

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2005

the United States Environmental Protection Agency as to the legal adequacy of the plan and any amendment necessary to bring the facility into compliance with those federal requirements. The department shall prepare educational and technical materials for use by facilities affected by this subsection. The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2006 and on that date every 2 years thereafter on activities undertaken by the department under this subsection. This subsection is repealed October 1, 2005.

Sec. 2. Report. The January 15, 2006 report required under the Maine Revised Statutes, Title 38, section 570-K, subsection 5 must include an evaluation of and recommendations regarding financial consequences for noncompliance with Title 38, section 570-K, subsection 5, including, but not limited to, higher deductible requirements.

See title page for effective date.

CHAPTER 213

H.P. 31 - L.D. 28

An Act To Require That Mental Health Workers with Family Therapist Licenses Be Recognized as Licensed Professionals for Purposes of Insurance Reimbursement

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

Sec. 1. 24-A MRSA §2744, as amended by PL 2003, c. 65, §1 and affected by §5, is further amended to read:

§2744. Mental health services

1. Notwithstanding any provision of a health insurance policy subject to this chapter, whenever the policy provides for payment or reimbursement for services that are within the lawful scope of practice of a psychologist licensed to practice in this State; ~~a certified social worker licensed for the independent practice of social work in this State who has at least a masters degree in social work from an accredited 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 professional counselor licensed for the independent practice of counseling ~~who has at least a masters degree in counseling from an accredited educational institution, has been employed in counseling for at least 2 years and, after January 1, 2002, must be licensed as a clinical professional counselor in this State, a marriage and~~

~~family therapist licensed as a marriage and family therapist in this State or a licensed nurse who is certified by the American Nurses' Association as a clinical specialist in adult psychiatric and mental health nursing or as a clinical specialist in child and adolescent psychiatric and mental health nursing, any person covered by the policy is entitled to reimbursement for these services if the services are performed by a physician;~~ a psychologist licensed to practice in this State; ~~a certified social worker licensed for the independent practice of social work who has at least a masters degree in social work from an accredited educational institution, who 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 professional counselor licensed for the independent practice of counseling ~~who has at least a masters degree in counseling from an accredited educational institution, has been employed in counseling for at least 2 years and, after January 1, 2002, must be licensed as a clinical professional counselor in this State;~~ a marriage and family therapist licensed as a marriage and family therapist in this State or a licensed nurse certified by the American Nurses' Association as a clinical specialist in adult or child and adolescent psychiatric and mental health nursing. Payment or reimbursement for services rendered by clinical social workers licensed in this State, licensed clinical professional counselors licensed in this State, licensed marriage and family therapists licensed in this State or licensed nurses certified by the American Nurses' Association as clinical specialists in adult or child and adolescent psychiatric and mental health nursing may not be conditioned upon prior diagnosis or referral by a physician or other health care professional, except in cases where diagnosis of the condition for which the services are rendered is beyond the scope of their licensure.

2. Nothing in subsection 1 may be construed to require a health insurance policy subject to this chapter to provide for reimbursement of services that are within the lawful scope of practice of a psychologist licensed to practice in this State, a clinical social worker licensed in this State, a clinical professional counselor licensed to practice in this State, a licensed marriage and family therapist licensed in this State, a certified social worker licensed to practice in this State; or a certified nurse licensed to practice in this State.

3. Mental health services provided by counseling professionals. Except as provided in subsection 1 with regard to reimbursement of clinical professional counselors and marriage and family therapists licensed in this State, an insurer that issues individual health care contracts providing coverage for mental health services shall offer coverage for those services when performed by a counseling professional

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

Sec. 2. 24-A MRSA §2835, as amended by PL 2003, c. 517, Pt. B, §13, is further amended to read:

§2835. Mental health services

1. Notwithstanding any provision of a health insurance policy or certificate issued under a group policy subject to this chapter, whenever the policy provides for payment or reimbursement for services that are within the lawful scope of practice of a psychologist licensed to practice in this State; a certified social worker licensed for the independent practice of social work in this State ~~who has at least a masters degree in social work from an accredited 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 professional counselor licensed for the independent practice of counseling ~~who has at least a masters degree in counseling from an accredited educational institution, has been employed in counseling for at least 2 years and, after January 1, 2002, must be licensed as a clinical professional counselor in this State;~~ a marriage and family therapist licensed as a marriage and family therapist in this State or a licensed nurse who is certified by the American Nurses' Association as a clinical specialist in adult psychiatric and mental health nursing or as a clinical specialist in child and adolescent psychiatric and mental health nursing, any person covered by the policy is entitled to reimbursement for these services if the services are performed by a physician; a psychologist licensed to practice in this State; a certified social worker licensed for independent practice in this State ~~who has at least a masters degree in social work from an accredited educational institution, who 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 professional counselor licensed for the independent practice of counseling ~~who has at least a masters degree in counseling from~~

~~an accredited educational institution, has been employed in counseling for at least 2 years and, after January 1, 2002, must be licensed as a clinical professional counselor in this State;~~ a marriage and family therapist licensed as a marriage and family therapist in this State or a licensed nurse certified by the American Nurses' Association as a clinical specialist in adult or child and adolescent psychiatric and mental health nursing. Payment or reimbursement for services rendered by clinical social workers licensed in this State, licensed clinical professional counselors licensed in this State, licensed marriage and family therapists licensed in this State or licensed nurses certified by the American Nurses' Association as clinical specialists in adult or child and adolescent psychiatric and mental health nursing may not be conditioned upon prior diagnosis or referral by a physician or other health care professional, except in cases where diagnosis of the condition for which the services are rendered is beyond the scope of their licensure.

2. Nothing in subsection 1 may be construed to require a health insurance policy subject to this chapter to provide for reimbursement of services that are within the lawful scope of practice of a psychologist licensed to practice in this State, a clinical social worker licensed in this State, a clinical professional counselor licensed in this State, a licensed marriage and family therapist licensed in this State, a certified social worker licensed to practice in this State; or a nurse certified and licensed to practice in this State.

3. **Mental health services provided by counseling professionals.** Except as provided in subsection 1 with regard to reimbursement of clinical professional counselors and marriage and family therapists licensed in this State, an insurer that issues group health care contracts providing coverage for mental health services shall make available coverage for those services when performed by a counseling professional who is licensed by the State pursuant to Title 32, chapter 119 to assess and treat interpersonal and intrapersonal problems, has at least a masters degree in counseling or a related field from an accredited educational institution and has been employed as a counselor for at least 2 years. Any contract providing coverage for the services of counseling professionals pursuant to this section may be subject to any reasonable limitations, maximum benefits, coinsurance, deductibles or exclusion provisions applicable to overall benefits under the contract. This subsection applies to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State. For purposes of this subsection, all contracts are deemed renewed no later than the next yearly anniversary of the contract date.

Sec. 3. Application. The requirements of this Act apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2006. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

CHAPTER 214

H.P. 30 - L.D. 27

An Act To Require That Licensed Pastoral Counselors Be Recognized as Licensed Professionals for Purposes of Insurance Reimbursement

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

Sec. 1. 24-A MRSA §2744, as amended by PL 2003, c. 65, §1 and affected by §5, is further amended to read:

§2744. Mental health services

1. Notwithstanding any provision of a health insurance policy subject to this chapter, whenever the policy provides for payment or reimbursement for services that are within the lawful scope of practice of a psychologist licensed to practice in this State; a certified social worker licensed for the independent practice of social work in this State ~~who has at least a masters degree in social work from an accredited 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 professional counselor licensed for the independent practice of counseling ~~who has at least a masters degree in counseling from an accredited educational institution, has been employed in counseling for at least 2 years and, after January 1, 2002, must be licensed as a clinical professional counselor in this State;~~ a licensed pastoral counselor licensed as a pastoral counselor in the State; or a licensed nurse who is certified by the American Nurses' Association as a clinical specialist in adult psychiatric and mental health nursing or as a clinical specialist in child and adolescent psychiatric and mental health nursing, any person covered by the policy is entitled to reimbursement for these services if the services are performed by a physician; a psychologist licensed to practice in this State; a certified social worker licensed for the independent practice of social work ~~who has at least a masters degree in social work from an accredited educational institution, who 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 professional counselor licensed for the independent practice of counseling ~~who has at least a masters degree in counseling from an accredited educational institution, has been employed in counseling for at least 2 years and, after January 1, 2002, must be licensed as a clinical professional counselor in this State;~~ a licensed pastoral counselor licensed as a pastoral counselor in this State; or a licensed nurse certified by the American Nurses' Association as a clinical specialist in adult or child and adolescent psychiatric and mental health nursing. Payment or reimbursement for services rendered by clinical social workers licensed in this State, licensed clinical professional counselors licensed in this State, licensed pastoral counselors licensed in this State or licensed nurses certified by the American Nurses' Association as clinical specialists in adult or child and adolescent psychiatric and mental health nursing may not be conditioned upon prior diagnosis or referral by a physician or other health care professional, except in cases where diagnosis of the condition for which the services are rendered is beyond the scope of their licensure.

2. Nothing in subsection 1 may be construed to require a health insurance policy subject to this chapter to provide for reimbursement of services that are within the lawful scope of practice of a psychologist licensed to practice in this State, a clinical social worker licensed in this State, a clinical professional counselor licensed to practice in this State, a licensed pastoral counselor licensed in this State, a certified social worker licensed to practice in this State, or a certified nurse licensed to practice in this State.

3. **Mental health services provided by counseling professionals.** Except as provided in subsection 1 with regard to reimbursement of clinical professional counselors and pastoral counselors licensed in this State, an insurer that issues individual health care contracts providing coverage for mental health services shall offer coverage for those services when performed by a counseling professional who is licensed by the State pursuant to Title 32, chapter 119 to assess and treat interpersonal and intrapersonal problems, has at least a masters degree in counseling or a related field from an accredited educational institution and has been employed as a counselor for at least 2 years. Any contract providing coverage for the services of counseling professionals pursuant to this section may be subject to any reasonable limitations, maximum benefits, coinsurance, deductibles or exclusion provisions applicable to overall benefits under the contract. This subsection applies to all contracts executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 1997. For purposes of this subsection, all contracts