

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## SECOND REGULAR SESSION-2004

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Legislative Document

No. 1757

H.P. 1279

House of Representatives, December 22, 2003

### **An Act To Clarify the Educational Requirements for Counselor Licensure**

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Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Received by the Clerk of the House on December 17, 2003. Referred to the Committee on Business, Research and Economic Development pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative SULLIVAN of Biddeford.  
Cosponsored by Senator BRENNAN of Cumberland and  
Representatives: ROGERS of Brewer, SMITH of Monmouth, Senator: DOUGLASS of  
Androscoggin.

2  
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 32 MRSA §13857**, as amended by PL 1989, c. 895, §11  
5 and affected by PL 1991, c. 263, §§5 and 6, is repealed and the  
6 following enacted in its place:

7 **§13857. Nonresidents; applicants licensed in another jurisdiction**

8 **1. Reciprocal agreements.** The Board of Counseling  
9 Professionals Licensure may enter into reciprocal agreements with  
10 other jurisdictions that have substantially similar licensure  
11 laws and accord substantially equal reciprocal rights to  
12 residents licensed in good standing in this State.

13 **2. Applicants licensed in another jurisdiction.** An  
14 applicant who is licensed under the laws of another jurisdiction  
15 is governed by this subsection.

16 **A.** An applicant who is licensed under the laws of a  
17 jurisdiction that has a reciprocal agreement with the Board  
18 of Counseling Professionals Licensure may obtain a license  
19 under the terms and conditions as agreed upon through the  
20 reciprocal agreement.

21 **B.** An applicant who is licensed in good standing at the time  
22 of application to the board under the laws of a jurisdiction  
23 that has not entered into a reciprocal agreement with the  
24 Board of Counseling Professionals Licensure may qualify for  
25 licensure by submitting evidence to the board that the  
26 applicant has actively practiced with a substantially  
27 equivalent license for at least 5 consecutive years  
28 immediately preceding application to the board at the level  
29 of licensure applied for in this State.

30 **C.** An applicant who is licensed in good standing at the  
31 time of application to the board under the laws of a  
32 jurisdiction that has not entered into a reciprocal  
33 agreement and who does not meet the requirements of  
34 paragraph B may qualify for licensure by submitting evidence  
35 satisfactory to the board that the applicant's  
36 qualifications for licensure are substantially similar to  
37 those requirements in this chapter.

38 **D.** All nonresident applicants shall submit with the  
39 application an irrevocable consent to service of process on  
40 the applicant for an action filed in a court of this State  
41 arising out of the applicant's activities as a licensee in  
42 this State. Service may be made by delivery of the process  
43 to the Director of the Office of Licensing and Registration  
44 within the department if, in the exercise of due diligence,  
45 a plaintiff can not effect personal service upon the  
46 applicant.

2           **Sec. 2. 32 MRSA §13858, sub-§§1, 2 and 3**, as enacted by PL 1989,  
c. 465, §3, are amended to read:

4           **1. Licensed professional counselor.** To be qualified as a  
6 licensed professional counselor, an applicant ~~shall--have~~  
~~demonstrated~~ must demonstrate to the satisfaction of the board  
8 adherence to the ethics of the counseling profession, ~~shall-have~~  
successfully ~~completed~~ complete the examination prescribed by the  
10 board and ~~shall~~ have ~~received~~:

12           A. A master's degree or a doctoral degree in counseling or  
an allied mental health field from an accredited institution  
14 or a program approved by the board. Such schooling ~~shall~~  
~~have--included~~ must include a minimum core curriculum and  
16 total credit hours as adopted by the board; and

18           B. Two years of experience after obtainment of a master's  
degree or a doctoral degree with a minimum of 2,000 hours of  
20 supervised experience.

22           **2. Licensed clinical professional counselor.** To be  
qualified as a licensed clinical professional counselor, an  
24 applicant ~~shall--have--demonstrated~~ must demonstrate to the  
satisfaction of the board adherence to the ethics of the  
26 counseling profession, ~~shall-have~~ successfully ~~completed~~ complete  
the examination prescribed by the board and ~~shall~~ have ~~received~~:

28           A. A master's degree or a doctoral degree in counseling or  
30 an allied mental health field from an accredited institution  
or a program approved by the board. Such schooling ~~shall~~  
32 must include a minimum core curriculum, and total credit  
hours as adopted by the board, ~~--of--at--least--45--semester~~  
34 ~~hours~~; and

36           B. Two years of experience after obtainment of a master's  
degree, or a doctoral degree to include at least 3,000 hours  
38 of supervised clinical experience with a minimum of 100  
hours of personal supervision.

40           **3. Licensed marriage and family therapist.** To be qualified  
42 as a licensed marriage and family therapist, an applicant ~~shall~~  
~~have--demonstrated~~ must demonstrate to the satisfaction of the  
44 board adherence to the ethics of the counseling profession, ~~shall~~  
have successfully ~~completed~~ complete the examination prescribed  
46 by the board and ~~shall~~ have ~~received~~:

48           A. A master's degree or a doctoral degree in marriage and  
family therapy or its equivalent from an accredited  
50 institution or a program approved by the board. Such  
schooling ~~shall--have--included~~ must include a minimum core

2 curriculum to include a one-year clinical practicum and  
3 total credit hours adopted by the board; and

4 B. Two years of experience after obtainment of a master's  
5 degree or a doctoral degree comprised of at least 1,000  
6 hours of direct clinical contact with couples and families  
7 and 200 hours of supervision, at least 100 of which shall  
8 must be individual supervision.

10 **Sec. 3. 32 MRSA §13858, sub-§3-A, ¶B,** as amended by PL 1991,  
11 c. 263, §3, is further amended to read:

12 B. Received a Master of Divinity degree or a Doctor of  
13 Divinity degree, or an equivalent degree approved by the  
14 board, from an accredited institution or a program approved  
15 by the board. Academic preparation includes a minimum  
16 graduate core curriculum to include 20 credit hours of  
17 counseling and human relations and 400 hours of clinical  
18 pastoral education;

20 **Sec. 4. 32 MRSA §13858, sub-§8** is enacted to read:

22 **8. Rulemaking.** The board shall adopt rules to implement  
23 the provisions of subsections 1, 2 and 3 and subsection 3-A,  
24 paragraph B. Rules adopted pursuant to this subsection are  
25 routine technical rules pursuant to Title 5, chapter 375,  
26 subchapter 2-A.

28 **Sec. 5. 32 MRSA §13865** is enacted to read:

30 **§13865. Service of process; filing requirement**

32 Licensees who maintain licensure in this State and establish  
33 legal residency in another jurisdiction shall submit to the Board  
34 of Counseling Professionals Licensure within 30 days of residency  
35 in another jurisdiction an irrevocable consent to service of  
36 process on the licensee for an action filed in a court of this  
37 State arising out of the licensee's activities as a licensee in  
38 this State. Service may be made by delivery of the process to  
39 the Director of the Office of Licensing and Registration within  
40 the Department of Professional and Financial Regulation if, in  
41 the exercise of due diligence, a plaintiff can not effect  
42 personal service upon the licensee.

44

46 **SUMMARY**

48 This bill clarifies existing statutory language regarding  
49 educational requirements for counselor licensure. This bill  
50 removes barriers to licensure for qualified practitioners,

2 including first-time applicants as well as practitioners licensed in other states.