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STATE OF MAINE DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION 35 STATE HOUSE STATION AUGUSTA, MAINE 04333-0035

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ANGUS S. KING, JR.

S. CATHERINE LONGLEY

January 8, 2002

The Honorable Susan W. Longley, Senate Chair The Honorable Thomas J. Kane, House Chair Joint Standing Committee on Health & Human Services 120th Maine State Legislature 100 State House Station Augusta, Maine 04333-0001

Re: Report on PL 2001, c. 358, LL-8

Dear Senator Longley and Representative Kane:

Background

Public Law 2001, Chapter 358, section LL-8 directed the Department of Professional and Financial Regulation to report to the Joint Standing Committee on Health and Human Services on the current professional entry-level and continuing education requirements related to end-of-life care for certain health related professions. The report includes the following professions: counselors, social workers, psychologists, allopathic medicine, osteopathic medicine, nursing, nursing home administrators, funeral directors, acupuncturists, and naturopathy.

For the purpose of the report, "end-of-life care" includes palliative care, hospice care, pain management, advanced health care directives, appointment of health care decision surrogates, and "do-not-resuscitate" orders.

As you may know, the regulatory boards implement entry-level licensing requirements as authorized by the Legislature and adopt, by rule, continuing education requirements that must be met for license renewals.

Methodology

In accordance with the Resolve each of the boards that regulate the designated professions was asked whether existing entry level educational requirements and/or continuing education requirements adequately prepare practitioners for providing end-of-life care.

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Findings

Each board agrees that end-of-life care (EOLC) education is critical to those practitioners who specifically assist patients and family members during this time of need; however, none of the Boards expressed the need for specific statutory program changes. This does not mean that EOLC education is not important or that it is not acquired by practitioners who assume the responsibility of seeking and taking educational courses to fulfill their obligations as a health care provider. In fact, many professionals who treat terminally ill patients acquire EOLC educational studies on their own. In some instances, the professional conduct code stipulates that a practitioner must provide services in a particular area of competence. However, formal component of continuing education specific to end-of-life care may not be necessary.

For example licensed Counselors are required to perform entry-level coursework in "Human Growth and Development," which looks at human development "across lifespan." This includes end-of-life considerations, although it is not specifically stated in the course. Also, elective coursework may include studies that focus on family dynamics and issues, which includes the dynamics of handling death in the family context but, once again, this is not explicit. On the other hand Pastoral Counselors must complete end-of-life care education as part of their entry-level education.

While education requirements for entry level licensure may not specifically require end-of-life care, there is strong opinion among licensing boards that education and training includes all aspects of health care for each profession. Presently several hospital/nursing facilities around the state have, and will continue to offer, continuing education courses in the area of end-of-life-care. For example, the Eastern Maine Medical Center sponsored programs specific to EOLC in the fall of 2001.

A summary of the entry level and continuing education requirements for the professional groups listed is attached.

In conclusion, end-of-life care educational needs appear to be met successfully in a voluntary manner. We do not find it necessary to mandate specific licensure or continuing education requirements at this time.

Sincerely.

S. Catherine Longley

Commissioner

c: Anne L. Head, Director Office of Licensing and Registration Sarah Ackerly, Chair, Board of Complementary Health Care Providers John Widdows, Chair, Board of Counseling Professionals Licensure Robert Barnes, Chair, Maine State Board of Funeral Service Randal Manning, Executive Director, Board of Licensure in Medicine Myra Broadway, Executive Director, Board of Nursing Barbara Steller, Chair, Nursing Home Administrators Licensing Board Susan Strout, Executive Secretary, Board of Osteopathic Licensure Thomas Collins, Ed.D., Chair, Board of Examiners of Psychologists Karen Fatz, Board of Social Worker Licensure

Board of Counseling Professionals Licensure

Regulated Professionals

Licensed Professional Counselor
Licensed Clinical Professional Counselor
Licensed Marriage & Family Therapist
Licensed Pastoral Counselor
Registered Counselor (Pre-licensure and continuing education requirements do not apply.)

Entry Level Education Requirements

<u>Licensed Professional Counselor</u>: Human Growth and Development; Social and Cultural Foundations; Helping Relationships; Groups; Lifestyle and Career Development; Measurement; Research and Evaluation; Professional Orientation; Practicum; and Internship.

<u>Licensed Clinical Professional Counselor</u>: Human Growth and Development; Social and Cultural Foundations; Helping Relationships; Groups; Lifestyle and Career Development; Measurement; Research and Evaluation; Professional Orientation; Diagnosis and Treatment; Marriage and Family Counseling; Human Sexuality for Counselors; Supervision; Consultation; Crisis Intervention; Addictive Disorders; Treatment Modalities; and Practicum and Internship or Alternative Experience.

Course work including: general principles and practices of diagnosis, treatment, and prevention of mental and emotional disorders; specific theories of psychotherapy for initiating, maintaining, and terminating therapy in a variety of settings and with different populations; guidelines on conducting an interview with a complete mental health history and developing and maintaining a treatment plan, and complete and accurate records; practice in mental health counseling techniques (e.g. crisis counseling, brief therapy, intermediate, and long-term counseling modalities) applied to various populations (e.g. individuals, groups, families, and couples) and various lifestyles.

<u>Licensed Marriage and Family Therapist</u>: Marital and Family Studies; Marital and Family Therapy; Human Development; Human Sexuality; Professional Orientation and Ethics; Research and Evaluation; and Clinical Practicum.

<u>Licensed Pastoral Counselor</u>: Religious Foundations; Core Clinical Theory; Theory and Practice of Pastoral Counseling; Pastoral Theology and Psychology; Psychology of Religion; Testing and Measurement or Research Methods; Cross Culture Issues; and one of the following: Basic Pastoral Care, History of Pastoral Care and Counseling, Faith Development, Spiritual Formation and Direction, Testing and Measurement or Research Methods, Grief Counseling, Hospital Ministry, Crisis Intervention, or Life Cycle Rituals.

Continuing Education Requirements for License Renewal

A continuing education program's objectives must relate directly to counseling theory or the application of counseling theory or practice.

As it continually re-works and revises its rules, the board expects to explicitly mention end-of-life care requirements for all license categories, as it now does for Pastoral Counselors. Moreover,

counselors will be encouraged to take advantage of workshops on the subject which are readily available, and to make intelligent referrals when dealing with such issues appears to be beyond their scope of competency.

Board of Complementary Health Care Providers

Regulated Professionals

Acupuncturist
Naturopathic Doctor
Naturopathic Acupuncture Specialty

Entry Level Education Requirements

Acupuncture: Baccalaureate degree from an accredited institution of higher learning, or hold a license from the State to practice as a registered professional nurse, or successful completion of the training program and any competency examination required by the Board of Licensure in Medicine to be qualified as a physician's assistant; and a minimum of one thousand (1,000) hours of classroom instruction in acupuncture and related subjects at an institution approved by the board; a minimum of three hundred (300) hours of clinical experience in the field of acupuncture.

<u>Naturopathic Doctor</u>: Graduate of an approved naturopathic medical college and pass or have passed a competency-based examination approved by the board, covering the appropriate naturopathic subjects, including basic and clinical sciences.

Continuing Education Requirements for License Renewal

Acupuncture

Continuing education course requirement for licensure renewal for an acupuncturist are thirty (30) continuing education units over a two year period which must directly related to the knowledge and clinical practice of acupuncture and oriental medicine.

Approved sponsors are:

- Schools or programs accredited by, or candidates of, the National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine (NACSCAOM);
- > The National Association of Acupuncture and Oriental Medicine (National Alliance);
- The American Association of Acupuncture and Oriental Medicine (AAAOM);
- The National Acupuncture Detoxification Association (NADA);
- Other State Acupuncture Licensing Boards;
- The American Red Cross or the American Heart Association; or
- Any Maine professional acupuncturist association(s) recognized by the board.

When considering courses subject for approval, the Board considers the basis of the subject matter to be covered as well as the course instructor's professional degree, credentials, and

qualifications to present the subject. Programs focused primarily on practice economics with the exception of those dealing with medical workers' compensation or public health, are not eligible for continuing education credit or approval.

Naturopathic Doctors

A licensed naturopathic doctor must complete thirty (37) hours of continuing education annually. Naturopathic doctors who hold a specialty certification in naturopathic acupuncture must complete an additional fifteen (15) hours of continuing education annually, specific to that specialty. The thirty (37) hours consist of the following: at least seven (7) hours shall be in pharmacology; no more than fifteen (15) hours of independent self-study may be in naturopathic and/or medical journals or audio- or videotaped presentation, slides, programmed instruction or computer-assisted instruction and/or preceptorships, and no more than ten (10) hours may be in any single topic. An additional fifteen (15) hours of acupuncture continuing education required for specialty certification in acupuncture.

Approved continuing education programs include: Programs sponsored by the American Association of Naturopathic Physicians (AANP) or accredited naturopathic, osteopathic, or allopathic schools; and programs that meet the licensure requirements for medical doctors, doctors of osteopathic medicine, and physician's assistants.

Maine State Board of Funeral Service

Regulated Professionals

Funeral Director Funeral Practitioner Funeral Attendant Practitioner Trainee

Entry Level Education Requirements

Associate Degree from a two-year college of mortuary science accredited by the American Board of Funeral Service Education, or successful completion of at least fifty (50) credit hours of study at a college of mortuary science accredited by the American Board of Funeral Service Education, and successful completion of a sufficient number of college semester credit hours to entitle the applicant to admission as a member in good standing of the second year class of any college or university approved by a recognized accrediting authority, provided that such college credits shall include courses in each of the following general areas of study: English; physical science; economics; sociology; public speaking; and contemporary religion or philosophy.

Continuing Education Requirements for License Renewal

The Board's continuing education committee recommends that the Board approve programs relating to the following subject areas: professional competency, professional conduct, business ethics, or legal aspects relating to the practice of the profession; new techniques, scientific and clinical advances and achievements in research relating to funeral directing and

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embalming; business management, personnel management, or programs helping to improve services to the consumer; and courses, seminars, lectures, home study courses, videos or other instructional programs which meet the above qualifications and which the committee determines are of benefit in improving the knowledge or service capability of licensees. The continuing education committee may monitor or review any continuing education program already approved by the Board to verify the representations made by the sponsor.

The following programs are approved for continuing education credit without further action of the Board. They are: programs approved for continuing education credit by the American Academy of Funeral Service; programs hosted/sponsored and approved for continuing education credit by any state funeral board or state licensing authority. All other persons, corporations, or organizations that wish to have a program approved for continuing education credit must apply to the continuing education committee, which then presents its recommendation to the Board. The application includes information pertaining to the history of the organization, person, or corporation, approximate dates of the presentation, subject offered, total hours of presentation, plus the name and qualifications of the instructor. Programs are approved for a twelve-month period.

A licensee seeking credit for attendance at a program that has not been approved as described above is required to submit a syllabus of the program to the continuing education committee for review and recommendation to the Board.

The Board of Funeral Services recognizes and supports the value of maintaining a level of educational training. Seminars are sponsored annually in related studies that pertain to the funeral profession by the Maine Funeral Directors Association and The National Center for Death Education at Mt. Ida College in Newton, Massachusetts.

Board of Licensure in Medicine

Regulated Professionals

Medical Doctor Physician's Assistant

Entry Level Education Requirements

The Maine Board of Licensure in Medicine licenses physicians who have been educated at medical schools accredited in the United States, or international medical schools, after reviewing their professional training and qualifications. The Board is charged to assure minimum competency in all areas of medicine, without focus on any specific specialty. The expectation is that every physician initially licensed in Maine can treat any aspect of the human condition with a level of minimum competency across the full spectrum of medicine, so as to protect the health and safety of every citizen.

As an additional qualification for initial licensure, each US trained applicant must have successfully completed at least 2 years of United States postgraduate training (residency) at an

accredited institution in the United States, Canada, or the United Kingdom. For graduates of international medical school three years of residency is required.

The board participates in the Federation of State Medical Boards (FSMB). As a national organization representing virtually all United States medical licensing authorities, the FSMB participates in developing curriculum. The FSMB carries the message of medical boards such as the need for education in end-of-life care and pain management to the medical education community.

Continuing Education Requirements for License Renewal

The Board, by policy, does not place restrictions or dictums on Continuing Medical Education (CME), other than statutory requirements regarding official certification of CME. Rather, it expects each licensed professional to carefully and deliberately choose those training programs that will best enhance their skills in their specialized area of medical practice. Mandated special education, while well intentioned, almost always focuses attention on subjects relevant to only a small percentage of practicing physicians. While it can be used as a controlled education effort, mandated education always diverts the scarce training time for those physicians who are not involved with the mandated subjects away from more relevant continuing education.

The Board communicates to licensed physicians through its quarterly bulletin and special mailings as necessary to give special focus to issues demanding unusual attention. Board members and staff resources are provided to other organizations as occasion warrants to assist in reinforcing important educational messages. As an example, the Board recently provided trainers for pain management training seminars.

The Board has given specific attention to pain management by promulgating Rule Chapter 11 "Use of Controlled Substances in Treatment of Pain." Before this rule was developed the Board held extensive interested party meetings to collect facts allowing the best-crafted regulation. Since the rule's implementation, the Board has conducted workshops and provided educational mailings to fully explain the expectation of proper pain management.

Board of Nursing

Regulated Professionals

Registered Professional Nurse Licensed Practical Nurse Advance Practice Nurse

There are no statutory or regulatory requirements regarding end-of-life care. However, this issue is currently addressed in practice in a number of ways. End-of-life care is provided through the coordinated efforts of the attending physician, the patient and family, the nursing staff, social services, and other disciplines as needed.

Hospice is a wonderful way for patients during end-of-life to have access to specialized training in hospice and palliative care. Patients in long term care facilities are able to access this benefit which provides specialized pain/symptom management and volunteers who provide respite and companionship, which is often a major need in a facility because often times patients do not have the family support. Hospice is able to provide bereavement services and assistance with emotional/spiritual support to patient and their families.

In addition, recent communications with a program official at the University of Southern Maine revealed that end-of-life care is included in basic programs for associate and baccalaureate degree students.

Nursing Home Administrators Licensing Board

Regulated Professionals

Nursing Home Administrator Multi-Level Long Term Care Facility Administrator Residential Care Facility Administrator Administrator in Training

Entry Level Education Requirements

Nursing Home Administrator: A Baccalaureate or higher degree from an accredited college or university in Administration, Health Care Administration, Long-Term Care Administration; a Baccalaureate or higher degree from an accredited college or university in a health related field, such as nursing or social work; or a Baccalaureate or higher degree from an accredited college or university in any field, plus proof of one of the following: a Certificate of Advanced Study in Long Term Care Administration from an accredited college, or twelve (12) semester hour credits from an accredited college with not fewer than six (6) in management and the balance in health care or long-term care.

Administrator-in-Training Program:

- To progress to the Nursing Home Administrator licensing level, the administrator-in-training shall acquire skills and expertise in the following domains of practice: Resident Care Management, Personnel Management, Financial Management, Environmental Management, Organizational Management, Laws, Regulations, Codes and Governing Boards.
- Every program submitted to the Board shall consist of a program of training in all of these domains of practice.
- The AIT shall select as the primary training site for his/her AIT program a Nursing Home, ICF/MR (intermediate care facility for people with mental retardation), or a Residential Care Facility. The two types of facilities not selected as the primary training site shall be designated as alternative training sites for that AIT program.
- Every AIT program shall include at least a clinical rotation beyond the primary training site for a period of not fewer than forty (40) hours in each of the alternative training sites.

The prior experience and training of the trainee may be considered in determining the length of time and/or depth of training to be required in certain domains. If the AIT is currently, or has been employed in a professional capacity in a long term care facility within the previous two (2) years, a maximum of forty (40) hours of AIT work shall be devoted to that field. (If, for example, the trainee has worked as a Director of Nursing Services, it is reasonable to devote less time to this domain in order to devote more time to an area where the trainee is inexperienced.)

Multi-Level Long-Term Care Facility Administrator:

- Have attained one of the following minimum educational requirements: a Baccalaureate or higher degree from an accredited college or university in Administration, Health Care Administration or Long-Term Care Administration; a Baccalaureate or higher degree from an accredited college or university in a health related field, such as nursing or social work; or a Baccalaureate or higher degree from an accredited college or university in any field, plus proof of one of the following: A Certificate of Advanced Study in Long Term Care Administration from an accredited college, or twelve (12) semester hour credits from an accredited college with not fewer than six (6) in management and the balance in health care or long-term care.
- Demonstrated knowledge of residential care/assisted living by one of the following means: Possess a high school diploma and have completed one of the following options: a Board approved program in residential care/assisted living; a Certificate of Advanced Study in Long Term Care Administration from an accredited college, including at least three (3) semester hours in assisted living or residential care; or twelve (12) semester hours from an accredited college with not fewer than six (6) in management and the balance in health care or human services; or be certified by the American College of Health Care Administrators (ACHCA) as a Certified Assisted Living Administrator (CALA); or have successfully passed the NAB Residential Care/Assisted Living examination.

Residential Care Facility Administrator:

Possess a high school diploma and have completed one of the following options: (1) a Board-approved program in residential care/assisted living, or a certificate of advanced study in long term care administration from an accredited college, including at least three (3) semester hours in assisted living or residential care, or twelve (12) semester hours from an accredited college with not fewer than six (6) in management and the balance in health care or human services; (2) be certified by the American College of Health Care Administrators (ACHCA) as a Certified Assisted Living Administrator (CALA); or (3) have successfully passed the NAB Residential Care/Assisted Living examination.

Continuing Education Requirements for License Renewal

<u>Nursing Home Administrator and Multi-Level Long-Term Care Facility Administrator</u>: Obtain twenty-four (24) hours of Board-approved CEUs between July 1 and June 30 of each year, in keeping with board rules.

Residential Care Facility Administrator: Obtain twelve (12) hours of Board-approved CEUs between July 1 and June 30 of each year, in keeping with board rules.

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Although health care providers need to be responsive to end-of-life care, nursing home facilities hire trained staff in this particular modality. These trained professionals have the expertise to meet the patients' and families' needs. There are presently several hospital/nursing facilities around the state that have, and will continue to have, continuing education course offerings regarding end-of-life care issues.

Board of Osteopathic Registration and Examination

Regulated Professionals

Osteopathic Doctor Physician Assistant

Entry Level Education Requirements

An applicant for licensure to practice osteopathic medicine in the State of Maine must present a diploma granted by a school or college of osteopathic medicine approved by the American Osteopathic Association. The applicant must also present evidence of having completed an internship of at least twelve months in a program conforming to the standards for accreditation by the American Osteopathic Association, or the equivalency, as determined by the board. The Board conducts primary source verification of all education and training. In addition, each applicant is queried through the Federation of State Medical Boards' Disciplinary Databank upon receipt of application and again just prior to Board review of the application. The Board verifies all experience within at least the previous ten (10) years.

Continuing Medical Education Requirements for License Renewal

Title 32 M.R.S.A. §2581 requires that the osteopathic physician obtain one hundred (100) hours of continuing medical education every two (2) years, at least 40% of which must be osteopathic medical education as defined by the Board. Rule Chapter 14 defines what continuing medical education primary care physicians and osteopathic specialists must obtain in order to satisfy this statutory requirement and sets forth other provisions related to compliance with Section 2581.

Continuing Medical Education (CME) regarding end-of-life care issues is not mandatory for licensure. Board members stated that it is, however, becoming more and more common to find this topic on the agenda for many conferences for which CME is granted. The Maine Osteopathic Association will be discussing this topic at its upcoming annual meeting, to be held on February 8-10, 2002 in Portland, Maine.

Board of Examiners of Psychologists

Regulated Professionals

Psychologist Psychological Examiner

Entry Level Education Requirements

<u>Psychological Examiner</u>: Master's degree reflecting comprehensive training in psychology from an accredited educational institution recognized by the board as maintaining satisfactory standards; complete at least one year of full-time supervised experience in psychology of a type considered by the board to be qualifying in nature.

<u>Psychologist</u>: Doctorate degree reflecting comprehensive training in psychology from an accredited institution recognized by the board as maintaining satisfactory standards, at the time the degree was granted; complete at least two (2) years of experience in psychology of a type considered by the board to be qualifying in nature. The board recognizes a valid comprehensive training in psychology received in or accepted by a single program, which may be obtained through a degree given by administrative units other than a department of psychology, including programs approved by the National Association of School Psychologists or the American Psychological Association designation program.

Continuing Education Requirements for License Renewal

Continuing education does not specifically require the licensee to take courses on end-of-life care. Continuing education requirements are broad in scope and left to the individual to participate in programs that are beneficial to the to the licensee's area of practice.

Psychologists and Psychological Examiners must complete forty (40) continuing professional education units over a two year period of which twenty (20) units must be from Category 1 as described below.

<u>Category I.</u> Continuing professional education in this category consists of scheduled educational programs of one hour or more attended by three or more service providers, unless they are correspondence courses approved by the Board. Ordinarily a licensed Psychologist is involved in the preparation, production, or presentation of the educational program.

<u>Category 2.</u> Continuing professional education in this category consists of time spent at meetings, seminars or proceedings, completing a literature review for a research project, article, academic lecture or workshop, preparing lectures for their first presentation, supervision for advanced training or other systematic activities that enhance the participant's awareness of professional psychology.

Programs that do not clearly expand the participant's professional knowledge base in a systematic manner or have a specific educational purpose related to the science and practice of psychology, including routine job responsibilities such as classroom teaching or administrative

case review are not accepted. The educational experience should be clearly relevant to professional growth within the profession of psychology.

Program Approval: The Board considers programs on the basis of program content and presenter. In particular, a licensed psychologist must have been involved in the preparation, production, or presentation of the educational program. The program must specify learning goals. A Category 1 program approval request requires that the producer solicit participant's views of the presenter's success at reaching the prescribed learning goals of the continuing professional education program. Pre-approved programs consist of programs offered by the American Psychological Association and the Maine Psychological Association

Board of Social Worker Licensure

Regulated Professionals

Licensed Social Worker Licensed Master Social Worker Licensed Master Social Worker Conditional Clinical Licensed Clinical Social Worker

Entry Level Education Requirements

Conditional Social Worker eligibility requires documented proof of a BA/BS degree.

Social Worker eligibility requirements include documented proof of a bachelor of social work (BSW) degree from a CSWE accredited program, or documented proof of a BA/BS degree plus documentation of ninety-six (96) hours of consultation.

Effective July 1, 2002, applicants for a Social Worker license will be required to have earned a bachelor's degree in either Social Work or Social Welfare from an accredited school of social work, or from one that is in candidacy for accreditation.

Master Social Worker licensing eligibility requires documented proof of a MSW degree from a CSWE accredited education program institution.

Conditional Clinical Master Social Worker eligibility requires documented proof of a MSW degree from a Council on Social Work Education accredited program.

Clinical Social Worker licensing eligibility requires a Master in Social Work degree and transcript from a Council on Social Work Education accredited program.

Clinical Internship. Clinical Setting in an organized professional environment in which mental disorders are evaluated, prevented, diagnosed, and treated using psycho-social means of assessment. Consultation Requirements in the Clinical Setting consists of regular, systematic and face to face discussion and evaluation of cases, focusing on raw data, goals and objectives of specific social work practice. Consultants must be LCSWs or Clinical Social

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Workers/Independent Practice, or have been otherwise certified for clinical practice in the state in which the consultation experience has been obtained. Credit for consultation experience shall be limited to practice in organized public or private agencies, schools, institutions or organizations which provide opportunities for contact with other professional disciplines and work experience with broad ranges of clients.

Continuing Education Requirements for License Renewal

The licensee must present evidence of having kept abreast of new information in the field of social work through attendance at workshops, seminars, institutes, and other educational experiences. Contact hours may be earned through seminars, workshops, academic courses, or in-service training sessions that are directly relevant to the practice of social work. In addition, a maximum of ten (10) contact hours may also be earned through teaching, writing, audiotapes, videotapes, and independent study as follows: (1) a social worker may claim continuing education credit for preparation and presentation of a course, workshop or seminar for the first time it is presented only and an outline or syllabus will serve as documentation; (2) a social worker may claim continuing education credit for writing articles and books for publication, as well as for the review and editing process for articles and books, and a copy of the article, a letter from the editor or publisher, or the title page of the book may be submitted as documentation; and (3) for audiotapes, videotapes, and independent study, the title, subject matter, creator or author of the material used and the duration of time expended on the material shall be provided.

The "Social Work Code of Professional Ethics" requires competency in the area of one's practice; however, "end-of-life care" should not be a mandated requirement for all practitioners

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