

SENATE BILL REPORT

2SHB 1865

As of February 15, 2022

Title: An act relating to addressing the behavioral health workforce shortage and expanding access to peer services by creating the profession of certified peer specialists.

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

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Davis, Caldier, Callan, Dent, Duerr, Goodman, Macri, Senn, Wylie, Paul, Sullivan, Simmons, Chopp, Slatter, Bergquist, Valdez, Pollet, Ormsby, Graham and Frame).

Brief History: Passed House: 2/12/22, 78-19.

Committee Activity: Behavioral Health Subcommittee to Health & Long Term Care: 2/16/22.

Brief Summary of Bill

- Establishes a certification program for certified peer counselors (CPCs) at the Department of Health (DOH) beginning July 1, 2024.
- Requires the Health Care Authority to adapt the educational requirements of its CPC program to meet the requirements of the DOH certification program.
- Establishes a CPC trainee program in which a candidate for certification as a CPC must work under the supervision of a CPC supervisor, and establishes a training program for CPC supervisors.
- Establishes continuing education requirements for CPCs.

SENATE COMMITTEE ON BEHAVIORAL HEALTH SUBCOMMITTEE TO HEALTH & LONG TERM CARE

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

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Background: Certified Peer Counselors. The Health Care Authority (HCA) administers a program to certify individuals as certified peer counselors (CPCs). The program was established by the Department of Social and Health Services in 2005 to certify mental health disorder peers and expanded in 2019 to include certification of substance use disorder peers. CPCs are persons who self-identify as a consumer of mental health or substance use disorder services, or who self-identify as the parent or legal guardian of a consumer of mental health or substance use disorder services. In order to achieve certification, the CPC must complete a 40-hour specialized training course administered or approved by HCA, and pass an examination administered by HCA.

CPCs may be employed to work in certain licensed community behavioral health agencies (BHAs) that have been approved by HCA to provide peer services to Medicaid clients. To provide services reimbursable by Medicaid, the CPC must register with the Department of Health (DOH) as an agency-affiliated counselor. Agency-affiliated counselors may only be registered if they can document current employment by a BHA or an agency operated by the state, a county, or an Indian tribe. Services by CPCs cannot be paid by the Medicaid program if the CPC is employed by an emergency room, primary care clinic, or other entity which is neither operated by a county, the state, or a tribe, nor operated under a BHA license. The Medicaid State Plan, which defines what health services are reimbursable under the Medicaid program, specifies that CPCs must 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.

The Department of Health. DOH licenses and certifies health facilities and health providers. An application for a professional license or certification for a health provider typically involves character and fitness checks in which DOH verifies the person's professional experience and educational attainment and performs criminal and civil background checks on the applicant. The applicant may be required to take an examination demonstrating the applicant's competency and knowledge of a profession and its ethical rules. DOH serves as the disciplinary authority for licensed and certified professionals under the Uniform Disciplinary Act, investigating complaints made against the individual and taking action if necessary to suspend or terminate the individual's professional license or certification. DOH may prescribe continuing education requirements in order for a professional to renew their license or certification, and establish license fees sufficient to cover the cost of program administration.

Summary of Bill: Beginning July 1, 2024, DOH must certify CPCs who apply for a credential and meet requirements. The applicant must attest that they identify either as a person with one or more years of recovery from a mental health disorder, substance use disorder, or both, or as the parent or legal guardian of a youth who is receiving or has received behavioral health services. The applicant must complete an educational course developed by HCA, pass an oral exam administered by HCA, pass a written exam

administered by HCA, complete 1,000 hours of supervised experience as a CPC trainee, and pay a certification fee determined by DOH. A CPC certification is valid for two years and may be renewed upon proof of completion of 30 hours of continuing education, which during every six-year period must include three hours of suicide prevention training and six hours of professional ethics. Certificate holders are subject to the Uniform Disciplinary Authority Act.

A CPC advisory committee is established at DOH consisting of 11 members, nine of whom must be CPCs. The membership must be inclusive of mental health peers, substance use peers, community-based peers, peers who work in clinical settings, youth peers, adult peers, and peer supervisors, and include people who are Black, indigenous, people of color, and individuals who identify as LGBTQ. The non-CPC members must represent community behavioral health agencies and the public at large. Members must be appointed by DOH to renewable three-year terms. DOH and HCA are encouraged to adopt recommendations submitted by the advisory committee in specified areas.

DOH must, after consultation with the advisory committee, establish criteria for issuing a certification based on prior experience as a CPC attained before July 1, 2024. A current CPC who applies for certification by DOH must have until July 1, 2025, to complete any standards in which the applicant is determined to be deficient. DOH must, after consultation with the advisory committee, issue a CPC certification based on completion of an approved apprenticeship program. By July 1, 2025, only a fully-certified CPC may work as a peer crisis responder. By July 1, 2026, an agency affiliated counselor must be fully certified as a CPC in order to provide peer support services at a behavioral health agency. Adoption of this credential does not prohibit a person without a CPC certification from practicing peer support services under the employment of the U.S. Government.

A CPC trainee must have an approved supervisor in order to attain supervised experience hours who is:

- until July 1, 2026, a behavioral health provider with at least two years experience working in a behavioral health practice that employs CPCs as part of treatment teams; or
- a CPC who has completed at least 1,500 hours of work as a fully certified CPC engaged in the practice of peer support services, with at least 500 hours attained through joint supervision with another approved supervisor, and the training requirements required by DOH under this act.

A CPC trainee certificate must be renewed annually and may only be renewed four times. Behavioral health agencies must reduce the caseload of CPCs providing supervision to CPC trainees.

By January 1, 2024, HCA must develop a number of courses of instruction:

- an 80-hour course of instruction for CPCs based upon the current curriculum offered by HCA, plus instruction on recovery coaching and suicide prevention. The course

- must be taught by CPCs. HCA must engage with peers over the content of the 80-hour curriculum and offer different course configurations;
- an expedited course for those who have already undergone the current 40-hour CPC training;
 - a course for supervisors of CPC trainees; and
 - a course designed to inform licensed or certified behavioral health agencies of the benefits of incorporating CPCs and CPC trainees into their clinical staff and best practices for incorporating their services.

HCA must establish the date, location, and manner of CPC examinations and approve the content of written examinations. Outside entities may provide educational courses and administer examinations with HCA approval. Applicants must be allowed to take up to four written examinations with payment of an examination fee for each exam, after which HCA may require remedial education before the person is allowed to take future written examinations. Examination materials must be available in different formats, including specialized examination preparation support for students with higher barriers to passing the written exam.

DOH must adopt rules establishing forms and procedures to implement this credential and establish practice parameters for CPCs. DOH must determine which states have credentialing requirements equivalent to Washington and issue certificates to applicants credentialed in those states without examination.

By January 1, 2025, the Office of the Insurance Commissioner must make recommendations to health carriers regarding appropriate use of CPCs and CPC trainees, and steps to incorporate them into commercial provider networks.

If an applicant to be a CPC has been in recovery from a substance use disorder for less than one year, DOH may require participation in a voluntary substance abuse monitoring program for only the length of time needed to attain one year of recovery from the substance use disorder. A crime of simple assault, theft 3, or prostitution is not disqualifying for a CPC applicant if at least three years has passed since the date of the most recent conviction. A crime of theft 2 or forgery is not disqualifying if at least five years have passed since the date of the most recent conviction.

Appropriation: The bill contains a null and void clause requiring specific funding be provided in an omnibus appropriation act.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.