

LD 299

**Draft For Review by HCIFS Committee to Replace Concept Draft
Proposed by Sponsor, Rep. McCreight**

**PROPOSED DRAFT COMMITTEE AMENDMENT REPLACING CONCEPT DRAFT:
LD 299, An Act To Provide Clarity in the Laws Governing the Profession of Counseling**

Amend the bill by adding a new title as follows:

An Act to Address Licensure of Behavioral Health Practice in the State

Amend the bill by striking everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. **19-A MRSA §1653, sub-§15** is enacted to read:

15. Counseling. The court may order a child to attend counseling as long as the court verifies that the counseling will be provided by a professional with a valid license in this State to provide counseling and therapy to children pursuant to Title 32, chapters 56, 83 or 119.

Sec. 2. **32 MRSA §3814** is amended to read:

§3814. Penalties for unlicensed practice

Persons who hold themselves out to the public as psychologists or psychological examiners or engage in psychological practice as defined in this chapter and do not then possess in full force valid licenses to practice as psychological examiners or psychologists under this chapter are subject to the provisions of Title 10, section 8003-C. A person who does not have a license to practice as a psychological examiner or psychologist under this chapter has engaged in an unfair trade practice in violation of Title 5, chapter 10.

Sec. 3. **32 MRSA §7002** is amended to read:

§7002. Unlicensed practice

Notwithstanding Title 17-A, section 4-A, any person who makes a representation to the public or uses the title of social worker, unless licensed by the board, as a licensed clinical social worker, licensed master social worker, certified social worker or a licensed social worker is subject to the provisions of Title 10, section 8003-C. Any person performing the functions of a social worker as a part of a profession or occupation or in a voluntary capacity is not subject to this section. A person who does not have a license to practice as a clinical social worker, master social worker, or a social worker under this chapter has engaged in an unfair trade practice in violation of Title 5, chapter 10.

Sec. 4. **32 MRSA §18351, sub-§8-A** is enacted to read:

8-A. Professional counseling. “Professional counseling” means providing counseling services, marital and family therapy services and pastoral counseling services, including any procedures of counseling as defined in subsection 8.

Sec. 5. **32 MRSA §18354** is amended to read:

§13854. Licensing

1. Licensing. ~~Effective October 1, 1992, a person may not, unless specifically exempted by this chapter, profess to be a clinical professional counselor, professional counselor, marriage and family therapist, licensed pastoral counselor or conditional license holder unless licensed in accordance with this chapter. A person may not, unless specifically exempted by this chapter, be engaged in the practice of professional counseling as defined in this chapter or profess to the public to be, or assume or use the title or designation of, clinical professional counselor, professional counselor, marriage and family therapist, licensed pastoral counselor, registered counselor or conditional license holder or the abbreviation “LP”, “CC”, “MF”, “PC”, “RC” or any other title, designation, words, letters or device tending to indicate that such a person is licensed, certified or registered, unless that person is licensed, certified or registered with and holds a current valid license, certificate or registration from the board.~~

2. Individual licensing. Only an individual may be licensed under this chapter.

3. Unlicensed practice. A person who violates subsection 1 is subject to the provisions of Title 10, section 8003-C.

4. Unfair trade practice. A violation of subsection 1 is an unfair trade practice in violation of Title 5, chapter 10.

SUMMARY

This amendment replaces the bill, which was printed as a concept draft pursuant to Joint Rule 208.

The bill requires that, as part of a proceeding for parental rights and responsibilities of a child, a court may order a child to attend counseling as long as the court verifies that the counseling will be provided by a professional with a valid license in this State to provide counseling and therapy to children.

The bill clarifies that a person may not engage in the practice of professional counseling or profess to the public to be, or assume or use the title or designation, of clinical professional counselor, professional counselor, marriage and family therapist, licensed pastoral counselor, registered counselor or conditional license holder without holding a valid license, certificate or registration in this State.

The bill makes it an unfair trade practice for persons to represent themselves to the public as social workers, psychologists or counseling professionals without a valid license to practice.