

MAINE STATE LEGISLATURE

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R. of S.

L.D. 911

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BANKING AND INSURANCE

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**STATE OF MAINE
SENATE
119TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A " to S.P. 309, L.D. 911, Bill, "An Act to Change the Reimbursement Policy on Mental Health Services"

Amend the bill by striking out all of section 1 and inserting in its place the following:

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 counseling 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

2 has received a certificate as a clinical specialist in
 psychiatric and mental health nursing from the American Nurses'
 4 Association; or a contracting licensed clinical professional
counselor, licensed marriage and family therapist or licensed
 6 pastoral counselor, acting within the scope of his that license
 or certification. Subject to approval by the Superintendent of
 Insurance pursuant to sections 2305 and 2316, a nonprofit
 8 hospital or medical service organization incorporated under this
 chapter shall offer contracts to psychologists licensed pursuant
 10 to Title 32, section 3831, subsection 2, ~~i~~ certified social
 workers licensed for the independent practice of social work who
 12 have at least a masters degree in social work from an accredited
 educational institution, who have been employed in social work
 14 for at least 2 years, and who, after January 1, 1985, must be
 licensed as a clinical social ~~worker~~ workers in this State, ~~and~~
 16 licensed nurses who are certified by the American Nurses'
 Association as clinical specialists in adult psychiatric and
 18 mental health nursing or as clinical specialists in child and
 adolescent psychiatric and mental health nursing; and licensed
 20 clinical professional counselors, licensed marriage and family
therapists or licensed pastoral counselors, authorizing the
 22 provision of mental health services by these psychologists,
 clinical social workers, certified social workers and, certified
 24 nurses and licensed counseling professionals within the scope of
 their licensure or certification, if the nonprofit hospital or
 26 medical service organization provides mental health services in
 contracts with subscribers. Payment or reimbursement for services
 28 rendered by clinical social workers or counseling professionals
 licensed in this State shall ~~may~~ not be conditioned upon prior
 30 diagnosis or referral by a physician or other health care
 professional, except in cases where diagnosis of the condition
 32 for which the services are rendered is beyond the scope of their
 licensure. With respect to services provided by psychologists,
 34 this subsection applies to all contracts between the subscriber
 and a nonprofit hospital or medical service organization entered
 36 into or renewed after January 1, 1976.'

38 Further amend the bill by striking out all of section 3 and
 inserting in its place the following:

40 **'Sec. 3. 24-A MRSA §2744, sub-§1,** as amended by PL 1987, c.
 42 80, §2, is further amended to read:

44 **1. Mental health services provided by psychologists,**
certified social workers or counseling professionals.
 46 Notwithstanding any provision of a health insurance policy
 subject to this chapter, whenever the policy provides for payment
 48 or reimbursement for mental health services ~~which are within the~~
~~lawful scope of practice of a psychologist licensed to practice~~
 50 ~~in this State, a certified social worker licensed for the~~

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2 independent practice of social work in this State who has at
3 least a masters degree in social work from an accredited
4 educational institution, has been employed in social work for at
5 least 2 years, and who, after January 1, 1985, must be licensed
6 as a clinical social worker in this State, or a licensed nurse
7 who is certified by the American Nurses' Association as a
8 clinical specialist in adult psychiatric and mental health
9 nursing or as a clinical specialist in child and adolescent
10 psychiatric and mental health nursing, any person covered by the
11 policy shall be is entitled to reimbursement for these services
12 if the services are performed by a physician, a psychologist
13 licensed to practice in this State, a certified social worker
14 licensed for the independent practice of social work who has at
15 least a masters degree in social work from an accredited
16 educational institution, who has been employed in social work for
17 at least 2 years, and who, after January 1, 1985, must be
18 licensed as a clinical social worker in this State, or a
19 licensed nurse certified by the American Nurses' Association as a
20 clinical specialist in adult or child and adolescent psychiatric
21 and mental health nursing; or a contracting licensed clinical
22 professional counselor, licensed marriage and family therapist or
23 licensed pastoral counselor, acting within the scope of that
24 license or certification. With respect to services provided by
25 physicians or psychologists, this section applies to all health
26 insurance policies, contracts or certificates issued, renewed,
27 modified, altered, amended or reissued on or after July 1, 1975.
28 Payment or reimbursement for services rendered by clinical social
29 workers or counseling professionals licensed in this State shall
30 may not be conditioned upon prior diagnosis or referral by a
31 physician or other health care professional, except in cases
32 where diagnosis of the condition for which the services are
33 rendered is beyond the scope of their licensure.'

34 Further amend the bill by striking out all of section 6 and
35 inserting in its place the following:

36 'Sec. 6. 24-A MRS §2835, sub-§1, as amended by PL 1987, c.
37 80, §3, is further amended to read:

38 1. Mental health services provided by psychologists,
39 certified social workers or counseling professionals.
40 Notwithstanding any provision of a health insurance policy
41 subject to this chapter, whenever the policy provides for payment
42 or reimbursement for mental health services which are within the
43 lawful scope of practice of a psychologist licensed to practice
44 in this State, a certified social worker licensed for the
45 independent practice of social work in this State who has at
46 least a masters degree in social work from an accredited
47 educational institution, has been employed in social work for at
48 least 2 years, and who, after January 1, 1985, must be licensed
49
50

~~as a clinical social worker in this State, or a licensed nurse~~
~~who is certified by the American Nurses' Association as a~~
~~clinical specialist in adult psychiatric and mental health~~
~~nursing or as a clinical specialist in child and adolescent~~
~~psychiatric and mental health nursing,~~ any person covered by the
 policy shall is entitled to reimbursement for these services
 if the services are performed by a physician, a psychologist
 licensed to practice in this State, a certified social worker
 licensed for independent practice in this State 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 a contracting licensed clinical
professional counselor, licensed marriage and family therapist or
licensed pastoral counselor, acting within the scope of that
license or certification. 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 April 16,
 1976. Payment or reimbursement for services rendered by clinical
 social workers or 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 diagnosis of the condition for which the services are
 rendered is beyond the scope of their licensure.'

Further amend the bill by striking out all of section 9 and inserting in its place the following:

'Sec. 9. 24-A MRSA §4234-A, sub-§8-A, as enacted by PL 1997, c. 174, §1, is amended to read:

8-A. Mental health services provided by counseling professionals. A health maintenance organization that issues individual or group health care contracts providing coverage for mental health services shall ~~offer~~ provide coverage for those services when performed by a ~~counseling professional who is licensed by the State pursuant to Title 32, chapter 119 to assess and treat interpersonal and intrapersonal 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~~ licensed clinical professional counselor, licensed marriage and family therapist or licensed pastoral counselor, acting within the scope of that license. Any contract providing coverage for the services of counseling professionals pursuant to this subsection may be subject to any reasonable limitations, maximum benefits, coinsurance,

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2 deductibles or exclusion provisions applicable to overall
benefits under the contract. A health maintenance organization
3 shall determine the qualifications of licensed counseling
4 professionals using objective and reasonable standards similar to
and consistent with the standards applied to other health care
5 professionals. This subsection applies to all contracts
executed, delivered, issued for delivery, continued or renewed in
6 this State on or after January 1, 1998 2000. For purposes of
7 this subsection, all contracts are deemed renewed no later than
8 the next yearly anniversary of the contract date.'

12 Further amend the bill by inserting after section 10 the
following:

14 'Sec. 11. Appropriation. The following funds are appropriated
16 from the General Fund to carry out the purposes of this Act.

18 **2000-01**

20 **EDUCATION, DEPARTMENT OF**

22 **Retired Teachers' Health Insurance**

24 All Other \$19,150

26 Provides funds to cover the State's share of
the premium increases associated with the
28 mandated benefit required by this Act.'

30 Further amend the bill by inserting at the end before the
summary the following:

34 **FISCAL NOTE**

36 **2000-01**

38 **APPROPRIATIONS/ALLOCATIONS**

40 General Fund \$19,150

42 The Bureau of Insurance within the Department of
Professional and Financial Regulation will incur some minor
44 additional costs to review additional insurance contract
filings. These costs can be absorbed within the bureau's
46 existing budgeted resources.

48 The State's current health insurance plan includes coverage
for this mandated benefit. Assuming future contracts will

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2 contain the same level of coverage, this bill will not increase
the costs of the State's health insurance plan.

4 This bill will increase the costs of some of the retired
6 teachers health insurance plans. The State pays for 30% of the
eligible premiums for retired teachers health insurance. This
8 bill includes an additional General Fund appropriation of \$19,150
in fiscal year 2000-01 for the Department of Education to provide
10 funding to the Retired Teachers' Health Insurance program for the
State's share of the premium increases associated with this
12 mandated benefit. This estimate is based on increased usage and
is from the 1995 mandated benefit study conducted by the Bureau
14 of Insurance. This estimate will likely be used in initial rate
setting. Future costs may vary from this amount depending on the
16 experience of the health insurance plans affected by this
mandated benefit.'

18
SUMMARY

20 This amendment is the minority report of the committee. It
22 clarifies that nonprofit hospital and medical service
organizations, insurers and health maintenance organizations are
24 required to provide reimbursement for the services of licensed
clinical professional counselors, licensed marriage and family
26 therapists and licensed pastoral counselors and not other
categories of licensed counseling professionals.

28 The amendment also adds an appropriation section and a
30 fiscal note to the bill.