

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 563

H.P. 426

House of Representatives, February 6, 2003

**An Act To Require That Mental Health Workers with LCPC
Licenses Are Recognized as Licensed Professionals for Purposes of
Insurance Reimbursement**

Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GLYNN of South Portland.

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

2
4 **Sec. 1. 24-A MRSA §2744**, as amended by PL 1995, c. 561, §2,
is further amended to read:

6 **§2744. Mental health services**

8 1. Notwithstanding any provision of a health insurance
10 policy subject to this chapter, whenever the policy provides for
payment or reimbursement for services ~~which~~ that are within the
12 lawful scope of practice of a psychologist licensed to practice
in this State, ~~;~~ a certified social worker licensed for the
14 independent practice of social work in this State who has at
least a masters degree in social work from an accredited
16 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, ~~;~~ a licensed clinical
18 professional counselor licensed for the independent practice of
counseling who has at least a masters degree in counseling from
20 an accredited educational institution, has been employed in
counseling for at least 2 years and, after January 1, 2002, must
22 be licensed as a clinical professional counselor in this State,
or a licensed nurse who is certified by the American Nurses'
24 Association as a clinical specialist in adult psychiatric and
mental health nursing or as a clinical specialist in child and
26 adolescent psychiatric and mental health nursing, any person
covered by the policy shall ~~be~~ is entitled to reimbursement for
28 these services if the services are performed by a physician, ~~;~~ a
psychologist licensed to practice in this State, ~~;~~ a certified
30 social worker licensed for the independent practice of social
work who has at least a masters degree in social work from an
32 accredited educational institution, who has been employed in
social work for at least 2 years, and who, after January 1, 1985,
34 must be licensed as a clinical social worker in this State, ~~;~~ a
licensed clinical professional counselor licensed for the
36 independent practice of counseling who has at least a masters
degree in counseling from an accredited educational institution,
38 has been employed in counseling for at least 2 years and, after
January 1, 2002, must be licensed as a clinical professional
40 counselor in this State; or a licensed nurse certified by the
American Nurses' Association as a clinical specialist in adult or
42 child and adolescent psychiatric and mental health nursing. ~~With~~
~~respect to services provided by physicians or psychologists, this~~
44 ~~section applies to all health insurance policies, contracts or~~
~~certificates issued, renewed, modified, altered, amended or~~
46 ~~reissued on or after July 1, 1975.~~ Payment or reimbursement for
services rendered by clinical social workers licensed in this
48 State shall, licensed clinical professional counselors licensed
in this State or licensed nurses certified by the American
50 Nurses' Association as clinical specialists in adult or child and

2 adolescent psychiatric and mental health nursing may not be
3 conditioned upon prior diagnosis or referral by a physician or
4 other health care professional, except in cases where diagnosis
5 of the condition for which the services are rendered is beyond
6 the scope of their licensure.

7
8 2. Nothing in subsection 1 may be construed to require a
9 health insurance policy subject to this chapter to provide for
10 reimbursement of services which that are within the lawful scope
11 of practice of a psychologist licensed to practice in this State,
12 a clinical social worker licensed in this State, a clinical
13 professional counselor licensed to practice in this State, a
14 certified social worker licensed to practice in this State, or a
15 certified nurse licensed to practice in this State.

16 ~~3. Mental health services provided by counseling~~
17 ~~professionals. An insurer that issues individual health care~~
18 ~~contracts providing coverage for mental health services shall~~
19 ~~offer coverage for those services when performed by a counseling~~
20 ~~professional who is licensed by the State pursuant to Title 32,~~
21 ~~chapter 119 to assess and treat interpersonal and intrapersonal~~
22 ~~problems, has at least a masters degree in counseling or a~~
23 ~~related field from an accredited educational institution and has~~
24 ~~been employed as a counselor for at least 2 years. Any contract~~
25 ~~providing coverage for the services of counseling professionals~~
26 ~~pursuant to this section may be subject to any reasonable~~
27 ~~limitations, maximum benefits, coinsurance, deductibles or~~
28 ~~exclusion provisions applicable to overall benefits under the~~
29 ~~contract. This subsection applies to all contracts executed,~~
30 ~~delivered, issued for delivery, continued or renewed in this~~
31 ~~State on or after January 1, 1997. For purposes of this~~
32 ~~subsection, all contracts are deemed renewed no later than the~~
33 ~~next yearly anniversary of the contract date.~~

34
35 **Sec. 2. 24-A MRSA §2835**, as amended by PL 1995, c. 561, §3,
36 is further amended to read:

37 **§2835. Mental health services**

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

2 counseling who has at least a masters degree in counseling from
3 an accredited educational institution, has been employed in
4 counseling for at least 2 years and, after January 1, 2002, must
5 be licensed as a clinical professional counselor in this State;
6 or a licensed nurse who is certified by the American Nurses'
7 Association as a clinical specialist in adult psychiatric and
8 mental health nursing or as a clinical specialist in child and
9 adolescent psychiatric and mental health nursing, any person
10 covered by the policy shall ~~be~~ is entitled to reimbursement for
11 these services if the services are performed by a physician, a
12 psychologist licensed to practice in this State, a certified
13 social worker licensed for independent practice in this State who
14 has at least a masters degree in social work from an accredited
15 educational institution, who has been employed in social work for
16 at least 2 years, and who, after January 1, 1985, must be
17 licensed as a clinical social worker in this State; a licensed
18 clinical professional counselor licensed for the independent
19 practice of counseling who has at least a masters degree in
20 counseling from an accredited educational institution, has been
21 employed in counseling for at least 2 years and, after January 1,
22 2002, must be licensed as a clinical professional counselor in
23 this State; or a licensed nurse certified by the American Nurses'
24 Association as a clinical specialist in adult or child and
25 adolescent psychiatric and mental health nursing. ~~With respect to~~
26 ~~services provided by physicians or psychologists, this section~~
27 ~~applies to all health insurance policies, contracts or~~
28 ~~certificates issued, renewed, modified, altered, amended or~~
29 ~~reissued on or after April 16, 1976.~~ Payment or reimbursement
30 for services rendered by clinical social workers licensed in this
31 State shall, licensed clinical professional counselors licensed
32 in this State or licensed nurses certified by the American
33 Nurses' Association as clinical specialists in adult or child and
34 adolescent psychiatric and mental health nursing may not be
35 conditioned upon prior diagnosis or referral by a physician or
36 other health care professional, except in cases where diagnosis
37 of the condition for which the services are rendered is beyond
38 the scope of their licensure.

39
40 2. Nothing in subsection 1 may be construed to require a
41 health insurance policy subject to this chapter to provide for
42 reimbursement of services which that are within the lawful scope
43 of practice of a psychologist licensed to practice in this State,
44 a clinical social worker licensed in this State, a clinical
45 professional counselor licensed in this State, a certified social
46 worker licensed to practice in this State, or a nurse certified
47 and licensed to practice in this State.

48 ~~3. Mental health services provided by counseling~~
49 ~~professionals. An insurer that issues group health care~~
50 ~~contracts providing coverage for mental health services shall~~

2 make available coverage for those services when performed by a
3 counseling professional who is licensed by the State pursuant to
4 Title 32, chapter 119 to assess and treat interpersonal and
5 intrapersonal problems, has at least a masters degree in
6 counseling or a related field from an accredited educational
7 institution and has been employed as a counselor for at least 2
8 years. Any contract providing coverage for the services of
9 counseling professionals pursuant to this section may be subject
10 to any reasonable limitations, maximum benefits, coinsurance,
11 deductibles or exclusion provisions applicable to overall
12 benefits under the contract. This subsection applies to all
13 contracts executed, delivered, issued for delivery, continued or
14 renewed in this State on or after January 1, 1997. For purposes
15 of this subsection, all contracts are deemed renewed no later
16 than the next yearly anniversary of the contract date.

17 **Sec. 3. 24-A MRSA §4234-A, sub-§8,** as enacted by PL 1995, c.
18 407, §10, is amended to read:

19 **8. Contracts; providers.** Subject to approval by the
20 superintendent pursuant to section 4204, a health maintenance
21 organization incorporated under this chapter shall allow
22 providers, pursuant to sections 2744 and 2835, to contract for
23 and receive payment, subject to the health maintenance
24 organization's credentialing policy, for the provision of mental
25 health services within the scope of the provider's licensure.
26

27 **Sec. 4. Application.** This Act applies to all policies,
28 contracts and certificates executed, delivered, issued for
29 delivery, continued or renewed in this State on or after January
30 1, 2004. For purposes of this Act, all contracts are deemed to
31 be renewed no later than the next yearly anniversary of the
32 contract date.
33

34 SUMMARY

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36
37 **38** This bill mandates that all health care plans reimburse
39 licensed clinical professional counselors for mental health
40 services. The bill applies to all policies and contracts issued
or renewed on or after January 1, 2004.