

# MAINE STATE LEGISLATURE

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L.D. 1070

DATE: 4/10/94

(Filing No. S-602)

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STATE OF MAINE  
SENATE  
116TH LEGISLATURE  
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 356, L.D. 1070, Bill, "An Act to Increase Access to and Affordability of Mental Health and Substance Abuse Treatment Services"

Amend the amendment by striking out everything after the title and before the statement of fact and inserting in its place the following:

'Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 24 MRSA §2302, sub-§2, as amended by PL 1987, c. 80, §1, is further amended to read:

2. Mental health services provided by psychologists, certified social workers or other licensed mental health professionals. 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 of these services shall may not be denied because the services are provided by a contracting licensed psychologist who is trained and received a doctorate in psychology specializing in the evaluation and treatment of human behavior, ~~or~~ a contracting certified social worker licensed for the independent practice of social work in this State who has at least a masters degree in

**SENATE AMENDMENT**

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2 social work from an accredited educational institution, has been  
 3 employed in social work for at least 2 years, and who, after  
 4 January 1, 1985, must be licensed as a clinical social worker in  
 5 this State, ~~or~~; a contracting licensed nurse who is trained and  
 6 has received a certificate as a clinical specialist in  
 7 psychiatric and mental health nursing from the American Nurses'  
 8 Association, acting within the scope of ~~his~~ that license or  
 9 certification; or a counseling professional who is licensed by  
 10 the State pursuant to Title 32, chapter 119 to assess and treat  
 11 intrapersonal and interpersonal problems, has at least a masters  
 12 degree in counseling or a related field from an accredited  
 13 educational institution and has been employed as a counselor for  
 14 at least 2 years. Subject to approval by the Superintendent of  
 15 Insurance pursuant to sections 2305 and 2316, a nonprofit  
 16 hospital or medical service organization incorporated under this  
 17 chapter shall offer contracts to psychologists licensed pursuant  
 18 to Title 32, section 3831, subsection 2, ~~and~~; certified social  
 19 workers licensed for the independent practice of social work who  
 20 have at least a masters degree in social work from an accredited  
 21 educational institution, who have been employed in social work  
 22 for at least 2 years, and who, after January 1, 1985, must be  
 23 licensed as a clinical social worker in this State, ~~and~~; licensed  
 24 nurses who are certified by the American Nurses' Association as  
 25 clinical specialists in adult psychiatric and mental health  
 26 nursing or as clinical specialists in child and adolescent  
 27 psychiatric and mental health nursing; or counseling  
 28 professionals who are licensed by the State pursuant to Title 32,  
 29 chapter 119 to assess and treat intrapersonal and interpersonal  
 30 problems, have at least a masters degree in counseling or a  
 31 related field from an accredited educational institution and have  
 32 been employed as counselors for at least 2 years, authorizing the  
 33 provision of mental health services by these psychologists,  
 34 clinical social workers, certified social workers ~~and~~, certified  
 35 nurses and other counseling professionals within the scope of  
 36 their licensure or certification, if the nonprofit hospital or  
 37 medical service organization provides mental health services in  
 38 contracts with subscribers. Payment or reimbursement for  
 39 services rendered by clinical social workers or counseling  
 40 professionals licensed in this State shall ~~may~~ not be conditioned  
 41 upon prior diagnosis or referral by a physician or other health  
 42 care professional, except in cases where when diagnosis of the  
 43 condition for which the services are rendered is beyond the scope  
 44 of their licensure. With respect to services provided by  
 45 psychologists, this subsection applies to all contracts between  
 46 the subscriber and a nonprofit hospital or medical service  
 organization entered into or renewed after January 1, 1976.

48 Sec. 2. 24-A MRSA §2835, sub-§1, as amended by PL 1987, c. 80,  
 50 §3, is further amended to read:

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SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 356,  
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1. Notwithstanding any provision of a health insurance policy subject to this chapter, whenever the policy provides for payment or reimbursement for services which that are within the lawful scope of practice of a psychologist licensed to practice in this State,; a certified social worker licensed for the independent practice of social work in this State who has at least a masters degree in social work from an accredited educational institution, has been employed in social work for at least 2 years, and who, after January 1, 1985, must be licensed as a clinical social worker in this State,--ø; a licensed nurse who is certified by the American Nurses' Association as a clinical specialist in adult psychiatric and mental health nursing or as a clinical specialist in child and adolescent psychiatric and mental health nursing; or a counseling professional who is licensed by the State pursuant to Title 32, chapter 119 to assess and treat intrapersonal and interpersonal problems, has at least a masters degree in counseling or a related field from an accredited educational institution and has been employed as a counselor for at least 2 years, any person covered by the policy shall ~~be~~ is entitled to reimbursement for these services if the services are performed by a physician,; a psychologist licensed to practice in this State,; a certified social worker licensed for independent practice in this State who has at least a masters degree in social work from an accredited educational institution, who has been employed in social work for at least 2 years, and who, after January 1, 1985, must be licensed as a clinical social worker in this State,--ø; a licensed nurse certified by the American Nurses' Association as a clinical specialist in adult or child and adolescent psychiatric and mental health nursing; or a counseling professional who is licensed by the State pursuant to Title 32, chapter 119 to assess and treat intrapersonal and interpersonal problems, has at least a masters degree in counseling or a related field from an accredited educational institution and has been employed as a counselor for at least 2 years. With respect to services provided by physicians or psychologists, this section applies to 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 or counseling professionals licensed in this State shall ~~may~~ not be conditioned upon prior diagnosis or referral by a physician or other health care professional, except in cases where when diagnosis of the condition for which the services are rendered is beyond the scope of their licensure.'

Further amend the bill by inserting at the end before the statement of fact the following:

# SENATE AMENDMENT

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FISCAL NOTE

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Expanding the pool of counseling professionals that are recognized by insurers as service providers will increase the cost of the State's employee health insurance program by approximately \$111,000 annually. Since funding is not provided to offset these costs, the ability of some departments and agencies to absorb these additional costs is uncertain.

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STATEMENT OF FACT

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This amendment incorporates all of Committee Amendment "A" and also adds language that clarifies the original intent of the bill, which is to provide mandatory reimbursement only to counseling professionals who are licensed to assess and treat intrapersonal and interpersonal problems. Other counselors whose licensed scope of practice does not include assessment and treatment would not be subject mandatory insurance reimbursement under this amendment.

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The amendment also replaces the fiscal note.

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SPONSORED BY: Michael Pearson  
(Senator PEARSON)

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COUNTY: Penobscot

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