

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1500

S.P. 489

In Senate, May 13, 1993

**An Act to Consolidate Certain State Functions and Create the Board of
Licensing Counseling Professionals.**

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

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BUSTIN of Kennebec.
Cosponsored by Representative: GEAN of Alfred.

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

2
4 **Sec. 1.** 5 MRSA §12004-A, sub-§9-A, as amended by PL 1989, c. 895, §20, is further amended to read:

6 **9-A.** Board of \$35/Day 32 MRSA §13852
7 Licensing Counseling §13872
8 Professionals
9 Licensure.

10 This subsection is repealed October 1, 1999.

12 **Sec. 2.** 5 MRSA §12004-A, sub-§38, as amended by PL 1989, c. 450, §2, is repealed.

14 **Sec. 3.** 5 MRSA §12004-A, sub-§41, as enacted by PL 1987, c. 786, §5, is repealed.

16 **Sec. 4.** 32 MRSA cc. 81, 83 and 119, as amended, are repealed.

18 **Sec. 5.** 32 MRSA c. 119-A is enacted to read:

20 **CHAPTER 119-A**

22 **COUNSELING PROFESSIONALS**

24 **SUBCHAPTER I**

26 **GENERAL PROVISIONS**

28 **§13871. Definitions**

30 As used in this chapter, unless the context otherwise
32 indicates, the following terms have the following meanings.

34 **1. Accredited educational institution.** As used in
36 subchapter IV only, an "accredited educational institution" is an
38 institution accredited by the Council on Social Work Education.

40 **2. Associate substance abuse counselor.** "Associate
42 substance abuse counselor" means a practitioner who provides the
44 primary service of professional substance abuse counseling to the
46 public for a fee, monetary or otherwise, who does not engage in
48 private practice and who meets the criteria established in
50 subchapter III for an associate substance abuse counselor.

3. Board. "Board" means the Board of Licensing Counseling
Professionals.

4. Certified social worker independent practice. A
"certified social worker independent practice" is a person who

2 was licensed as a certified social worker and permitted to engage
3 in the independent practice of social work pursuant to former
4 section 7052, before January 1, 1985.

5 **5. Clinical professional counselor.** "Clinical professional
6 counselor" means a professional counselor who renders or offers
7 to render for a fee, monetary or otherwise, to individuals,
8 families, groups, organizations or the general public, a
9 counseling service involving the application of the principles
10 and procedures of counseling to assess and treat intrapersonal
11 and interpersonal problems and other dysfunctional behaviors and
12 to assist in the overall development and adjustment of those
13 served.

14
15 **6. Clinical setting.** A "clinical setting" is a setting
16 where mental disorders are evaluated, prevented, diagnosed and
17 treated using psychosocial evaluation.

18
19 **7. College level course.** "College level course" means an
20 education class or program that includes at least 15 contact
21 hours per credit.

22
23 **8. Commissioner.** "Commissioner" means the Commissioner of
24 Labor.

25
26 **9. Conditional license.** "Conditional license" means a
27 license granted to an applicant for licensure who has met all the
28 requirements defined in section 13882, except for supervised
29 experience.

30
31 **10. Consumer of substance abuse services.** A "consumer of
32 substance abuse services" is a person affected by or recovering
33 from alcoholism or other drug abuse.

34
35 **11. Counselor.** "Counselor" means an individual who for a
36 fee, monetary or otherwise, engages in any of the procedures of
37 counseling defined in subsection 23.

38
39 **12. Department.** "Department" means the Department of Labor.

40
41 **13. Inactive substance abuse counselor.** "Inactive
42 substance abuse counselor" means a licensed, certified or
43 registered substance abuse counselor who registers with the board
44 for a leave from the field for a period not to exceed 2 years.
45 Inactive substance abuse counselors are not required to take the
46 written or oral examinations nor to provide documentation of
47 continuing education during the period they have abstained from
48 practice. Inactive substance abuse counselors must notify the
49 board for license renewal prior to resuming their practice.

2 14. Licensed clinical social worker. A "licensed clinical
social worker" is a person who has received a license as a
4 clinical social worker from the board.

6 15. Licensed master social worker. A "licensed master
social worker" is a person who has received a license as a master
8 social worker from the board.

10 16. Licensed social worker. A "licensed social worker" is
a person who has received a license as a licensed social worker
12 from the board.

14 17. Licensed substance abuse counselor. "Licensed
substance abuse counselor" means an individual who is providing
16 the service of professional substance abuse counseling to the
public for a fee, monetary or otherwise, and who meets the
18 criteria established in subchapter III for a licensed substance
abuse counselor.

20 18. Marital and family therapy services. "Marital and
family therapy services" means the assessment and treatment of
22 intrapersonal and interpersonal problems through the application
of principles, methods and therapeutic techniques for the purpose
24 of resolving emotional conflicts, modifying perceptions and
behavior, enhancing communication and understanding among all
26 family members, and preventing family and individual crises.

28 19. Marriage and family therapist. "Marriage and family
therapist" means a person who renders or offers to render for a
30 fee, monetary or otherwise, marital and family therapy services.

32 20. Nonprovider. A "nonprovider" means an individual who
neither is presently nor has been any of the following for the
34 past 3 years:

36 A. A counselor;

38 B. An administrator or board member of a facility or
program that provides counseling services; or

40 C. The spouse of a person listed in paragraphs A and B.

42 21. Pastoral counselor. "Pastoral counselor" means an
44 individual who is trained and certified to provide for a fee,
monetary or otherwise, pastoral counseling, which is ministry to
46 individuals, families, couples, groups, organizations and the
general public involving the application of principles and
48 procedures of counseling to assess and treat intrapersonal and
interpersonal problems and other dysfunctional behavior of a
50 social and spiritual nature, and to assist in the overall
development and healing process of those served.

52

2 22. Private practice. "Private practice" is practicing
3 counseling or social work on a self-employed basis.

4 23. Procedures of counseling. "Procedures of counseling"
5 means methods and techniques that include but are not limited to
6 the following.

7 A. "Assessment" means selecting, administering and
8 interpreting instruments designed to assess personal,
9 interpersonal and group characteristics.

10 B. "Consulting" means the application of scientific
11 principles and procedures in counseling to provide
12 assistance in understanding and solving a current or
13 potential problem that the client may have in relation to a
14 3rd party, be it an individual, family, a group or an
15 organization.

16 C. "Counseling" means assisting individuals, families or
17 groups through a counseling relationship to develop
18 understanding of intrapersonal and interpersonal problems,
19 to define goals, to make decisions, to plan a course of
20 action reflecting their needs and to use information and
21 community resources, as these procedures are related to
22 personal, social, educational and vocational development.

23 D. "Referral" means the evaluation of information to
24 identify needs or problems of the client and to determine
25 the advisability of referral to other specialists, informing
26 the client of that judgment, and communicating as requested
27 or considered appropriate with referral sources.

28 24. Professional counselor. "Professional counselor" means
29 a person who for a fee, monetary or otherwise, renders or offers
30 to render to individuals, families, groups, organizations or the
31 general public a service involving the application of principles
32 and procedures of counseling to assist those served in achieving
33 more effective personal, emotional, social, educational and
34 vocational development and adjustment.

35 25. Psychosocial evaluation. "Psychosocial evaluation"
36 includes the determination and examination by social workers of
37 the psychosocial situation of an individual or group related to
38 interpersonal and intrapersonal stress, family background, family
39 interaction, living arrangements and socioeconomic problems and
40 treatment, evaluation, plans and goals, including the diagnosis
41 of mental illness and emotional disorders for the purpose of
42 treatment and therapeutic intervention to the extent permitted by
43 the licensure provisions of this chapter, excluding the diagnosis
44 of organic mental illness or treatment of an illness by organic
45 therapy.

2 30 days of the completion of the appointments of the initial
3 members.

4 4. Terms of office. Of the first board members, the
5 Governor shall appoint 3 for a term of one year, 3 for a term of
6 2 years and one for a term of 3 years. All other board members
7 are appointed for a term of 3 years, except that a person chosen
8 to fill a vacancy must be appointed for the unexpired term of the
9 board member replaced. Upon expiration of a board member's term,
10 the board member continues to serve until a successor has been
11 appointed and qualified.

12
13 5. Removal. The Governor may remove any member of the
14 board for cause and the reason for the termination of each
15 appointment must be communicated to each member so terminated.
16 The appointment of any member of the board must be terminated if
17 a member is absent for 6 consecutive board meetings without good
18 and just cause that is communicated to the chair.

19
20 6. Compensation. Members of the board are compensated
21 according to the provisions of Title 5, chapter 379, provided
22 that expenses do not exceed the fees collected by the board. If
23 the fees collected under this chapter are insufficient to pay the
24 expenses provided by this section, the board members are entitled
25 to a pro rata payment in any years in which those fees are
26 insufficient.

27
28 7. Meetings; quorum. The board shall hold at least 2
29 regular meetings each year. Additional meetings may be held upon
30 the call of the chair or secretary or upon the written request of
31 any 2 board members. Five members of the board constitute a
32 quorum.

33 **§13873. Powers and duties**

34
35 The board, department and commissioner have the following
36 powers and duties in addition to all other powers and duties
37 otherwise set forth in this chapter.

38
39 1. Standards. The board shall administer and enforce this
40 chapter, set forth education and examination standards and
41 evaluate the qualifications for licensure.

42
43 2. Rules. The board may adopt, in accordance with Title 5,
44 chapter 375, rules necessary to carry out the purposes of this
45 chapter.

46
47 3. Complaints. The board shall investigate or cause to be
48 investigated all complaints made on its own motion or on written
49 complaint filed with the board and all cases of noncompliance
50 with or violation of this chapter or any rules adopted by the
51 board.

2 4. Records. The board shall keep records and minutes
4 necessary to the ordinary dispatch of its functions.

6 5. Contracts. The board may enter into contracts to carry
8 out its responsibilities under this chapter.

10 6. Budget. The board shall submit to the commissioner its
12 budgetary requirements in the same manner provided in Title 5,
14 section 1665.

16 7. Register. The department shall make available, at cost,
18 a register that contains the names of all individuals licensed by
20 the board.

22 8. Employees. The commissioner may appoint, subject to the
24 Civil Service Law, such employees as may be necessary to carry
26 out this chapter. A person so employed must be in the department
28 and under the administrative and supervisory direction of the
30 commissioner.

32 9. Officers. The board shall elect from among its members
34 officers as it determines necessary. The secretary shall keep
36 records and minutes of all activities and meetings.

38 10. Code of ethics. The board shall adopt a code of ethics
40 generally in keeping with standards established by the national
42 professional associations concerned with the areas of board
44 responsibility.

46 11. Hearings. The board shall conduct hearings to assist
48 with investigations and to determine whether grounds exist for
50 suspension, revocation or denial of a license, or as otherwise
52 determined necessary to the fulfillment of its responsibilities
54 under this chapter.

56 12. Disclosure statements. Under this chapter all
58 licensees and registrants are required to provide disclosure
60 statements prior to treatment. The board may adopt, by rule, a
62 standard disclosure statement. This disclosure statement must
64 include, but is not limited to, the name and address of the
66 licensee or registrant, the original date and the expiration date
68 of the license, the proposed course of treatment and financial
70 arrangements for clients.

72 The board may not refuse to renew a license for any reason other
74 than failure to pay a required fee, unless it has afforded the
76 licensee an opportunity for an adjudicatory hearing. The board
78 shall hold an adjudicatory hearing at the written request of a
80 person who is denied a license without a hearing for any reason
82 other than failure to pay a required fee, provided that the
84 request for a hearing is received by the board within 30 days of

2 the applicant's receipt of a written notice of the denial of the
4 application, the reasons for denial and the right to request a
6 hearing. Hearings must be conducted in conformity with Title 5,
8 chapter 375, subchapter IV, to the extent applicable.

10 13. Issue licenses. The board shall issue licenses as
12 necessary to implement this chapter.

14 14. Client bill of rights. The board shall specify the
16 information that counselors are to include in a client bill of
18 rights that is to be provided to all clients by all counselors.

20 15. Report. No later than August 1st of each year, the
22 board shall submit to the commissioner, for the preceding fiscal
24 year ending June 30th, an annual report of its operations and
26 financial position together with such comments and
28 recommendations as the board determines essential. The
30 commissioner shall maintain the board's funds in a separate
32 account and provide the board with a quarterly accounting of its
34 revenues and expenses. When submitting any budget request to the
36 Legislature, the department and the Governor shall provide that
38 any funds for the board be listed in a separate account.

40 16. Examination. The board may design and adopt an
42 examination or other suitable criteria for establishing a
44 candidate's knowledge, skill and experience in counseling. Any
46 criteria adopted by the board for establishing a candidate's
48 knowledge, skill and experience in counseling, substance abuse
50 counseling or social work must be clearly defined, have an
52 established baseline scoring procedure that is objectively
measured, be in writing and be available to the public upon
request.

34 **§13874. Licensing**

36 1. Licensing. Effective October 1, 1993, no person, unless
38 specifically exempted by this chapter, may profess to be a
40 clinical professional counselor, professional counselor, marriage
42 and family therapist, licensed pastoral counselor or conditional
44 license holder, unless licensed in accordance with this chapter.

46 A person, unless specifically exempted by this chapter, may not
48 practice as a substance abuse counselor or profess to the public
50 to be, or assume or use the title or designation of an "inactive
52 substance abuse counselor," "licensed substance abuse counselor"
or "associate substance abuse counselor," or the abbreviation
"I.S.A.C.," "L.S.A.C." or "A.S.A.C.," or any other title,
designation, words, letters or device tending to indicate that
such a person is licensed or registered, unless that person is
licensed or registered with and holds a current and valid license
or certificate of registration from the board.

2 A person may not make a representation to the public or use the
3 title of social worker, unless licensed by the board as a
4 licensed clinical social worker, licensed master social worker,
5 certified social worker or a licensed social worker. A person
6 performing the functions of a social worker as part of a
7 profession or occupation or in a voluntary capacity is not
8 subject to this section.

9
10 Notwithstanding Title 17-A, section 4-A, a person who violates
11 this subsection is subject to a fine of not less than \$50 nor
12 more than \$500 for each offense.

13
14 2. Violation; injunction. Except as provided in subsection
15 1, a person who violates this chapter is guilty of a Class E
16 crime. The State may bring an action in Superior Court to enjoin
17 a person from violating this chapter, regardless of whether
18 proceedings have been or may be instituted in the Administrative
19 Court or whether criminal proceedings have been or may be
20 instituted.

21
22 3. Individual licensing. Only an individual may be
23 licensed under this chapter.

24 **§13875. Psychological testing; assessment services**

25
26 This chapter may not be construed as permitting clinical
27 professional counselors, professional counselors, marriage and
28 family therapists, pastoral counselors, social workers, substance
29 abuse counselors or conditional license holders to profess to the
30 public that they are psychologists or psychological examiners as
31 defined in section 3811, subsection 1, or to offer primarily or
32 solely the services of psychological testing. The board shall
33 adopt ethical standards relating to the utilization of assessment
34 techniques.

35
36 **§13876. Exemptions to licensure**

37
38 1. Other professionals. This chapter may not be construed
39 to apply to the activities and services of members of other
40 professions licensed, certified or registered by the State such
41 as, but not limited to, psychiatrists, physicians, psychologists
42 or registered nurses performing counseling consistent with the
43 laws of the State governing their practices.

44
45 2. Government and school employees. This chapter may not
46 be construed to apply to the activities and services of an
47 employee or other agent of a recognized academic institution;
48 employee assistance program; a federal, state, county or local
49 government institution, program agency or facility; or a school
50 committee, school district, school approved for attendance
51 purposes pursuant to Title 20-A, section 2901, school board or
52 board of trustees, provided that the individual is performing

2 those activities solely within the agency or under the
3 jurisdiction of that agency and that a license granted under this
4 chapter is not a requirement for employment.

6 3. Clergy. This chapter may not be construed to apply to
7 the activities and services of any priest, rabbi, clergy,
8 including a Christian Science healer, or minister of the gospel
9 of any religious denomination when performing counseling services
10 as part of religious duties and in connection with a specific
11 synagogue or church of any religious denomination.

12 4. Interns. This chapter may not be construed to apply to
13 the activities and services of a student, intern or trainee in
14 counseling or marriage and family therapy pursuing a course of
15 study in counseling or marriage and family therapy in a
16 regionally accredited institution of higher education or training
17 institution, if these activities are performed under supervision
18 and constitute a part of the supervised course of study.

20 5. Lecturers; consultants. This chapter may not be
21 construed to apply to the activities and services of visiting
22 lecturers or the occasional services of qualified consultants
23 from outside the State or the use of occasional services of
24 organizations from outside the State employing qualified
25 counselors.

26 6. Peer groups; self-help groups. This chapter may not be
27 construed to prevent members of peer groups or self-help groups
28 from performing peer counseling solely in the context of the peer
29 groups or self-help groups.

32 7. Management consultants. This chapter may not be
33 construed to apply to the activities and services of a management
34 consultant performing services for clients other than private
35 individuals. Those clients include but are not limited to profit
36 and nonprofit corporations, partnerships, sole proprietorships,
37 academic institutions and governmental entities.

38 8. Educational and career consultants. This chapter may
39 not be construed to apply to the counseling activities of
40 educational, vocational or career consultants when performed as
41 an adjunct to their prime function of educational, vocational or
42 career consultation.

44 9. Human resource and organizational developers. This
45 chapter may not be construed to apply to the counseling
46 activities of human resource developers and organizational
47 developers when this counseling is an adjunct to their prime
48 function.

50 10. Other. This chapter may not be construed to apply to
51 the activities and services of individuals who practice as
52 professionals in the field of counseling.

2 expressive art therapists, energy field workers, astrologers,
3 tarot card readers, psychic diviners, aromatherapists, crystal
4 workers, palm readers or practitioners of similar disciplines as
5 determined by the board.

6 **§13877. Comity; transition**

8 The board may waive examination for an applicant licensed or
9 certified as a professional in counseling, clinical counseling,
10 marriage and family therapy, pastoral counseling, substance abuse
11 counseling, social work or a comparable field by another state,
12 territory or possession of the United States, the District of
13 Columbia or any foreign country whose requirements are determined
14 by the board to be at least equivalent to those requirements in
15 this chapter.

16 A person licensed, certified or registered under former
17 chapter 81, 83 or 119 upon the effective date of this chapter is
18 automatically licensed, certified or registered under this
19 chapter for the remainder of the time the person was licensed,
20 certified or registered without renewal under former chapter 81,
21 83 or 119. An initial license, certificate or registration
22 application or license, certificate or registration renewal or
23 reinstatement proceeding pending under former chapter 81, 83 or
24 119 upon the effective date of this chapter is governed by this
25 chapter.

26 **§13878. Terms of licenses**

28 1. Biennial renewal. Licenses expire biennially on
29 December 31st or on such other date as the commissioner
30 determines. Notice of expiration must be mailed to each
31 licensee's last known address at least 30 days in advance of the
32 expiration of the license. The notice must include any requests
33 for information necessary for renewal.

34 Licenses may be renewed up to 90 days after the date of
35 expiration upon payment of a late fee of \$10 in addition to the
36 renewal fee. A person who submits an application for renewal
37 more than 90 days after the license renewal date is subject to
38 all requirements governing new applicants under this chapter,
39 except that the board, giving due consideration to the protection
40 of the public, may waive examination if that renewal application
41 is made within 2 years from the date of that expiration.

42 2. Continuing education and supervision. The board by rule
43 may establish continuing education and supervision requirements.
44 Applicants for renewal of a license must show proof of satisfying
45 the continuing education requirements set forth by the board.

46 **§13879. Disciplinary action grounds; procedure; complaints**

2 1. Grounds. The board may suspend, revoke or refuse to
3 renew a license or registration pursuant to Title 5, section
4 10004. In addition the board may take any other action pursuant
5 to Title 10, section 8003, subsection 5. The board's actions may
6 be taken based on any of the following grounds:

7 A. The practice of fraud or deceit in obtaining a license
8 or in registering under this chapter or in connection with
9 service rendered within the scope of the license issued;

10 B. Habitual intemperance in the use of alcohol or the
11 habitual use of narcotic, hypnotic or other drugs considered
12 controlled substances under state law, which use results in
13 the licensee being unable to perform duties or results in
14 the licensee performing duties in a manner that endangers
15 the health or safety of the patients served;

16 C. A medical finding of incompetency;

17 D. Aiding or abetting a person not duly licensed under this
18 chapter in professing to be so licensed;

19 E. Incompetence in the practice of counseling. A licensee
20 or registrant is incompetent in the practice of counseling
21 if the licensee or registrant has engaged in conduct that
22 evidences a lack of ability or fitness to discharge the duty
23 owed by the licensee or registrant to a client, patient or
24 the general public or has engaged in conduct that evidences
25 a lack of knowledge or inability to apply principles or
26 skills to carry out the practice for which that person is
27 licensed or registered;

28 F. Unprofessional conduct, which is the violation of any
29 client bill of rights, standard of professional behavior or
30 code of ethics adopted by the board;

31 G. Subject to the limitations of Title 5, chapter 341,
32 conviction of a crime that involves dishonesty or false
33 statement or that relates directly to the practice of
34 counseling, or conviction of any crime for which
35 incarceration for one year or more may be imposed;

36 H. The licensee or registrant has had any professional or
37 occupational license revoked for disciplinary reasons or any
38 application rejected for reasons related to
39 untrustworthiness within 3 years of the date of application;
40 or

41 I. Violation of any provisions of this chapter or any rule
42 of the board.

2 2. Procedure. Except as provided in Title 5, section
4 10004, a license or registration may not be denied, suspended or
6 revoked nor renewal or registration refused for the reasons set
8 forth in subsection 1 without prior written notice and
10 opportunity for hearing on that denial, suspension or
 revocation. The burden of proof is on the board in any
 proceeding to suspend or revoke a license or registration. A
 license or registration may not be denied, suspended or revoked
 under this section except by majority vote of the board.

12 3. Complaints. A person may file a complaint with the
14 board seeking disciplinary action against the holder of a license
16 issued by the board or a person registered with the board.
18 Complaints must be in writing in a form prescribed by the board
20 by rule. If the board determines that a complaint alleges facts
22 that, if true, would require denial, revocation, suspension or
 nonrenewal of a license or registration, or other disciplinary
 action, the board shall conduct a hearing pursuant to Title 5,
 chapter 375. Whenever the board establishes that a complaint
 does not state facts that warrant a hearing, the complaint may be
 dismissed. Persons making complaints must be advised in writing
 of each formal decision made by the board regarding that
 complaint.

24 An individual whose license or registration has been denied,
26 suspended or revoked may apply to the board for licensure or
28 registration reinstatement one year after the date of the board's
30 original action. A competency review is a condition of
 reinstatement. The board shall determine the nature of this
 review.

32 The board shall conduct its proceedings in accordance with the
34 provisions of Title 5, chapter 375, subchapter IV.

36 §13880. Privileged communication

38 Except at the request or with the consent of the client, a
40 person licensed under this chapter may not be required to testify
42 in any civil or criminal action, suit or proceeding at law or in
44 equity respecting any information that the person licensed or
46 registered may have acquired in providing counseling services or
48 marriage and family therapy services to the client in a
50 professional and contractual capacity if that information was
 necessary to enable the licensee to furnish professional
 counseling services to the client. When the physical or mental
 condition of the client is an issue in that action, suit or
 proceeding or when a court in the exercise of sound discretion
 determines that the disclosure is necessary to the proper
 administration of justice, information communicated to or
 otherwise learned by that licensed or registered person in
 connection with the provision of counseling or marriage and

2 family therapy services is not privileged and disclosure may be
required.

4 This section does not prohibit disclosure by a person
6 licensed under this chapter of information concerning a client
8 when that disclosure is required by law and nothing in this
10 section modifies or affects Title 22, sections 4011 to 4015.

12 This section may not be construed to prevent a 3rd-party
14 reimbursor from inspecting and copying, in the ordinary course of
16 determining eligibility for or entitlement to benefits, any
18 records related to the diagnosis, treatment or other services
20 provided to any persons, including a minor or incompetent, for
22 which coverage, benefit or reimbursement is claimed as long as
24 the policy or certificate under which the claim is made provides
26 that access to those records is permitted. This section may not
28 be construed to prevent access to any records pursuant to any
30 peer review or utilization review procedures applied and
32 implemented in good faith.

22 **§13881. Registration**

24 1. Registration. Effective October 1, 1993, an individual
26 may not engage in procedures of counseling for a fee, monetary or
28 otherwise, unless that individual is licensed pursuant to this
30 chapter or registers with the department. Each individual who is
32 not licensed and who engages in procedures of counseling shall
34 register with the department every 2 years. Each individual who
36 registers shall fill out a form designed by the board.

38 2. Information required. Each individual who registers
40 shall provide the following information on the form designed by
42 the board. The board shall compile this information and make it
44 available to the public upon request and for a fee that covers
46 the cost of making this information available:

48 A. Name, address and telephone number;

50 B. Major fields of training and expertise, including
degrees and professional certifications held, and where
conferred;

C. Method of billing and previous experience and policy
with regard to 3rd-party payments;

D. The fee schedule and provisions for pro bono work or
sliding scale modifications of the fee schedule; and

E. A description of practice.

2 3. Bill of rights; code of ethics. Each individual who
registers under this section shall sign, post and make a copy
available to each client of:

4
6 A. The client bill of rights approved by the board;

8 B. The code of professional ethics approved by the board;
and

10 C. The name and telephone number of the board's complaint
officer and a description of the complaint process.

12
14 4. Registration fee. Each individual registering under
this section shall pay a registration fee, not to exceed \$50
biennially, established by the board for the purposes of the
administration of this section.

18 5. Registration not allowed. An individual whose license,
certification or registration has been revoked or suspended in
20 this State or any other state and in counseling or any related
field may not register to practice in this State unless the
22 period of revocation or suspension has been completed and the
board has conducted a competency review and determined that
24 rehabilitation has taken place.

26 6. Disciplinary action. An individual who is registered
under this section is subject to the provisions of section 13879.

28
30 7. Registration not certification. Registration does not
imply or certify in any way that the registrant meets any
standards or criteria of education or training.

32
34 **SUBCHAPTER II**

36 **LICENSING OF PROFESSIONAL COUNSELORS**

38 **§13882. Requirements for licensure as a professional counselor**

40 To be eligible for a license to practice counseling at any
level, an applicant must be at least 18 years of age and must
42 satisfactorily pass any examination the board prescribes by its
rules. Each applicant shall demonstrate trustworthiness and
44 competence to engage in the practice of counseling in such a
manner as to safeguard the interests of the public.

46 The following must be considered as minimum evidence
satisfactory to the board that an applicant is qualified for
48 licensure under this chapter.

50 1. Licensed professional counselor. To be qualified as a
licensed professional counselor, an applicant must demonstrate to
52 the satisfaction of the board adherence to the ethics of the

2 counseling profession, must have successfully completed the
3 examination prescribed by the board pursuant to subsection 6 and
4 must have received:

5 A. A master's degree in counseling or an allied mental
6 health field from an accredited institution or program
7 approved by the board. The schooling must have included a
8 minimum core curriculum as adopted by the board; and

9 B. Two years of experience after attaining a master's
10 degree with a minimum of 2,000 hours of supervised
11 experience.

12 2. Licensed clinical professional counselor. To be
13 qualified as a licensed clinical professional counselor, an
14 applicant must demonstrate to the satisfaction of the board
15 adherence to the ethics of the counseling profession, must have
16 successfully completed the examination prescribed by the board
17 pursuant to subsection 6 and must have received:

18 A. A master's degree in counseling or an allied mental
19 health field from an accredited institution or program
20 approved by the board. The schooling must have included a
21 minimum core curriculum, as adopted by the board, of at
22 least 45 semester hours; and

23 B. Two years of experience after attaining a master's
24 degree, to include at least 3,000 hours of supervised
25 clinical experience with a minimum of 100 hours of personal
26 supervision.

27 3. Licensed marriage and family therapist. To be qualified
28 as a licensed marriage and family therapist, an applicant must
29 demonstrate to the satisfaction of the board adherence to the
30 ethics of the counseling profession, must have successfully
31 completed the examination prescribed by the board pursuant to
32 subsection 6 and must have received:

33 A. A master's degree in marriage and family therapy or its
34 equivalent from an accredited institution or program
35 approved by the board. The schooling must have included a
36 minimum core curriculum to include a one-year clinical
37 practicum adopted by the board; and

38 B. Two years of experience after attaining a master's
39 degree including at least 1,000 hours of direct clinical
40 contact with couples and families and 200 hours of
41 supervision, at least 100 of which is individual supervision.

42 4. Licensed pastoral counselor. To be qualified as a
43 licensed pastoral counselor, an applicant must demonstrate to the
44 satisfaction of the board adherence to the standard ethics of the
45 profession.

2 pastoral counseling profession, must have successfully completed
3 the examination prescribed by the board pursuant to subsection 6
4 and must have:

5 A. Received a Master of Divinity degree from an accredited
6 institution or program approved by the board. Academic
7 preparation must include a minimum graduate core curriculum
8 to include 20 credit hours of counseling and human relations
9 and 400 hours of clinical pastoral education;

10 B. Two years of experience after attaining the degree,
11 including at least 1,000 hours of direct clinical contact
12 with individuals, couples and families;

13 C. Two hundred hours of supervision, including at least 1/3
14 of those hours with a certified pastoral counseling
15 supervisor, at least 30 hours of which must be
16 interdisciplinary, 30 hours of which must be individual
17 supervision by one supervisor of no more than 3 cases from
18 intake to termination and 70 hours of which must be
19 individual supervision of multiple case material; and

20 D. A call, appointment or charge from a church, synagogue,
21 religious order or other clearly defined legal religious
22 organization to perform these services as a function of
23 ministry.

24 5. Supervision. Supervision may be provided by a qualified
25 and duly certified or licensed counseling professional, clinical
26 social worker, psychologist or psychiatrist. Any other
27 supervisor must be individually approved by the board.

28 6. Examination. All applicants must be required to pass a
29 written examination in subjects the board considers necessary to
30 determine the fitness of the applicant to practice. The board
31 establishes the passing score for all examinations. Examinations
32 must be held at least twice a year. The examination must be
33 graded using established written baseline scores for failure or
34 passage, be based on accepted counseling criteria and include
35 measurable and clearly defined procedures for grading the results
36 and issuing a pass or fail decision. Decisions on all
37 examinations must be in writing and include a grade and, whenever
38 possible, a summary of the criteria for the grade and an
39 explanation of the procedure for reexamination or appeal.

40 7. Existing counselors. An individual who holds at least a
41 master's degree or its equivalent in counseling, an allied mental
42 health field or a behavioral or social science and was actively
43 engaged as a counselor for at least 2 of the preceding 5 years
44 prior to January 1, 1992 has met all the requirements for
45 licensure and may sit for the examination.

2 8. License not allowed. Notwithstanding subsections 1 to
4 7, an individual whose license, certification or registration in
6 counseling or any other related field has been revoked or
8 suspended in this State or any other state may not be licensed
10 under this section, unless the period of revocation or suspension
12 has been completed and the board has conducted a competency
14 review and determined that rehabilitation has taken place.

16 **§13883. Fees**

18 1. Amount. Application and examination fees may be
20 established by the board in amounts that are reasonable and
22 necessary for their respective purposes. License fees may not
24 exceed the following amounts.

26 A. Original and renewal fees for a clinical professional
28 counselor, professional counselor, marriage and family
30 counselor or pastoral counselor are \$300 biennially.

32 B. Original and renewal fees for a conditional counselor
34 are \$150 biennially.

36 **SUBCHAPTER III**

38 **LICENSING OF SUBSTANCE ABUSE COUNSELORS**

40 **§13884. Substance abuse counselor licensing and registration**

42 1. Substance abuse counselor. In order to safeguard the
44 health and safety of the citizens of the State, a person who
46 performs or offers to perform substance abuse counseling services
48 for a fee, monetary or otherwise, and professes to be a substance
50 abuse counselor is required to submit evidence of the
52 qualifications to practice and must be registered, certified or
54 licensed in accordance with this chapter.

56 2. Evidence of qualifications. An individual who is
58 providing the service of substance abuse counseling to the public
60 for a fee, monetary or otherwise, and who is not employed in a
62 program certified or licensed by the State is required to submit
64 evidence of the qualifications to practice and must be licensed
66 as a licensed substance abuse counselor as provided in this
68 subchapter. An individual who is providing the service of
70 substance abuse counseling to the public for a fee, monetary or
72 otherwise, and who is employed in a program certified or licensed
74 by the State is required to register or be licensed pursuant to
76 this chapter.

78 3. Registration and standards. The board may register and
80 set standards of practice for all persons practicing as substance
82 abuse counselors in this State. Standards set by the board for
84 practice for substance abuse counselors working in this State

2 must be clearly defined, measurable, written in accordance with
3 accepted standards and available to the public upon request.
4 Educational background must be a consideration in licensing or
5 registration standards adopted by the board.

6 **§13885. Eligibility requirements for persons providing substance**
7 **abuse counseling**

8
9 To be eligible to practice as a substance abuse counselor,
10 an applicant must:

11
12 1. Age; education. Be at least 18 years of age, have a
13 high school diploma or its equivalent and demonstrate
14 trustworthiness and competence to engage in the practice of
15 substance abuse counseling in such a manner as to safeguard the
16 interests of the public; and

17
18 2. Abstinence from drugs and alcohol. Have abstained from
19 the active abuse of alcohol or any other drug that in the
20 judgment of the board has been or could have been detrimental to
21 the applicant's performance or competency as a substance abuse
22 counselor. It is recommended strongly that applicants must have
23 abstained for at least the 2-year period immediately preceding
24 the date that application is made. In considering an applicant
25 for registration, the board may not consider a history of
26 alcoholism or drug addiction as an essential qualification or
27 disqualification for certification or licensure.

28
29 **§13886. Requirements for registration**

30
31 An individual may not practice as a substance abuse
32 counselor for a fee, monetary or otherwise, unless that
33 individual is licensed pursuant to this chapter or registers with
34 the board. Each individual who is not licensed and engages in
35 substance abuse counseling shall register with the board every 2
36 years. Each individual who registers shall fill out a form
37 designed by the board. A person registered to provide substance
38 abuse counseling services may not practice without supervision or
39 engage in private practice.

40
41 **§13887. Requirements for qualification as a licensed**
42 **substance abuse counselor**

43
44 Upon the affirmative vote of at least 5 members of the
45 board, the board shall issue a license to practice as a licensed
46 substance abuse counselor to an applicant who has satisfactorily:

47
48 1. Eligibility. Met the eligibility requirements in
49 section 13885;
50

2 2. Examination. Obtained passing grades, as established by
the board, on the written and oral examinations the board has
prescribed by rule;

4
6 3. Education. Obtained at least an associate's degree in
an appropriate social science field from an accredited
institution or program approved by the board with a concentration
8 of course work in the 12 core functions defined by rule of the
board;

10 4. Supervision. Completed a minimum of 4,000 supervised
direct client service hours in the 12 core functions defined by
rule of the board. This work experience may be gained in any
14 supervised activity, including volunteer work or student
placement, that relates to the core functions defined by rule of
16 the board; and

18 5. Experience. Provided documentation of experience with a
wide range of clients, in a wide range of treatment settings
20 while working independently.

22 §13888. Associate substance abuse counselor

24 Upon the affirmative vote of 6 members of the board, the
board may issue a license to practice as an associate substance
26 abuse counselor to an applicant who has:

28 1. Eligibility. Met the eligibility requirements in
section 13885;

30 2. Examination. Obtained a passing grade, as established
32 by the board, on the written exam;

34 3. Education. Completed 300 clock hours of education in
appropriate social science fields or its equivalent in
36 appropriate substance abuse training, with at least 50% of the
education in college-level courses related to the 12 core
38 functions defined by rule of the board;

40 4. Supervision. Completed 4,000 supervised direct client
service hours in the 12 core functions defined by rule of the
42 board. This work experience may be gained in any supervised
activity, including volunteer work or student placement, that
44 relates to the core functions; and

46 5. Experience. Provided documentation of experience in
substance abuse counseling in one particular setting or client
48 population.

50 §13889. Reapplication for certificate

2 An applicant who is not issued a license or a certificate of
3 registration may reapply for registration after a period of not
4 less than 6 months from the date of the last denial.

6 **§13890. Other qualifications**

8 An individual who has obtained a master's degree in
9 counseling, substance abuse or a related field and can document
10 1,000 hours of direct service to clients with problems related to
11 substance abuse is eligible to apply for licensure and to be
12 licensed in accordance with this chapter. The board may adopt
13 rules to recognize exceptional education or experience that
14 qualifies an applicant to apply for licensure.

16 **§13891. Special eligibility provisions**

18 A person who is licensed by the board or under former
19 chapter 81 as an associate substance abuse counselor, licensed
20 substance abuse counselor or inactive substance abuse counselor
21 who was actively engaged as a substance abuse counselor for one
22 year prior to October 1, 1994 is deemed to have met all the
23 requirements for that person's respective credential. Any
24 registered substance abuse counselor shall, after October 1,
25 1994, cease using the title "registered substance abuse
26 counselor" or the initials "R.S.A.C." unless that person has met
27 the standards for licensure that existed prior to that date.

28 **§13892. Application; membership fees**

30 Application for registration as a registered substance abuse
31 counselor, licensure as a licensed substance abuse counselor or
32 licensure as an associate substance abuse counselor must be on
33 forms prescribed and furnished by the board. Application and
34 examination fees may be established by the board in amounts that
35 are reasonable and necessary for their respective purposes.
36 Successful applicants shall pay biennial fees of \$75 for
37 registration, \$100 for licensure as an associate substance abuse
38 counselor and \$150 for licensure as a licensed substance abuse
39 counselor. The payment of fees is suspended during the term of
40 inactive status.

42 **§13893. Examinations**

44 The board shall make reasonable arrangements for written and
45 oral examinations to be held at such times and places as
46 necessary to accommodate those persons applying to take the
47 examinations. The examinations must be graded using established
48 written baseline scores for failure or passage, be based on
49 accepted substance abuse counseling criteria and include
50 measurable and clearly defined procedures for grading the results
51 and issuing a pass or fail decision. Decisions on all
52 examinations, oral and written, must be in writing and include a

2 grade, a summary of the criteria for the grade and an explanation
4 of the procedure for reexamination or appeal. Notice of the
6 examination results must be forwarded to the applicants within 15
8 days of the date on which the examination was conducted. The
10 notice must include a written explanation of the appeal process.
12 The board may use fees generated from examinations to pay
14 examination evaluators.

16 The appeal process must include an outside review as
18 established by rules adopted by the board under Title 5, chapter
20 375, subchapter II. All applicants have the right to review
22 their test results and any scoring comments.

24 **§13894. Issuance after denial, suspension or revocation**

26 An individual whose license or registration has been denied,
28 suspended or revoked may apply to the board for licensure or
30 registration reinstatement one year after the date of the board's
32 original action. A competency review is a condition of
34 reinstatement. The board shall determine the nature of this
36 review and adopt rules in accordance with Title 5, chapter 375,
38 subchapter II.

40 **§13895. Expiration and renewal**

42 The license and certificate of registration under this
44 subchapter expire biennially on August 31st or at such other time
46 as the commissioner may designate. Licensure or registration may
48 be renewed for the succeeding 2-year period upon written
50 application of the registrant, the approval of the board and the
52 payment of the fee provided. The fee for renewal of a license or
certificate of registration is \$150 biennially for licensure as a
licensed substance abuse counselor, \$100 biennially for licensure
as an associate substance abuse counselor and \$75 biennially for
registration as a substance abuse counselor, due and payable on
or before the expiration date. Before a license or certificate
of registration may be renewed, the applicant must present
evidence of continued professional learning and training of a
type acceptable to the board.

Licensure or registration may be renewed up to 90 days after
the date of expiration upon payment of a late fee of \$10 in
addition to the renewal fee. A person who submits an application
for renewal more than 90 days after the license renewal date is
subject to all requirements governing new applicants under this
chapter, except that the board may in its discretion, giving due
consideration to the protection of the public, waive examination
if that renewal application is made within 2 years from the date
of that expiration or if the applicant is a registered inactive
substance abuse counselor. The board is responsible for mailing
notification of the date of expiration of a license or a
certificate of registration to any licensed substance abuse

2 counselor, associate substance abuse counselor, inactive
4 substance abuse counselor or registered substance abuse counselor
6 not later than 30 days prior to the date of expiration. At a
8 minimum, applicants for renewal must document 250 hours of
10 supervised experience within the core functions defined by rule
12 of the board and the successful completion of at least 50 hours
14 of continuing education related to substance abuse during the
16 2-year period.

10 **§13896. Treatment of minors**

12 A person licensed under this subchapter who renders
14 counseling services to a minor for the treatment of abuse of
16 drugs or alcohol is under no obligation to obtain the consent of
18 that minor's parent or guardian or to inform that parent or
20 guardian of that treatment. This section may not be construed to
22 prohibit a licensed person who renders treatment from informing
24 that parent or guardian. For the purposes of this section,
26 "abuse of drugs" means the use of drugs solely for their
28 stimulant, depressant or hallucinogenic effect on the higher
30 functions of the central nervous system and not as a therapeutic
32 agent recommended by a practitioner in the course of medical
34 treatment.

26 **§13897. Receipts and disbursements**

28 All fees received by the board under this chapter must be
30 used to carry out the purposes of this chapter. A balance may
32 not lapse, but must be carried forward as a continuing account to
34 be expended for the same purposes in the following fiscal years.

32 **SUBCHAPTER IV**

34 **LICENSING OF SOCIAL WORKERS**

36 **§13898. General provisions**

38 1. **Services to minors for drug abuse.** A person certified
40 or licensed under this subchapter who renders social work
42 services to a minor for problems associated with the abuse of
44 drugs or alcohol is under no obligation to obtain the consent of
46 that minor's parent or guardian or to inform that parent or
48 guardian of the treatment. This section may not be construed to
50 prohibit the licensed person rendering this treatment from
informing that parent or guardian. For purposes of this section,
"abuse of drugs" means the use of drugs solely for their
stimulant, depressant or hallucinogenic effect on the higher
functions of the central nervous system and not as a therapeutic
agent recommended by a practitioner in the course of medical
treatment.

2. Communication between social workers and clients.

2 Except at the request of or the consent of the client, a person
4 licensed under this subchapter may not be required to testify in
6 any civil or criminal action, suit or proceeding at law or in
8 equity respecting any information that the person may have
10 acquired in providing social work services to the client in a
12 professional and contractual capacity if that information was
14 necessary to enable that person to furnish professional social
16 work services to the client. When the physical or mental
18 condition of the client is an issue in that action, suit or
20 proceeding or when a court in the exercise of sound discretion
22 deems the disclosure necessary to the proper administration of
24 justice, information communicated to or otherwise learned by that
26 person in connection with the provision of social work services
28 is not privileged and disclosure of that information may be
30 required.

18 This section does not prohibit disclosure of information
20 concerning a client by a person licensed under this subchapter
22 when that disclosure is required by law. This section does not
24 modify or affect Title 22, sections 4011 to 4015.

§13899. Licensure

24 1. License required. In order to safeguard the life,
26 health and welfare of the people of this State, a person
28 practicing or offering to practice as a certified social worker
30 independent practice, licensed clinical social worker, licensed
32 master social worker or licensed social worker is required to
34 submit evidence to the board that the person is qualified to so
36 practice and be licensed as provided in this subchapter.

32 The board may grant a conditional license to a person eligible to
34 take the examination for licensure who is waiting to sit for the
36 examination or retake the examination according to rules issued
38 by the board.

38 2. Qualifications. To be eligible for a license to
40 practice social work at any level, an applicant must be at least
42 18 years of age and pass satisfactorily any examination the board
44 prescribes by rule. An applicant must demonstrate
46 trustworthiness and competence to engage in the practice of
48 social work in such a manner as to safeguard the interests of the
50 public.

46 3. Licensed clinical social worker. To qualify as a
48 licensed clinical social worker, an applicant must demonstrate to
50 the satisfaction of the board adherence to the ethics of the
social work profession, successfully complete the examination
prescribed by the board and have:

2 A. A master's or doctoral degree in social work or social
3 welfare in a clinical concentration from an accredited
4 educational institution and:

5 (1) Subsequently completed 2 years of social work
6 experience with 96 hours of consultation in a clinical
7 setting; or

8 (2) Demonstrated 2 years of full-time clinical social
9 work experience or its equivalent and completed the
10 graduate degree prior to January 1, 1988 and completed
11 2 years of subsequent social work experience with 96
12 hours of consultation in a private setting; or

13 B. A master's or doctoral degree in social work in a
14 nonclinical concentration from an accredited educational
15 institution and:

16 (1) Subsequently completed 4 years of social work
17 experience with 192 hours of consultation in a clinical
18 setting; or

19 (2) Demonstrated 2 years of full-time clinical social
20 work experience or its equivalent and completed the
21 graduate degree prior to January 1, 1988 and completed
22 4 years of subsequent social work experience with 192
23 hours of consultation in a private setting.

24 The board may waive up to one year of the clinical experience
25 required after attaining a master's degree pursuant to this
26 subsection for those candidates who demonstrate to the
27 satisfaction of the board equivalent clinical experience prior to
28 receiving the master's degree in social work.

29 The board shall issue rules, in accordance with Title 5, chapter
30 375, defining the clinical experience required for this level of
31 licensure.

32 4. Licensed master social worker. To qualify as a licensed
33 master social worker, an applicant must have a master's or
34 doctoral degree in social work or social welfare from an
35 accredited educational institution, demonstrate to the
36 satisfaction of the board adherence to the ethics of the social
37 work profession and successfully complete the examination
38 prescribed by the board. After meeting these qualifications, the
39 applicant receives a licensed master social worker license. A
40 person with those qualifications wishing to practice social work
41 in a clinical setting receives upon application a licensed master
42 social worker, conditional license.

43 5. Licensed social worker. To qualify as a licensed social
44 worker, an applicant must meet one of the following requirements:

2 A. The applicant must have a bachelor's degree in social
4 work or social welfare from an accredited educational
6 institution, demonstrate to the satisfaction of the board
8 adherence to the ethics of the social worker profession and
 successfully complete the examination prescribed by the
 board; or

10 B. The applicant must have a bachelor's degree in a related
12 field from an institution that, at the time the degree was
14 received, did not have a program accredited by the Council
16 of Social Work Education but subsequently offered such a
 program; demonstrate to the satisfaction of the board
 adherence to the ethics of the social worker profession; and
 successfully complete the examination prescribed by the
 board.

18 The board shall issue rules, in accordance with Title 5, chapter
20 375, by which an individual who has a bachelor's degree that does
 not qualify under paragraph A or B may be eligible for a license.

22 A person having the necessary qualifications prescribed in
24 this chapter for licensure as a licensed clinical social worker,
26 licensed master social worker or licensed social worker is
 eligible for that license though the person may not be practicing
 this profession at the time of making the application.

28 State agencies employing social workers are responsible for
30 providing supervision for those social workers to maintain their
 licenses.

32 **§13900. Functions**

34 A social worker at any level may not diagnose organic mental
36 illness or treat any illness by organic therapy.

38 1. Licensed master social worker. A licensed master social
 worker may:

40 A. Engage in administration, research, consultation, social
42 planning and teaching related to the functions of this
 section;

44 B. Perform all the functions of a licensed social worker;
46 and

48 C. Engage in a nonclinical private practice.

50 A licensed master social worker who meets the requirements for
52 licensure as a licensed clinical social worker prior to January
 1, 1988, except for completing the licensed clinical social
 worker examination, may engage in the clinical consultation of a

2 licensed master social worker, conditional for the purpose of
3 preparing the licensed master social worker, conditional for
4 eventual licensed clinical social worker status or regular
5 licensure. This includes responsibility for ongoing training and
6 evaluation. The licensed master social worker has an obligation
7 to assess the licensed master social worker, conditional's
8 competence and ethics and share this assessment with the board at
9 the time the licensed master social worker applies for the
10 licensed clinical level.

11 In addition to paragraphs A, B and C, a person holding a licensed
12 master social worker, conditional license may engage in
13 psychosocial evaluation, including diagnosis and treatment of
14 mental illness and emotional disorders, and provide clinical
15 consultation to licensed social workers, social work students,
16 other professionals practicing related professions and
17 paraprofessionals engaging in related activities.

18 A licensed master social worker, conditional may not engage in
19 private clinical practice, unless permitted under section 13899,
20 subsection 3, and must receive individual consultation 4 hours a
21 month while practicing social work in a clinical setting.

22
23 2. Licensed clinical social worker. A licensed clinical
24 social worker may:

25
26 A. Practice social work in a clinical setting without
27 consultation;

28
29 B. Engage in psychosocial evaluation, including diagnosis
30 and treatment of mental illness and emotional disorders;

31
32 C. Engage in clinical private practice of social work;

33
34 D. Perform all the functions of a licensed master social
35 worker; and

36
37 E. Engage in the clinical consultation of a licensed master
38 social worker for the purpose of preparing the licensed
39 master social worker for eventual licensed clinical social
40 worker status or regular licensure. This includes
41 responsibility for ongoing training and evaluation. The
42 licensed clinical social worker has an obligation to assess
43 the licensed master social workers' competence and ethics
44 and to share this assessment with the board at the time the
45 licensed master social worker applies for the licensed
46 clinical level.

47
48 3. Certified social worker independent practice. A
49 certified social worker independent practice may:
50

2 consultation on a quarterly basis in a manner prescribed by the
3 Department of Human Services. The Department of Human Services'
4 staff giving consultation to licensed social workers in
5 intermediate care facilities must be on the master or clinical
6 level by January 1, 1994.

7 Notwithstanding this subsection, licensed social workers employed
8 by the Department of Human Services must receive consultation in
9 a manner prescribed by the Department of Human Services.

10 **§13900-A. Application; fees**

11 Application for a license as a licensed clinical social
12 worker, licensed master social worker or licensed social worker
13 must be on a form prescribed and furnished by the board. An
14 application fee and an examination fee may be established by the
15 board in amounts that are reasonable and necessary for their
16 respective purposes. All fees must accompany the application.

17 The license fee for a licensed social worker must be
18 established by the board in an amount not to exceed \$70.

19 The license fee for a licensed master social worker must be
20 established by the board in an amount not to exceed \$110.

21 The license fee for a licensed clinical social worker must
22 be established by the board in an amount not to exceed \$175.

23 Fees for initial and renewal licenses must be set so that
24 total fee receipts do not exceed the amount required to cover
25 properly the expense of performing the duties imposed upon the
26 board.

27 If the board denies the issuance of a license to an
28 applicant, the application and examination fees are nonrefundable.

29 **§13900-B. Examinations**

30 Written examinations must be held at times and places
31 determined by the board and must be based on fundamental social
32 work subjects as determined by the board.

33 The passing grade on any examination must be established by
34 the board based on national testing scores set by a nationally
35 recognized testing service. A candidate failing an examination
36 may apply for reexamination, which must be granted upon payment
37 of a fee established by the board in an amount not to exceed the
38 original application and examination fees. A candidate for
39 licensure having an average grade of less than 50% in the written
40 examination may not apply for reexamination for one year.

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§13900-C. Certificates

The board shall issue a license to an applicant who, in the opinion of the board, has satisfactorily met the requirements of this subchapter.

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§13900-D. Psychosocial evaluation

In the process of forming the psychosocial evaluation and formulating a treatment plan for mental illness or emotional disorder, a social worker shall ensure, consistent with rules adopted by the board, that the person is examined by a physician and may take into account the physician's opinion. When a person has been seen by a physician within 3 months prior to seeking mental health treatment, a telephone conversation between that physician and the social worker may be held in lieu of the examination required by this section. The medical visit or the telephone conversation must be documented in the clinical records of the person. This requirement applies only in cases when there is a presence of psychopathology. The board shall define standards by rule in accordance with Title 5, chapter 375, to implement this section.

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Sec. 6. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words "State Board of Substance Abuse Counselors" or "State Board of Social Worker Licensure" or "Board of Counseling Professionals Licensure" appear or reference is made to those words, they are amended to read and mean "Board of Licensing Counseling Professionals," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

34

Sec. 7. Transition provisions.

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1. The Board of Licensing Counseling Professionals is the successor in every way to the powers, duties and functions of the former State Board of Substance Abuse Counselors, the State Board of Social Worker Licensure and the Board of Counseling Professionals Licensure.

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2. All existing rules and procedures in effect, in operation or promulgated by the 3 former boards described in subsection 1, or any of their administrative units or officers, continue in effect until rescinded, revised or amended by the proper authority.

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3. All existing contracts, agreements and compacts currently in effect that pertain to the 3 former boards described in subsection 1 continue in effect.

52

4. Any positions authorized and allocated subject to the personnel laws to the 3 former boards described in subsection 1

2 are transferred to the Board of Licensing Counseling
Professionals and continue to be authorized.

4 5. All records, property and equipment previously belonging
to or allocated for the use of the 3 former boards described in
6 subsection 1 become, on the effective date of this Act, the
property of the Board of Licensing Counseling Professionals.
8

10 6. All existing forms, licenses, letterheads and similar
items bearing the name of or referring to any of the 3 former
boards described in subsection 1 may be utilized by the Board of
12 Licensing Counseling Professionals until existing supplies of
those items are exhausted.
14

16 STATEMENT OF FACT

18 This bill combines the State Board of Substance Abuse
Counselors, the State Board of Social Worker Licensure and the
20 Board of Counseling Professionals Licensure into one board: the
Board of Licensing Counseling Professionals. This board will be
22 responsible for licensing all 3 types of counseling
professionals: social workers, substance abuse counselors and
24 other counseling professionals.