

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 281

S.P. 103

In Senate, February 2, 1993

An Act Relating to the Licensing of Counselors.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.

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

Sec. 1. 32 MRSA §13857-A is enacted to read:

§13857-A. Nonresidents

To receive a license or to be relicensed, a person who is not a Maine resident shall present proof of practice in the last year in the State that is satisfactory to the board.

The board shall issue a temporary license valid for 180 days to persons who do not provide this proof of practice. At the conclusion of this period the applicant shall present proof of practice in the State in order to continue to be a licensed practitioner.

Sec. 2. 32 MRSA §13858, sub-§6, as repealed and replaced by PL 1991, c. 263, §4, is amended to read:

6. Existing counselors. An individual who holds at least a master's degree, or its equivalent as determined by the board, from a ~~nationally or regionally~~ an accredited institution or program approved by the board ~~or its equivalent, as determined by the board,~~ in counseling, an allied mental health field or a behavioral ~~or social~~ science; has supervised experience as determined necessary by the board through rulemaking or has passed an examination prescribed by the board; and was actively engaged as a counselor for at least 2 of the preceding 5 years prior to January 1, 1991, is deemed to have met all the requirements for licensure.

Sec. 3. 32 MRSA §13858, sub-§8 is enacted to read:

8. Degree from unapproved institution. In the event that an applicant for a pastoral counselor's license states that, because of issues dealing with religious freedom, the applicant is unable to provide evidence of receiving a degree from an institution whose accrediting agency is approved by the board, the board shall consider as evidence of qualification performance to the board's satisfaction of one or more of the following:

A. Supervised experience;

B. Completion of an examination;

C. Board review of patient records;

D. Evidence of acceptance of the credits from the applicant's institution by institutions approved by the board; and

E. Evidence that the applicant's institution's accrediting agency is acceptable to accrediting agencies approved by the board.

2 **Sec. 4. 32 MRSA §13860, sub-§3 is enacted to read:**

3 3. Notification by applicant. At the time of application
4 for relicensure, the applicant shall indicate whether in the
5 previous 2 years the applicant has been subject to discipline by
6 a state board, accrediting body, professional society or health
7 care facility or has been sued for malpractice.

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10 **STATEMENT OF FACT**

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12 This bill requires that applicants for a pastoral counselor
13 license whose degree is not from an institution approved by the
14 board must be licensed if they meet one or more of several other
15 specific criteria, with the criteria selected to be determined by
16 the board. The bill also clarifies the wording of the
17 qualifications necessary for the grandfathering of pastoral
18 counselors. Finally, it requires nonresidents to show proof of
 practice in Maine in order to be eligible for a license.