



130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1302

H.P. 958

House of Representatives, March 30, 2021

**Resolve, To Change the Educational Requirements of Certain
Behavioral Health Professionals**

(EMERGENCY)

Reference to the Committee on Health Coverage, Insurance and Financial Services
suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative STEARNS of Guilford.
Cosponsored by Representative: JAVNER of Chester, Senator: MOORE of Washington.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** this resolve requires the Department of Health and Human Services to
4 change the educational requirements for behavioral health professionals providing
5 children's home and community-based treatment and school-based program services; and

6 **Whereas,** it is important that these educational requirements be changed as soon as
7 possible in order that the State may compete in the hiring of these scarce behavioral health
8 professionals; and

9 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
10 the meaning of the Constitution of Maine and require the following legislation as
11 immediately necessary for the preservation of the public peace, health and safety; now,
12 therefore, be it

13 **Sec. 1. Department of Health and Human Services to amend rules**
14 **governing educational requirements for behavioral health professionals**
15 **providing home, community-based and school-based treatment. Resolved:**
16 That, no later than January 1, 2022, the Department of Health and Human Services shall
17 amend its rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 65 to change
18 the educational requirements for behavioral health professionals who are employees of and
19 providing services for children's home and community-based treatment and school-based
20 programs to allow the following educational requirements:

21 1. A minimum of 60 higher education credit hours in a related field of social services,
22 human services, health or education;

23 2. A minimum of 90 higher education credit hours in an unrelated field and with the
24 program provider required to have a specific plan for supervision and training documented
25 in the personnel file of the employee; or

26 3. A high school diploma or equivalent and a minimum of 3 years of direct experience
27 working with children in a behavioral health children's services program and with the
28 program provider required to have a specific plan for supervision and training documented
29 in the personnel file of the employee.

30 The changes to educational requirements required by this resolve may not affect the
31 requirements for behavioral health professional training and the time frames prescribed in
32 the rule.

33 **Sec. 2. Training within existing resources. Resolved:** That the Department of
34 Health and Human Services shall amend or establish contracts to train any additional
35 number of individuals to become behavioral health professionals providing children's home
36 and community-based treatment services and school-based program services within
37 existing resources. The department may make any changes necessary, including choosing
38 to charge individuals or their employers fees for training, in order to offer training within
39 existing resources.

40 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
41 takes effect when approved.

1 **SUMMARY**

2 This resolve changes the educational requirements for behavioral health professionals
3 providing children's home and community-based treatment and school-based program
4 services to replace the requirement of a bachelor's degree with a requirement of a minimum
5 of 60 credit hours in a related field, 90 credit hours in an unrelated field combined with a
6 plan for supervision and training or a high school diploma or equivalent with 3 years of
7 experience working in the field combined with a plan for supervision and training. The
8 educational requirements may not change the required behavioral health professional
9 training or the prescribed time frames for that training. It also requires the Department of
10 Health and Human Services to amend or establish contracts for training behavioral health
11 professionals to train any additional individuals within existing resources, and authorizes
12 the department to opt to charge individuals or their employers fees for training.