

CHAPTER 81**ALCOHOL AND DRUG COUNSELORS****SUBCHAPTER 1****GENERAL PROVISIONS****§6201. State Board of Alcohol and Drug Counselors**

The State Board of Alcohol and Drug Counselors within the Department of Professional and Financial Regulation as established by Title 5, section 12004-A, subsection 41, shall carry out the purposes of this chapter. [PL 1995, c. 394, §2 (AMD).]

SECTION HISTORY

PL 1977, c. 466, §2 (NEW). PL 1983, c. 553, §46 (AMD). PL 1983, c. 812, §249 (AMD). PL 1987, c. 395, §A192 (AMD). PL 1989, c. 503, §B148 (AMD). PL 1995, c. 394, §2 (AMD).

§6202. Objective

The objective of this legislation is to establish a State Board of Alcohol and Drug Counselors that establishes and ensures high professional standards among alcohol and drug counselors and that encourages and promotes quality treatment and rehabilitation services for substance users. [PL 2017, c. 407, Pt. A, §131 (AMD).]

SECTION HISTORY

PL 1977, c. 466, §2 (NEW). PL 1987, c. 395, §A193 (AMD). PL 1995, c. 394, §3 (AMD). PL 2017, c. 407, Pt. A, §131 (AMD).

§6203. Definitions**(REPEALED)****SECTION HISTORY**

PL 1977, c. 466, §2 (NEW). PL 1987, c. 395, §A194 (AMD). PL 1991, c. 456, §§2-8 (AMD). PL 1995, c. 394, §§4,5 (AMD). PL 2003, c. 347, §§1-4 (AMD). PL 2003, c. 347, §25 (AFF). PL 2003, c. 689, §B6 (REV). PL 2007, c. 402, Pt. U, §1 (RP).

§6203-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2007, c. 402, Pt. U, §2 (NEW).]

1. Agency. "Agency" means an establishment, organization or institution, public or private, that is licensed by the Department of Health and Human Services and that offers, purports to offer, maintains or operates one or more programs for the assessment, diagnosis, care, treatment or rehabilitation of individuals who are suffering physically, emotionally or psychologically from substance use disorder. [PL 2017, c. 407, Pt. A, §132 (AMD).]

2. Alcohol and drug counseling aide. "Alcohol and drug counseling aide" means an individual who is licensed by the board to engage in an apprenticeship for the purpose of acquiring knowledge and experience in the performance of alcohol and drug counseling services, including but not limited to knowledge of ethical standards. An alcohol and drug counseling aide may facilitate individual and direct group counseling or assume other facilitation duties under supervision and may supervise nonclinical activities. An alcohol and drug counseling aide may write treatment chart notations when

the notations are cosigned by a certified clinical supervisor. All work performed must be under the supervision of a certified clinical supervisor. An alcohol and drug counseling aide may not engage in independent or private practice. All work associated with the apprenticeship may be conducted only in an agency.

[PL 2007, c. 402, Pt. U, §2 (NEW).]

3. Alcohol and drug counseling services. "Alcohol and drug counseling services" are those counseling services offered for a fee, monetary or otherwise, as part of the treatment and rehabilitation of persons using alcohol or other drugs. The purpose of alcohol and drug counseling services is to help individuals, families and groups confront and resolve problems caused by the use of alcohol or other drugs. Alcohol and drug counseling services are the 12 core functions defined by rule of the board. "Alcohol and drug counseling services" includes nicotine addiction counseling and treatment services. [PL 2017, c. 407, Pt. A, §133 (AMD).]

4. Board. "Board" means the State Board of Alcohol and Drug Counselors. [PL 2007, c. 402, Pt. U, §2 (NEW).]

5. Certified alcohol and drug counselor. "Certified alcohol and drug counselor" means an individual who provides individual or group alcohol and drug counseling services unaided and who meets the criteria established in section 6214-C. A certified alcohol and drug counselor may not engage in independent or private practice. All work performed must be under the supervision of a certified clinical supervisor within an agency. [PL 2007, c. 402, Pt. U, §2 (NEW).]

6. Certified clinical supervisor. "Certified clinical supervisor" means an individual who is licensed by the board to provide supervision to individuals who provide alcohol and drug counseling services as required by this chapter. For the purposes of this subsection, "supervision" includes, but is not limited to, oversight of case record reviews, case management, development of counseling skills, education and treatment modalities, clinical supervision log maintenance and client treatment plans and activities. [PL 2007, c. 402, Pt. U, §2 (NEW).]

7. Consumer of alcohol and drug counseling services. "Consumer of alcohol and drug counseling services" means a person affected by or recovering from substance use disorder. [PL 2017, c. 407, Pt. A, §134 (AMD).]

8. Inactive alcohol and drug counselor. "Inactive alcohol and drug counselor" means a person who is licensed to provide alcohol and drug counseling services and who applies to the board for an inactive license under section 6219-B. [PL 2007, c. 402, Pt. U, §2 (NEW).]

9. Licensed alcohol and drug counselor. "Licensed alcohol and drug counselor" means an individual who provides individual or group alcohol and drug counseling services independently within an agency or in private practice and who meets the criteria established in section 6214-D. A licensed alcohol and drug counselor may also assume clinical supervision duties upon being licensed by the board as a certified clinical supervisor. [PL 2007, c. 402, Pt. U, §2 (NEW).]

SECTION HISTORY

PL 2007, c. 402, Pt. U, §2 (NEW). PL 2011, c. 222, §1 (AMD). PL 2017, c. 407, Pt. A, §§132-134 (AMD).

§6204. Reporting

(REPEALED)

SECTION HISTORY

PL 1977, c. 466, §2 (NEW). PL 1987, c. 395, §A195 (AMD). PL 1991, c. 456, §9 (AMD). PL 2007, c. 402, Pt. U, §3 (RP).

§6205. Licensing

A person may not, unless specifically exempted by this chapter, practice as an alcohol and drug counselor or begin an internship or profess to the public to be, or assume or use the title or designation of, "certified alcohol and drug counselor," "licensed alcohol and drug counselor" or "alcohol and drug counseling aide" or the abbreviation "C.A.D.C.," "L.A.D.C." or "A.D.C.A." 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 and valid license, certificate or registration from the board. Any person who violates this section is subject to the provisions of Title 10, section 8003-C. [PL 2007, c. 402, Pt. U, §4 (AMD).]

SECTION HISTORY

PL 1977, c. 466, §2 (NEW). PL 1987, c. 395, §A196 (RPR). PL 1991, c. 456, §10 (AMD). PL 1991, c. 456, §36 (AFF). PL 1995, c. 394, §6 (AMD). PL 2003, c. 347, §5 (AMD). PL 2003, c. 347, §25 (AFF). PL 2007, c. 402, Pt. U, §4 (AMD).

§6206. Exemptions

1. Peer groups; self-help. Nothing in this chapter may prevent any person from engaging in or offering substance use disorder services such as self-help, sponsorship through alcoholics or narcotics anonymous groups or other uncompensated substance use disorder assistance. [PL 2017, c. 407, Pt. A, §135 (AMD).]

2. Government and school employees. Nothing in this chapter may be construed to apply to the activities and services of an employee or other agent of a recognized academic institution; a federal, state, county or local government institution, a program agency or facility; or a school committee, school district, school approved for attendance purposes pursuant to Title 20-A, section 2901, school board or board of trustees, if the individual is performing those activities solely within the agency or under the jurisdiction of that agency and if a license granted under this chapter is not a requirement for employment. [PL 1991, c. 456, §11 (NEW).]

3. Clergy. Nothing in this chapter may be construed to apply to the activities and services of any priest, rabbi, member of the clergy, Christian Science healer, or minister of the gospel of any religious denomination when performing counseling services as part of religious duties and in connection with a specific synagogue or church of any religious denomination. [PL 1991, c. 456, §11 (NEW).]

4. Interns. Nothing in this chapter may be construed to apply to the activities and services of a student, intern or trainee in substance use counseling pursuing a course of study in counseling in a regionally accredited institution of higher education or training institution, if these activities are performed under supervision and constitute a part of the supervised course of study. [PL 2017, c. 407, Pt. A, §136 (AMD).]

5. Other licensed professionals. Nothing in this chapter may prevent any other licensed person in the field of medicine, psychology, nursing, social work or professional counseling who is qualified to provide substance use counseling services by virtue of the requirements for that profession from engaging in or offering substance use counseling services if such a person does not profess to be providing the service of a substance use counselor as the sole professional service rendered by that person. These professionals may not be required to obtain additional certification in order to provide substance use counseling services as permitted by this subsection. [PL 2017, c. 407, Pt. A, §137 (AMD).]

6. Nicotine addiction counseling. Nothing in this chapter may be construed to require a person engaged in providing nicotine addiction counseling or treatment services to be licensed as an alcohol and drug counselor.

[PL 2011, c. 222, §2 (NEW).]

SECTION HISTORY

PL 1977, c. 466, §2 (NEW). PL 1987, c. 395, §A197 (AMD). PL 1991, c. 456, §11 (RPR). PL 1993, c. 635, §1 (AMD). PL 2011, c. 222, §2 (AMD). PL 2017, c. 407, Pt. A, §§135-137 (AMD).

§6207. Registration required

(REPEALED)

SECTION HISTORY

PL 1977, c. 466, §2 (NEW). PL 1987, c. 395, §A198 (RPR). PL 1991, c. 456, §12 (AMD). PL 1995, c. 394, §7 (AMD). PL 2003, c. 347, §6 (RP). PL 2003, c. 347, §25 (AFF).

§6207-A. License required

Unless exempted under section 6206, a person may not practice alcohol and drug counseling or begin an apprenticeship in this State unless that person has first obtained a license, certification or registration as provided in this chapter. [PL 2003, c. 347, §7 (NEW); PL 2003, c. 347, §25 (AFF).]

SECTION HISTORY

PL 2003, c. 347, §7 (NEW). PL 2003, c. 347, §25 (AFF).

§6207-B. Confidential information

The nonbusiness address of a person licensed or certified under this chapter is confidential, not open to the public and not a public record as defined in Title 1, section 402, subsection 3. [PL 2017, c. 265, §2 (NEW).]

SECTION HISTORY

PL 2017, c. 265, §2 (NEW).

§6207-C. Duty to warn and protect

1. Duty. A certified alcohol and drug counselor or a licensed alcohol and drug counselor has a duty to warn of or to take reasonable precautions to provide protection from a client's violent behavior if the counselor has a reasonable belief based on communications with the client that the client is likely to engage in physical violence that poses a serious risk of harm to self or others. The duty imposed under this subsection may not be interpreted to require the counselor to take any action that in the reasonable professional judgment of the counselor would endanger the counselor or increase the threat of danger to a potential victim.

[PL 2019, c. 317, §4 (NEW).]

2. Discharge of duty. A certified alcohol and drug counselor or a licensed alcohol and drug counselor subject to a duty to warn or provide protection under subsection 1 may discharge that duty if the counselor makes reasonable efforts to communicate the threat to a potential victim, notifies a law enforcement agency or seeks involuntary hospitalization of the client under Title 34-B, chapter 3, subchapter 4, article 3.

[PL 2019, c. 317, §4 (NEW).]

3. Immunity. No monetary liability and no cause of action may arise concerning client privacy or confidentiality against an alcohol and drug counselor certified or licensed under this chapter for information disclosed to 3rd parties in an effort to discharge a duty under subsection 2.

[PL 2019, c. 317, §4 (NEW).]

SECTION HISTORY

PL 2019, c. 317, §4 (NEW).

SUBCHAPTER 2

STATE BOARD OF ALCOHOL AND DRUG COUNSELORS

§6208. Appointment; terms; vacancies**(REPEALED)**

SECTION HISTORY

PL 1977, c. 466, §2 (NEW). PL 1983, c. 413, §210 (RP).

§6208-A. Appointment; terms; vacancies

1. Membership. The State Board of Alcohol and Drug Counselors, as established by Title 5, section 12004-A, subsection 41, consists of 5 members appointed by the Governor. Of these 5 members, 4 members must be licensed alcohol and drug counselors and one member must be a public member as defined in Title 5, section 12004-A.

[PL 2011, c. 286, Pt. H, §1 (AMD).]

2. Term of office. Appointments are for 3-year terms. Appointments of members must comply with Title 10, section 8009.

[PL 2007, c. 402, Pt. U, §5 (AMD).]

3. Vacancy.

[PL 1993, c. 600, Pt. A, §257 (RP).]

4. Limitation.

[PL 1993, c. 600, Pt. A, §257 (RP).]

SECTION HISTORY

PL 1983, c. 413, §211 (NEW). PL 1983, c. 812, §250 (AMD). PL 1987, c. 395, §A200 (AMD). PL 1989, c. 503, §B149 (AMD). PL 1989, c. 831, §1 (AMD). PL 1991, c. 456, §13 (AMD). PL 1993, c. 600, §§A256,257 (AMD). PL 1995, c. 394, §9 (AMD). PL 1997, c. 727, §C10 (AMD). PL 1999, c. 386, §R1 (AMD). PL 2007, c. 402, Pt. U, §5 (AMD). PL 2011, c. 286, Pt. H, §1 (AMD).

§6209. Removal of board members

A board member may be removed by the Governor for cause. [PL 1983, c. 413, §212 (RPR).]

SECTION HISTORY

PL 1977, c. 466, §2 (NEW). PL 1983, c. 413, §212 (RPR).

§6210. Meetings; chair

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. [PL 2013, c. 246, Pt. B, §16 (AMD).]

SECTION HISTORY

PL 1977, c. 466, §2 (NEW). PL 1983, c. 413, §213 (RPR). PL 1989, c. 831, §2 (AMD). PL 1991, c. 456, §14 (AMD). PL 2007, c. 402, Pt. U, §6 (AMD). PL 2009, c. 112, Pt. A, §12 (AMD). PL 2011, c. 691, Pt. D, §10 (AMD). PL 2013, c. 246, Pt. B, §16 (AMD).

§6211. Compensation**(REPEALED)**

SECTION HISTORY

PL 1977, c. 466, §2 (NEW). PL 1983, c. 812, §251 (AMD). PL 1995, c. 397, §80 (RP).

§6212. Powers and duties of the board

The board has the following powers and duties in addition to all other powers and duties imposed by this chapter. [PL 2007, c. 402, Pt. U, §7 (AMD).]

1. Set standards. The board shall administer and enforce this chapter, set forth education and examination standards and evaluate the qualifications for licensure. Any standards of eligibility set by the board must be clearly defined, measurable and written in accordance with accepted standards and available to the public upon request.

[PL 1991, c. 456, §15 (AMD).]

2. Adopt criteria. The board, in cooperation with the Department of Health and Human Services, may design, adopt or design and adopt an examination or other suitable criteria for establishing a candidate's knowledge, skill and experience in alcohol and drug counseling. Any criteria adopted by the board for establishing a candidate's knowledge, skill and experience in alcohol and drug counseling must be clearly defined, have an established baseline scoring procedure that is objectively measured, be in writing and be available to the public upon request.

[PL 2011, c. 657, Pt. AA, §83 (AMD).]

3. Standards of practice. The board may establish standards of practice for all persons practicing as alcohol and drug counselors who are working in the State. Any standards set by the board for practice for alcohol and drug counselors working in the State must be clearly defined, measurable and written in accordance with accepted standards and available to the public upon request. Educational background must be a consideration in any licensing standards adopted by the board.

[PL 2007, c. 402, Pt. U, §7 (AMD).]

4. Rules. The board may adopt such rules, including but not limited to rules regarding examinations; clinical supervision; and reasonable practice and education requirements for individuals licensed under this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2007, c. 402, Pt. U, §7 (AMD).]

4-A. Advisory committee.

[PL 1989, c. 831, §12 (RP).]

5. Contracts.

[PL 1995, c. 397, §81 (RP).]

6. Complaints.

[PL 2007, c. 402, Pt. U, §7 (RP).]

7. Hearings.

[PL 2007, c. 402, Pt. U, §7 (RP).]

8. Records.

[PL 2007, c. 402, Pt. U, §7 (RP).]

9. Code of ethics. The board shall adopt a code of ethics generally in keeping with standards established by the national professional associations concerned with the areas of board responsibility.

[PL 1991, c. 456, §20 (NEW).]

10. Issue licenses.

[PL 2007, c. 402, Pt. U, §7 (RP).]

11. Service provider reports.

[PL 2003, c. 347, §9 (RP); PL 2003, c. 347, §25 (AFF).]

12. Clinical supervision. For purposes of direct clinical supervision of licensed practitioners in the field of alcohol and drug counseling, the board may license certified clinical supervisors.

[PL 2019, c. 83, §1 (AMD).]

SECTION HISTORY

PL 1977, c. 466, §2 (NEW). PL 1983, c. 413, §§214-216 (AMD). PL 1987, c. 395, §A201 (AMD). PL 1989, c. 831, §§3-7,12 (AMD). PL 1991, c. 456, §§15-20 (AMD). PL 1995, c. 394, §§10-12 (AMD). PL 1995, c. 397, §81 (AMD). PL 1997, c. 210, §10 (AMD). PL 1999, c. 685, §17 (AMD). PL 2003, c. 347, §§8-10 (AMD). PL 2003, c. 347, §25 (AFF). PL 2007, c. 402, Pt. U, §7 (AMD). PL 2011, c. 657, Pt. AA, §83 (AMD). PL 2019, c. 83, §1 (AMD).

SUBCHAPTER 3

REGISTRATION AND LICENSURE

§6213. Eligibility requirements for persons providing alcohol and drug counseling

(REPEALED)

SECTION HISTORY

PL 1977, c. 466, §2 (NEW). PL 1981, c. 501, §80 (AMD). PL 1987, c. 395, §A203 (AMD). PL 1991, c. 456, §21 (AMD). PL 1995, c. 394, §13 (AMD). PL 2003, c. 347, §11 (RP). PL 2003, c. 347, §25 (AFF).

§6213-A. Eligibility requirements for registration

(REPEALED)

SECTION HISTORY

PL 1987, c. 395, §A204 (NEW). PL 1991, c. 456, §22 (AMD). PL 1991, c. 456, §36 (AFF). PL 1995, c. 394, §14 (AMD). PL 2003, c. 347, §12 (RP). PL 2003, c. 347, §25 (AFF).

§6213-B. Alcohol and drug counseling aide; qualification for licensure

1. Requirements. The board shall issue a license to practice as an alcohol and drug counseling aide to an applicant who meets the following minimal requirements. An applicant must:

- A. Be at least 18 years of age; [PL 2003, c. 347, §13 (NEW); PL 2003, c. 347, §25 (AFF).]
- B. Have a high school diploma or its equivalent; [PL 2003, c. 347, §13 (NEW); PL 2003, c. 347, §25 (AFF).]
- C. Be employed at an agency; [PL 2003, c. 347, §13 (NEW); PL 2003, c. 347, §25 (AFF).]
- D. Provide the name of the person who will be the applicant's certified clinical supervisor; and [PL 2003, c. 347, §13 (NEW); PL 2003, c. 347, §25 (AFF).]
- E. Have paid an application and license fee under section 6215. [PL 2007, c. 402, Pt. U, §8 (AMD).]

[PL 2007, c. 402, Pt. U, §8 (AMD).]

SECTION HISTORY

PL 2003, c. 347, §13 (NEW). PL 2003, c. 347, §25 (AFF). PL 2007, c. 402, Pt. U, §8 (AMD).

§6214. Certificate of registration**(REPEALED)**

SECTION HISTORY

PL 1977, c. 466, §2 (NEW). PL 1987, c. 395, §A205 (RP).

§6214-A. Eligibility requirements for qualification as a licensed alcohol and drug counselor**(REPEALED)**

SECTION HISTORY

PL 1987, c. 395, §A206 (NEW). PL 1991, c. 456, §23 (AMD). PL 1991, c. 456, §36 (AFF). PL 1995, c. 394, §§15-18 (AMD). PL 1995, c. 394, §28 (AFF). PL 1995, c. 625, §B12 (AMD). PL 1997, c. 210, §11 (AMD). PL 2003, c. 347, §14 (RP). PL 2003, c. 347, §25 (AFF).

§6214-B. Application**(REPEALED)**

SECTION HISTORY

PL 1987, c. 395, §A206 (NEW). PL 1991, c. 456, §§24,25 (AMD). PL 1995, c. 394, §19 (AMD). PL 2003, c. 347, §15 (RP). PL 2003, c. 347, §25 (AFF).

§6214-C. Certified alcohol and drug counselor; qualification for certification**1. Eligibility.** To be eligible to practice as a certified alcohol and drug counselor, an applicant must:

- A. Be at least 18 years of age; [PL 2003, c. 347, §16 (NEW); PL 2003, c. 347, §25 (AFF).]
 - B. Have taken and passed an examination as prescribed by board rule; [PL 2003, c. 347, §16 (NEW); PL 2003, c. 347, §25 (AFF).]
 - C. Have paid an application and certification fee as set under section 6215; and [PL 2003, c. 347, §16 (NEW); PL 2003, c. 347, §25 (AFF).]
 - D. Meet one of the following educational requirements:
 - (1) A high school diploma or its equivalent and a minimum of 4,000 hours of documented clinically supervised work experience as an alcohol and drug counseling aide consisting of at least 3 of the following alcohol and drug treatment functions:
 - (a) Clinical evaluation consisting of intake screening and differential assessment;
 - (b) Treatment planning, including initial, ongoing and discharge planning;
 - (c) Counseling of individuals, groups, couples or families;
 - (d) Case management. For purposes of this paragraph, "case management" means services that include, at a minimum, assessment of the needs of a client and the client's family, service planning, referral and linkage to other services, advocacy, monitoring and crisis management; or
 - (e) Client and family education; or
 - (2) At a minimum, course work as defined by board rule or an associate degree from an accredited college or university in behavioral sciences, addiction counseling or a related field as defined by board rule. [PL 2003, c. 347, §16 (NEW); PL 2003, c. 347, §25 (AFF).]
- [PL 2003, c. 347, §16 (NEW); PL 2003, c. 347, §25 (AFF).]

SECTION HISTORY

PL 2003, c. 347, §16 (NEW). PL 2003, c. 347, §25 (AFF).

§6214-D. Licensed alcohol and drug counselor; qualification for licensure

1. Eligibility. To be eligible to practice as a licensed alcohol and drug counselor, an applicant must:

- A. Be at least 18 years of age; [PL 2003, c. 347, §16 (NEW); PL 2003, c. 347, §25 (AFF).]
- B. Have taken and passed an examination as prescribed by board rule; [PL 2003, c. 347, §16 (NEW); PL 2003, c. 347, §25 (AFF).]
- C. Have paid an application and license fee under section 6215; and [PL 2003, c. 347, §16 (NEW); PL 2003, c. 347, §25 (AFF).]
- D. Meet one of the following requirements:
 - (1) Complete 2,000 hours of documented supervised practice in alcohol and drug counseling as a certified alcohol and drug counselor;
 - (2) Possess an associate or bachelor's degree from an accredited college or university in clinically based behavioral sciences or addiction counseling or a related field as defined by board rule, complete course work as defined by board rule and complete a minimum of 4,000 hours of documented supervised practice in alcohol and drug counseling, except that an applicant who holds a bachelor's degree from an accredited college or university that meets the requirements of this subparagraph and who has completed at least 18 credit hours of course work in addiction counseling need only complete a minimum of 2,000 hours of documented supervised practice in alcohol and drug counseling; or
 - (3) Possess a master's degree from an accredited college or university in clinically based behavioral sciences or addiction counseling or a related field as defined by board rule, complete course work as defined by board rule and complete a minimum of 2,000 hours of documented supervised practice in alcohol and drug counseling, except that an applicant who holds a master's degree from an accredited college or university that meets the requirements of this subparagraph and who has completed at least 12 credit hours of course work in addiction counseling need only complete a minimum of 1,500 hours of documented supervised practice in alcohol and drug counseling. [PL 2017, c. 475, Pt. A, §53 (AMD).]

[PL 2017, c. 475, Pt. A, §53 (AMD).]

SECTION HISTORY

PL 2003, c. 347, §16 (NEW). PL 2003, c. 347, §25 (AFF). PL 2017, c. 265, §3 (AMD). PL 2017, c. 475, Pt. A, §53 (AMD).

§6214-E. Certified clinical supervisors; qualifications for licensure

1. Eligibility. To be eligible to practice as a certified clinical supervisor, an applicant must:

- A. Meet the requirements of subsection 2 or 3; and [PL 2019, c. 83, §2 (NEW).]
 - B. Have paid an application and license fee under section 6215. [PL 2019, c. 83, §2 (NEW).]
- [PL 2019, c. 83, §2 (NEW).]

2. Certain licensed mental health professionals. An applicant who is a licensed psychologist, licensed physician, registered clinical nurse specialist, licensed clinical professional counselor, licensed clinical social worker, licensed or certified mental health professional, licensed marriage and family therapist or licensed pastoral counselor who is qualified to provide alcohol and drug counseling services by virtue of the requirements for that profession is eligible for licensure under this section if the applicant:

A. Possesses documented proof of 24 hours of training in clinical supervision including at least 6 hours of training in each of the following areas: skills assessment and evaluation; counselor development; management and administration; and professional responsibility; and [PL 2019, c. 83, §2 (NEW).]

B. Meets one of the following requirements:

(1) Possesses documented proof of 1,000 hours of practice in alcohol and drug counseling under the applicant's qualifying license; or

(2) Has work experience treating individuals with co-occurring mental health and substance use disorders and at least 3 years of experience supervising clinicians within a program licensed to provide treatment to individuals with co-occurring mental health and substance use disorders. [PL 2019, c. 83, §2 (NEW).]

[PL 2019, c. 83, §2 (NEW).]

3. Licensed alcohol and drug counselors. An applicant who is a licensed alcohol and drug counselor is eligible for licensure under this section if the applicant possesses documented proof of 24 hours of training in clinical supervision including at least 6 hours of training in each of the following areas: skills assessment and evaluation; counselor development; management and administration; and professional responsibility.

[PL 2019, c. 83, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 83, §2 (NEW).

§6215. Application; fees

The Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation may establish by rule fees for purposes authorized under this subchapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$200 annually. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [PL 2007, c. 402, Pt. U, §9 (AMD); PL 2011, c. 286, Pt. B, §5 (REV).]

SECTION HISTORY

PL 1977, c. 466, §2 (NEW). PL 1983, c. 204, §12 (AMD). PL 1983, c. 413, §217 (RPR). PL 1987, c. 395, §A207 (RPR). PL 1989, c. 831, §8 (AMD). PL 1991, c. 456, §26 (AMD). PL 1995, c. 394, §20 (AMD). PL 1995, c. 502, §H38 (AMD). PL 1999, c. 386, §R2 (AMD). PL 1999, c. 685, §18 (AMD). PL 2003, c. 347, §17 (AMD). PL 2003, c. 347, §25 (AFF). PL 2007, c. 402, Pt. U, §9 (AMD). PL 2011, c. 286, Pt. B, §5 (REV).

§6215-A. Application for licensure

Applicants for licensure must submit the fee as set under section 6215. [PL 2007, c. 402, Pt. U, §10 (NEW).]

SECTION HISTORY

PL 2007, c. 402, Pt. U, §10 (NEW).

§6216. Examinations

The board shall prepare an examination to measure the competence of an applicant to engage in the practice of alcohol and drug counseling in accordance with this chapter. The board may employ and cooperate with any organization or consultant in the preparation, administration and grading of an examination. The board may adopt rules establishing examination criteria. Applicants for examination

must pay an examination fee as set under section 6215. [PL 2003, c. 347, §18 (RPR); PL 2003, c. 347, §25 (AFF).]

SECTION HISTORY

PL 1977, c. 466, §2 (NEW). PL 1989, c. 831, §9 (RPR). PL 1991, c. 456, §27 (AMD). PL 1995, c. 394, §21 (AMD). PL 2003, c. 347, §18 (RPR). PL 2003, c. 347, §25 (AFF).

SUBCHAPTER 4

SUSPENSION AND REVOCATION

§6217. Suspension and revocation

(REPEALED)

SECTION HISTORY

PL 1977, c. 466, §2 (NEW). PL 1977, c. 694, §657 (RP).

§6217-A. Suspension and revocation

(REPEALED)

SECTION HISTORY

PL 1977, c. 694, §658 (NEW). PL 1983, c. 413, §218 (RPR). PL 1987, c. 395, §§A208,A209 (AMD). PL 1991, c. 456, §§28-30 (AMD). PL 1995, c. 394, §§22-25 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2003, c. 347, §19 (AMD). PL 2003, c. 347, §25 (AFF). PL 2007, c. 402, Pt. U, §11 (RP).

§6217-B. Denial or refusal to renew license; disciplinary action

In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the board may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for: [PL 2007, c. 402, Pt. U, §12 (NEW).]

1. Active use. Active use of alcohol or any other drug that in the judgment of the board is detrimental to the performance or competency of a licensee of the board; [PL 2019, c. 165, §20 (AMD).]

2. Mental incompetency. A legal finding of mental incompetency; or [PL 2019, c. 165, §21 (AMD).]

3. Prohibited conduct. A violation of section 6223. [PL 2019, c. 165, §22 (NEW).]

SECTION HISTORY

PL 2007, c. 402, Pt. U, §12 (NEW). PL 2007, c. 621, §9 (AMD). PL 2017, c. 407, Pt. A, §138 (AMD). PL 2019, c. 165, §§20-22 (AMD).

§6218. Issuance after denial, suspension or revocation

Any individual whose license, certification or registration has been denied, suspended or revoked may apply to the board for licensure, registration or certification reinstatement one year after the date of the board's original action. A competency review is a condition of reinstatement. The board shall determine the nature of this review and shall adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter 2-A. [PL 2003, c. 347, §20 (AMD); PL 2003, c. 347, §25 (AFF).]

SECTION HISTORY

PL 1977, c. 466, §2 (NEW). PL 1977, c. 694, §659 (RPR). PL 1983, c. 413, §219 (RPR). PL 1987, c. 395, §A210 (AMD). PL 1991, c. 456, §31 (AMD). PL 2003, c. 347, §20 (AMD). PL 2003, c. 347, §25 (AFF).

§6219. Expiration and renewal

All licenses issued pursuant to this chapter expire annually on November 30th or at such other time as the Commissioner of Professional and Financial Regulation may designate. Licensees must renew their licenses on or before November 30th annually or on such other date as determined by the commissioner by filing an application, completing any continuing education requirements established by board rule and paying the renewal fee as set under section 6215. [PL 2007, c. 402, Pt. U, §13 (AMD).]

Licenses issued pursuant to this chapter may be renewed up to 90 days after the date of expiration upon payment of a late fee in addition to the renewal fee as set under section 6215. Any person who submits an application for renewal more than 90 days after the renewal date is subject to all requirements governing new applicants under this chapter, except that the board may in its discretion, giving due consideration to the protection of the public, waive examination if that renewal application is received, together with the late fee and renewal fee as set under section 6215, within 2 years from the date of that expiration or if the applicant is an inactive status alcohol and drug counselor. [PL 2007, c. 402, Pt. U, §13 (AMD).]

SECTION HISTORY

PL 1977, c. 466, §2 (NEW). PL 1983, c. 413, §220 (AMD). PL 1987, c. 395, §A211 (AMD). PL 1989, c. 831, §10 (AMD). PL 1991, c. 456, §32 (AMD). PL 1995, c. 394, §26 (AMD). PL 1999, c. 685, §19 (AMD). PL 2003, c. 347, §21 (AMD). PL 2003, c. 347, §25 (AFF). PL 2007, c. 402, Pt. U, §13 (AMD).

§6219-A. Continuing education

1. Requirements. The board may adopt continuing education requirements and approve programs and courses by rule. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

[PL 2003, c. 347, §22 (NEW); PL 2003, c. 347, §25 (AFF).]

2. Program approval. Each application for approval of a continuing education program or course must be submitted according to the guidelines prescribed by rule, together with the required fee under section 6215. The fee is retained whether or not the application is approved.

[PL 2003, c. 347, §22 (NEW); PL 2003, c. 347, §25 (AFF).]

3. Core requirement. The board may establish a core educational requirement for each license type under this chapter.

[PL 2003, c. 347, §22 (NEW); PL 2003, c. 347, §25 (AFF).]

SECTION HISTORY

PL 2003, c. 347, §22 (NEW). PL 2003, c. 347, §25 (AFF).

§6219-B. Inactive status license

1. Placement on inactive status. A licensee under this chapter who does not desire to perform any of the activities described in section 6203-A, subsections 2, 5, 6 and 9 and who wants to preserve the license while not engaged in any alcohol and drug counseling activity may apply for an inactive status license pursuant to Title 10, section 8003, subsection 5-A, paragraph D, subparagraph (5). The fee for inactive status licensure is set under section 6215. During inactive status, the licensee must renew the inactive license annually and pay the renewal fee as set under section 6215, but is not required to meet the continuing educational provisions of section 6219-A.

[PL 2007, c. 402, Pt. U, §14 (AMD).]

2. Reinstatement to active status. An inactive status licensee may apply for reinstatement to active status by paying the fee as set under section 6215, completing continuing education requirements as determined by board rule and submitting such additional information as the board may require. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

[PL 2007, c. 402, Pt. U, §14 (AMD).]

SECTION HISTORY

PL 2003, c. 347, §22 (NEW). PL 2003, c. 347, §25 (AFF). PL 2007, c. 402, Pt. U, §14 (AMD).

§6220. License from another jurisdiction; licensure by endorsement

1. License from another jurisdiction. The board may waive the requirements of this chapter and grant a registration, certificate or license to any applicant who presents proof of authorization to practice by another jurisdiction of the United States or another country that maintains professional standards considered by the board to be substantially equivalent to or higher than those set forth in this chapter, as long as there is no cause for denial of a registration, certificate or license under section 6217-B or Title 10, section 8003, subsection 5-A, paragraph A. The applicant must pay the application and license fee as set under section 6215.

[PL 2021, c. 642, §28 (NEW).]

2. Licensure by endorsement. Notwithstanding any provision of this chapter to the contrary, the board, in accordance with Title 10, section 8003-H and any applicable rules adopted pursuant to that section, shall establish a process to issue a license by endorsement for each license authorized under this chapter that the board determines is appropriate for licensure by endorsement. An applicant may submit an application under the process established under this subsection or any other licensure process authorized in this chapter.

[PL 2021, c. 642, §28 (NEW).]

SECTION HISTORY

PL 1977, c. 466, §2 (NEW). PL 1983, c. 413, §221 (AMD). PL 1991, c. 456, §33 (AMD). PL 2003, c. 347, §23 (RPR). PL 2003, c. 347, §25 (AFF). PL 2007, c. 695, Pt. B, §14 (AMD). PL 2021, c. 642, §28 (RPR).

§6221. Treatment of minors

Any person licensed under this chapter who renders counseling services to a minor for the treatment of problems associated with substance use is under no obligation to obtain the consent of that minor's parent or guardian or to inform that parent or guardian of that treatment. Nothing in this section may be construed so as to prohibit the licensed person rendering that treatment from informing that parent or guardian. For the purposes of this section, "substance use" means the use of drugs or alcohol solely for their stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and not as a therapeutic agent recommended by a practitioner in the course of medical treatment.

[PL 2017, c. 407, Pt. A, §139 (AMD).]

SECTION HISTORY

PL 1979, c. 96, §5 (NEW). PL 1991, c. 509, §28 (AMD). PL 2017, c. 407, Pt. A, §139 (AMD).

§6222. Receipts and disbursements

(REPEALED)

SECTION HISTORY

PL 1985, c. 389, §25 (NEW). PL 1995, c. 397, §82 (RP).

§6223. Prohibition on providing conversion therapy to minors

An individual licensed, certified or registered under this chapter may not advertise, offer or administer conversion therapy to a minor. [PL 2019, c. 165, §23 (NEW).]

SECTION HISTORY

PL 2019, c. 165, §23 (NEW).

SUBCHAPTER 5

TELEHEALTH SERVICES

§6231. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2021, c. 291, Pt. B, §13 (NEW).]

1. Asynchronous encounter. "Asynchronous encounter" means an interaction between a client and a person licensed under this chapter through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the client and the person licensed under this chapter.

[PL 2021, c. 291, Pt. B, §13 (NEW).]

2. Store and forward transfer. "Store and forward transfer" means the transmission of a client's records through a secure electronic system to a person licensed under this chapter.

[PL 2021, c. 291, Pt. B, §13 (NEW).]

3. Synchronous encounter. "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between a client and a person licensed under this chapter or between a person licensed under this chapter and another health care provider.

[PL 2021, c. 291, Pt. B, §13 (NEW).]

4. Telehealth services. "Telehealth services" means health care services delivered through the use of information technology and includes synchronous encounters, asynchronous encounters, store and forward transfers and telemonitoring.

[PL 2021, c. 291, Pt. B, §13 (NEW).]

5. Telemonitoring. "Telemonitoring" means the use of information technology to remotely monitor a client's health status via electronic means, allowing the person licensed under this chapter to track the client's health data over time. Telemonitoring may be synchronous or asynchronous.

[PL 2021, c. 291, Pt. B, §13 (NEW).]

SECTION HISTORY

PL 2021, c. 291, Pt. B, §13 (NEW).

§6232. Telehealth services permitted

A person licensed under this chapter may provide telehealth services as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by this subchapter and in accordance with standards of practice. [PL 2021, c. 291, Pt. B, §13 (NEW).]

SECTION HISTORY

PL 2021, c. 291, Pt. B, §13 (NEW).

§6233. Confidentiality

When providing telehealth services, a person licensed under this chapter shall comply with all state and federal confidentiality and privacy laws. [PL 2021, c. 291, Pt. B, §13 (NEW).]

SECTION HISTORY

PL 2021, c. 291, Pt. B, §13 (NEW).

§6234. Professional responsibility

All laws and rules governing professional responsibility, unprofessional conduct and generally accepted standards of practice that apply to a person licensed under this chapter also apply to that licensee while providing telehealth services. [PL 2021, c. 291, Pt. B, §13 (NEW).]

SECTION HISTORY

PL 2021, c. 291, Pt. B, §13 (NEW).

§6235. Rulemaking

The board shall adopt rules governing telehealth services by persons licensed under this chapter. These rules must establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. [PL 2021, c. 291, Pt. B, §13 (NEW).]

SECTION HISTORY

PL 2021, c. 291, Pt. B, §13 (NEW).

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