



STATE OF MAINE  
DEPARTMENT OF PROFESSIONAL  
AND FINANCIAL REGULATION  
**Board of Counseling Professionals Licensure**  
35 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0035

Janet T. Mills  
Governor

Anne L. Head  
Commissioner

April 21, 2021

Senator Heather Sanborn, Chair  
Representative Denise Tepler, Chair  
Joint Standing Committee on Health Coverage, Insurance and Financial Services  
100 State House Station  
Augusta, ME 04333-0100

**RE: L.D. 299, *An Act to Provide Clarity in the Laws Governing the Profession of Counseling* (Sponsor Amendment)**

Dear Senator Sanborn, Representative Tepler, and Members of the Committee:

OPOR understands the sponsor's intent and would like to share additional information about the sponsor's amendment.

Sections 4 and 5 of the amendment would revise the Counseling Professionals law by converting the existing law from a "title act" to a "practice act." Under a title act, the potential exists for an individual to engage in the practice of counseling without being licensed, so long as that person does not use the title of "professional counselor" or related titles or hold themselves out as a licensee. Under a practice act, only individuals who are licensed can engage in the practice of counseling, unless otherwise excepted. In general, practice acts are the norm in mental health licensing statutes.

The current [licensing statute](#) for the Board of Counseling Professionals Licensure only prohibits an *unlicensed* person from using the *title* of "clinical professional counselor", "professional counselor", "marriage and family therapist", "licensed pastoral counselor" or a "conditional license holder." Current law does not prohibit an unlicensed person from engaging in the practice of counseling, making it possible for unlicensed individuals to perform professional counseling services without having met professional standards. Individuals would continue to be exempt from licensure and from the unlicensed practice prohibition if they are within one of the categories enumerated in statute. See [32 M.R.S. § 13856, Exemptions to licensure](#).

If the committee supports this amendment, we encourage the committee to set an effective date that would allow individuals interested in providing counseling services as defined in the amendment to obtain the education and training necessary to qualify for licensure, if desired.

OFFICES LOCATED AT: 76 NORTHERN AVENUE, GARDINER, MAINE

PHONE: (207)624-8623 (VOICE)

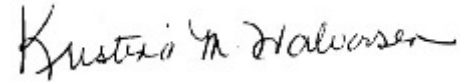
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FAX: (207)624-8637

OPOR does not take a position on Sections 1, 2 and 3 of this bill as the boards refer substantiated claims of unlicensed practice to the Attorney General's Office.

Thank you for your time and consideration. I will be happy to answer questions at the work session.

Sincerely,

A handwritten signature in black ink that reads "Kristina M. Halvorsen". The signature is written in a cursive style with a prominent initial "K".

Kristina M. Halvorsen, Board Administrator