

AMENDED IN ASSEMBLY AUGUST 31, 2015

AMENDED IN ASSEMBLY JULY 16, 2015

AMENDED IN ASSEMBLY JULY 6, 2015

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 614

**Introduced by Senator Leno
(Coauthor: Senator Anderson)**

February 27, 2015

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 Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 614, as amended, Leno. Medi-Cal: 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 for 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, by July 1, 2017, 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 specialists, transition-age youth peer support specialists, family peer support specialists, and parent peer support specialists. 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, and establishing a code of ethics and certification revocation processes. The bill would require an applicant for the certification as a peer, parent, transition-age, and family support specialist to meet specified requirements, including successful completion of the curriculum and training requirements.

This bill would require the department to collaborate with OSHPD and interested stakeholders in developing the certification program, and to obtain technical assistance pursuant to a specified joint state-county decisionmaking process. The bill would authorize the department to use funding provided through the MHSA and designated funds administered by OSHPD, to develop and administer the program, and would authorize the use of these MHSA funds to serve as the state's share of funding to develop and administer the program for the purpose of claiming federal financial participation under the Medicaid Program.

This bill would authorize the department to establish a certification fee schedule and require remittance of fees as contained in the schedule, for the purpose of supporting the department's activities associated with the ongoing state administration of the peer, parent, transition-age, and family support specialist certification program. The bill would require the department to utilize the other funding resources made available under the bill before determining the need for the certification

fee schedule and requiring the remittance of fees. The bill would declare legislative intent that the certification fees be reasonable and reflect the expenditures directly applicable to the ongoing state administration of the program.

This bill would require the department to amend the Medicaid state plan to include a certified peer, parent, transition-age, and family support specialist as a provider type for purposes of the Medi-Cal program, but would implement this provision only if and to the extent that federal financial participation is available and the department obtains all necessary federal approvals. The bill would authorize the department to enter into exclusive or nonexclusive contracts on a bid or nonbid basis, as specified, on a statewide or more limited geographic basis. This bill also would authorize the department to implement, interpret, or make specific its provisions by various informational documents until regulations are 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 Program Act of 2015.

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

1 education to clients with mental health care needs and substance
2 use disorder, in a variety of settings, yet no statewide scope of
3 practice, standardized curriculum, training standards, supervision
4 standards, or certification protocol is available.

5 (c) The United States Department of Veterans Affairs and over
6 30 states utilize standardized curricula and certification protocols
7 for peer support services.

8 (d) The federal Centers for Medicare and Medicaid Services
9 (CMS) recognizes peer support services as an evidence-based
10 model of care and notes it is an important component in a state's
11 delivery of effective mental health and substance use disorder
12 treatment. The CMS encourages states to offer peer support
13 services as a component of a comprehensive mental health and
14 substance use disorder delivery system and federal financial
15 participation is available for this purpose.

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

21 (f) Certification at the state level can incentivize the public
22 mental health system and the Medi-Cal program, including the
23 Drug Medi-Cal program, to increase the number, diversity, and
24 availability of peer providers and peer-driven services.

25 14045.12. It is the intent of the Legislature that the peer, parent,
26 transition-age, and family support specialist certification program,
27 established under this article, achieve all of the following:

28 (a) Establish the ongoing provision of peer support services for
29 beneficiaries experiencing mental health care needs, substance use
30 disorder needs, or both by certified peer support specialists.

31 (b) Provide support, coaching, facilitation, and education to
32 beneficiaries with mental health needs, substance use disorder
33 needs, or both, and to families or significant support persons.

34 (c) Provide increased family support, building on the strengths
35 of families and helping them achieve desired outcomes.

36 (d) Provide a part of a wraparound continuum of services, in
37 conjunction with other community mental health services and other
38 substance use disorder services.

39 (e) Collaborate with others providing care or support to the
40 beneficiary or family.

1 (f) Assist parents, when applicable, in developing coping
2 mechanisms and problem-solving skills.

3 (g) Provide an individualized focus on the beneficiary, the
4 family, or both, as needed.

5 (h) Encourage employment under the peer, parent, transition-age,
6 and family support specialist certification program to reflect the
7 culture, ethnicity, sexual orientation, gender identity, mental health
8 service experiences, and substance use disorder experiences of the
9 people whom they serve.

10 (i) Promote socialization, recovery, self-sufficiency,
11 self-advocacy, development of natural supports, and maintenance
12 of skills learned in other support services.

13 14045.13. For purposes of this article, the following definitions
14 shall apply:

15 (a) “Adult peer support specialist” means a person who is 18
16 years of age or older and who has self-identified as having lived
17 experience of recovery from mental illness, substance use disorder,
18 or both, and the skills learned in formal trainings to deliver peer
19 support services in a behavioral setting to promote mind-body
20 recovery and resiliency for adults.

21 (b) “Certification” means, as it pertains to the peer, parent,
22 transition-age, and family support specialist certification program,
23 all federal and state requirements have been satisfied, federal
24 financial participation under Title XIX of the federal Social
25 Security Act (42 U.S.C. Sec. 1396 et seq.) is available, and all
26 necessary federal approvals have been obtained.

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

32 (d) “Certification examination” means the competency testing
33 requirements, as approved by the department, an individual is
34 required to successfully complete as a condition of becoming
35 certified under this article. Each training program approved by the
36 department may develop a unique competency examination for
37 each category of peer, parent, transition-age, and family support
38 specialist listed in subdivision (b) of Section 14045.14. Each
39 certification examination shall include core curriculum elements.

1 (e) “Code of ethics” means the professional standards each
2 certified peer, parent, transition-age, and family support specialist
3 listed in subdivision (b) of Section 14045.14 is required to agree
4 to uphold and abide by. These professional standards shall include
5 principles, expected behavior and conduct of the certificate holder
6 in an agreed-upon statement that is required to be provided to the
7 applicant and acknowledged by signing with his or her personal
8 signature prior to being granted certification under this article.

9 (f) “Core competencies” are the foundational and essential
10 competencies required by each category of peer, parent,
11 transition-age, and family support specialists listed in subdivision
12 (b) of Section 14045.14 who provide peer support services.

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

23 (h) “Family peer support specialist” means a person with lived
24 experience as a self-identified family member of an individual
25 experiencing mental illness, substance use disorder, or both, and
26 the skills learned in formal trainings to assist and empower families
27 of individuals experiencing mental illness, substance use disorder,
28 or both. For the purposes of this subdivision, “family member”
29 includes a sibling or kinship caregiver, and their partners.

30 (i) “Parent” means a person who is parenting or has parented a
31 child or individual experiencing mental illness, substance use
32 disorder, or both, and who can articulate his or her understanding
33 of his or her experience with another parent or caregiver. This
34 person may be a birth parent, adoptive parent, or family member
35 standing in for an absent parent.

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

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

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

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

25 14045.14. No later than July 1, 2017, the department, as the
26 sole state Medicaid agency, shall establish a peer, parent,
27 transition-age, and family support specialist certification program
28 that, at a minimum, shall do all of the following:

29 (a) Establish a certifying body, either within the department,
30 through contract, or through an interagency agreement, to provide
31 for the certification of peer, parent, transition-age, and family
32 support specialists as described in this article.

33 (b) Provide for a statewide certification for each of the following
34 categories of peer support specialists, as contained in federal
35 guidance issued by the Centers for Medicare and Medicaid
36 Services, State Medicaid Director Letter (SMDL) #07-011:

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

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

40 (3) Family peer support specialists.

- 1 (4) Parent peer support specialists.
- 2 (c) Define the range of responsibilities and practice guidelines
3 for the categories of peer support specialists listed in subdivision
4 ~~(b)~~: (b), *by utilizing best practice materials published by the federal*
5 *Substance Abuse and Mental Health Services Administration, the*
6 *federal Department of Veterans Affairs, and related notable experts*
7 *in the field as a basis for development.*
- 8 (d) Determine curriculum and core competencies, including
9 curriculum that may be offered in areas of specialization, such as
10 older adults, veterans, family support, forensics, whole health,
11 juvenile justice, youth in foster care, sexual orientation, gender
12 identity, and any other areas of specialization identified by the
13 department. Specialized curriculum shall be determined for each
14 of the categories of peer, parent, transition-age, and family support
15 specialists listed in subdivision (b). Core competencies-based
16 curriculum shall include, at a minimum, all of the following
17 elements:
- 18 (1) The concepts of hope, recovery, and wellness.
19 (2) The role of advocacy.
20 (3) The role of consumers and family members.
21 (4) Psychiatric rehabilitation skills and service delivery, and
22 addiction recovery principles, including defined practices.
23 (5) Cultural competence training.
24 (6) Trauma-informed care.
25 (7) Group facilitation skills.
26 (8) Self-awareness and self-care.
27 (9) Cooccurring disorders of mental health and substance use.
28 (10) Conflict resolution.
29 (11) Professional boundaries and ethics.
30 (12) Safety and crisis planning.
31 (13) Navigation of, and referral to, other services.
32 (14) Documentation skills and standards.
33 (15) Study and test-taking skills.
- 34 (e) Specify training requirements, including
35 core-competencies-based training and specialized training
36 necessary to become certified under this article, allowing for
37 multiple qualified training entities, and requiring training to include
38 people with lived experience as consumers and family members.
- 39 (f) Specify required continuing education requirements for
40 certification.

1 (g) Determine clinical supervision requirements for personnel
2 certified under this article, that shall require, at a minimum,
3 personnel certified pursuant to this article to work under the
4 direction of a mental health rehabilitation ~~specialist~~ *specialist, as*
5 *defined in Section 782.35 of Title 9 of the California Code of*
6 *Regulations, or substance use disorder professional. A licensed*
7 *mental health professional, as defined in Section 782.26 of Title*
8 *9 of the California Code of Regulations, may also provide*
9 *supervision.*

10 (h) Establish a code of ethics.

11 (i) Determine the process for certification renewal.

12 (j) Determine a process for revocation of certification.

13 (k) Determine a process for allowing existing personnel
14 employed in the peer support field to obtain certification under
15 this article, at their option.

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

19 (a) Be at least 18 years of age.

20 (b) Have or have had a primary diagnosis of mental illness,
21 substance use disorder, or both, which is self-disclosed.

22 (c) Have received or is receiving mental health services,
23 substance use disorder services, or both.

24 (d) Be willing to share his or her experience of recovery.

25 (e) Demonstrate leadership and advocacy skills.

26 (f) Have a strong dedication to recovery.

27 (g) Agree to uphold and abide by a code of ethics. A copy of
28 the code of ethics shall be signed by the applicant.

29 (h) Successful completion of the curriculum and training
30 requirements for an adult peer support specialist.

31 (i) Pass a certification examination approved by the department
32 for an adult peer support specialist.

33 (j) Successful completion of any required continuing education,
34 training, and recertification requirements.

35 14045.16. In order to be certified as a transition-age youth peer
36 support specialist, an individual shall, at a minimum, satisfy all of
37 the following requirements:

38 (a) Be at least 18 years of age.

39 (b) Have or have had a primary diagnosis of mental illness,
40 substance use disorder, or both, which is self-disclosed.

- 1 (c) Have received or is receiving mental health services,
2 substance use disorder addiction services, or both.
- 3 (d) Be willing to share his or her experience of recovery.
- 4 (e) Demonstrate leadership and advocacy skills.
- 5 (f) Have a strong dedication to recovery.
- 6 (g) Agree to uphold and abide by a code of ethics. A copy of
7 the code of ethics shall be signed by the applicant.
- 8 (h) Successful completion of the curriculum and training
9 requirements for a transition-age youth peer support specialist.
- 10 (i) Pass a certification examination approved by the department
11 for a transition-age youth peer support specialist.
- 12 (j) Successful completion of any required continuing education,
13 training, and recertification requirements.
- 14 14045.17. In order to be certified as a family peer support
15 specialist, an individual shall, at a minimum, satisfy all of the
16 following requirements:
- 17 (a) Be at least 18 years of age.
- 18 (b) Be self-identified as a family member of an individual
19 experiencing mental illness, substance use disorder, or both.
- 20 (c) Be willing to share his or her experience.
- 21 (d) Demonstrate leadership and advocacy skills.
- 22 (e) Have a strong dedication to recovery.
- 23 (f) Agree to uphold and abide by a code of ethics. A copy of
24 the code of ethics shall be signed by the applicant.
- 25 (g) Successful completion of the curriculum and training
26 requirements for a family peer support specialist.
- 27 (h) Pass a certification examination approved by the department
28 for a family peer support specialist.
- 29 (i) Successful completion of any required continuing education,
30 training, and recertification requirements.
- 31 14045.18. In order to be certified as a parent peer support
32 specialist, an individual shall, at a minimum, satisfy all of the
33 following requirements:
- 34 (a) Be at least 18 years of age.
- 35 (b) Be self-identified as a parent, as defined in Section 14045.13.
- 36 (c) Be willing to share his or her experience.
- 37 (d) Demonstrate leadership and advocacy skills.
- 38 (e) Have a strong dedication to recovery.
- 39 (f) Agree to uphold and abide by a code of ethics. A copy of
40 the code of ethics shall be signed by the applicant.

1 (g) Successful completion of the curriculum and training
2 requirements for a parent peer support specialist.

3 (h) Pass a certification examination approved by the department
4 for a parent peer support specialist.

5 (i) Successful completion of any required continuing education,
6 training, and recertification requirements.

7 14045.19. This article shall not be construed to imply that an
8 individual who is certified pursuant to this article is qualified to,
9 or authorize that individual to, diagnose an illness, prescribe
10 medication, or provide clinical services.

11 14045.20. The department shall closely collaborate with the
12 Office of Statewide Health Planning and Development (OSHPD)
13 and its associated workforce collaborative, and regularly consult
14 with interested stakeholders, including peer support and family
15 organizations, mental health and substance use disorder services
16 providers and organizations, the County Behavioral Health
17 Directors Association of California, health plans participating in
18 the Medi-Cal managed care program, the California Mental Health
19 Planning Council, and other interested parties in developing,
20 implementing, and administering the peer, parent, transition-age,
21 and family support specialist certification program established
22 pursuant to this article. This consultation shall initially include, at
23 a minimum, bimonthly stakeholder meetings, which may also
24 include technical workgroup meetings. The department may seek
25 private funds from a nonprofit organization or foundation for this
26 purpose.

27 14045.21. The department may contract to obtain technical
28 assistance for the development of the peer, parent, transition-age,
29 and family support specialist certification program, as provided
30 in Section 4061.

31 14045.22. (a) The department shall amend its Medicaid state
32 plan to do both of the following:

33 (1) Include each category of peer, parent, transition-age, and
34 family support specialist listed in subdivision (b) of Section
35 14045.14 certified pursuant to this article as a provider type for
36 purposes of this chapter.

37 (2) Include peer support specialist services as a distinct service
38 type for purposes of this chapter, which may be provided to eligible
39 Medi-Cal beneficiaries who are enrolled in either a Medi-Cal

1 managed mental health care plan or a Medi-Cal managed care
2 health plan.

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

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

11 14045.23. To facilitate early intervention for mental health
12 services, community health workers may partner with peer, parent,
13 transition-age, and family support specialists for engagement,
14 outreach, and education.

15 14045.24. It is not the intent of the Legislature in enacting this
16 article to modify the Medicaid state plan in any manner that would
17 otherwise change or nullify the requirements, billing, or
18 reimbursement of the “other qualified provider” provider type, as
19 currently authorized by the Medicaid state plan.

20 14045.25. The department may utilize Mental Health Services
21 Act funds, as authorized in subdivision (d) of Section 5892, and
22 any designated Workforce Education and Training Program
23 resources, including funding, as administered by OSHPD pursuant
24 to Section 5820, to develop and administer the peer, parent,
25 transition-age, and family support specialist certification program.
26 ~~These~~ *Further, these* Mental Health Service Act funds may *then*
27 serve as the state’s share of funding to develop and administer the
28 peer, parent, transition-age, and family support specialist
29 certification program and shall be available for purposes of
30 claiming federal financial participation under Title XIX of the
31 federal Social Security Act (42 U.S.C. Sec. 1396 et seq.) once all
32 necessary federal approvals have been obtained.

33 14045.251. *The department may establish a certification fee*
34 *schedule and may require remittance as contained in the*
35 *certification fee schedule for the purpose of supporting the*
36 *department’s activities associated with the ongoing state*
37 *administration of the peer, parent, transition-age, and family*
38 *support specialist certification program. The department shall*
39 *utilize all funding resources as made available in Section 14045.25*
40 *first, prior to determining the need for the certification fee schedule*

1 *and requiring the remittance of fees. It is the intent of the*
2 *Legislature that any certification fees charged by the department*
3 *be reasonable and reflect the expenditures directly applicable to*
4 *the ongoing state administration of the peer, parent, transition-age*
5 *and family support specialist certification program.*

6 14045.26. For the purposes of implementing this article, the
7 department may enter into exclusive or nonexclusive contracts on
8 a bid or negotiated basis, including contracts for the purpose of
9 obtaining subject matter expertise or other technical assistance.
10 Contracts may be statewide or on a more limited geographic basis.

11 14045.27. Notwithstanding Chapter 3.5 (commencing with
12 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
13 Code, the department may implement, interpret, or make specific
14 this article by means of plan letters, plan or provider bulletins, or
15 similar instructions, without taking regulatory action, until the
16 time regulations are adopted. The department shall adopt
17 regulations by July 1, 2019, in accordance with the requirements
18 of Chapter 3.5 (commencing with Section 11340) of Part 1 of
19 Division 3 of Title 2 of the Government Code. Notwithstanding
20 Section 10231.5 of the Government Code, beginning six months
21 after the effective date of this article, the department shall provide
22 semiannual status reports to the Legislature, in compliance with
23 Section 9795 of the Government Code, until regulations have been
24 adopted.

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