

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

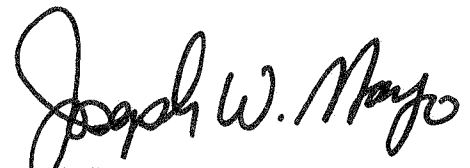
No. 1489

H.P. 1057

House of Representatives, March 11, 1997

An Act to Update the Insurance Code for Substance Abuse.

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


JOSEPH W. MAYO, Clerk

Presented by Representative LEMAIRE of Lewiston.
Cosponsored by Representatives: BAKER of Bangor, FARNSWORTH of Portland,
TOWNSEND of Portland, VOLENIK of Brooklin, Senator: NUTTING of Androscoggin.

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

2
3 **Sec. 1. 24 MRSA §2329, sub-§1**, as repealed and replaced by PL
4 1983, c. 527, §1, is amended to read:

6 **1. Purpose.** The Legislature recognizes that alcoholism and
7 drug dependency constitute major health problems in the State and
8 in the Nation. The Legislature further recognizes that alcoholism
9 is a disease and that alcoholism and drug dependency can be
10 effectively treated. As such, alcoholism and drug dependency
11 warrant the same attention from the health care industry as other
12 serious diseases and illnesses. The Legislature further
13 recognizes that health care contracts and managed care plans, at
14 times, fail to provide adequate benefits for the treatment of
15 alcoholism and drug dependency, which results in more costly
16 health care for treatment of complications caused by the lack of
17 early intervention and other treatment services for persons
18 suffering from ~~these--illnesses~~ the diseases of alcoholism and
19 drug addiction. This situation causes a higher health care,
20 social, law enforcement and economic cost to the citizens of this
21 State than is necessary, including the need for the State to
22 provide treatment to some subscribers at public expense. To
23 assist the many citizens of this State who suffer from these
24 ~~illnesses~~ diseases in a more cost effective way, the Legislature
25 declares that certain health care coverage providing benefits for
26 the treatment of the ~~illness~~ diseases of alcoholism and drug
27 dependency shall must be included in all group health care
28 contracts and managed care plans.

30 **Sec. 2. 24 MRSA §2329, sub-§2, ¶¶A and B**, as enacted by PL
31 1983, c. 527, §1, are amended to read:

32 A. "Outpatient care" means services provided by a
33 state-licensed alcohol and drug counselor or other
34 professional under the direct supervision of a
35 state-licensed alcohol and drug counselor, or care rendered
36 by a state-licensed, approved or certified detoxification,
37 residential treatment or outpatient program, or partial
38 hospitalization program on a periodic basis, including, but
39 not limited to, patient diagnosis, assessment and treatment,
40 individual, family and group counseling and educational and
41 support services.

42 B. "Residential treatment" means services at a facility
43 that provides care 24 hours daily to one or more patients,
44 including, but not limited to, the following services: Room
45 and board; medical, nursing and dietary services; patient
46 diagnosis, assessment and treatment provided by a
47 state-licensed alcohol and drug counselor or other
48 professional under the direct supervision of a
49

2 state-licensed alcohol and drug counselor; individual,
4 family and group counseling; and educational and support
6 services, including a designated unit of a licensed health
 care facility providing any and all other services specified
 in this paragraph to patients with the ~~illnesses~~ diseases of
 alcoholism and drug dependency.

8 **Sec. 3. 24 MRSA §2329, sub-§2, ¶C**, as amended by PL 1987, c.
735, §41, is further amended to read:

10 C. "Treatment plan" means a written plan initiated at the
12 time of admission, approved by a Doctor of Medicine, Doctor
14 of Osteopathy or a ~~Licensed--Substance--Abuse--Counselor~~
 state-licensed alcohol and drug counselor employed by a
16 certified or licensed substance abuse program, including,
 but not limited to, the patient's medical, drug and
18 alcoholism history; record of physical examination;
 diagnosis; assessment of physical capabilities; mental
20 capacity; orders for medication, diet and special needs for
 the patient's health or safety and treatment, including
22 medical, psychiatric, psychological, social services,
 individual, family and group counseling; and educational,
 support and referral services.

24

Sec. 4. 24 MRSA §2329, sub-§3, as enacted by PL 1983, c. 527,
26 §1, is amended to read:

28 3. **Requirement.** Every nonprofit hospital or medical
30 service organization which that issues group health care
 contracts or managed care plans providing coverage for hospital
32 care to residents of this State shall provide benefits as
 required in this section to any subscriber or other person
34 covered under those contracts for the treatment of alcoholism and
 other drug dependency pursuant to a treatment plan.

36 **Sec. 5. 24 MRSA §2329, sub-§3-A** is enacted to read:

38 3-A. Reimbursement to state-licensed alcohol and drug
 counselor. A nonprofit hospital or medical service organization
40 that issues group health care contracts or managed care plans may
 not exclude state-licensed alcohol and drug counselors from
42 reimbursement by requiring such counselors to possess education
 or credentials other than those required by the State for
44 licensure as long as the counselor provides services in or
 through a facility certified or licensed by the State.

46

Sec. 6. 24 MRSA §2329, sub-§4, ¶B, as enacted by PL 1983, c.
48 527, §1, is amended to read:

2 B. ~~Outpatient care rendered by state-licensed, -certified or~~
3 ~~approved providers who have a state-licensed alcohol and~~
4 ~~drug counselor or other professional under the direct~~
5 ~~supervision of a state-licensed alcohol and drug counselor~~
6 ~~who has contracted with the nonprofit hospital or medical~~
7 ~~service organization under terms and conditions which that~~
8 ~~the organization deems considers satisfactory to its~~
9 ~~membership.~~

10 **Sec. 7. 24-A MRSA §2842, sub-§1**, as repealed and replaced by
11 PL 1983, c. 527, §2, is amended to read:

12
13 **1. Purpose.** The Legislature recognizes that alcoholism and
14 drug dependency constitute major health problems in the State and
15 in the Nation. The Legislature further recognizes that alcoholism
16 is a disease and that alcoholism and drug dependency can be
17 effectively treated. As such, alcoholism and drug dependency
18 warrant the same attention from the health care industry as other
19 serious diseases and illnesses. The Legislature further
20 recognizes that health insurance contracts and managed care
21 plans, at times, fail to provide adequate benefits for the
22 treatment of alcoholism and drug dependency, which results in
23 more costly health care for treatment of complications caused by
24 the lack of early intervention and other treatment services for
25 persons suffering from ~~these illnesses~~ the diseases of alcoholism
26 and drug addiction. This situation causes a higher health care,
27 social, law enforcement and economic cost to the citizens of this
28 State than is necessary, including the need for the State to
29 provide treatment to some insureds at public expense. To assist
30 the many citizens of this State who suffer from these ~~illnesses~~
31 diseases in a more cost effective way, the Legislature declares
32 that certain health insurance coverage providing benefits for the
33 treatment of the ~~illness~~ diseases of alcoholism and drug
34 dependency shall ~~must~~ be included in all group health insurance
35 contracts and managed care plans.

36
37 **Sec. 8. 24-A MRSA §2842, sub-§2, ¶¶A to C**, as enacted by PL
38 1983, c. 527, §2, are amended to read:

39
40 A. "Outpatient care" means services provided by a
41 state-licensed alcohol and drug counselor or other
42 professional under the direct supervision of a
43 state-licensed alcohol and drug counselor, or care rendered
44 by a state-licensed, approved or certified detoxification,
45 residential treatment or outpatient program, or partial
46 hospitalization program on a periodic basis, including, but
47 not limited to, patient diagnosis, assessment and treatment,
48 individual, family and group counseling and educational and
49 support services.

2 B. "Residential treatment" means services at a facility
3 that provides care 24 hours daily to one or more patients,
4 including, but not limited to, the following services: Room
5 and board; medical, nursing and dietary services; patient
6 diagnosis, assessment and treatment provided by a
7 state-licensed alcohol and drug counselor or other
8 professional under the direct supervision of a
9 state-licensed alcohol and drug counselor; individual,
10 family and group counseling; and educational and support
11 services, including a designated unit of a licensed health
12 care facility providing any and all other services specified
13 in this paragraph to patients with the ~~illnesses~~ diseases of
14 alcoholism and drug dependency.

15 C. "Treatment plan" means a written plan initiated a at the
16 time of admission, approved by a Doctor of Medicine, Doctor
17 of Osteopathy or a ~~Registered--Substance--Abuse--Counselor~~
18 state-licensed alcohol and drug counselor employed by a
19 certified or licensed substance abuse program, including,
20 but not limited to, the patient's medical, drug and
21 alcoholism history; record of physical examination;
22 diagnosis; assessment of physical capabilities; mental
23 capacity; orders for medication, diet and special needs for
24 the patient's health or safety and treatment, including
25 medical, psychiatric, psychological, social services,
26 individual, family and group counseling; and educational,
27 support and referral services.

28 **Sec. 9. 24-A MRSA §2842, sub-§3,** as enacted by PL 1983, c.
29 527, §2, is amended to read:

30 **3. Requirement.** Every insurer ~~which~~ that issues group
31 health care contracts or managed care plans providing coverage
32 for hospital care to residents of this State shall provide
33 benefits as required in this section to any subscriber or other
34 person covered under those contracts for the treatment of
35 alcoholism and other drug dependency pursuant to a treatment
36 plan.

37 **Sec. 10. 24-A MRSA §2842, sub-§3-A** is enacted to read:

38 **3-A. Reimbursement to state-licensed alcohol and drug**
39 **counselors.** An insurer that issues group health care contracts
40 or managed care plans may not exclude state-licensed alcohol and
41 drug counselors from reimbursement by requiring such counselors
42 to possess education or credentials other than those required by
43 the State for licensure as long as the counselor provides
44 services in or through a facility certified or licensed by the
45 State.

46 50

2 **Sec. 11. 24-A MRSA §2842, sub-§4**, as enacted by PL 1983, c.
527, §2, is amended to read:

4 **4. Services; providers.** Each group contract shall must
provide, at a minimum, for the following coverage, pursuant to a
6 treatment plan:

8 A. Residential treatment at a hospital or free-standing
residential treatment center which that is licensed,
10 certified or approved by the State; and

12 B. Outpatient care rendered by ~~state-licensed, -certified or~~
~~approved--providers~~ a state-licensed alcohol and drug
14 counselor or other professional under the direct supervision
of a state-licensed alcohol and drug counselor.

16 Treatment or confinement at any facility shall ~~does~~ not preclude
18 further or additional treatment at any other eligible facility,
provided that the benefit days used do not exceed the total
20 number of benefit days provided for under the contract.

22 **Sec. 12. 24-A MRSA §4243** is enacted to read:

24 **§4243. Equitable health care for alcoholism and drug dependency**
26 **treatment**

28 **1. Definitions.** As used in this section, unless the context
indicates otherwise, the following terms have the following
30 meanings.

32 A. "Outpatient care" means services provided by a
state-licensed alcohol and drug counselor or other
34 professional under the direct supervision of a
state-licensed alcohol and drug counselor, or care rendered
36 by a state-licensed, approved or certified detoxification,
residential treatment or outpatient program, or partial
38 hospitalization program on a periodic basis, including, but
not limited to, patient diagnosis, assessment and treatment,
40 individual, family and group counseling and educational and
support services.

42 B. "Residential treatment" means services at a facility
that provides care 24 hours daily to one or more patients,
44 including, but not limited to, the following services: room
and board; medical, nursing and dietary services; patient
46 diagnosis, assessment and treatment provided by a
state-licensed alcohol and drug counselor or other
48 professional under the direct supervision of a
state-licensed alcohol and drug counselor; individual,
50 family and group counseling; and educational and support

2 services, including a designated unit of a licensed health
3 care facility providing any other services specified in this
4 paragraph to patients with the diseases of alcoholism and
5 drug dependency.

6 C. "Treatment plan" means a written plan initiated at the
7 time of admission, approved by a doctor of medicine, doctor
8 of osteopathy or a state-licensed alcohol and drug counselor
9 employed by a certified or licensed substance abuse program,
10 including, but not limited to, the patient's medical, drug
11 and alcoholism history; record of physical examination;
12 diagnosis; assessment of physical capabilities; mental
13 capacity; orders for medication, diet and special needs for
14 the patient's health or safety and treatment, including
15 medical, psychiatric, psychological, social services,
16 individual, family and group counseling; and educational,
17 support and referral services.

18
19 2. Requirement. Every health maintenance organization that
20 issues group or individual health care contracts providing
21 coverage for hospital care to residents of this State shall
22 provide benefits as required in this section to any subscriber or
23 other person covered under those contracts for the treatment of
24 alcoholism and other drug dependency pursuant to a treatment plan.

25 3. Reimbursement to state-licensed alcohol and drug
26 counselors. A health maintenance organization that issues group
27 or individual health care contracts may not exclude
28 state-licensed alcohol and drug counselors from reimbursement by
29 requiring such counselors to possess education or credentials
30 other than those required by the State for licensure as long as
31 the counselor provides services in or through a facility
32 certified or licensed by the State.

33
34 4. Services; providers. Each group or individual contract
35 shall provide, at a minimum, for the following coverage, pursuant
36 to a treatment plan:

37
38 A. Residential treatment at a hospital or free-standing
39 residential treatment center that is licensed, certified or
40 approved by the State; and

41
42 B. Outpatient care rendered by a state-licensed alcohol and
43 drug counselor or other professional under the direct
44 supervision of a state-licensed alcohol and drug counselor.

45
46 Treatment or confinement at any facility does not preclude
47 further or additional treatment at any other eligible facility,
48 provided that the benefit days used do not exceed the total
49 number of benefit days provided for under the contract.
50

2 and drug counselor or other professional under the direct
supervision of such a counselor.

4 4. The bill prohibits insurers, health maintenance
6 organizations and nonprofit hospital or medical service
organizations from excluding state-licensed alcohol and drug
8 counselors from reimbursement by requiring such counselors to
possess education or credentials other than those required by the
State for licensure.