§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 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 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.
[PL 2005, c. 683, Pt. A, §40 (RPR).]

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 professional listed in subsection 2-A.
[PL 2005, c. 683, Pt. A, §40 (RPR).]

2-A. Subsections 1 and 2 apply with respect to the following types of professionals:

A. A psychologist licensed to practice in this State; [PL 2005, c. 683, Pt. A, §40 (RPR).]

B. A certified social worker licensed for the independent practice of social work in this State; [PL 2005, c. 683, Pt. A, §40 (RPR).]

C. A licensed clinical professional counselor licensed for the independent practice of counseling in this State; [PL 2005, c. 683, Pt. A, §40 (RPR).]

D. 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; [PL 2005, c. 683, Pt. A, §40 (RPR).]

E. A marriage and family therapist licensed as a marriage and family therapist in this State; and [PL 2005, c. 683, Pt. A, §40 (NEW).]

F. A licensed pastoral counselor licensed as a pastoral counselor in this State. [PL 2005, c. 683, Pt. A, §40 (NEW).]
[PL 2005, c. 683, Pt. A, §40 (RPR).]

3. Mental health services provided by counseling professionals. Except as provided in subsection 1 with regard to reimbursement of clinical professional counselors, pastoral 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 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. 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.
[PL 2005, c. 683, Pt. A, §40 (RPR).]

SECTION HISTORY

PL 1975, c. 770, §108 (NEW). PL 1979, c. 541, §A165 (AMD). PL 1983, c. 546, §3 (AMD). PL 1983, c. 805, §3 (AMD). PL 1987, c. 80, §3 (AMD). PL 1995, c. 561, §3 (AMD). PL 2003, c. 65, §2 (AMD). PL 2003, c. 65, §5 (AFF). PL 2003, c. 517, §B13 (AMD). PL 2005, c. 121,

§§I3-5 (AMD). PL 2005, c. 213, §2 (AMD). PL 2005, c. 213, §3 (AFF). PL 2005, c. 214, §2 (AMD). PL 2005, c. 214, §3 (AFF). PL 2005, c. 683, §A40 (RPR).

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