must be
31 licensed as a clinical social worker or master social worker in
this State, or a licensed nurse certified by the American Nurses'
33 Association as a clinical specialist in adult or child and
adolescent psychiatric and mental health nursing. With respect
35 to services provided by physicians or psychologists, this
section applies to all health insurance policies, contracts or
37 certificates issued, renewed, modified, altered, amended or
reissued on or after July 1, 1975. Payment or reimbursement for
39 services rendered by clinical social workers and master social
workers licensed in this State shall not be conditioned upon
41 prior diagnosis or referral by a physician or other health care
professional, except in cases where diagnosis of the condition
43 for which the services are rendered is beyond the scope of their
licensure.

45 **Sec. 3. 24-A MRSA §2835, sub-§1**, as amended by PL 1987, c. 80,
47 §3, is further amended to read:

49 1. Notwithstanding any provision of a health insurance
policy subject to this chapter, whenever the policy provides for
51 payment or reimbursement for services which are within the lawful
scope of practice of a psychologist licensed to practice in this

1 State, a certified social worker licensed for the independent
3 practice of social work in this State who has at least a masters
5 degree in social work from an accredited educational institution
7 , has been employed in social work for at least 2 years, and who,
9 after January 1, 1985, must be licensed as a clinical social
11 worker or master social worker in this State, or a licensed nurse
13 who is certified by the American Nurses' Association as a
15 clinical specialist in adult psychiatric and mental health
17 nursing or as a clinical specialist in child and adolescent
19 psychiatric and mental health nursing, any person covered by the
21 policy shall be entitled to reimbursement for these services if
23 the services are performed by a physician, a psychologist
25 licensed to practice in this State, certified social worker
27 licensed for independent practice in this State who has at least
29 a masters degree in social work from an accredited educational
31 institution, who has been employed in social work for at least 2
33 years, and who, after January 1, 1985, must be licensed as a
35 clinical social worker or master social worker in this State, or
37 a licensed nurse certified by the American Nurses' Association as
39 a clinical specialist in adult or child and adolescent
41 psychiatric and mental health nursing. With respect to services
43 provided by physicians or psychologists, this section applies to
45 all health insurance policies, contracts or certificates issued,
renewed, modified, altered, amended or reissued on or after April
16, 1976. Payment or reimbursement for services rendered by
clinical social workers and master social workers licensed in
this State shall not be conditioned upon prior diagnosis or
referral by a physician or other health care professional, except
in cases where diagnosis of the condition for which the services
are rendered is beyond the scope of their licensure.

STATEMENT OF FACT

35 Currently, insurance reimbursement is paid for mental health
37 services of clinical social workers. Such persons may engage in
39 clinical private practice. Other social workers are not subject
to this reimbursement.

41 This bill adds master social workers to the list of
43 providers whose services are eligible for insurance
45 reimbursement. Master social workers can not engage in
nonclinical private practice nor in social work in a clinical
setting unless the latter is in preparation for receiving a
license as a clinical social worker.