

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1400

H.P. 895

House of Representatives, March 28, 2023

An Act to Allow Social Workers to Diagnose Organic Mental Illnesses

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative CRAFTS of Newcastle.
Cosponsored by Senator BEEBE-CENTER of Knox and
Representatives: CRAVEN of Lewiston, GRAHAM of North Yarmouth, GRAMLICH of Old Orchard Beach, HENDERSON of Rumford, KUHN of Falmouth, MADIGAN of Waterville, O'CONNELL of Brewer, SMITH of Palermo.

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

2 **Sec. 1. 32 MRSA §7001-A, sub-§10**, as enacted by PL 1985, c. 736, §2, is amended
3 to read:

4 **10. Psychosocial evaluation.** "Psychosocial evaluation" includes the determination
5 and examination by social workers of the psychosocial situation of an individual or group
6 related to interpersonal and intrapersonal stress, family background, family interaction,
7 living arrangements and socioeconomic problems and treatment, evaluation, plans and
8 goals, including the diagnosis of mental illness and emotional disorders for the purpose of
9 treatment and therapeutic intervention, but excluding the ~~diagnosis of organic mental~~
10 ~~illness or treatment of any illness by organic therapy, to the extent permitted by the~~
11 ~~licensure provision of this chapter. In the process of making a diagnosis and formulating a~~
12 ~~treatment plan for mental illness or emotional disorder, the social worker shall assure,~~
13 ~~consistent comply with rules to be promulgated adopted by the board, that the person is~~
14 ~~examined by a physician and may take into account the physician's opinion in forming the~~
15 ~~psychosocial evaluation. When a person has been seen by a physician within 3 months prior~~
16 ~~to seeking mental health treatment, a telephone conversation between that physician and~~
17 ~~the social worker may be held in lieu of the examination required by this subsection. The~~
18 ~~medical visit or the telephone conversation shall be documented in the clinical records of~~
19 ~~the person. This requirement shall apply only in cases where there is a presence of~~
20 ~~psychopathology.~~ The board shall define standards by rule, in accordance with the Maine
21 Administrative Procedure Act, Title 5, chapter 375, for implementation of this subsection.

22 **Sec. 2. 32 MRSA §7031**, as enacted by PL 1993, c. 584, §1, is repealed.

23 **Sec. 3. 32 MRSA §7053-A, first ¶**, as enacted by PL 1985, c. 736, §12, is repealed.

24 SUMMARY

25 This bill removes the requirement that a social worker seek a physician's opinion in
26 forming a psychosocial opinion, removes the Volunteer Social Workers Project from the
27 Maine Revised Statutes and removes the prohibition on social workers' diagnosing organic
28 mental illness.