

**SB 803 (Beall), as amended 6/18/20**  
**DHCS Technical Assistance**

DHCS amendments shown in **bold font**

SECTION 1.

This act shall be known, and may be cited, as the Peer Support Specialist Certification Program Act of 2020.

SEC. 2.

Article 1.4 (commencing with Section 14045.10) is added to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:

Article 1.4. Peer Support Specialist Certification Program

14045.10.

The Legislature finds and declares all of the following:

~~(a) With the enactment of the Mental Health Services Act in 2004, support has been on the rise to include peer providers, identified as consumers, parents, and family members, for the provision of services.~~

**(b)(a)** Peer providers in California provide individualized support, coaching, facilitation, and education to clients with mental health care needs and substance use disorders in a variety of settings. Yet, no statewide scope of practice, standardized curriculum, training standards, supervision standards, or certification protocol is available.

**(c)(b)** The United States Department of Veterans Affairs and at least 48 states utilize standardized curricula and certification protocols for peer support services.

**(d)(c)** The federal Centers for Medicare and Medicaid Services (CMS) recognizes that the experiences of peer support specialists, as part of an evidence-based model of care, can be an important component in a state's delivery of effective mental health and substance use disorder treatment. The CMS encourages states to offer comprehensive programs.

**(e)(d)** A substantial number of research studies demonstrate that peer supports improve client functioning, increase client satisfaction, reduce family burden, alleviate depression and other symptoms, reduce homelessness, reduce hospitalizations and hospital days, increase client activation, and enhance client self-advocacy.

**(f)(e)** Certification can increase the diversity and effectiveness of the behavioral health workforce through the use of peers with lived experience.

14045.11.

It is the intent of the Legislature that the peer support specialist certification program, established under this article, achieve all of the following:

(a) Support the ongoing provision of services for **beneficiaries individuals** experiencing mental health care needs, substance use disorder needs, or both, by certified peer support specialists.

(b) Support coaching, linkage, and skill building of **beneficiaries individuals** with mental health needs, substance use disorder needs, or both, and to families or significant support persons.

(c) Increase family support by building on the strengths of families and helping them achieve a better understanding of mental illness in order to help **beneficiaries individuals** achieve desired outcomes.

~~(d) Provide part of a continuum of services, in conjunction with other community mental health services and other substance use disorder treatment.~~

~~(e)(d) Support C~~collaboratione with others providing care or support to the **beneficiary individual** or family.

~~(f)(e)~~ Assist parents, families, and **beneficiaries individual** in developing coping mechanisms and problem-solving skills in order to help **beneficiaries individuals** achieve desired outcomes.

~~(g)(f)~~ Promote skill building for **beneficiaries individuals** in the areas of socialization, recovery, self-sufficiency, self-advocacy, development of natural supports, and maintenance of skills learned in other support services.

~~(h)(g)~~ Encourage employment under the peer support specialist certification to reflect the culture, ethnicity, sexual orientation, gender identity, mental health service experiences, and substance use disorder experiences of the **people individuals** whom **they the peer support specialists** serve.

~~(i)(h)~~ **Enable counties to establish and manage a peer support specialist certification program that is unique to the county's needs and utilizes available funding sources.**

14045.12.

For purposes of this article, the following definitions apply:

(a) "Certification" means the activities ~~of the certifying body~~ related to the verification that an individual has met all of the requirements under this article and that the individual may provide ~~mental health services and substance use disorder treatment peer support specialist services~~ pursuant to this article.

(b) "Certified" means all federal and state requirements have been satisfied by an individual who is seeking designation under this article, including completion of curriculum and training requirements, testing, and agreement to uphold and abide by the code of ethics.

(c) "Code of ethics" means the standards to which a peer support specialist is required to adhere.

(d) "Core competencies" means the foundational and essential knowledge, skills, and abilities required for peer specialists.

(e) "Cultural competence" means a set of congruent behaviors, attitudes, and policies that come together in a system or agency that enables that system or agency to work effectively in cross-cultural situations. A culturally competent system of care acknowledges and incorporates, at all levels, the importance of language and culture, intersecting identities, assessment of cross-cultural relations, knowledge and acceptance of dynamics of cultural differences, expansion of cultural knowledge, and adaptation of services to meet culturally unique needs to provide services in a culturally competent manner.

(f) "Department" means the State Department of Health Care Services.

~~(g)~~(f) "Peer support specialist" means **a person an individual** who is 18 years of age or older and who ~~is a person who~~ has self-identified as having lived experience with the process of recovery from mental illness, substance use disorder, or both, either as a consumer of these services or as the parent or family member of the consumer **and has been granted certification under a county peer support specialist certification program. by a certifying body**

~~(h)~~(g) "Peer support specialist services" means culturally competent services that promote engagement, socialization, recovery, self-sufficiency, self-advocacy, development of natural supports, **and** identification of strengths, ~~and maintenance of skills learned in other support services~~. Peer support specialist services include, but are not limited to, **prevention services**, support, coaching, facilitation, or education ~~to Medi-Cal beneficiaries~~ that is individualized ~~to the beneficiary~~ and is conducted by a certified peer support specialist.

~~(i)~~(h) "Recovery" means a process of change through which an individual improves their health and wellness, lives a self-directed life, and strives to reach their full potential. This process of change recognizes cultural diversity and inclusion, and honors the different routes to resilience and recovery based on the individual and their cultural community.

14045.13.

By July 1, ~~2021~~**2022**, subject to **Section 14045.20**, the department shall do all of the following:

~~(a)~~ **Establish a certifying body, either through contract or through an interagency agreement, to provide for the certification activities described in this article.**

~~(b)~~**(a) Provide for a statewide certification for peer support specialists, as contained in federal guidance in State Medicaid Director Letter No. 07-011, issued by the federal Centers for Medicare and Medicaid Services on August 15, 2007. Establish statewide requirements for counties to use in developing certification programs for the certification of peer support specialists.**

~~(c)~~**(b) Define the qualifications, range of responsibilities, practice guidelines, and supervision standards for peer support specialists. The department may utilize by utilizing** best practice materials published by the federal Substance Abuse and Mental Health Services Administration, the United States Department of Veterans Affairs, and related notable experts in the field as a basis for development **of these definitions**.

~~(d)~~**(c) Determine curriculum and core competencies required for certification of an individual as a peer support specialist, including curriculum that may be offered in areas of specialization, including, but not limited to, transition-age youth, veterans, gender identity, sexual orientation, and any other areas of specialization identified by the department. Core-competencies-based curriculum shall include, at a minimum, training related to all of the following elements:**

(1) The concepts of hope, recovery, and wellness.

(2) The role of advocacy.

(3) The role of consumers and family members.

(4) Psychiatric rehabilitation skills and service delivery, and addiction recovery principles, including defined practices.

(5) Cultural competence training.

- (6) Trauma-informed care.
- (7) Group facilitation skills.
- (8) Self-awareness and self-care.
- (9) Cooccurring disorders of mental health and substance use.
- (10) Conflict resolution.
- (11) Professional boundaries and ethics.
- (12) Preparation for employment opportunities, including study and test-taking skills, application and résumé preparation, interviewing, and other potential requirements for employment.
- (13) Safety and crisis planning.
- (14) Navigation of, and referral to, other services.
- (15) Documentation skills and standards.
- (16) Confidentiality.

~~(e)(d) Specify peer support specialist employment training requirements, including core-competencies-based training and, specialized training necessary to become certified under this article, allowing for multiple qualified training entities, and requiring training to include people with lived experience as consumers and family members.~~

~~(f)(e) Establish a code of ethics.~~

~~(g)(f) Determine continuing education requirements for biennial certification renewal.~~

~~(h)(g) Determine the process for initial certification issuance and biennial certification renewal.~~

~~(i)(h) Determine a process for, investigation of complaints and corrective action, including suspension and revocation of certification, and appeals.~~

~~(j)(i) Determine a process for an individual employed as a peer support specialist on January 1, 2021 2022, to obtain certification under this article.~~

**(j) Determine requirements for peer support specialist certification reciprocity between counties, and for peer support specialists from out of state.**

### **New Section**

**Subject to department approval, California counties may develop a peer support specialist certification program in accordance with this Article and any standards established by the department. Such counties shall oversee and enforce the certification requirements as developed pursuant to this Article. To request department approval of the county peer support specialist program counties shall:**

**(a) Submit to the department a peer support specialist program plan describing how their peer support specialist program will meet all of the Federal and State requirements for the certification and oversight of peer support specialists.**

**(b) Submit to periodic reviews conducted by the department to ensure adherence to all Federal and State requirements.**

**(c) Submit annual peer support specialist program reports to the department.**

14045.14.

(a) ~~An applicant for~~**To receive a certification under this article, an applicant shall meet all of the following requirements:**

(1) Be at least 18 years of age.

~~(2) Possess a high school diploma or equivalent degree.~~

~~(3)(2)~~ Be self-identified as having experience with the process of recovery from mental illness or substance use disorder ~~treatment~~ either as a consumer of these services or as the parent or family member of the consumer.

~~(4)(3)~~ Be willing to share their experience.

~~(5) Demonstrate leadership and advocacy skills.~~

~~(6)(4)~~ Have a strong dedication to recovery.

~~(7)(5)~~ Agree, in writing, to adhere to a code of ethics.

~~(8)(6)~~ Successfully complete the curriculum and training requirements for a peer support specialist.

~~(9)(7)~~ Pass a certification examination approved by the department for a peer support specialist.

(b) To maintain certification under this article, a **certified** peer support specialist shall meet both of the following requirements:

(1) Adhere to the code of ethics and biennially sign an affirmation.

(2) Complete any required continuing education, training, and recertification requirements.

14045.15.

~~(a)~~ This article does not ~~imply that authorize~~ an individual who is certified pursuant to this article ~~is qualified to, or authorized~~ to, diagnose an illness, prescribe medication, or provide clinical services.

~~(b) This article does not alter the scope of practice for a health care professional or authorize the delivery of health care services in a setting or manner that is not authorized pursuant to the Business and Professions Code or the Health and Safety Code.~~

14045.16.

The department shall **solicit stakeholder input that may include** ~~consult with~~ the Office of Statewide Health Planning and Development, peer support and family organizations, mental health services and substance use disorder treatment providers and organizations, the County Behavioral Health Directors Association of California, and the California Behavioral Health Planning Council in implementing this article. ~~Consultation shall include, at a minimum, quarterly stakeholder meetings. The department may additionally conduct technical workgroups upon the request of stakeholders.~~

14045.17.

~~To facilitate early intervention for mental health services, community health workers may partner with peer support specialists to improve linkage to services for beneficiaries.~~

14045.18.

~~The department may~~ **A participating county is authorized to** establish a certification fee schedule ~~and may require remittance as contained in the certification fee~~

**schedule** for the purpose of supporting the activities associated with the ongoing administration of the peer support specialist certification program. **Prior to implementing the fee schedule the department shall review and either approve or disapprove the participating county's fee schedule.** ~~Certification fees charged by the department shall reasonably reflect the expenditures directly applicable to the ongoing administration of the peer support specialist certification program.~~

**14045.19.**

~~(a) The department shall amend its Medicaid state plan to do both of the following:  
(1) Include a peer support specialist certified pursuant to this article as a provider type for purposes of this chapter.~~

~~(2) Include peer support specialist services as a distinct service type for purposes of this chapter, which may be provided to eligible Medi-Cal beneficiaries who are enrolled in a Medi-Cal managed care plan or a mental health plan.~~

~~(b) The department may seek any federal waivers or other state plan amendments as necessary to implement the certification program provided for under this article.~~

**14045.20.**

**(a) The Department shall seek any federal approvals, related to the statewide certification standards, that it deems necessary to implement this Article.**

**(b) For any federal approvals that the Department deems necessary, this article shall be implemented only if and to the extent that the Department obtains such federal approvals.**

~~Medi-Cal reimbursement for peer support specialist services shall be implemented only if, and to the extent that, federal financial participation under Title XIX of the federal Social Security Act (42 U.S.C. Sec. 1396 et seq.) is available and all necessary federal approvals have been obtained.~~

**14045.21.**

For the purpose of implementing this article, the department may enter into exclusive or nonexclusive contracts on a bid or negotiated basis, including contracts for the purpose of obtaining subject matter expertise or other technical assistance. **Contracts entered into or amended pursuant to this subdivision shall be exempt from Chapter 6 (commencing with Section 14825) of Part 5.5 of Division 3 of Title 2 of the Government Code, Section 19130 of the Government Code, Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code, and the State Administrative Manual, and shall be exempt from the review or approval of any division of the Department of General Services or the Department of Technology.**

**14045.22.**

Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department may implement, interpret, or make specific **this Article, in whole or in part** ~~Section 14045.20~~ by means of **plan or county letters, information notices, plan or provider bulletins, or other similar instructions, without taking any further regulatory action.** ~~informal notices, plan letters, plan or provider bulletins, or similar instructions., without taking regulatory action, until~~

~~the time regulations are adopted. The department shall adopt regulations by January 1, 2022, in accordance with the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.~~

~~14045.23.~~

~~Subject to an express appropriation in the annual Budget Act, and to the extent authorized by the Mental Health Services Act pursuant to subdivision (d) of Section 5892, the department may fund state administrative costs related to developing and administering the peer support specialist certification program, as described under Section 14045.13. To the extent permissible, those funds shall be available for purposes of claiming federal financial participation under Title XIX of the federal Social Security Act (42 U.S.C. Sec. 1396 et seq.).~~

~~SEC. 3.~~

~~Section 14045.23 of the Welfare and Institutions Code, as added by Section 2 of this measure, does not constitute a change in the Mental Health Services Act, but is a clarification of a funding purpose under existing law that is consistent with the intent of the act.~~