

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 614

Introduced by Senator Leno

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 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 ~~he~~ *the* act by majority vote.

This bill would require the State Department of Health Care Services to establish, by July 1, 2016, a statewide peer and family support specialist certification program, as a part of the state's comprehensive mental health delivery system *and the Medi-Cal program*. The bill would include 3 certification categories: adult 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.

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.

This bill would require the department to amend the Medicaid state plan to include a certified peer 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 and Family Support Specialist Certification

6
7 14045.10. This article shall be known, and may be cited, as
8 the Peer and Family Support Specialist Certification Program Act
9 of 2015.

10 14045.11. The Legislature finds and declares all of the
11 following:

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

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

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

25 (d) The federal Centers for Medicare and Medicaid Services
26 (CMS) recognizes peer support services as an evidence-based
27 mental health model of care and notes it is an important component
28 in a state's delivery of effective treatment. The CMS encourages
29 states to offer peer support services as a component of a
30 comprehensive mental health delivery system and federal financial
31 participation is available for this purpose.

32 (e) A substantial number of research studies demonstrate that
33 peer providers improve client functioning, increase client
34 satisfaction, reduce family burden, alleviate depression and other
35 symptoms, reduce hospitalizations and hospital days, increase
36 client activation, and enhance client self-advocacy.

37 (f) Certification at the state level can incentivize the public
38 mental health system *and the Medi-Cal program*, to increase the

1 number, diversity, and availability of peer providers and
2 peer-driven services.

3 14045.12. It is the intent of the Legislature that the peer and
4 family support specialist certification program, established under
5 this article, achieve all of the following:

6 (a) Establish the ongoing provision of peer support services for
7 beneficiaries with mental health care needs by certified peer support
8 specialists, including adults 18 years of age or older.

9 (b) Provide increased family support, building on the strengths
10 of families and helping them achieve desired outcomes.

11 (c) Provide a part of a wraparound continuum of services, in
12 conjunction with other community mental health services.

13 (d) Collaborate with others providing care or support to the
14 beneficiary or family.

15 (e) Assist parents, when applicable, in developing coping
16 mechanisms and problem-solving skills.

17 (f) Provide an individualized focus on the beneficiary, the
18 family, or both, as needed.

19 (g) Promote socialization, recovery, self-sufficiency,
20 self-advocacy, development of natural supports, and maintenance
21 of skills learned in other support services.

22 14045.13. No later than July 1, 2016, the department shall
23 establish a certified peer and family support specialist program,
24 ~~which program that~~, at a minimum, shall do all of the following:

25 (a) *Establish a certifying body to provide for the certification*
26 *of peer and family support specialists.*

27 ~~(a)~~
28 (b) Provide for a statewide certification for each of the following
29 ~~categories:~~ *categories of peer support specialist providers, as*
30 *contained in federal guidance issued by the Centers for Medicare*
31 *and Medicaid Services, State Medical Director Letter (SMDL)*
32 *#07-011:*

33 (1) Adult peer support specialists, 18 years of age or older.

34 (2) Family peer support specialists.

35 (3) Parent peer support specialists.

36 ~~(b)~~

37 (c) Define the range of responsibilities and practice guidelines
38 for peer support specialists.

39 ~~(e)~~

1 (d) Determine curriculum and core competencies, including
2 areas of specialization, such as veterans, family support, and
3 forensics.

4 ~~(d)~~

5 (e) Specify ~~required training and continuing education~~
6 ~~requirements for certification.~~ *training requirements, allowing for*
7 *multiple qualified training entities, and requiring training to*
8 *include individuals with practical experience as consumers of peer*
9 *support services, or their family members.*

10 (f) *Specify required continuing education requirements for*
11 *certification.*

12 ~~(e)~~

13 (g) Determine clinical supervision requirements for personnel
14 certified under this section.

15 ~~(f)~~

16 (h) Establish a code of ethics and processes for revocation of
17 certification.

18 ~~(g)~~

19 (i) Determine the process for certification renewal.

20 (j) *Determine a process for allowing existing personnel*
21 *employed in the peer support field to obtain certification under*
22 *this article, at their option.*

23 14045.14. The department shall closely collaborate with the
24 Office of Statewide Health Planning and Development (OSHPD)
25 and its associated workforce collaborative, and regularly consult
26 with interested stakeholders, including peer support and family
27 organizations, mental health providers and organizations, the
28 County Behavioral Health Directors ~~Association~~, *Association of*
29 *California, health plans participating in the Medi-Cal managed*
30 *care program*, the California Mental Health Planning Council, and
31 other interested parties, as deemed appropriate by the department,
32 in developing, implementing, and administering the peer and family
33 support specialist certification program.

34 14045.15. The department may contract to obtain technical
35 assistance for the development of the peer and family support
36 specialist certification program, as provided in Section 4061.

37 14045.16. (a) ~~The department shall amend its Medicaid state~~
38 ~~plan to include a peer and family support specialist pursuant to~~
39 ~~this article as a provider type for purposes of this chapter.~~ *do both*
40 *of the following:*

1 (1) *Include a peer and family support specialist certified*
2 *pursuant to this article as a provider type for purposes of this*
3 *chapter.*

4 (2) *Include peer support specialist services as a distinct service*
5 *type for purposes of this chapter.*

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

9 (c) This article shall be implemented only if and to the extent
10 that federal financial participation under Title XIX of the federal
11 Social Security Act (42 U.S.C. Sec. 1396 et seq.) is available and
12 all necessary federal approvals have been obtained.

13 14045.17. It is not the intent of the Legislature in enacting this
14 article to modify the Medicaid state plan in any manner that would
15 otherwise change or nullify the requirements, billing, or
16 reimbursement of the “other qualified provider” provider type, as
17 currently authorized by the Medicaid state plan.

18 14045.18. The department may utilize Mental Health Services
19 Act funds, as authorized in subdivision (d) of Section 5892, and
20 any designated Workforce Education and Training Program
21 resources, including funding, as administered by OSHPD pursuant
22 to Section 5820, to develop and administer the peer and family
23 support specialist certification program.

24 14045.19. *For the purposes of implementing this article, the*
25 *department may enter into exclusive or nonexclusive contracts on*
26 *a bid or negotiated basis, including contracts for the purpose of*
27 *obtaining subject matter expertise or other technical assistance.*
28 *Contracts may be statewide or on a more limited geographic basis.*

29 14045.20. *Notwithstanding Chapter 3.5 (commencing with*
30 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
31 *Code, the department may implement, interpret, or make specific*
32 *this article by means of plan letters, plan or provider bulletins, or*
33 *similar instructions, without taking regulatory action, until the*
34 *time regulations are adopted. The department shall adopt*
35 *regulations by July 1, 2018, in accordance with the requirements*
36 *of Chapter 3.5 (commencing with Section 11340) of Part 1 of*
37 *Division 3 of Title 2 of the Government Code. Notwithstanding*
38 *Section 10231.5 of the Government Code, beginning six months*
39 *after the effective date of this article, the department shall provide*
40 *semiannual status reports to the Legislature, in compliance with*

1 *Section 9795 of the Government Code, until regulations have been*
2 *adopted.*

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

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