

MAINE STATE LEGISLATURE

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L.D. 299

Date: 6/8/21

(Filing No. H- 485)

HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 212, L.D. 299, "An Act To Provide Clarity in the Laws Governing the Profession of Counseling"

Amend the bill by striking out the title and substituting the following:

'An Act To Address Licensure of Behavioral Health Practice in the State'

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 32 MRSA §3814, as amended by PL 2007, c. 402, Pt. Q, §3, is further amended to read:

§3814. Penalties for unlicensed practice

Persons who hold themselves out to the public as psychologists or psychological examiners or engage in psychological practice as defined in this chapter and do not then possess in full force valid licenses to practice as psychological examiners or psychologists under this chapter are subject to the provisions of Title 10, section 8003-C. A person who engages in the practice of a psychological examiner or psychologist without a license under this chapter has engaged in an unfair trade practice in violation of Title 5, chapter 10.

Sec. 2. 32 MRSA §7002, as amended by PL 2007, c. 402, Pt. V, §2, is further amended to read:

§7002. Unlicensed practice

Notwithstanding Title 17-A, section 4-A, any person who makes a representation to the public or uses the title of social worker, unless licensed by the board, as a licensed clinical social worker, licensed master social worker, certified social worker or a licensed social worker is subject to the provisions of Title 10, section 8003-C. Any person performing the functions of a social worker as a part of a profession or occupation or in a voluntary capacity is not subject to this section. A person who engages in the practice of a clinical social worker, master social worker or social worker without a license under this chapter has engaged in an unfair trade practice in violation of Title 5, chapter 10.

COMMITTEE AMENDMENT

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Sec. 3. 32 MRSA §13851, sub-§8-A is enacted to read:

8-A. Professional counseling. "Professional counseling" means providing counseling services, marital and family therapy services and pastoral counseling services, including any procedures of counseling.

Sec. 4. 32 MRSA §13854, sub-§1, as amended by PL 2001, c. 421, Pt. B, §102 and affected by Pt. C, §1, is repealed and the following enacted in its place:

1. Licensing. A person may not, unless specifically exempted by this chapter, be engaged in the practice of professional counseling or profess to the public to be a, or assume or use the title or designation of, clinical professional counselor, professional counselor, marriage and family therapist, licensed pastoral counselor, registered counselor or conditional license holder or assume or use the abbreviation "LP," "CC," "MF," "PC" or "RC" or any other title, designation, words, letters or device tending to indicate that such a person is licensed or registered, unless that person is licensed or registered with and holds a current valid license or registration from the board.

Sec. 5. 32 MRSA §13854, sub-§4 is enacted to read:

4. Unfair trade practice. A violation of subsection 1 is an unfair trade practice in violation of Title 5, chapter 10.

Sec. 6. Effective date. This Act takes effect July 1, 2022.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment replaces the bill, which is a concept draft.

The amendment clarifies that a person may not engage in the practice of professional counseling or profess to the public to be a, or assume or use the title or designation of, clinical professional counselor, professional counselor, marriage and family therapist, licensed pastoral counselor, registered counselor or conditional license holder without holding a valid license or registration in this State.

The amendment makes it an unfair trade practice for persons to represent themselves to the public as social workers, psychologists or counseling professionals without a valid license to practice.

The amendment adds an effective date of July 1, 2022.

FISCAL NOTE REQUIRED

(See attached)



130th MAINE LEGISLATURE

LD 299

LR 1691(02)

An Act To Provide Clarity in the Laws Governing the Profession of Counseling

Fiscal Note for Bill as Amended by Committee Amendment *(ACH-485)*
Committee: Health Coverage, Insurance and Financial Services

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Minor revenue increase - General Fund

Minor revenue increase - Other Special Revenue Funds

Correctional and Judicial Impact Statements

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.

The collection of additional fine and/or fee revenue will increase General Fund and dedicated revenue by minor amounts.