

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1494

H.P. 949

House of Representatives, April 5, 2023

**An Act to Help Address the Worker Shortage in Behavioral Health
Care Services by Allowing Provisional Licensure and Providing for
Reimbursement for Out-of-state Licensees**

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 Representatives: HEPLER of Woolwich, MATHIESON of Kittery, MURPHY of Scarborough, PERRY of Calais, SACHS of Freeport, SARGENT of York, Senator: RENY of Lincoln.

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

2 **Sec. 1. 24-A MRSA §2744, sub-§1**, as repealed and replaced by PL 2005, c. 683,
3 Pt. A, §39, is amended to read:

4 1. Notwithstanding any provision of a health insurance policy subject to this chapter,
5 whenever the policy provides for payment or reimbursement for services that are within
6 the lawful scope of practice of a professional listed in subsection 2-A, any person covered
7 by the policy is entitled to reimbursement for these services if the services are performed
8 by a physician or a professional listed in subsection 2-A. Payment or reimbursement for
9 services rendered by a professional listed in subsection 2-A, paragraph B, C, D, E or F may
10 not be denied on the basis that the professional has been granted a provisional license
11 pursuant to Title 32, chapter 119 or be conditioned upon prior diagnosis or referral by a
12 physician or other health care professional, except when diagnosis of the condition for
13 which the services are rendered is beyond the scope of their licensure.

14 **Sec. 2. 24-A MRSA §2835, sub-§1**, as repealed and replaced by PL 2005, c. 683,
15 Pt. A, §40, is amended to read:

16 1. Notwithstanding any provision of a health insurance policy or certificate issued
17 under a group policy subject to this chapter, whenever the policy provides for payment or
18 reimbursement for services that are within the lawful scope of practice of a professional
19 listed in subsection 2-A, any person covered by the policy is entitled to reimbursement for
20 these services if the services are performed by a physician or a professional listed in
21 subsection 2-A. Payment or reimbursement for services rendered by a professional listed
22 in subsection 2-A, paragraph B, C, D, E or F may not be denied on the basis that the
23 professional has been granted a provisional license pursuant to Title 32, chapter 119 or be
24 conditioned upon prior diagnosis or referral by a physician or other health care professional,
25 except when diagnosis of the condition for which the services are rendered is beyond the
26 scope of their licensure.

27 **Sec. 3. 24-A MRSA §4234-A, sub-§8-A**, as amended by PL 2003, c. 20, Pt. VV,
28 §23 and affected by §25, is further amended to read:

29 **8-A. Mental health services provided by counseling professionals.** A health
30 maintenance organization that issues individual or group health care contracts providing
31 coverage for mental health services shall offer coverage for those services when performed
32 by a counseling professional who is licensed by the State pursuant to Title 32, chapter 119
33 to assess and treat interpersonal and intrapersonal problems, has at least a master's degree
34 in counseling or a related field from an accredited educational institution and has been
35 employed as a counselor for at least 2 years. Payment or reimbursement for services
36 rendered may not be denied on the basis that the services were rendered by a professional
37 who has been granted a provisional license pursuant to Title 32, chapter 119. Any contract
38 providing coverage for the services of counseling professionals pursuant to this subsection
39 may be subject to any reasonable limitations, maximum benefits, coinsurance, deductibles
40 or exclusion provisions applicable to overall benefits under the contract.

41 **Sec. 4. 32 MRSA §13857, sub-§3** is enacted to read:

42 **3. Provisional licensure.** The Board of Counseling Professionals Licensure shall
43 issue a provisional license for up to 90 days to an applicant who is licensed under the laws
44 of another jurisdiction upon the submission to the board of evidence that the applicant has

1 held a substantially equivalent, valid license in another state and that the applicant's
2 qualifications for licensure are substantially similar to those required in this chapter. The
3 board shall also issue a provisional license for up to 90 days to an applicant who has
4 completed the requirements for licensure set forth in section 13858 upon submission to the
5 board of evidence that the applicant has met those requirements. A provisional license
6 issued pursuant to this subsection is valid until the applicant is licensed by the board under
7 subsection 2, except that the provisional license is not valid for more than 90 days. An
8 applicant granted a provisional license in accordance with this subsection is authorized to
9 practice as a counseling professional in this State.

10 **SUMMARY**

11 This bill requires the Board of Counseling Professionals Licensure to grant a
12 provisional license for up to 90 days to a counseling professional licensed in another state
13 or an applicant who has completed the requirements for licensure in this State upon receipt
14 of an application for licensure. The bill requires the board to issue a provisional license
15 upon the submission of evidence that the applicant holds a substantially equivalent, valid
16 license in another state and that the applicant's qualifications for licensure are substantially
17 similar to those required in state law or that the applicant has completed the requirements
18 for licensure in this State. The bill also provides that a person holding a provisional license
19 is authorized to practice in this State and may not be denied payment or reimbursement for
20 the person's services on the basis that the person is practicing under a provisional license.