

# Revised June 19, 2022

**02-514**  
**BOARD OF COUNSELING PROFESSIONALS LICENSURE**  
2021-22 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-514**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Board of Counseling Professionals Licensure**

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**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2021-22 RULEMAKING ACTIVITY:** Rulemaking to implement 2021 Public Laws: Chapter 167, An Act to Facilitate Licensure for Credentialed Individuals from Other Jurisdictions; Chapter 233, An Act to Address Behavioral Health Practice in the State; Chapter 291, An Act Regarding Telehealth Regulations; and Chapter 302, An Act to Ensure That Children Receive Behavioral Health Services. Review of current rules will be conducted and updated as may be necessary.

**CHAPTER 1:** Definitions

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which defines terms used in the board's rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 1-A,** Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051, 9001(4).

PURPOSE: The board may review and revise this chapter, which describes a procedure for the issuance of advisory rulings.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 2:** Licensed Professional Counselors

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853(2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which defines the scope of practice for the professional counselor license and sets forth licensure requirements.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 3:** Licensed Clinical Professional Counselors

**STATUTORY AUTHORITY:** 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

**PURPOSE:** The board may review and revise this chapter, which defines the scope of practice for the professional clinical counselor license and sets forth licensure requirements.

**SCHEDULE FOR ADOPTION:** Within one year, if necessary.

**AFFECTED PARTIES:** Applicants for licensure and licensees.

**CONSENSUS-BASED RULE DEVELOPMENT:** Not expected.

**CHAPTER 4:** Licensed Marriage and Family Therapists

**STATUTORY AUTHORITY:** 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

**PURPOSE:** The board may review and revise this chapter, which defines the scope of practice for the marriage and family therapist license and sets forth licensure requirements.

**SCHEDULE FOR ADOPTION:** Within one year, if necessary.

**AFFECTED PARTIES:** Applicants for licensure and licensees.

**CONSENSUS-BASED RULE DEVELOPMENT:** Not expected.

**CHAPTER 5:** Licensed Pastoral Counselors

**STATUTORY AUTHORITY:** 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

**PURPOSE:** The board may review and revise this chapter, which defines the scope of practice for the pastoral counselor license and sets forth licensure requirements.

**SCHEDULE FOR ADOPTION:** Within one year, if necessary.

**AFFECTED PARTIES:** Applicants for licensure and licensees.

**CONSENSUS-BASED RULE DEVELOPMENT:** Not expected.

**CHAPTER 5-A:** Registered Counselors

**STATUTORY AUTHORITY:** 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

**PURPOSE:** The board may review and revise this chapter, which sets forth provisions relating to the scope of practice and obligations of registered counselors.

**SCHEDULE FOR ADOPTION:** Within one year, if necessary.

**AFFECTED PARTIES:** Applicants for licensure and licensees.

**CONSENSUS-BASED RULE DEVELOPMENT:** Not expected.

**CHAPTER 6:** Applications / Applicants Licensed in Another Jurisdiction

**STATUTORY AUTHORITY:** 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

**PURPOSE:** The board may review and revise this chapter, which sets forth general requirements relating to applications for licensure, applicants trained in foreign countries, and applicants licensed in other jurisdictions.

**SCHEDULE FOR ADOPTION:** Within one year, if necessary.

**AFFECTED PARTIES:** Applicants for licensure and licensees.

**CONSENSUS-BASED RULE DEVELOPMENT:** Not expected.

**CHAPTER 6-A:** Licensure by Endorsement.

**STATUTORY AUTHORITY:** 32 M.R.S. §§ 13853(2), 13858(8); 10 M.R.S. § 8003-H; P.L. 2021, c. 642, Secs. 40-41.

**Purpose:** 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 similar 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.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 7: License Renewal; Inactive Status**

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8), 13864; 10 M.R.S. § 8003(5-A)(D).

PURPOSE: The board may review and revise this chapter, which describes the board's application and renewal process.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 7-A: Continuing Education**

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8), 13860(2).

PURPOSE: The board may review and revise this chapter, which makes peer consultation an optional, as opposed to mandatory, component of continuing education, and also requires continuing education in domestic violence, substance abuse or emotional trauma.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 8-A: Code of Ethics**

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which contains the code of ethics to be followed by licensed and registered counselors.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 8-B: Client Bill of Rights; Disclosure Statements**

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which contains the client bill of rights and counselor disclosure statements adopted by the board and requires counselors to distribute these documents to clients in hand at the commencement of the counseling relationship.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.