

Notice of Agency Rulemaking Proposal

AGENCY: 02-514 Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Board of Counseling Professionals Licensure

CHAPTER NUMBER AND TITLE:

6-A: Licensure by Endorsement (new)

TYPE OF RULE (*check one*): Routine Technical Major Substantive

PROPOSED RULE NUMBER (*leave blank; to be assigned by Secretary of State*):

BRIEF SUMMARY:

The principal reason for this proposed rulemaking is to propose a rule to implement a pathway for licensure by Endorsement pursuant to Public Law 2021, Chapter 167, An Act to Facilitate Licensure for Credentialed Individuals from Other Jurisdictions.

Date, time and location of PUBLIC HEARING (*if any*): N/A. Pursuant to 5 M.R.S. § 8052(1) and § 8053(3)(B), a hearing may be requested by five (5) interested persons by submitting a request in writing to contact person for this filing.

COMMENT DEADLINE: Friday, August 26, 2022 at 5:00 p.m. Comments may be submitted in writing to the contact person for this filing.

CONTACT PERSON FOR THIS FILING (*include name, mailing address, telephone, fax, TTY, email*): Kristina M. Halvorsen, 35 State House Station, Augusta, ME 04333, 207-624-8420, TTY: Maine relay 711, Kristina.m.halvorsen@maine.gov

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (*if different*): N/A

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (*if any*): N/A

STATUTORY AUTHORITY FOR THIS RULE: 32 M.R.S. § §§ 13853(2), 13853(11), 13858(8); 10 M.R.S. § 8003-H.

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (*if different*): P.L. 2022, c. 642 §§ 40-41

AGENCY WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/board-of-counseling-professionals-licensure>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: kristin.racine@maine.gov

* Check one of the following two boxes.

The summary provided above is for publication in both the newspaper and website notices.

The summary provided above is for the newspaper notice only. Title 5 §8053, sub-§5 & sub-§7, ¶D. A more detailed summary is attached for inclusion in the rulemaking notice posted on the Secretary of State's website. Title 5 §8053, sub-§3, ¶D & sub-§6.

Please approve bottom portion of this form and assign appropriate AdvantageME number.

APPROVED FOR PAYMENT _____ DATE: _____

(authorized signature)

FUND	AGENCY	ORG	APP	OBJ	PROGRAM	FUNDING Profile JVC	FUND Pri JVC	FUND Line JVC
014	02A	4646	01	4946				

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Additional Information for the Web *(if any)*

DETAILED SUMMARY:

For a copy of the proposed rule and related documents, please direct your request to the contact person for this filing or visit: <https://www.maine.gov/pfr/professionallicensing/professions/board-of-counseling-professionals-licensure> and scroll down to “What’s New.”

Chapter 6-A Licensure by Endorsement: This rulemaking proposes to create a new chapter – Chapter 6-A - titled Licensure by Endorsement. This chapter describes the pathway for Maine licensure for applicants with an active license in a U.S. jurisdiction that maintains licensing requirements that are substantially equivalent to Maine’s requirements. This rule implements LD 149 (enacted as P.L. 2021, c. 167 and codified at 10 M.R.S. § 8003-H), An Act to Facilitate Licensure for Credentialed Individuals from Other Jurisdictions, and LD 2035 (P.L. 2021, c. 642), An Act to Make Changes to the Laws Regarding Licensure of Certain Individuals from Other Jurisdictions.

Rulemaking Fact Sheet

(5 MRS §8057-A)

AGENCY: 02-514 Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Board of Counseling Professionals Licensure

NAME, ADDRESS, PHONE NUMBER, EMAIL OF AGENCY CONTACT PERSON: Kristina M. Halvorsen, 35 State House Station, Augusta, ME 04333, 207-624-8420, TTY: Maine relay 711, Kristina.m.halvorsen@maine.gov

CHAPTER NUMBER AND RULE TITLE: 6-A Licensure by Endorsement (new)

TYPE OF RULE (*check one*): Routine Technical Major Substantive

STATUTORY AUTHORITY: 32 M.R.S. § §§ 13853(2), 13858(8); 10 M.R.S. § 8003-H.

DATE, TIME AND PLACE OF PUBLIC HEARING: N/A. Pursuant to 5 M.R.S. § 8052(1) and § 8053(3)(B), a hearing may be requested by five (5) interested persons by submitting a request in writing to contact person for this filing.

COMMENT DEADLINE: Friday, August 26, 2022 at 5:00 p.m. Comments may be submitted in writing to the contact person for this filing.

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE:

This rulemaking proposes to create a new chapter – Chapter 6-A - titled Licensure by Endorsement. This chapter describes the pathway for Maine licensure for applicants with an active license in a U.S. jurisdiction that maintains licensing requirements that are substantially equivalent to Maine’s requirements. This rule implements LD 149 (P.L. 2021, c. 167), An Act to Facilitate Licensure for Credentialed Individuals from Other Jurisdictions and LD 2035 (P.L. 2021, c. 642), An Act to Make Changes to the Laws Regarding Licensure of Certain Individuals from Other Jurisdictions.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? ___ YES NO

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

It is anticipated that this rule will establish an additional pathway to licensure in Maine for individuals with active counseling licenses in other U.S. jurisdictions; and that those individuals may seek licensure to provide counseling services either in-person or via telehealth to persons located in Maine, to the extent permitted by the scope of a Maine license.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon)

Expertise of board members and staff; research of other U.S. jurisdictions’ laws and rules.

ESTIMATED FISCAL IMPACT OF THE RULE: None anticipated.

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

[see §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED
AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

Note: If necessary, additional pages may be used.

Chapter 6-A: LICENSURE BY ENDORSEMENT

Summary: This Chapter outlines the process to issue a license by endorsement to an applicant who presents proof of licensure by another jurisdiction of the United States as long as the other jurisdiction maintains substantially equivalent license requirements.

1. LICENSURE BY ENDORSEMENT

An individual applying for a license by endorsement must meet the following requirements.

1. License From Another U.S. Jurisdiction

An applicant licensed under another jurisdiction who seeks licensure in Maine pursuant to 10 M.R.S. § 8003-H must:

- A. Hold a valid, active counseling license issued by another jurisdiction of the United States that maintains substantially equivalent license requirements for the type of license sought;
- B. Submit a completed application form;
- C. Submit any fee as required by Chapter 10 of the rules of the Office of Professional and Occupational Regulation; and
- D. Submit the applicant's proposed disclosure statement, as described in Chapter 8-B, Section 2 of the board's rules.

2. Substantially Equivalent License Requirements

"Substantially equivalent license requirements" means that the jurisdiction maintains a pathway for initial licensure that at a minimum requires the education, examination and clinical experience as set forth in Sections 2(A)-(D).

A. Licensed Professional Counselor.

i. Documented proof of a master's degree in counseling from an accredited institution consisting of at least 48 semester hours or quarter-hour equivalent that was either:

(a) from a program that was accredited at the time the degree was awarded;

or

(b) from a program consisting of an organized sequence of study that

includes curricular experiences and demonstrated knowledge that is substantially equivalent to the core areas of study as set forth in Chapter 2, section 2(1)(C) of board rules.

ii. Proof of a passing score on any of the following examinations: the National Counselor Examination (NCE), National Clinical Mental Health Counseling Examination (NCMHCE) or the Certified Rehabilitation Counselor Examination (CRCE); and

iii. Completion of supervised counseling experience which includes:

(a) direct counseling with individuals, couples, families or groups, and

(b) individual and group supervision.

B. Licensed Clinical Professional Counselor.

i. Documented proof of a master's degree in counseling from an accredited institution consisting of at least 60 semester hours or quarter-hour equivalent that was either:

(a) from a program that was accredited at the time the degree was awarded;

or

(b) from a program consisting of an organized sequence of study that includes curricular experiences and demonstrated knowledge that is substantially equivalent to the core areas of study described in board rules Chapter 3, Section 2(1)(B); and

ii. Proof of a passing score on the National Clinical Mental Health Counseling Examination (NCMHCE); and

iii. Completion of supervised clinical counseling experience which includes:

(a) direct clinical contact hours with individuals and groups; and

(b) individual and group supervision

C. Licensed Marriage and Family Therapist.

i. Documented proof of a master's degree in marital, couple, and family counseling/therapy from an accredited institution consisting of at least 60 semester hours or quarter-hour equivalent:

(a) from a program that was accredited as a marital, couple, and family counseling/therapy program at the time the degree was awarded; or

(b) from a marital, couple and family counseling/therapy program consisting of an organized sequence of study that includes curricular experiences and demonstrated knowledge that is substantially equivalent

to the core areas of study as set forth in Chapter 4, section 2(1)(C) of board rules.

ii. Proof of a passing score on the Marital and Family Therapy Examination, administered by the AMFTRB or its successor organization; and

iii. Completion of supervised clinical counseling experience which includes:

(a) direct clinical contact hours with couples and families, and

(b) individual and group supervision.

D. Licensed Pastoral Counselor.

i. Documented proof of a call to ministry;

ii. Documented proof of a master of divinity or a master's degree in pastoral counseling that consisted of a substantially equivalent core curriculum as set forth in Chapter 5, Section 3(2) of board rules;

ii. Proof of a passing score on the National Clinical Mental Health Counseling Examination (NCMHCE); and

iii. Completion of supervised clinical counseling experience in pastoral counseling which includes:

(a) direct clinical client contact, and

(b) individual and group supervision.

3. Proof of Good Standing in All Jurisdictions

An applicant must be in good standing in all jurisdictions in which the applicant holds or has held a license. For purposes of this subsection, "good standing" means that the applicant does not have a complaint, allegation or investigation pending, does not have a license that is suspended or subject to practice restrictions, and has never surrendered a license or had a license revoked.

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853(2), 13858(8); 10 M.R.S. § 8003-H; P.L. 2021, ch. 642 §§ 40-41 [to be codified at 32 M.R.S. § 13857(2)(E)]

EFFECTIVE DATE: