

Notice of Agency Rulemaking Proposal

AGENCY: 02-384, Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Board of Alcohol & Drug Counselors

CHAPTER NUMBER AND TITLE:

Chapter 5-A: Licensure By Endorsement

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 and Public Law 2021, Chapter 642, An Act To Make Changes to the Laws Regarding Licensure of Certain 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, June 16, 2023, at 5:00 p.m.

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. §§ 6212(4), 6220(2), 10 M.R.S. § 8003-H

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (*if different*):

AGENCY WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/state-board-social-worker-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	4420	01	4946				

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Additional Information for the Web (*if any*)

DETAILED SUMMARY:

Rulemaking Fact Sheet

(5 MRSA §8057-A)

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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.

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

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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 alcohol and drug counseling licenses in other U.S. jurisdictions; and that those individuals may seek licensure to provide alcohol and drug 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)]

Chapter 5-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 alcohol and drug counselor 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; and
- C. Submit any fee as required by Chapter 10 of the rules of the Office of Professional and Occupational Regulation.

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, experience and examination as set forth in Sections 2(A) and 2(B).

A. Certified Alcohol and Drug Counselor (CADC)

- i. Documented proof of an associate degree or higher from an accredited institution of higher education in clinically based behavioral sciences, addiction counseling, or in a related field as described in Board Rules Chapter 4, Section 2(1); and
- ii. Proof of a passing score on an examination.

B. Licensed Alcohol and Drug Counselor (LADC)

- i. Documented proof of an associate degree, bachelor’s degree or higher from an accredited institution of higher education in clinically based

behavioral sciences or addiction counseling, or in a related field as described in Board Rules Chapter 5, Section 2;

ii. Completion of supervised work experience while being supervised by a licensed clinical supervisor, consisting of counseling services of individuals, families, or groups, as part of the treatment and rehabilitation of persons using alcohol or other drugs; and

iii. Proof of a passing score on an examination.

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 the 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. § 6212(4), 10 M.R.S. § 8003-H

EFFECTIVE DATE: