



# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

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Legislative Document

No. 1589

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H.P. 1047

House of Representatives, April 10, 2025

### **An Act to Improve Parity in Insurance Coverage for Outpatient Counseling Services in Maine**

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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.

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

2 **Sec. 1. 24-A MRSA §2744, sub-§2**, as repealed and replaced by PL 2005, c. 683,  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 A, §39, is repealed.

4 **Sec. 2. 24-A MRSA §2744, sub-§2-A**, as repealed and replaced by PL 2005, c.  
5 683, Pt. A, §39, is amended to read:

6 **2-A.** ~~Subsections 1 and 2 apply~~ Subsection 1 applies with respect to the following  
7 types of professionals:

8 A. A psychologist licensed to practice in this State;

9 B. A certified social worker licensed for the independent practice of social work in  
10 this State;

11 C. A licensed clinical professional counselor licensed for the independent practice of  
12 counseling in this State;

13 D. A licensed nurse who is certified by the American Nurses' Association as a clinical  
14 specialist in adult psychiatric and mental health nursing or as a clinical specialist in  
15 child and adolescent psychiatric and mental health nursing;

16 E. A marriage and family therapist licensed as a marriage and family therapist in this  
17 State; and

18 F. A licensed pastoral counselor licensed as a pastoral counselor in this State.

19 **Sec. 3. 24-A MRSA §2744, sub-§3**, as repealed and replaced by PL 2005, c. 683,  
20 Pt. A, §39, is repealed.

21 **Sec. 4. 24-A MRSA §2744, sub-§4** is enacted to read:

22 **4. Coverage of outpatient counseling services; reimbursement and participation.**  
23 An insurer that issues individual health care contracts providing coverage for mental health  
24 services shall provide coverage for outpatient counseling services in accordance with this  
25 subsection.

26 A. An insurer shall reimburse for outpatient counseling services when those services  
27 are provided by a licensed counseling professional providing services that are within  
28 the lawful scope of practice of the counseling professional's license, including a master  
29 social worker, clinical social worker, clinical professional counselor, pastoral  
30 counselor or marriage and family therapist.

31 B. At a minimum, an insurer shall reimburse for outpatient counseling services in an  
32 amount equal to 150% of the MaineCare reimbursement rate for that service.

33 C. An insurer may not discriminate against a licensed counseling professional as  
34 described in paragraph A or arbitrarily reduce the reimbursement rate for outpatient  
35 counseling services provided by a licensed counseling professional based solely on the  
36 type of license held by a licensed counseling professional.

37 D. An insurer may not impose prior authorization or referral requirements as a  
38 condition of coverage for outpatient counseling services or impose any restriction or  
39 limitation on access to outpatient counseling services that does not have a clinical basis.

1           E. An insurer shall maintain an adequate network of licensed counseling professionals  
2           to ensure reasonable access to outpatient counseling services.

3           **Sec. 5. 24-A MRSA §2835, sub-§2**, as repealed and replaced by PL 2005, c. 683,  
4           Pt. A, §40, is repealed.

5           **Sec. 6. 24-A MRSA §2835, sub-§2-A**, as repealed and replaced by PL 2005, c.  
6           683, Pt. A, §40, is amended to read:

7           **2-A.** ~~Subsections 1 and 2 apply~~ Subsection 1 applies with respect to the following  
8           types of professionals:

9           A. A psychologist licensed to practice in this State;

10          B. A certified social worker licensed for the independent practice of social work in  
11          this State;

12          C. A licensed clinical professional counselor licensed for the independent practice of  
13          counseling in this State;

14          D. A licensed nurse who is certified by the American Nurses' Association as a clinical  
15          specialist in adult psychiatric and mental health nursing or as a clinical specialist in  
16          child and adolescent psychiatric and mental health nursing;

17          E. A marriage and family therapist licensed as a marriage and family therapist in this  
18          State; and

19          F. A licensed pastoral counselor licensed as a pastoral counselor in this State.

20          **Sec. 7. 24-A MRSA §2835, sub-§3**, as repealed and replaced by PL 2005, c. 683,  
21          Pt. A, §40, is repealed.

22          **Sec. 8. 24-A MRSA §2835, sub-§4** is enacted to read:

23          **4. Coverage of outpatient counseling services; reimbursement and participation.**

24          An insurer that issues group health care contracts providing coverage for mental health  
25          services shall provide coverage for outpatient counseling services in accordance with this  
26          subsection.

27          A. An insurer shall reimburse for outpatient counseling services when those services  
28          are provided by a licensed counseling professional providing services that are within  
29          the lawful scope of practice of the counseling professional's license, including a master  
30          social worker, clinical social worker, clinical professional counselor, pastoral  
31          counselor or marriage and family therapist.

32          B. At a minimum, an insurer shall reimburse for outpatient counseling services in an  
33          amount equal to 150% of the MaineCare reimbursement rate for that service.

34          C. An insurer may not discriminate against a licensed counseling professional as  
35          described in paragraph A or arbitrarily reduce the reimbursement rate for outpatient  
36          counseling services provided by a licensed counseling professional based solely on the  
37          type of license held by a licensed counseling professional.

38          D. An insurer may not impose prior authorization or referral requirements as a  
39          condition of coverage for outpatient counseling services or impose any restriction or  
40          limitation on access to outpatient counseling services that does not have a clinical basis.

1 E. An insurer shall maintain an adequate network of licensed counseling professionals  
2 to ensure reasonable access to outpatient counseling services.

3 **Sec. 9. 24-A MRSA §4234-A, sub-§8-A**, as amended by PL 2003, c. 20, Pt. VV,  
4 §23 and affected by §25, is repealed.

5 **Sec. 10. 24-A MRSA §4234-A, sub-§8-B** is enacted to read:

6 **8-B. Coverage of outpatient counseling services; reimbursement and**  
7 **participation.** A health maintenance organization that issues individual or group health  
8 care contracts providing coverage for mental health services shall provide coverage for  
9 outpatient counseling services in accordance with this subsection.

10 A. A health maintenance organization shall reimburse for outpatient counseling  
11 services when those services are provided by a licensed counseling professional  
12 providing services that are within the lawful scope of practice of the counseling  
13 professional's license, including a master social worker, clinical social worker, clinical  
14 professional counselor, pastoral counselor or marriage and family therapist.

15 B. At a minimum, a health maintenance organization shall reimburse for outpatient  
16 counseling services in an amount equal to 150% of the MaineCare reimbursement rate  
17 for that service.

18 C. A health maintenance organization may not discriminate against a licensed  
19 counseling professional as described in paragraph A or arbitrarily reduce the  
20 reimbursement rate for outpatient counseling services provided by a licensed  
21 counseling professional based solely on the type of license held by a licensed  
22 counseling professional.

23 D. A health maintenance organization may not impose prior authorization or referral  
24 requirements as a condition of coverage for outpatient counseling services or impose  
25 any restriction or limitation on access to outpatient counseling services that does not  
26 have a clinical basis.

27 E. A health maintenance organization shall maintain an adequate network of licensed  
28 counseling professionals to ensure reasonable access to outpatient counseling services.

29 **Sec. 11. Application.** This Act applies to all policies, contracts and certificates  
30 executed, delivered, issued for delivery, continued or renewed in this State on or after  
31 January 1, 2026. For purposes of this Act, all contracts are deemed to be renewed no later  
32 than the next yearly anniversary of the contract date.

### 33 SUMMARY

34 This bill requires insurers and health maintenance organizations that provide individual  
35 and group health coverage to provide coverage for outpatient counseling services when  
36 those services are provided by a licensed counseling professional acting within the lawful  
37 scope of the counseling professional's license, including a master social worker, clinical  
38 social worker, clinical professional counselor, pastoral counselor or marriage and family  
39 therapist. The bill requires these counseling professionals to be reimbursed, at a minimum,  
40 in an amount equal to 150% of the MaineCare reimbursement rate for the same services.  
41 The bill also prohibits discrimination against a licensed counseling professional or an  
42 arbitrary reduction in reimbursement rates based solely on the type of license held by a

1 licensed counseling professional. The bill prohibits the imposition of prior authorization or  
2 referral requirements as a condition of coverage for outpatient counseling services or the  
3 imposition of any restriction or limitation on access to outpatient counseling services that  
4 does not have a clinical basis. The bill also requires that insurers and health maintenance  
5 organizations maintain an adequate network of licensed counseling professionals to ensure  
6 reasonable access to outpatient counseling services. The requirements apply beginning  
7 January 1, 2026.