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## Health Care & Wellness Committee

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### HB 1865

**Brief Description:** Addressing the behavioral health workforce shortage and expanding access to peer services by creating the profession of certified peer specialists.

**Sponsors:** Representatives Davis, Caldier, Callan, Dent, Duerr, Goodman, Macri, Senn, Wylie, Paul, Sullivan, Simmons, Chopp, Slatter, Bergquist, Valdez, Pollet, Ormsby, Graham and Frame.

#### Brief Summary of Bill

- Establishes certified peer specialists and certified peer specialist trainees as new health professions to be certified by the Department of Health.
- Establishes standards and training for approved supervisors of certified peer specialist trainees.
- Establishes training requirements for certified peer specialists practicing as peer crisis responders.

**Hearing Date:** 1/24/22

**Staff:** Christopher Blake (786-7392).

#### Background:

The Health Care Authority (Authority) certifies peer counselors under its Peer Support Program. Certification by the Authority is not necessary to provide peer counseling services, however, it is required for reimbursement under Medicaid. To be certified, a person must:

- self-identify as a consumer, or parent or legal guardian of a consumer, of mental health or substance use disorder services;
- be registered by the Department of Health as an agency-affiliated counselor;
- complete an online prerequisite course;

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- complete a 40-hour specialized training course on core competencies established by the federal Substance Abuse and Mental Health Services Administration;
- pass an examination administered by the Authority; and
- receive a written notification letter from the Authority recognizing the individual as a counselor.

The services that may be provided by certified peer counselors are specified in Washington's Medicaid State Plan (State Plan). The State Plan specifies that they work with adults, youth, and the parents of children receiving behavioral health services to help them find hope and make progress toward recovery by drawing upon their own life experience. Since July 1, 2019, behavioral health agencies have been able to provide peer support services for both mental health and substance use disorders and receive Medicaid reimbursement.

### **Summary of Bill:**

Beginning July 1, 2023, certified peer specialists and certified peer specialist trainees are established as new health professions that may engage in the practice of peer support services. "Practice of peer support services" means the provision of interventions by either: (1) a person in recovery from a mental health condition, substance use disorder, or both; or (2) the parent or legal guardian of a youth who is receiving or has received behavioral health services. The interventions are provided to a client through the use of shared experiences to assist a client in the acquisition and exercise of shared skills to support the client's recovery. Interventions may include activities that assist a client in accessing or engaging in treatment and in symptom management; promote social connection, recovery, and self-advocacy; provide guidance in the development of community supports and basic daily living skills; and support clients in achieving health and wellness goals.

The Secretary of Health (Secretary) must issue certificates as a peer specialist to applicants who:

- submit an attestation to the Department of Health (Department) that the applicant self-identifies as: (1) a person with one or more years of recovery from a mental health condition, substance use disorder, or both; or (2) a parent or legal guardian of a youth who is receiving or has received behavioral health services;
- complete an education course developed and offered by the Health Care Authority (Authority);
- pass an oral examination administered by the Authority;
- pass a written examination approved by the Department;
- complete an experience requirement of at least 1,000 hours as a certified peer specialist trainee engaged in the practice of peer support services under the supervision of an approved supervisor; and
- pay any applicable fees.

Alternatively, an applicant may receive a peer specialist certificate based on previous experience as a peer specialist prior to July 1, 2023. The Secretary must adopt equivalency standards that an applicant may meet to be eligible for such a certificate by July 1, 2024. In addition, the

Secretary, with the recommendations of the Washington State Certified Peer Specialist Advisory Committee (Advisory Committee), must adopt criteria for the issuance of a certificate as a peer specialist based on completion of an approved apprenticeship program.

The Secretary must also issue certificates for peer specialist trainees to practice peer support services under the supervision of an approved supervisor while completing the experience requirement to obtain a full certificate as a peer specialist. To obtain a certificate as a peer specialist trainee, an applicant must have either met the attestation, education, and oral examination requirements for a peer specialist or be enrolled in an approved apprenticeship program. In addition, the applicant must submit a declaration that the applicant is actively pursuing the supervised experience requirement for a full certificate. An approved supervisor is either: (1) until July 1, 2025, a behavioral health provider with at least two years of experience working in a behavioral health practice that employs peer specialists in treatment teams; or (2) a certified peer specialist with at least 1,500 hours of work as a certified peer specialist, including at least 500 hours in the joint supervision of peers, and who has completed a peer supervisor training course developed by the Authority.

A certificate is not required to practice peer support services, except that a registered agency-affiliated counselor who engages in the practice of peer support services and whose agency bills medical assistance for those services must be certified by January 1, 2025.

If an applicant for a certificate to become a peer specialist or peer specialist trainee has been referred to the voluntary substance abuse monitoring program, the amount of time that the applicant must spend in the program is limited to the amount of time necessary for the applicant to achieve one year in recovery from a substance use disorder. If the applicant has at least one year in recovery from a substance use disorder, the applicant may not be required to participate. Facilities that care for vulnerable adults are prohibited from automatically denying employment to an applicant for a position as a peer specialist or peer specialist trainee 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 for at least one year from a mental health disorder or substance use disorder, whether through abstinence or stability on medication-assisted therapy.

The Advisory Committee is established. The Secretary must appoint the 11 members of the Advisory Committee, which include nine members who are peer specialists, one member who represents community behavioral health agencies, and one member who represents the public at large. The Committee is responsible for submitting recommendations which the Department must adopt on topics including: rules related to the certification of peer specialists and peer specialist trainees, case disposition guidelines and priorities related to unprofessional conduct cases, the review of reports of unprofessional conduct, patient and client education, written and oral examinations, continuing education and continuing competency programs, and criteria for certification based on prior experience.

While the Department is the primary certification entity for peer specialists and peer specialist

trainees, the Authority has several specific responsibilities in the certification process. The Authority must develop and offer the instruction course for peer specialist certification. The course must be approximately 80 hours and based on the Authority's existing course with additional instruction in the principles of recovery coaching and suicide prevention. The Authority must also develop a training course for peer specialists providing supervision to peer specialist trainees, as well as a 40-hour specialized training course in peer crisis response services. Beginning July 1, 2024, peer specialists working as peer crisis responders must have completed the Authority's training.

Behavioral health agencies must reduce the caseload for approved supervisors who are providing supervision to certified peer specialist trainees according to standards established by the Advisory Committee.

By January 1, 2023, the Office of the Insurance Commissioner must make recommendations to health carriers regarding the appropriate use of certified peer specialists, network adequacy for certified peer specialists, and steps to incorporate certified peer specialists into commercial provider networks.

**Appropriation:** None.

**Fiscal Note:** Requested on January 18, 2022.

**Effective Date:** The bill takes effect 90 days after the adjournment of the session in which the bill is passed, except for section 15, relating to sanctioning authority for health professions, and section 17, relating to disqualifying crimes for employment in certain care settings, which take effect July 1, 2022.