

Introduced by Senator BeallDecember 3, 2018

An act to add Article 1.4 (commencing with Section 14045.10) to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

SB 10, as introduced, Beall. Mental health services: peer, parent, transition-age, and family support specialist certification.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income persons receive health care benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Existing law provides for a schedule of benefits under the Medi-Cal program and provides for various services, including various behavioral and mental health services.

Existing law, the Mental Health Services Act (MHSA), an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, establishes the continuously appropriated Mental Health Services Fund to fund various county mental health programs. The act also requires funds to be reserved for the costs of the State Department of Health Care Services, the California Mental Health Planning Council, the Office of Statewide Health Planning and Development (OSHPD), the Mental Health Services Oversight and Accountability Commission, the State Department of Public Health, and any other state agency to implement all duties pursuant to certain programs provided for by the act, subject to appropriation in the annual Budget Act. The act provides that it may be amended by the Legislature by a $\frac{2}{3}$ vote of each house as long as the amendment is consistent with,

and furthers the intent of, the act, and that the Legislature may also clarify procedures and terms of the act by majority vote.

This bill would require the State Department of Health Care Services to establish, no later than July 1, 2020, a statewide peer, parent, transition-age, and family support specialist certification program, as a part of the state's comprehensive mental health and substance use disorder delivery system and the Medi-Cal program. The bill would include 4 certification categories: adult peer support specialist, transition-age youth peer support specialist, family peer support specialist, and parent peer support specialist. The certification program's components would include, among others, defining responsibilities and practice guidelines, determining curriculum and core competencies, specifying training and continuing education requirements, establishing a code of ethics, and determining a certification revocation process. The bill would require an applicant for the certification as a peer, parent, transition-age, or family support specialist to meet specified requirements, including successful completion of the curriculum and training requirements.

This bill would require the department to consult with OSHPD and other stakeholders in implementing the certification program, including requiring quarterly stakeholder meetings. The bill would authorize the department to use funding provided through the MHSA, upon appropriation, to develop and administer the certification program, and would authorize the use of these MHSA funds to serve as the state's share of funding to claim federal financial participation under the Medicaid Program.

This bill would authorize the department to establish a certification fee schedule and to require remittance of fees as contained in the schedule, for the purpose of supporting the department's activities associated with the ongoing administration of the certification program.

This bill would require Medi-Cal reimbursement for peer support specialist services to be implemented only if, and to the extent that, federal financial participation is available and the department obtains all necessary federal approvals. The bill also would authorize the department to implement, interpret, or make specific its provisions by means of informational notices, plan letters, plan or provider bulletins, or similar instructions, without taking regulatory action, until regulations are adopted. The bill would require the department to adopt regulations by July 1, 2022, and, commencing July 1, 2020, would require the

department to provide semiannual status reports to the Legislature until regulations have been adopted.

This bill would declare that it clarifies terms and procedures under the Mental Health Services Act.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 1.4 (commencing with Section 14045.10)
2 is added to Chapter 7 of Part 3 of Division 9 of the Welfare and
3 Institutions Code, to read:

4
5 Article 1.4. Peer, Parent, Transition-Age, and Family Support
6 Specialist Certification Program
7

8 14045.10. This article shall be known, and may be cited, as
9 the Peer, Parent, Transition-Age, and Family Support Specialist
10 Certification Act of 2019.

11 14045.11. The Legislature finds and declares all of the
12 following:

13 (a) With the enactment of the Mental Health Services Act in
14 2004, support to include peer providers identified as consumers,
15 parents, and family members for the provision of services has been
16 on the rise.

17 (b) There are over 6,000 peer providers in California who
18 provide individualized support, coaching, facilitation, and
19 education to clients with mental health care needs and substance
20 use disorder, in a variety of settings, yet no statewide scope of
21 practice, standardized curriculum, training standards, supervision
22 standards, or certification protocol is available.

23 (c) The United States Department of Veterans Affairs and over
24 30 states utilize standardized curricula and certification protocols
25 for peer support services.

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

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

6 (f) Certification can encourage an increase in the number,
7 diversity, and availability of peer support specialists.

8 14045.12. It is the intent of the Legislature that the peer, parent,
9 transition-age, and family support specialist certification program,
10 established under this article, achieve all of the following:

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

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

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

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

23 (e) Collaborate with others providing care or support to the
24 beneficiary or family.

25 (f) Assist parents, families, and beneficiaries in developing
26 coping mechanisms and problem-solving skills in order to help
27 beneficiaries achieve desired outcomes.

28 (g) Promote skill building for beneficiaries in the areas of
29 socialization, recovery, self-sufficiency, self-advocacy,
30 development of natural supports, and maintenance of skills learned
31 in other support services.

32 (h) Encourage employment under the peer, parent, transition-age,
33 and family support specialist certification to reflect the culture,
34 ethnicity, sexual orientation, gender identity, mental health service
35 experiences, and substance use disorder experiences of the people
36 whom they serve.

37 14045.13. For purposes of this article, the following definitions
38 shall apply:

39 (a) “Adult peer support specialist” means a person who is 18
40 years of age or older and who has self-identified as having lived

1 experience of recovery from mental illness, substance use disorder,
2 or both, and the skills learned in formal training to deliver peer
3 support services in a behavioral setting to promote mind-body
4 recovery and resiliency for adults.

5 (b) “Certification” means the activities of the certifying body
6 related to the verification that an individual has met all of the
7 requirements under this article and that the individual may provide
8 mental health services and substance use disorder treatment
9 pursuant to this article.

10 (c) “Certified” means all federal and state requirements have
11 been satisfied by an individual who is seeking designation under
12 this article, including completion of curriculum and training
13 requirements, testing, and agreement to uphold and abide by the
14 code of ethics.

15 (d) “Code of ethics” means the standards to which a peer support
16 specialist is required to adhere.

17 (e) “Core competencies” are the foundational and essential
18 knowledge, skills, and abilities required for peer specialists.

19 (f) “Cultural competence” means a set of congruent behaviors,
20 attitudes, and policies that come together in a system or agency
21 that enables that system or agency to work effectively in
22 cross-cultural situations. A culturally competent system of care
23 acknowledges and incorporates, at all levels, the importance of
24 language and culture, intersecting identities, assessment of
25 cross-cultural relations, knowledge and acceptance of dynamics
26 of cultural differences, expansion of cultural knowledge, and
27 adaptation of services to meet culturally unique needs to provide
28 services in a culturally competent manner.

29 (g) “Department” means the State Department of Health Care
30 Services.

31 (h) “Family peer support specialist” means a person with lived
32 experience as a self-identified family member of an individual
33 experiencing mental illness, substance use disorder, or both, and
34 the skills learned in formal training to assist and empower families
35 of individuals experiencing mental illness, substance use disorder,
36 or both. For the purpose of this subdivision, “family member”
37 includes a sibling or kinship caregiver, and a partner of that family
38 member.

39 (i) “Parent” means a person who is parenting or has parented a
40 child or individual experiencing mental illness, substance use

1 disorder, or both, and who can articulate his or her understanding
2 of his or her experience with another parent or caregiver. This
3 person may be a birth parent, adoptive parent, or family member
4 standing in for an absent parent.

5 (j) “Parent peer support specialist” means a parent with formal
6 training to assist and empower families parenting a child or
7 individual experiencing mental illness, substance use disorder, or
8 both.

9 (k) “Peer support specialist services” means culturally competent
10 services that promote engagement, socialization, recovery,
11 self-sufficiency, self-advocacy, development of natural supports,
12 identification of strengths, and maintenance of skills learned in
13 other support services. Peer support specialist services shall
14 include, but are not limited to, support, coaching, facilitation, or
15 education to Medi-Cal beneficiaries that is individualized to the
16 beneficiary and is conducted by a certified adult peer support
17 specialist, a certified transition-age youth peer support specialist,
18 a certified family peer support specialist, or a certified parent peer
19 support specialist.

20 (l) “Recovery” means a process of change through which an
21 individual improves his or her health and wellness, lives a
22 self-directed life, and strives to reach his or her full potential. This
23 process of change recognizes cultural diversity and inclusion, and
24 honors the different routes to resilience and recovery based on the
25 individual and his or her cultural community.

26 (m) “Transition-age youth peer support specialist” means a
27 person who is 18 years of age or older and who has self-identified
28 as having lived experience of recovery from mental illness,
29 substance use disorder, or both, and the skills learned in formal
30 training to deliver peer support services in a behavioral setting to
31 promote mind-body recovery and resiliency for transition-age
32 youth, including adolescents and young adults.

33 14045.14. No later than July 1, 2020, the department shall do
34 all of the following:

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

38 (b) Provide for a statewide certification for each of the following
39 categories of peer support specialists, as contained in federal

1 guidance issued by the Centers for Medicare and Medicaid
2 Services, State Medicaid Director Letter (SMDL) #07-011:

3 (1) Adult peer support specialists, who may serve individuals
4 across the lifespan.

5 (2) Transition-age youth peer support specialists.

6 (3) Family peer support specialists.

7 (4) Parent peer support specialists.

8 (c) Define the range of responsibilities and practice guidelines
9 for the categories of peer support specialists listed in subdivision
10 (b), by utilizing best practice materials published by the federal
11 Substance Abuse and Mental Health Services Administration, the
12 federal Department of Veterans Affairs, and related notable experts
13 in the field as a basis for development.

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

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

23 (2) The role of advocacy.

24 (3) The role of consumers and family members.

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

27 (5) Cultural competence training.

28 (6) Trauma-informed care.

29 (7) Group facilitation skills.

30 (8) Self-awareness and self-care.

31 (9) Cooccurring disorders of mental health and substance use.

32 (10) Conflict resolution.

33 (11) Professional boundaries and ethics.

34 (12) Safety and crisis planning.

35 (13) Navigation of, and referral to, other services.

36 (14) Documentation skills and standards.

37 (15) Study and test-taking skills.

38 (16) Confidentiality.

39 (e) Specify training requirements, including
40 core-competencies-based training and specialized training

1 necessary to become certified under this article, allowing for
2 multiple qualified training entities, and requiring training to include
3 people with lived experience as consumers and family members.

4 (f) Establish a code of ethics.

5 (g) Determine continuing education requirements for biennial
6 certification renewal.

7 (h) Determine the process for biennial certification renewal.

8 (i) Determine a process for investigation of complaints and
9 corrective action, which may include suspension and revocation
10 of certification.

11 (j) Determine a process for an individual employed as a peer
12 support specialist on January 1, 2020, to obtain certification under
13 this article.

14 14045.15. (a) In order to be certified as an adult peer support
15 specialist, an individual shall, at a minimum, satisfy all of the
16 following requirements:

17 (1) Be at least 18 years of age.

18 (2) Have or have had a primary diagnosis of mental illness,
19 substance use disorder, or both, that is self-disclosed.

20 (3) Have received, or be receiving, mental health services,
21 substance use disorder services, or both.

22 (4) Be willing to share his or her experience of recovery.

23 (5) Demonstrate leadership and advocacy skills.

24 (6) Have a strong dedication to recovery.

25 (7) Agree, in writing, to abide by a code of ethics. A copy of
26 the code of ethics shall be signed by the applicant.

27 (8) Successfully complete the curriculum and training
28 requirements for an adult peer support specialist.

29 (9) Pass a certification examination approved by the department
30 for an adult peer support specialist.

31 (10) Successfully complete any required continuing education,
32 training, and recertification requirements.

33 (11) Meet all applicable federal requirements.

34 (b) To maintain certification pursuant to this section, an adult
35 peer support specialist shall do both of the following:

36 (1) Abide by the code of ethics and biennially sign an
37 affirmation.

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

1 14045.16. (a) In order to be certified as a transition-age youth
2 peer support specialist, an individual shall, at a minimum, satisfy
3 all of the following requirements:

- 4 (1) Be at least 18 years of age.
- 5 (2) Have or have had a primary diagnosis of mental illness,
6 substance use disorder, or both, that is self-disclosed.
- 7 (3) Have received, or be receiving, mental health services,
8 substance use disorder addiction services, or both.
- 9 (4) Be willing to share his or her experience of recovery.
- 10 (5) Demonstrate leadership and advocacy skills.
- 11 (6) Have a strong dedication to recovery.
- 12 (7) Agree, in writing, to abide by a code of ethics. A copy of
13 the code of ethics shall be signed by the applicant.
- 14 (8) Successfully complete the curriculum and training
15 requirements for a transition-age youth peer support specialist.
- 16 (9) Meet all applicable federal requirements.

17 (b) To maintain certification pursuant to this section, a
18 transition-age youth peer support specialist shall do both of the
19 following:

- 20 (1) Abide by the code of ethics and biennially sign an
21 affirmation.
- 22 (2) Complete any required continuing education, training, and
23 recertification requirements.

24 14045.17. (a) In order to be certified as a family peer support
25 specialist, an individual shall, at a minimum, satisfy all of the
26 following requirements:

- 27 (1) Be at least 18 years of age.
- 28 (2) Be self-identified as a family member of an individual
29 experiencing mental illness, substance use disorder, or both.
- 30 (3) Be willing to share his or her experience.
- 31 (4) Demonstrate leadership and advocacy skills.
- 32 (5) Have a strong dedication to recovery.
- 33 (6) Agree, in writing, to abide by a code of ethics. A copy of
34 the code of ethics shall be signed by the applicant.
- 35 (7) Successfully complete the curriculum and training
36 requirements for a family peer support specialist.
- 37 (8) Pass a certification examination approved by the department
38 for a family peer support specialist.
- 39 (9) Meet all applicable federal requirements.

1 (b) To maintain certification pursuant to this section, a family
2 peer support specialist shall do both of the following:

3 (1) Abide by the code of ethics and biennially sign an
4 affirmation.

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

7 14045.18. (a) In order to be certified as a parent peer support
8 specialist, an individual shall, at a minimum, satisfy all of the
9 following requirements:

10 (1) Be at least 18 years of age.

11 (2) Be self-identified as a parent.

12 (3) Be willing to share his or her experience.

13 (4) Demonstrate leadership and advocacy skills.

14 (5) Have a strong dedication to recovery.

15 (6) Agree, in writing, to abide by a code of ethics. A copy of
16 the code of ethics shall be signed by the applicant.

17 (7) Successfully complete the curriculum and training
18 requirements for a parent peer support specialist.

19 (8) Meet all applicable federal requirements.

20 (b) To maintain certification pursuant to this section, a parent
21 peer support specialist shall do both of the following:

22 (1) Abide by the code of ethics and biennially sign an
23 affirmation.

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

26 14045.19. (a) This article shall not be construed to imply that
27 an individual who is certified pursuant to this article is qualified
28 to, or authorized to, diagnose an illness, prescribe medication, or
29 provide clinical services.

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

34 14045.20. The department shall consult with the Office of
35 Statewide Health Planning and Development (OSHPD), peer
36 support and family organizations, mental health services and
37 substance use disorder treatment providers and organizations, the
38 County Behavioral Health Directors Association of California,
39 and the California Behavioral Health Planning Council in
40 implementing this article. Consultation shall initially include, at

1 a minimum, quarterly stakeholder meetings. The department may
2 additionally conduct technical workgroups upon the request of
3 stakeholders.

4 14045.21. To facilitate early intervention for mental health
5 services, community health workers may partner with peer, parent,
6 transition-age, and family support specialists to improve linkage
7 to services for the beneficiary.

8 14045.22. The Legislature does not intend, in enacting this
9 article, to modify the Medicaid state plan in any manner that would
10 otherwise change or nullify the requirements, billing, or
11 reimbursement of the “other qualified provider” provider type, as
12 currently authorized by the Medicaid state plan.

13 14045.23. The department may utilize Mental Health Services
14 Act moneys to fund state administrative costs related to developing
15 and administering this article, subject to an express appropriation
16 in the annual Budget Act for these purposes, and to the extent
17 authorized under the Mental Health Services Act. These funds
18 shall be available for purposes of claiming federal financial
19 participation under Title XIX of the federal Social Security Act
20 (42 U.S.C. Sec. 1396), contingent upon federal approval.

21 14045.24. Medi-Cal reimbursement for peer support specialist
22 services shall be implemented only if, and to the extent that, federal
23 financial participation under Title XIX of the federal Social
24 Security Act (42 U.S.C. Sec. 1396 et seq.) is available and all
25 necessary federal approvals have been obtained.

26 14045.25. The department may establish a certification fee
27 schedule and may require remittance as contained in the
28 certification fee schedule for the purpose of supporting the
29 activities associated with the ongoing administration of the peer,
30 parent, transition-age, and family support specialist certification
31 program. Certification fees charged by the department shall
32 reasonably reflect the expenditures directly applicable to the
33 ongoing administration of the peer, parent, transition-age, and
34 family support specialist certification program.

35 14045.26. For the purpose of implementing this article, the
36 department may enter into exclusive or nonexclusive contracts on
37 a bid or negotiated basis, including contracts for the purpose of
38 obtaining subject matter expertise or other technical assistance.

39 14045.27. Notwithstanding Chapter 3.5 (commencing with
40 Section 11340) of Part 1 of Division 3 of Title 2 of the Government

1 Code, the department may implement, interpret, or make specific
2 this article by means of informal notices, plan letters, plan or
3 provider bulletins, or similar instructions, without taking regulatory
4 action, until the time regulations are adopted. The department shall
5 adopt regulations by July 1, 2022, in accordance with the
6 requirements of Chapter 3.5 (commencing with Section 11340) of
7 Part 1 of Division 3 of Title 2 of the Government Code.
8 Commencing July 1, 2020, the department shall provide semiannual
9 status reports to the Legislature, in compliance with Section 9795
10 of the Government Code, until regulations have been adopted.

11 SEC. 2. The Legislature finds and declares that this act clarifies
12 procedures and terms of the Mental Health Services Act within
13 the meaning of Section 18 of the Mental Health Services Act.