

HOUSE BILL REPORT

HB 1529

As Reported by House Committee On: Health Care & Wellness

Title: An act relating to removing barriers for agency affiliated counselors practicing as peer counselors.

Brief Description: Removing barriers for agency affiliated counselors practicing as peer counselors.

Sponsors: Representatives Davis, Corry, Frame, Kloba, Doglio and Ormsby.

Brief History:

Committee Activity:

Health Care & Wellness: 2/15/19, 2/20/19 [DPS].

Brief Summary of Substitute Bill

- Limits the amount of time that an agency-affiliated counselor working as a peer counselor in a behavioral health agency must spend in a substance abuse monitoring program to one year.
- Prohibits a facility that cares for vulnerable adults from automatically denying employment to an applicant for a position as an agency-affiliated counselor practicing as a peer counselor if at least one year has passed since a conviction, the conviction was committed as a result of the applicant's substance use or untreated mental health symptoms, and the applicant has been in recovery from a substance use disorder or mental health challenges for at least one year.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Chambers, Davis, Harris, Jinkins, Maycumber, Riccelli, Robinson, Stonier, Thai and Tharinger.

Staff: Chris Blake (786-7392).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

Substance Abuse Monitoring Programs.

A disciplining authority may refer a licensee to a substance abuse monitoring program in lieu of formal discipline if the disciplining authority determines that unprofessional conduct is the product of substance abuse. The licensee must consent to the referral and the referral may include probationary conditions. If the licensee does not consent to the referral or fails to meet the requirements of the program, the disciplining authority may take formal disciplinary action against the licensee.

There are four substance abuse monitoring programs in Washington for credentialed health care providers. Each program serves specific professions or groups of professions. Although the programs do not provide substance use disorder treatment, they contract with and monitor health care providers for compliance with treatment and recovery goals. The contract includes random drug testing and worksite monitoring to ensure a safe return to practice. Some professions pay a fee to cover program expenses, while other professions require the individual to bear the expenses of the program.

Disqualifying Crimes.

Agencies, facilities, and individuals who provide care to vulnerable adults may not allow persons to work in a position that may involve unsupervised access to minors or vulnerable adults if the person has been convicted of or has a pending charge for certain disqualifying crimes. In some cases a person will not be automatically disqualified from employment if a designated number of years have passed since the date of conviction for the disqualifying crime. In those instances, the person may be allowed to work in a position with access to minors and vulnerable adults depending on the results of a character, competence, and suitability review.

Summary of Substitute Bill:

The amount of time that person who is or is applying to be an agency-affiliated counselor working as a peer counselor in a behavioral health agency must spend in the voluntary substance abuse monitoring program is limited to the amount of time necessary for the person to achieve one year in recovery. If the person has at least one year in recovery from a substance use disorder, then person may not be required to participate in the substance abuse monitoring program.

Facilities that care for vulnerable adults are prohibited from automatically denying employment to an applicant for a position as an agency-affiliated counselor practicing as a peer counselor if: (1) at least one year has passed since the most recent conviction and the date of application; (2) the offense was committed as a result of the applicant's substance use or untreated mental health symptoms; and (3) the applicant has been in recovery from a substance use disorder or mental health challenges for at least one year, whether through abstinence or stability on medication-assisted therapy.

Substitute Bill Compared to Original Bill:

The substitute bill establishes the maximum amount of time that a person must participate in the substance abuse monitoring program as the amount of time necessary for the person to achieve one year in recovery from a substance use disorder if the person is an applicant to be an agency-affiliated counselor who intends to practice as a peer counselor and who is less than one year in recovery. Exempts such applicants who have been in recovery from a substance use disorder for at least one year from having to participate in the substance abuse monitoring.

The substitute bill applies the prohibition related to the automatic denial of employment to applicants for a position as an agency-affiliated counselor practicing as a peer counselor to those persons: (1) whose offense was committed as a result of the person's untreated mental health symptoms; and (2) who are at least one year in recovery from mental health challenges.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The Legislature paved the way for the use of peers in the substance use disorder context to be funded by Medicaid. Washington is in the midst of a behavioral health workforce crisis and these individuals in recovery from addiction are ready, willing, and able to work, except they are running into barriers. This bill will remove barriers for those who would like to serve as a behavioral health peer. Recovery coaches can help people who might otherwise be discharged to homelessness without services to navigate community resources and supports. This will greatly mitigate the substance use disorder workforce shortage.

The substance abuse monitoring program requires people to get a chemical dependency assessment and urinalysis at their own expense which limits the ability of people to work in the peer support field. The Substance Use Monitoring program was developed as a relapse prevention model, not a long-term recovery model.

The agency-affiliated counselor credential requires a criminal background check that delays people from active employment. There are many people who want to work in the behavioral health field and use the expertise of their own lived experience to help people, but they are barred from the field because of past crimes associated with their addiction. People who are addicted to opiates frequently are involved in crimes of desperation. People in recovery from addiction are frequently prohibited from serving others in careers as peers. Behavioral health agencies do not have a choice but to reject people with a criminal history. The disqualifying

crimes are eliminating candidates who are hungry to make a difference, freshly familiar with what their peers need, and who have fought hard to overcome their past challenges. The current statute eliminates an entire sector of worthy, compassionate, and driven individuals who can profoundly transform the lives of others. To be a substance use disorder peer counselor the person must have been in addiction which frequently means involvement in the criminal justice system and they are currently barred from working in a peer counselor role.

This bill's provisions should apply to chemical dependency professionals and chemical dependency professional trainees in House Bill 1768.

(Opposed) None.

(Other) Individuals pursuing recovery benefit tremendously from peer support. Peers are a valuable part of the journey to recovery because of all that they have overcome and their lived experience. Those who are incarcerated because of their mental illness should also be included.

Persons Testifying: (In support) Representative Davis, prime sponsor; Jennifer Lasky; Katie Person; Nik Muir; Michael Transue, Seattle Drug and Narcotic Treatment Center; and Susie Tracy, Alcohol and Addiction Programs of Washington.

(Other) Darya Farivar, Disability Rights Washington.

Persons Signed In To Testify But Not Testifying: None.