

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**

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

February 27, 2015

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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.