

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1070

S.P. 356

In Senate, March 29, 1993

**An Act to Increase Access to and Affordability of Mental Health and
Substance Abuse Treatment Services.**

Reference to the Committee on Banking and Insurance 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 BUSTIN of Kennebec.

Cosponsored by Senators: CIANCHETTE of Somerset, HARRIMAN of Cumberland.

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

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

6 2. Mental health services provided by psychologists,
8 certified social workers or other licensed mental health
professionals. Notwithstanding any provision of a contract
10 between a subscriber and a nonprofit hospital or medical service
organization entered into pursuant to a hospital service plan,
12 medical service plan or health care plan authorized under this
chapter, and notwithstanding any other provision of this chapter,
14 whenever the contract provides for payment or reimbursement for
mental health services, payment or reimbursement for the
16 provision of these services shall may not be denied because the
services are provided by a contracting licensed psychologist who
18 is trained and received a doctorate in psychology specializing in
the evaluation and treatment of human behavior; a contracting
20 certified social worker licensed for the independent practice of
social work in this State who has at least a masters degree in
22 social work from an accredited educational institution, has been
employed in social work for at least 2 years, and who, after
24 January 1, 1985, must be licensed as a clinical social worker in
this State; ~~or~~; a contracting licensed nurse who is trained and
26 has received a certificate as a clinical specialist in
psychiatric and mental health nursing from the American Nurses'
Association, acting within the scope of his that license or
28 certification; or other counseling professional who is licensed
30 by the State, has at least a masters degree in counseling or a
related field from an accredited educational institution and has
32 been employed as a counselor for at least 2 years. Subject to
approval by the Superintendent of Insurance pursuant to sections
34 2305 and 2316, a nonprofit hospital or medical service
organization incorporated under this chapter shall offer
36 contracts to psychologists licensed pursuant to Title 32, section
3831, subsection 2; certified social workers licensed for the
38 independent practice of social work who have at least a masters
degree in social work from an accredited educational institution,
40 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
42 worker in this State; ~~and~~; licensed nurses who are certified by
the American Nurses' Association as clinical specialists in adult
44 psychiatric and mental health nursing or as clinical specialists
in child and adolescent psychiatric and mental health nursing; or
46 other counseling professionals who are licensed by the State,
have at least a masters degree in counseling or a related field
48 from an accredited educational institution and have been employed
as a counselor for at least 2 years, authorizing the provision of
50 mental health services by these psychologists, clinical social
workers, certified social workers and, certified nurses and other

2 counseling professionals within the scope of their licensure or
3 certification, if the nonprofit hospital or medical service
4 organization provides mental health services in contracts with
5 subscribers. Payment or reimbursement for services rendered by
6 clinical social workers licensed in this State shall ~~or other~~
7 counseling professionals may not be conditioned upon prior
8 diagnosis or referral by a physician or other health care
9 professional, except in cases where when diagnosis of the
10 condition for which the services are rendered is beyond the scope
11 of their licensure. With respect to services provided by
12 psychologists, this subsection applies to all contracts between
13 the subscriber and a nonprofit hospital or medical service
14 organization entered into or renewed after January 1, 1976.

15 **Sec. 2. 24-A MRSA §2835, sub-§1**, as amended by PL 1987, c. 80,
16 §3, is further amended to read:

17 1. Notwithstanding any provision of a health insurance
18 policy subject to this chapter, whenever the policy provides for
19 payment or reimbursement for services which that are within the
20 lawful scope of practice of a psychologist licensed to practice
21 in this State, ~~;~~ a certified social worker licensed for the
22 independent practice of social work in this State who has at
23 least a masters degree in social work from an accredited
24 educational institution, has been employed in social work for at
25 least 2 years, and who, after January 1, 1985, must be licensed
26 as a clinical social worker in this State, ~~or;~~ a licensed nurse
27 who is certified by the American Nurses' Association as a
28 clinical specialist in adult psychiatric and mental health
29 nursing or as a clinical specialist in child and adolescent
30 psychiatric and mental health nursing; or other counseling
31 professional who is licensed by the State, has at least a masters
32 degree in counseling or a related field from an accredited
33 educational institution and has been employed as a counselor for
34 at least 2 years, any person covered by the policy shall--be is
35 entitled to reimbursement for these services if the services are
36 performed by a physician, ~~;~~ a psychologist licensed to practice in
37 this State, ~~;~~ a certified social worker licensed for independent
38 practice in this State who has at least a masters degree in
39 social work from an accredited educational institution, who has
40 been employed in social work for at least 2 years, and who, after
41 January 1, 1985, must be licensed as a clinical social worker in
42 this State, ~~or;~~ a licensed nurse certified by the American
43 Nurses' Association as a clinical specialist in adult or child
44 and adolescent psychiatric and mental health nursing; or other
45 counseling professional who is licensed by the State, has at
46 least a masters degree in counseling or a related field from an
47 accredited educational institution and has been employed as a
48 counselor for at least 2 years. With respect to services
49 provided by physicians or psychologists, this section applies to
50

2 all health insurance policies, contracts or certificates issued,
renewed, modified, altered, amended or reissued on or after April
4 16, 1976. Payment or reimbursement for services rendered by
clinical social workers or other counseling professionals
6 licensed in this State shall may not be conditioned upon prior
diagnosis or referral by a physician or other health care
8 professional, except in cases where when diagnosis of the
condition for which the services are rendered is beyond the scope
of their licensure.

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14 **STATEMENT OF FACT**

16 Currently, 3rd-party reimbursement is limited to
psychologists, psychiatrists, social workers and psychiatric
18 nurses. This limits the availability of mental health and
substance abuse treatment services, particularly in rural parts
20 of the State where the supply of insurance-reimbursable
professionals is limited. In addition, current law makes a
22 distinction between master-level clinicians with similar
training, allowing some to be insurance reimbursable and leaving
others without this ability. This bill recognizes all counseling
24 professionals who have at least a masters degree in training, are
licensed by the State and have been practicing for at least 2
26 years.

28 The purpose of this bill is to improve access to treatment
services and to reduce the cost of those treatment services by
30 increasing the supply of treatment providers who are recognized
by insurers and who are available to provide services.