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 803, as introduced, Beall. Mental health services: peer support specialist certification.

Existing law establishes 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 program provisions. Existing law establishes a schedule of benefits under the Medi-Cal program and provides for various services, including various behavioral and mental health services.

This bill would state the intent of the Legislature to create a peer support specialist certification program administered by the Department of Consumer Affairs.

This bill would also require the State Department of Health Care Services to amend the Medicaid state plan to include a certified peer support specialist as a provider type for purposes of the Medi-Cal program and to include peer support specialist services as a distinct service type for purposes of the Medi-Cal program. The bill would require Medi-Cal reimbursement for peer support specialist services to
be implemented only if, and to the extent that, federal financial participation is available and the department obtains all necessary federal approvals. The bill also would authorize the department to implement, interpret, or make specific its provisions by means of informal notices, plan letters, plan or provider bulletins, or similar instructions, without taking regulatory action, until regulations are adopted. The bill would require the department to adopt regulations by July 1, 2021, and, commencing July 1, 2021, would require the department to provide semiannual status reports to the Legislature until regulations have been adopted.


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

SECTION 1. This act shall be known, and may be cited, as the Peer Support Specialist Certification Program Act of 2020.

SEC. 2. 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 Support Specialist Certification Program

14045.10. The Legislature finds and declares all of the following:

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

(b) Peer providers in California provide individualized support, coaching, facilitation, and education to clients with mental health care needs and substance use disorders 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 at least 48 states utilize standardized curricula and certification protocols for peer support services.

(d) The federal Centers for Medicare and Medicaid Services (CMS) recognizes that the experiences of peer support specialists,
as part of an evidence-based model of care, can be an important
cOMPONENT IN A STATE’S DELIVERY OF EFFECTIVE MENTAL HEALTH AND
SUBSTANCE USE DISORDER TREATMENT. THE CMS ENCOURAGES STATES TO
OFFER COMPREHENSIVE PROGRAMS.

(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 HOMELESSNESS, REDUCE HOSPITALIZATIONS AND
HOSPITAL DAYS, INCREASE CLIENT ACTIVATION, AND ENHANCE CLIENT
SELF-ADVOCACY.

(f) Certification can increase the diversity and effectiveness of
the behavioral health workforce through the use of peers with lived
experiences.

14045.12. IT IS THE INTENT OF THE LEGISLATURE THAT THE PEER SUPPORT
SPECIALIST CERTIFICATION PROGRAM, ESTABLISHED BY THE DEPARTMENT OF
CONSUMER AFFAIRS UNDER THIS ARTICLE, ACHIEVE ALL OF THE FOLLOWING:

(a) Support the ongoing provision of services for beneficiaries
EXPERIENCING MENTAL HEALTH CARE NEEDS, SUBSTANCE USE DISORDER
NEEDS, OR BOTH, BY CERTIFIED PEER SUPPORT SPECIALISTS.

(b) Support coaching, linkage, and skill building of beneficiaries
WITH MENTAL HEALTH NEEDS, SUBSTANCE USE DISORDER NEEDS, OR BOTH,
AND TO FAMILIES OR SIGNIFICANT SUPPORT PERSONS.

(c) Increase family support by building on the strengths of
FAMILIES AND HELPING THEM ACHIEVE A BETTER UNDERSTANDING OF MENTAL
ILLNESS IN ORDER TO HELP BENEFICIARIES ACHIEVE DESIRED OUTCOMES.

(d) Provide part of a continuum of services, in conjunction with
OTHER COMMUNITY MENTAL HEALTH SERVICES AND OTHER SUBSTANCE USE
DISORDER TREATMENT.

(e) Collaborate with others providing care or support to the
BENEFICIARY OR FAMILY.

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

(g) Promote skill building for beneficiaries in the areas of
SOCIALIZATION, RECOVERY, SELF-SUFFICIENCY, SELF-ADVOCACY,
development of natural supports, and maintenance of skills learned
in OTHER SUPPORT SERVICES.

(h) Encourage employment under the peer support specialist
certification to reflect the culture, ethnicity, sexual orientation,
gender identity, mental health service experiences, and substance use disorder experiences of the people whom they serve.

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

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

(b) “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.

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

(d) “Peer support specialist” means a person who is 18 years of age or older and who is a person who has self-identified as having lived experience with the process of recovery from mental illness, substance use disorder, or both, either as a consumer of these services or as the parent or family member of the consumer.

(e) “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, or education to Medi-Cal beneficiaries that is individualized to the beneficiary and is conducted by a certified peer support specialist.

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

14045.19. (a) The State Department of Health Care Services shall amend its Medicaid state plan to do both of the following:

(1) Include a peer support specialist 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 care plan or a mental health plan.

(b) The State Department of Health Care Services may seek any federal waivers or other state plan amendments as necessary to implement the certification program provided for under this article.

14045.21. Medi-Cal reimbursement for peer support specialist services 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. For the purpose of implementing this article, the State Department of Health Care Services 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.

14045.24. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the State Department of Health Care Services may implement, interpret, or make specific Section 14045.19 by means of informal notices, plan letters, plan or provider bulletins, or similar instructions, without taking regulatory action, until the time regulations are adopted. The State Department of Health Care Services shall adopt regulations by July 1, 2021, 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. Commencing July 1, 2021, the State Department of Health Care Services shall provide semiannual status reports to the Legislature, in compliance with Section 9795 of the Government Code, until regulations have been adopted.