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.

Presented by Representative CRAFTS of Newcastle.  
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 24-A MRSA §2744, sub-§1, as repealed and replaced by PL 2005, c. 683, Pt.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

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 professional listed in subsection 2-A, any person covered by the policy is entitled to reimbursement for these services if the services are performed by a physician or a professional listed in subsection 2-A. Payment or reimbursement for services rendered by a professional listed in subsection 2-A, paragraph B, C, D, E or F may not be denied on the basis that the professional has been granted a provisional license pursuant to Title 32, chapter 119 or be conditioned upon prior diagnosis or referral by a physician or other health care professional, except when diagnosis of the condition for which the services are rendered is beyond the scope of their licensure.

Sec. 2. 24-A MRSA §2835, sub-§1, as repealed and replaced by PL 2005, c. 683, Pt.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

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 professional listed in subsection 2-A, any person covered by the policy is entitled to reimbursement for these services if the services are performed by a physician or a professional listed in subsection 2-A. Payment or reimbursement for services rendered by a professional listed in subsection 2-A, paragraph B, C, D, E or F may not be denied on the basis that the professional has been granted a provisional license pursuant to Title 32, chapter 119 or be conditioned upon prior diagnosis or referral by a physician or other health care professional, except when diagnosis of the condition for which the services are rendered is beyond the scope of their licensure.

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

8-A. Mental health services provided by counseling professionals. A health maintenance organization that issues individual or group 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 master's degree in counseling or a related field from an accredited educational institution and has been employed as a counselor for at least 2 years. Payment or reimbursement for services rendered may not be denied on the basis that the services were rendered by a professional who has been granted a provisional license pursuant to Title 32, chapter 119. Any contract providing coverage for the services of counseling professionals pursuant to this subsection may be subject to any reasonable limitations, maximum benefits, coinsurance, deductibles or exclusion provisions applicable to overall benefits under the contract.

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

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

SUMMARY

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