

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 68

S.P. 38

In Senate, January 17, 1995

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.

Reference to the Committee on Banking and Insurance suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator BUSTIN of Kennebec.
Cosponsored by Senator: PARADIS of Aroostook, Representatives: AULT of Wayne,
BRENNAN of Portland.

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

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Sec. 1. 24 MRSA §2303, 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; a contracting 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, ~~or~~; a contracting licensed nurse who is trained and 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 certification; 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. Subject to approval by the Superintendent of Insurance pursuant to sections 2305 and 2316, a nonprofit hospital or medical service organization incorporated under this chapter shall offer contracts to psychologists licensed pursuant to Title 32, section 3831, subsection 2; certified social workers licensed for the independent practice of social work who have at least a masters degree in social work from an accredited educational institution, 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 worker in this State, ~~and~~; licensed nurses who are certified by the American Nurses' Association as clinical specialists in adult psychiatric and mental health nursing or as clinical specialists in child and adolescent psychiatric and mental health nursing; or counseling professionals who are licensed by the State pursuant to Title 32, chapter 119 to assess and treat intrapersonal and interpersonal problems, have at least a masters degree in counseling or a related field from an accredited educational institution and have

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

17 **Sec. 2. 24-A MRSA §2835, sub-§1,** as amended by PL 1987, c. 80,
18 §3, is further amended to read:

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20 1. Notwithstanding any provision of a health insurance
21 policy subject to this chapter, whenever the policy provides for
22 payment or reimbursement for services ~~which~~ that are within the
23 lawful scope of practice of a psychologist licensed to practice
24 in this State,; a certified social worker licensed for the
25 independent practice of social work in this State who has at
26 least a masters degree in social work from an accredited
27 educational institution, has been employed in social work for at
28 least 2 years, and who, after January 1, 1985, must be licensed
29 as a clinical social worker in this State,--or; a licensed nurse
30 who is certified by the American Nurses' Association as a
31 clinical specialist in adult psychiatric and mental health
32 nursing or as a clinical specialist in child and adolescent
33 psychiatric and mental health nursing; or a counseling
34 professional who is licensed by the State pursuant to Title 32,
35 chapter 119 to assess and treat intrapersonal and interpersonal
36 problems, has at least a masters degree in counseling or a
37 related field from an accredited educational institution and has
38 been employed as a counselor for at least 2 years, any person
39 covered by the policy shall ~~be~~ is entitled to reimbursement for
40 these services if the services are performed by a physician,; a
41 psychologist licensed to practice in this State,; a certified
42 social worker licensed for independent practice in this State who
43 has at least a masters degree in social work from an accredited
44 educational institution, who has been employed in social work for
45 at least 2 years, and who, after January 1, 1985, must be
46 licensed as a clinical social worker in this State,--or; a
47 licensed nurse certified by the American Nurses' Association as a
48 clinical specialist in adult or child and adolescent psychiatric
49 and mental health nursing; or a counseling professional who is
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2 licensed by the State pursuant to Title 32, chapter 119 to assess
3 and treat intrapersonal and interpersonal problems, has at least
4 a masters degree in counseling or a related field from an
5 accredited educational institution and has been employed as a
6 counselor for at least 2 years. With respect to services
7 provided by physicians or psychologists, this section applies to
8 all health insurance policies, contracts or certificates issued,
9 renewed, modified, altered, amended or reissued on or after April
10 16, 1976. Payment or reimbursement for services rendered by
11 clinical social workers or counseling professionals licensed in
12 this State shall may not be conditioned upon prior diagnosis or
13 referral by a physician or other health care professional, except
14 in cases where when diagnosis of the condition for which the
15 services are rendered is beyond the scope of their licensure.

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STATEMENT OF FACT

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19 The intent of this bill is to provide mandatory
20 reimbursement only to counseling professionals who are licensed
21 to assess and treat intrapersonal and interpersonal problems.
22 Other counselors whose licensed scope of practice does not
23 include assessment and treatment would not be subject to
24 mandatory insurance reimbursement under this bill.