

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 911

S.P. 309

In Senate, February 2, 1999

An Act to Change the 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 "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator PARADIS of Aroostook.
Cosponsored by Representative MADORE of Augusta and
Senator RAND of Cumberland, Representatives: CAMERON of Rumford, DUDLEY of
Portland, MAYO of Bath, PERRY of Bangor, QUINT of Portland, SAXL of Bangor.

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,**
7 **certified social workers or counseling professionals.**
8 Notwithstanding any provision of a contract between a subscriber
9 and a nonprofit hospital or medical service organization entered
10 into pursuant to a hospital service plan, medical service plan or
11 health care plan authorized under this chapter, and
12 notwithstanding any other provision of this chapter, whenever the
13 contract provides for payment or reimbursement for mental health
14 services, payment or reimbursement for the provision of these
15 services shall ~~may~~ not be denied because the services are
16 provided by a contracting licensed psychologist who is trained
17 and received a doctorate in psychology specializing in the
18 evaluation and treatment of human behavior,; a contracting
19 certified social worker licensed for the independent practice of
20 social work in this State who has at least a masters degree in
21 social work from an accredited educational institution, has been
22 employed in social work for at least 2 years, and who, after
23 January 1, 1985, must be licensed as a clinical social worker in
24 this State,--~~or~~; a contracting licensed nurse who is trained and
25 has received a certificate as a clinical specialist in
26 psychiatric and mental health nursing from the American Nurses'
27 Association,; a counseling professional who is licensed by the
28 State pursuant to Title 32, chapter 119 to assess and treat
29 intrapersonal and interpersonal problems, has at least a masters
30 degree in counseling or a related field from an accredited
31 educational institution and has been employed as a counselor for
32 at least 2 years, acting within the scope of his that license or
33 certification. Subject to approval by the Superintendent of
34 Insurance pursuant to sections 2305 and 2316, a nonprofit
35 hospital or medical service organization incorporated under this
36 chapter shall offer contracts to psychologists licensed pursuant
37 to Title 32, section 3831, subsection 2,; certified social
38 workers licensed for the independent practice of social work who
39 have at least a masters degree in social work from an accredited
40 educational institution, who have been employed in social work
41 for at least 2 years, and who, after January 1, 1985, must be
42 licensed as a clinical social worker in this State,--~~and~~; licensed
43 nurses who are certified by the American Nurses' Association as
44 clinical specialists in adult psychiatric and mental health
45 nursing or as clinical specialists in child and adolescent
46 psychiatric and mental health nursing; and counseling
47 professionals who are licensed by the State pursuant to Title 32,
48 chapter 119 to assess and treat intrapersonal and interpersonal
49 problems, have at least a masters degree in counseling or a
50 related field from an accredited educational institution and have
51 been employed as a counselor for at least 2 years, authorizing
52 the provision of mental health services by these psychologists,

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

16 **Sec. 2. 24 MRSA §2303, sub-§5**, as enacted by PL 1995, c. 561,
17 §1, is repealed.

18 **Sec. 3. 24-A MRSA §2744, sub-§1**, as amended by PL 1987, c. 80,
19 §2, is further amended to read:

22 **1. Mental health services provided by psychologists,**
23 **certified social workers or counseling professionals.**
24 Notwithstanding any provision of a health insurance policy
25 subject to this chapter, whenever the policy provides for payment
26 or reimbursement for mental health services which are within the
27 lawful scope of practice of a psycholegist licensed to practice
28 in this State, a certified social worker licensed for the
29 independent practice of social work in this State who has at
30 least a masters degree in social work from an accredited
31 educational institution, has been employed in social work for at
32 least 2 years, and who, after January 1, 1985, must be licensed
33 as a clinical social worker in this State, or a licensed nurse
34 who is certified by the American Nurses' Association as a
35 clinical specialist in adult psychiatric and mental health
36 nursing or as a clinical specialist in child and adolescent
37 psychiatric and mental health nursing, any person covered by the
38 policy shall be is entitled to reimbursement for these services
39 if the services are performed by a physician, a psychologist
40 licensed to practice in this State, a certified social worker
41 licensed for the independent practice of social work who has at
42 least a masters degree in social work from an accredited
43 educational institution, who has been employed in social work for
44 at least 2 years, and who, after January 1, 1985, must be
45 licensed as a clinical social worker in this State, or;
46 a licensed nurse certified by the American Nurses' Association as a
47 clinical specialist in adult or child and adolescent psychiatric
48 and mental health nursing; or a counseling professional who is
49 licensed by the State pursuant to Title 32, chapter 119 to assess
50 and treat intrapersonal and interpersonal problems, has at least
51 a masters degree in counseling or a related field from an
52 accredited educational institution and has been employed as a

2 counselor for at least 2 years, acting within the scope of that
3 license or certification. With respect to services provided by
4 physicians or psychologists, this section applies to all health
5 insurance policies, contracts or certificates issued, renewed,
6 modified, altered, amended or reissued on or after July 1, 1975.
7 Payment or reimbursement for services rendered by clinical social
8 workers or counseling professionals licensed in this State shall
9 may not be conditioned upon prior diagnosis or referral by a
10 physician or other health care professional, except in cases
11 where diagnosis of the condition for which the services are
12 rendered is beyond the scope of their licensure.

13
14 **Sec. 4. 24-A MRSA §2744, sub-§2, as amended by PL 1983, c.**
15 **805, §2, is further amended to read:**

16 **2. No requirement to provide services.** Nothing in
17 subsection 1 may be construed to require a health insurance
18 policy subject to this chapter to provide for reimbursement of
19 services which that are within the lawful scope of practice of a
20 psychologist licensed to practice in this State, a clinical
21 social worker licensed in this State, a certified social worker
22 licensed to practice in this State, ~~or a certified nurse licensed~~
23 ~~to practice in this State~~ or a counseling professional licensed
24 to practice in this State.

25
26 **Sec. 5. 24-A MRSA §2744, sub-§3, as enacted by PL 1995, c.**
27 **561, §2, is repealed.**

28
29 **Sec. 6. 24-A MRSA §2835, sub-§1, as amended by PL 1987, c. 80,**
30 **§3, is further amended to read:**

31
32 **1. Mental health services provided by psychologists,**
33 **certified social workers or counseling professionals.**
34 Notwithstanding any provision of a health insurance policy
35 subject to this chapter, whenever the policy provides for payment
36 or reimbursement for mental health services ~~which are within the~~
37 ~~lawful scope of practice of a psychologist licensed to practice~~
38 ~~in this State, a certified social worker licensed for the~~
39 ~~independent practice of social work in this State who has at~~
40 ~~least a masters degree in social work from an accredited~~
41 ~~educational institution, has been employed in social work for at~~
42 ~~least 2 years, and who, after January 1, 1985, must be licensed~~
43 ~~as a clinical social worker in this State, or a licensed nurse~~
44 ~~who is certified by the American Nurses' Association as a~~
45 ~~clinical specialist in adult psychiatric and mental health~~
46 ~~nursing or as a clinical specialist in child and adolescent~~
47 ~~psychiatric and mental health nursing, any person covered by the~~
48 ~~policy shall be~~ is entitled to reimbursement for these services
49 if the services are performed by a physician, a psychologist
50 licensed to practice in this State, a certified social worker
51 licensed for independent practice in this State who has at least
52 a masters degree in social work from an accredited educational

2 institution, who has been employed in social work for at least 2
3 years, and who, after January 1, 1985, must be licensed as a
4 clinical social worker in this State, ~~or~~; a licensed nurse
5 certified by the American Nurses' Association as a clinical
6 specialist in adult or child and adolescent psychiatric and
7 mental health nursing; or a counseling professional who is
8 licensed by the State pursuant to Title 32, chapter 119 to assess
9 and treat intrapersonal and interpersonal problems, has at least
10 a masters degree in counseling or a related field from an
11 accredited educational institution and has been employed as a
12 counselor for at least 2 years, acting within the scope of that
13 license or certification. With respect to services provided by
14 physicians or psychologists, this section applies to all health
15 insurance policies, contracts or certificates issued, renewed,
16 modified, altered, amended or reissued on or after April 16,
17 1976. Payment or reimbursement for services rendered by clinical
18 social workers or counseling professionals licensed in this State
19 shall ~~may~~ not be conditioned upon prior diagnosis or referral by
20 a physician or other health care professional, except in cases
21 where diagnosis of the condition for which the services are
22 rendered is beyond the scope of their licensure.

23 **Sec. 7. 24-A MRSA §2835, sub-§2, as amended by PL 1983, c.**
24 **805, §3, is further amended to read:**

25 **2. No requirement to provide services.** Nothing in
26 subsection 1 may be construed to require a health insurance
27 policy subject to this chapter to provide for reimbursement of
28 services ~~which~~ that are within the lawful scope of practice of a
29 psychologist licensed to practice in this State, a clinical
30 social worker licensed in this State, a certified social worker
31 licensed to practice in this State, ~~or~~ a nurse certified and
32 licensed to practice in this State or a counseling professional
33 licensed to practice in this State.

34 **Sec. 8. 24-A MRSA §2835, sub-§3, as enacted by PL 1995, c.**
35 **561, §3, is repealed.**

36 **Sec. 9. 24-A MRSA §4234-A, sub-§8-A, as enacted by PL 1997, c.**
37 **174, §1, is amended to read:**

38 **8-A. Mental health services provided by counseling**
39 **professionals.** A health maintenance organization that issues
40 individual or group health care contracts providing coverage for
41 mental health services shall ~~effect~~ provide coverage for those
42 services when performed by a counseling professional who is
43 licensed by the State pursuant to Title 32, chapter 119 to assess
44 and treat interpersonal and intrapersonal problems, has at least
45 a masters degree in counseling or a related field from an
46 accredited educational institution ~~and,~~ has been employed as a
47 counselor for at least 2 years and is acting within the scope of
48 that license. Any contract providing coverage for the services
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2 of counseling professionals pursuant to this subsection may be
3 subject to any reasonable limitations, maximum benefits,
4 coinsurance, deductibles or exclusion provisions applicable to
5 overall benefits under the contract. A health maintenance
6 organization shall determine the qualifications of counseling
7 professionals using objective and reasonable standards similar to
8 and consistent with the standards applied to other health care
9 professionals. This subsection applies to all contracts
10 executed, delivered, issued for delivery, continued or renewed in
11 this State on or after January 1, 1998 ~~2000~~. For purposes of
12 this subsection, all contracts are deemed renewed no later than
13 the next yearly anniversary of the contract date.

14 **Sec. 10. Application.** This Act applies to all policies and
15 contracts executed, delivered, issued for delivery, continued or
16 renewed in this State on or after January 1, 2000. For purposes
17 of this Act, all contracts are deemed renewed no later than the
18 next yearly anniversary of the contract date.

20

SUMMARY

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23 This bill requires nonprofit hospital and medical service
24 organizations, insurers and health maintenance organizations to
25 provide reimbursement for the services of licensed counseling
26 professionals. Under current law, nonprofit hospital and medical
27 service organizations, insurers and health maintenance
28 organizations are only required to make available coverage for
29 those services at the option of the policyholder. The bill
30 applies to all policies and contracts issued or renewed on or
after January 1, 2000.