

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 81

S.P. 52

In Senate, January 17, 1995

An Act to Change Reimbursement Policy on Mental Health Services.

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 GOLDTHWAIT of Hancock.
Cosponsored by Senators: ABROMSON of Cumberland, FAIRCLOTH of Penobscot, RAND of Cumberland, Representatives: BUNKER of Kossuth Township, JONES of Bar Harbor, KILKELLY of Wiscasset, LAYTON of Cherryfield, POVICH of Ellsworth.

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

2
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 licensed clinical professional**
10 **counselors.** Notwithstanding any provision of a contract between
12 a subscriber and a nonprofit hospital or medical service
14 organization entered into pursuant to a hospital service plan,
16 medical service plan or health care plan authorized under this
18 chapter, and notwithstanding any other provision of this chapter,
20 whenever the contract provides for payment or reimbursement for
22 mental health services, payment or reimbursement for the
24 provision of these services shall may not be denied because the
26 services are provided by a contracting licensed psychologist who
28 is trained and received a doctorate in psychology specializing in
30 the evaluation and treatment of human behavior, ~~;~~ a contracting
32 certified social worker licensed for the independent practice of
34 social work in this State who has at least a masters degree in
36 social work from an accredited educational institution, has been
38 employed in social work for at least 2 years, and who, after
40 January 1, 1985, must be licensed as a clinical social worker in
42 this State, ~~;~~ ~~or;~~ a contracting licensed nurse who is trained and
44 has received a certificate as a clinical specialist in
46 psychiatric and mental health nursing from the American Nurses'
48 Association, acting within the scope of ~~his~~ that license or
50 certification; or a licensed clinical professional counselor
licensed by the State pursuant to Title 32, chapter 119. 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
licensed clinical professional counselors licensed by the State
pursuant to Title 32, chapter 119, authorizing the provision of
mental health services by these psychologists, clinical social
workers, certified social workers and, certified nurses and
licensed clinical professionals within the scope of their
licensure or certification, if the nonprofit hospital or medical
service organization provides mental health services in contracts
with subscribers. Payment or reimbursement for services rendered

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

11 **Sec. 2. 24-A MRS §2835, sub-§1**, as amended by PL 1987, c. 80,
12 §3, is further amended to read:

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

condition for which the services are rendered is beyond the scope
of their licensure.

2

4

STATEMENT OF FACT

6

This bill changes insurance reimbursement for mental health
services to allow reimbursement for licensed clinical
professional counselors on the same basis as qualified
psychologists, clinical social workers and psychiatric and mental
health nurses. The bill deletes 2 out-of-date sentences in
current law.

8

10

12