

MAINE STATE LEGISLATURE

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BANKING AND INSURANCE

Reported by: The Majority of the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A " to S.P. 38, L.D. 68, Bill, "An Act to Increase Access to and Affordability of Mental Health and Substance Abuse Treatment Services by Providing Mandatory Reimbursement to Counseling Professionals who are Licensed to Assess and Treat Intrapersonal and Interpersonal Problems"

Amend the bill in section 1 in subsection 2 in the 23rd line (page 1, line 28 in L.D.) by striking out the following: "or a" and inserting in its place the following: 'or, until December 31, 1998, a'

Further amend the bill in section 1 in subsection 2 in the 41st line (page 1, line 46 in L.D.) by striking out the following: "or counseling" and inserting in its place the following: 'or, until December 31, 1998, counseling'

Further amend the bill in section 1 in subsection 2 in the 13th line from the end (page 2, line 4 in L.D.) by striking out the following: "and other" and inserting in its place the following: 'and, until December 31, 1998, other'

Further amend the bill in section 1 in subsection 2 in the 9th line from the end (page 2, line 8 in L.D.) by striking out the following: "or counseling" and inserting in its place the following: 'or, until December 31, 1998, counseling'

Further amend the bill by inserting after section 1 the following:

Amended

COMMITTEE AMENDMENT "A" to S.P. 38, L.D. 68

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

4
6 1. Notwithstanding any provision of a health insurance
8 policy subject to this chapter, whenever the policy provides for
10 payment or reimbursement for services which that are within the
12 lawful scope of practice of a psychologist licensed to practice
14 in this State, a certified social worker licensed for the
16 independent practice of social work in this State who has at
18 least a masters degree in social work from an accredited
20 educational institution, has been employed in social work for at
22 least 2 years, and who, after January 1, 1985, must be licensed
24 as a clinical social worker in this State, ~~or;~~ a licensed nurse
26 who is certified by the American Nurses' Association as a
28 clinical specialist in adult psychiatric and mental health
30 nursing or as a clinical specialist in child and adolescent
32 psychiatric and mental health nursing; or, until December 31,
34 1998, a counseling professional who is licensed by the State
36 pursuant to Title 32, chapter 119 to assess and treat
38 intrapersonal and interpersonal problems, has at least a masters
40 degree in counseling or a related field from an accredited
42 educational institution and has been employed as a counselor for
44 at least 2 years, any person covered by the policy shall be is
46 entitled to reimbursement for these services if the services are
48 performed by a physician, ~~;~~ a psychologist licensed to practice in
50 this State, ~~;~~ a certified social worker licensed for the
 independent practice of social work 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, ~~or;~~ 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,
 until December 31, 1998, 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 July
 1, 1975. Payment or reimbursement for services rendered by
 clinical social workers or, until December 31, 1998, 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.'

COMMITTEE AMENDMENT

2 Further amend the bill in section 2 in subsection 1 in the
14th line (page 2, line 34 in L.D.) by striking out the
4 following: "or a" and inserting in its place the following:
'or, until December 31, 1998, a'

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8 Further amend the bill in section 2 in the 30th line (page
2, line 50 in L.D.) by striking out the following: "or a" and
10 inserting in its place the following: 'or, until December 31,
1998, a'

12 Further amend the bill in section 2 in the 5th line from the
end (page 3, line 10 in L.D.) by striking out the following: "or
14 counseling" and inserting in its place the following: 'or, until
December 31, 1998, counseling'

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

20 '**Sec. 4. Application.** The requirements of this Act apply to
22 all policies, contracts and certificates executed, delivered,
issued for delivery, continued or renewed in this State on or
24 after January 1, 1996. For purposes of this Act, all policies,
contracts and certificates are deemed to be renewed no later than
26 the next yearly anniversary of the policy, contract or
certificate date.'

28 Further amend the bill by relettering or renumbering any
30 nonconsecutive Part letter or section number to read
consecutively.

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

36 **FISCAL NOTE**

38 The expansion of insurance reimbursement provisions related
to counseling professionals will increase the costs of the state
40 employee health insurance program by a total of \$519,500 in
fiscal year 1996-97. The General Fund share of these costs is
42 \$260,000; the Highway Fund share is \$93,000; and the share for
all other funds is \$166,500. The ability of all state
44 departments and agencies to absorb these costs can not be
determined at this time.

46 The Bureau of Insurance will incur some minor additional
48 costs to administer new form filings. These costs can be
absorbed within the bureau's existing budgeted resources.'

2

STATEMENT OF FACT

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This amendment extends the mandatory reimbursement for mental health services provided by counseling professionals licensed in the State to assess and treat intrapersonal and interpersonal problems to individual health insurance policies.

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The amendment specifies that the reimbursement is mandatory for mental health services provided until December 31, 1998, and that the bill, as amended, applies to policies executed on or after January 1, 1996.

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The amendment also adds a fiscal note.