

AMENDED IN ASSEMBLY JULY 16, 2015

AMENDED IN ASSEMBLY JULY 06, 2015

AMENDED IN SENATE APRIL 06, 2015

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

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 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.

DIGEST KEY

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: NO

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

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, Parent, *Transition-Age*, and Family Support Specialist Certification Program 14045.10.

This article shall be known, and may be cited, as the Peer, Parent, *Transition-Age*, and Family Support Specialist Certification Program Act of 2015.

14045.11.

The Legislature finds and declares all of the following:

- (a) With the enactment of the Mental Health Services Act in 2004, support to include peer providers identified as consumers, parents, and family members for the provision of services has been on the rise.
- (b) There are over 6,000 peer providers in California who provide individualized support, coaching, facilitation, and education to clients with mental health care needs and substance use disorder, in a variety of settings, yet no statewide scope of practice, standardized curriculum, training standards, supervision standards, or certification protocol is available.
- (c) The United States Department of Veterans Affairs and over 30 states utilize standardized curricula and certification protocols for peer support services.
- (d) The federal Centers for Medicare and Medicaid Services (CMS) recognizes peer support services as an evidence-based model of care and notes it is an important component in a state's delivery of effective mental health and substance use disorder treatment. The CMS encourages states to offer peer support services as a component of a comprehensive mental health and substance use disorder delivery system and federal financial participation is available for this purpose.
- (e) 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 hospitalizations and hospital days, increase client activation, and enhance client self-advocacy.
- (f) Certification at the state level can incentivize the public mental health system and the Medi-Cal program, including the Drug Medi-Cal program, to increase the number, diversity, and availability of peer providers and peer-driven services.

14045.12.

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

- (a) Establish the ongoing provision of peer support services for beneficiaries experiencing mental health care needs, substance use disorder needs, or both by certified peer support specialists.
- (b) Provide support, coaching, facilitation, and education to beneficiaries with mental health needs, substance use disorder needs, or both, and to families or significant support persons.
- (c) Provide increased family support, building on the strengths of families and helping them achieve desired outcomes.
- (d) Provide a part of a wraparound continuum of services, in conjunction with other community mental health services and other substance use disorder services.
- (e) Collaborate with others providing care or support to the beneficiary or family.
- (f) Assist parents, when applicable, in developing coping mechanisms and problem-solving skills.
- (g) Provide an individualized focus on the beneficiary, the family, or both, as needed.
- (h) Encourage employment under the peer, parent, *transition-age*, and family support specialist certification program to reflect the culture, ethnicity, sexual orientation, gender identity, mental health service experiences, and substance use disorder experiences of the people whom they serve.
- (i) Promote socialization, recovery, self-sufficiency, self-advocacy, development of natural supports, and maintenance of skills learned in other support services.

14045.13.

For purposes of this article, the following definitions shall apply:

- (a) “Adult peer support specialist” means a person who is 18 years of age or older and who has self-identified as having lived experience of recovery from mental illness, substance use disorder, or both, and the skills learned in formal trainings to deliver peer support services in a behavioral setting to promote mind-body recovery and resiliency for adults.
- (b) “Certification” means, as it pertains to the peer, parent, *transition-age*, and family support specialist certification program, all federal and state requirements have been satisfied, 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.
- (c) “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.
- (d) “Certification examination” means the competency testing requirements, as approved by the department, an individual is required to successfully complete as a condition of becoming certified under this article. Each training program approved by the department may develop a unique competency examination for each category of peer, parent, *transition-age*, and family support specialist listed in subdivision (b) of Section 14045.14. Each certification examination shall include core curriculum elements.
- (e) “Code of ethics” means *the* professional standards ~~by which~~ each certified peer, parent, *transition-age*, and family support specialist listed in subdivision (b) of Section 14045.14 is required to agree to uphold and abide by. These professional standards shall include principles, expected behavior and conduct of the certificate holder in an agreed-upon statement that is required to be provided to the applicant and acknowledged by signing with his or her personal signature prior to being granted certification under this article.
- (f) “Core competencies” are the foundational and essential competencies required by each category of peer, parent, *transition-age*, and family support specialists listed in subdivision (b) of Section 14045.14 who provide peer support services.
- (g) “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.
- (h) “Family peer support specialist” means a person with lived experience as a self-identified family member of an individual experiencing mental illness, substance use disorder, or both, and the skills learned in formal trainings to assist and empower

families of individuals experiencing mental illness, substance use disorder, or both. For the purposes of this subdivision, “family member” includes a sibling or kinship caregiver, and their partners.

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

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

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

(l) “Recovery” means a process of change through which an individual improves his or her health and wellness, lives a self-directed life, and strives to reach his or her 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 his or her cultural community.

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

14045.14.

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

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

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

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

(2) Transition-age youth peer support specialists.

(3) Family peer support specialists.

(4) Parent peer support specialists.

(c) Define the range of responsibilities and practice guidelines for the categories of peer support specialists listed in subdivision (b).

(d) Determine curriculum and core competencies, including curriculum that may be offered in areas of specialization, such as older adults, veterans, family support, forensics, whole health, juvenile justice, youth in foster care, sexual orientation, gender identity, and any other areas of specialization identified by the department. Specialized curriculum shall be determined for each of the categories of peer, parent, *transition-age*, and family support specialists listed in subdivision (b). Core competencies-based curriculum shall include, at a minimum, 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) Safety and crisis planning.
 - (13) Navigation of, and referral to, other services.
 - (14) Documentation skills and standards.
 - (15) Study and test-taking skills.
- (e) Specify 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) Specify required continuing education requirements for certification.
- (g) Determine clinical supervision requirements for personnel certified under this article, that shall require, at a minimum, personnel certified pursuant to this article to work under the direction of a mental health rehabilitation specialist or substance use disorder professional.
- (h) Establish a code of ethics.
- (i) Determine the process for certification renewal.
- (j) Determine a process for revocation of certification.
- (k) Determine a process for allowing existing personnel employed in the peer support field to obtain certification under this article, at their option.

14045.15.

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

- (a) Be at least 18 years of age.
- (b) Have or have had a primary diagnosis of mental illness, substance use disorder, or both, which is self-disclosed.
- (c) Have received or is receiving mental health services, substance use disorder services, or both.
- (d) Be willing to share his or her experience of recovery.
- (e) Demonstrate leadership and advocacy skills.
- (f) Have a strong dedication to recovery.
- (g) Agree to uphold and abide by a code of ethics. A copy of the code of ethics shall be signed by the applicant.
- (h) Successful completion of the curriculum and training requirements for an adult peer support specialist.
- (i) Pass a certification examination approved by the department for an adult peer support specialist.
- (j) Successful completion of any required continuing education, training, and recertification requirements.

14045.16.

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

- (a) Be at least 18 years of age.
- (b) Have or have had a primary diagnosis of mental illness, substance use disorder, or both, which is self-disclosed.
- (c) Have received or is receiving mental health services, substance use disorder addiction services, or both.

- (d) Be willing to share his or her experience of recovery.
- (e) Demonstrate leadership and advocacy skills.
- (f) Have a strong dedication to recovery.
- (g) Agree to uphold and abide by a code of ethics. A copy of the code of ethics shall be signed by the applicant.
- (h) Successful completion of the curriculum and training requirements for a transition-age youth peer support specialist.
- (i) Pass a certification examination approved by the department for a transition-age youth peer support specialist.
- (j) Successful completion of any required continuing education, training, and recertification requirements.

14045.17.

In order to be certified as a family peer support specialist, an individual shall, at a minimum, satisfy all of the following requirements:

- (a) Be at least 18 years of age.
- (b) Be self-identified as a family member of an individual experiencing mental illness, substance use disorder, or both.
- (c) Be willing to share his or her experience.
- (d) Demonstrate leadership and advocacy skills.
- (e) Have a strong dedication to recovery.
- (f) Agree to uphold and abide by a code of ethics. A copy of the code of ethics shall be signed by the applicant.
- (g) Successful completion of the curriculum and training requirements for a family peer support specialist.
- (h) Pass a certification examination approved by the department for a family peer support specialist.
- (i) Successful completion of any required continuing education, training, and recertification requirements.

14045.18.

In order to be certified as a parent peer support specialist, an individual shall, at a minimum, satisfy all of the following requirements:

- (a) Be at least 18 years of age.
- (b) Be self-identified as a parent, as defined in Section 14045.13.
- (c) Be willing to share his or her experience.
- (d) Demonstrate leadership and advocacy skills.
- (e) Have a strong dedication to recovery.
- (f) Agree to uphold and abide by a code of ethics. A copy of the code of ethics shall be signed by the applicant.
- (g) Successful completion of the curriculum and training requirements for a parent peer support specialist.
- (h) Pass a certification examination approved by the department for a parent peer support specialist.
- (i) Successful completion of any required continuing education, training, and recertification requirements.

14045.19.

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

14045.20.

The department shall closely collaborate with the Office of Statewide Health Planning and Development (OSHPD) and its associated workforce collaborative, and regularly consult with interested stakeholders, including peer support and family organizations, mental health and substance use disorder services providers and organizations, the County Behavioral Health Directors Association of California, health plans participating in the Medi-Cal managed care program, the California Mental Health Planning Council, and other interested parties in developing, implementing, and administering the peer, parent, *transition-*

age, and family support specialist certification program established pursuant to this article. This consultation shall initially include, at a minimum, bimonthly stakeholder meetings, which may also include technical workgroup meetings. The department may seek private funds from a nonprofit organization or foundation for this purpose.

14045.21.

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

14045.22.

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

(1) Include each category of peer, parent, *transition-age*, and family support ~~specialists~~ *specialist* listed in subdivision (b) of Section 14045.14 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 either a Medi-Cal managed mental health care plan or a Medi-Cal managed care 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.

(c) This article 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.

14045.23.

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

~~14045.23.~~14045.24.

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

~~14045.24.~~14045.25.

The department may utilize Mental Health Services Act funds, as authorized in subdivision (d) of Section 5892, and any designated Workforce Education and Training Program resources, including funding, as administered by OSHPD pursuant to Section 5820, to develop and administer the peer, parent, *transition-age*, and family support specialist certification program. These Mental Health Service Act funds may serve as the state’s share of funding to develop and administer the peer, parent, *transition-age*, and family support specialist certification program and 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.) once all necessary federal approvals have been obtained.

~~14045.25.~~14045.26.

For the purposes 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 may be statewide or on a more limited geographic basis.

~~14045.26.~~14045.27.

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 by means of 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 July 1, 2019, 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. Notwithstanding Section 10231.5 of the Government Code, beginning six months after the effective date of this article, the department shall provide semiannual status reports to the Legislature, in compliance with Section 9795 of the Government Code, until regulations have been adopted.

SEC. 2.

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