

1 H.560

2 Introduced by Representatives Houghton of Essex, Black of Essex, Burrows of  
3 West Windsor, Cina of Burlington, Cordes of Lincoln, Donahue  
4 of Northfield, Goldman of Rockingham, Lippert of Hinesburg,  
5 and Small of Winooski

6 Referred to Committee on

7 Date:

8 Subject: Health; mental health; peer support specialists; certification

9 Statement of purpose of bill as introduced: This bill proposes to establish a  
10 mental health peer support specialist certification program.

11 An act relating to the certification of mental health peer support specialists

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. FINDINGS

14 The General Assembly finds that:

15 (1) The Centers for Medicare and Medicaid Services (CMS) recognizes  
16 that the experiences of peer support specialists, as part of an evidence-based  
17 model of care, can be an important component in a state's delivery of effective  
18 mental health treatment. CMS encourages states to offer comprehensive  
19 programs.

1           (2) Research studies have demonstrated that peer supports improve an  
2           individual's functioning, increase an individual's satisfaction, alleviate  
3           symptoms, reduce hospitalizations and hospital days, increase an individual's  
4           satisfaction with treatment, and enhance an individual's self-advocacy.

5           (3) Certification can encourage an increase in the number, diversity, and  
6           availability of peer support specialists.

7           (4) The U.S. Department of Veterans Affairs, more than 46 states, and  
8           the District of Columbia have created statewide mental health peer certification  
9           programs.

10           (5) Mental health peers in Vermont are currently providing  
11           individualized support, coaching facilitation, and education to individuals with  
12           mental health needs, in a variety of settings, yet no statewide scope of practice,  
13           standardized curriculum, training standards, supervision standards, or  
14           certification protocols are available.

15           Sec. 2. 18 V.S.A. chapter 176 is added to read:

16                           CHAPTER 176. PEER SUPPORT SPECIALISTS

17           § 7351. PURPOSE

18           It is the intent of the General Assembly that the peer support specialist  
19           certification program established in this chapter achieve the following:

1           (1) support the ongoing provision of services by certified peer support  
2           specialists for individuals experiencing a mental condition or substance use  
3           disorder, or both;

4           (2) support coaching, skill building, and fostering social connections  
5           among individuals experiencing a mental condition or substance use disorder,  
6           or both;

7           (3) provide one part in a continuum of services, in conjunction with  
8           other community mental health and recovery services;

9           (4) collaborate with others providing care or support to an individual  
10          experiencing a mental condition or substance use disorder, or both;

11          (5) assist individuals experiencing a mental condition or substance use  
12          disorder, or both, in developing coping mechanisms and problem-solving  
13          skills;

14          (6) promote skill building for individuals with regard to socialization,  
15          recovery, self-sufficiency, self-advocacy, development of natural supports, and  
16          maintenance of skills learned in other support services; and

17          (7) encourage employment of peer support specialists.

18          § 7352. DEFINITIONS

19          As used in this chapter:

20          (1) “Agency” means the Agency of Human Services.

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

5           (3) “Certified” means all federal and State requirements have been  
6           satisfied by an individual who is seeking designation pursuant to this chapter,  
7           including completion of curriculum and training requirements, testing, and  
8           agreement to uphold and abide by the code of ethics.

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

11          (5) “Collaborative documentation” means a model in which peer support  
12          specialists and recipients of peer support services collaborate in periodically  
13          creating intake and assessment summaries, service plans, progress notes, or  
14          tallies of services rendered, or any combination of these tasks. Collaborative  
15          documentation may be completed at weekly or monthly intervals rather than at  
16          every encounter.

17          (6) “Core competencies” means the foundational and essential  
18          knowledge, skills, and abilities required for peer specialists.

19          (7) “Peer-run” means an entity, program, or service that is controlled  
20          and operated by individuals with lived experience of the mental health system,  
21          a mental health condition, or substance use disorder.

1           (8) “Peer support” means an approach to relationships that recognizes  
2           each individual as the expert of the individual’s own experience, fosters  
3           connection through shared or similar experiences, centers mutuality and  
4           mutual support, preserves autonomy, and creates opportunity for meaningful  
5           connections and exploring possibilities.

6           (9) “Peer support specialist” means an individual who is at least 18  
7           years of age and who self-identifies as having lived experience with the  
8           process of recovery from a mental health condition or substance use disorder,  
9           or both, including the parent or family member of an individual who has such  
10           lived experience and who has been granted certification pursuant to this  
11           chapter.

12           (10) “Recovery” means a process of change through which individuals  
13           improve their health and wellness, live a self-directed life, and strive to reach  
14           their full potential. This process of change honors the different routes to  
15           recovery based on the individual.

16           § 7353. PEER SUPPORT SPECIALIST CERTIFICATION

17           (a) Program development.

18           (1) The Agency shall contract with a peer-run entity to develop a  
19           statewide certification program for peer support specialists in accordance with  
20           guidance issued by the Centers for Medicare and Medicaid Services’ State

1 Medicaid Director Letter #07-011. The peer-run entity under contract pursuant  
2 to this subsection shall:

3 (A) Define the range of responsibilities, practice guidelines, and  
4 supervision standards for peer support specialists using leading practice  
5 materials and the opinions of peer experts in the field.

6 (B) Determine the curriculum and core competencies required for  
7 certification as a peer support specialist, including curriculum that may be  
8 offered in areas of specialization, such as veterans affairs, gender identity,  
9 sexual orientation, and any other area of specialization recognized by the  
10 certifying body. The core competencies curriculum shall include, at a  
11 minimum, training related to the following elements;

12 (i) peer support values and orientation, including authentic and  
13 mutual relationships;

14 (ii) lived experience;

15 (iii) the concepts of resilience, recovery, and wellness;

16 (iv) self-determination;

17 (v) trauma-informed practice;

18 (vi) human rights-based approach and advocacy;

19 (vii) cultural competence;

20 (viii) group facilitation skills, including communication, dialogue,  
21 and active listening;

1                   (ix) self-awareness and self-care;

2                   (x) conflict resolution;

3                   (xi) professional boundaries and ethics;

4                   (xii) collaborative documentation skills and standards; and

5                   (xiii) confidentiality.

6                   (C) Establish a code of ethics for peer support specialists.

7                   (D) Determine the process and continuing education requirements for  
8 biennial certification renewal.

9                   (E) Determine the process for investigating complaints and taking  
10 corrective action, which may include suspension and revocation of  
11 certification.

12                   (F) Determine a process for an individual employed as a peer support  
13 specialist on and after December 31, 2021 to obtain a certification pursuant to  
14 this chapter, which shall include, at a minimum, a passing certification  
15 examination specifically created for this purpose.

16                   (2) In developing a statewide certification program for peer support  
17 specialists pursuant to this subsection, the peer-run entity under contract with  
18 the Agency shall seek feedback and recommendations from mental health  
19 peer-run and family organizations, hospitals, and mental health and substance  
20 use disorder treatment providers and organizations by convening not fewer  
21 than four stakeholder meetings.

1       (b) Screening and training. The Agency shall contract with a peer-run  
2       entity to screen and train prospective peer support specialists consistent with  
3       the curriculum and core competencies developed pursuant to subsection (a) of  
4       this section.

5       (c) Certification. The Agency shall contract with a peer-run entity to serve  
6       as the certifying entity for mental health peer support specialists. This peer-run  
7       entity shall:

8           (1) determine whether an applicant has met the requirements for  
9       certification established pursuant to subsection (a) of this section through the  
10       administration of an examination; and

11           (2) adhere to the processes for certification, recertification, certification  
12       revocation, and appeals established pursuant to subsection (a) of this section.

13       (d) Exemption. Individuals providing peer support services as employees  
14       or volunteers of a peer-run organization shall not be required to obtain peer  
15       support specialist certification.

16       § 7354. APPLICANTS FOR CERTIFICATION

17       (a) An applicant for certification pursuant to this chapter shall:

18           (1) be at least 18 years of age;

19           (2) be self-identified as having first-hand experience with the process of  
20       recovery from mental illness or substance use disorder treatment or be the  
21       family member of such an individual;



1           (3) be willing to share personal experiences;

2           (4) agree, in writing, to the code of ethics developed pursuant to section  
3           7353 of this title;

4           (5) successfully complete the curriculum and training requirements for  
5           peer support specialists; and

6           (6) pass a certification examination approved by the certifying body for  
7           peer support specialists.

8           (b) To maintain certification pursuant to this act, a peer support specialist  
9           shall:

10           (1) adhere to the code of ethics developed pursuant to section 7353 of  
11           this title and sign a biennial affirmation to that effect; and

12           (2) complete any required continuing education, training, and  
13           recertification requirements developed by the certifying body.

14           § 7355. CERTIFICATION FEE SCHEDULE

15           Any fees required for the administration of the peer support specialist  
16           certification program set forth in this chapter shall be requested pursuant to the  
17           process set forth in 32 V.S.A. chapter 7, subchapter 6.

18           Sec. 3. MEDICAID; STATE PLAN AMENDMENT

19           (a) The Agency of Human Services shall seek approval from the Centers  
20           for Medicare and Medicaid Services to amend Vermont's Medicaid state plan  
21           to do the following:

1           (1) include a certified peer support specialist pursuant to 18 V.S.A.  
2           chapter 176 as a provider type;

3           (2) include peer support specialist services as a Medicaid covered  
4           service;

5           (3) allow beneficiaries to self-refer for peer support specialist services;

6           (4) allow for collaborative documentation of peer support specialist  
7           services; and

8           (5) allow reimbursement for peer support specialist services for a range  
9           of Healthcare Common Procedure Coding System codes, including the  
10          following:

11           (A) H0038: Self-help/peer services;

12           (B) G0177: Training and educational services related to the care and  
13          treatment of a patient's disabling mental health problem;

14           (C) H0023: Behavioral health outreach service;

15           (D) H2014: Skills training and development;

16           (E) H2015: Community support;

17           (F) H2017: Psychiatric rehabilitation;

18           (G) H2019: Therapeutic behavioral services;

19           (H) H2021: Community-based wraparound;

20           (I) H2023: Supported employment/supported education;

21           (J) H2027: Psychoeducational services; and

1           (K) T1016: Case management.

2           (b) As used in this section:

3           (1) “Collaborative documentation” means a model in which peer support  
4 specialists and recipients of peer support services collaborate in periodically  
5 creating intake and assessment summaries, service plans, progress notes, or  
6 tallies of services rendered, or any combination of these tasks. Collaborative  
7 documentation may be completed at weekly or monthly intervals rather than at  
8 every encounter.

9           (2) “Peer support specialist services” means services provided by a peer  
10 support specialist as defined in 18 V.S.A. chapter 176 that promote  
11 engagement, socialization, recovery, self-sufficiency, self-advocacy,  
12 development of natural supports, identification of strengths, and maintenance  
13 of skills learned in other support services.

14       Sec. 4. 33 V.S.A. § 1901k is added to read:

15       § 1901k. MEDICAID REIMBURSEMENT FOR PEER SUPPORT

16           SPECIALIST SERVICES

17           (a) As used in this section, “peer support specialist services” means  
18 services provided by a peer support specialist as defined in 18 V.S.A.  
19 chapter 176 that promote engagement, socialization, recovery, self-sufficiency,  
20 self-advocacy, development of natural supports, identification of strengths, and  
21 maintenance of skills learned in other support services.

1       (b) The Department of Vermont Health Access shall reimburse peer  
2       support specialists in accordance with Vermont's Medicaid state plan.

3       Sec. 5. APPROPRIATION

4       In fiscal year 2023, \$525,000.00 is appropriated to the Agency of Human  
5       Services from the General Fund for the development and operation of the peer  
6       support specialist certification program pursuant to 18 V.S.A. chapter 176.  
7       The Agency shall seek to maximize federal financial participation in funding  
8       these administrative costs.

9       Sec. 6. EFFECTIVE DATES

10       This act shall take effect on July 1, 2022, except that Sec. 4 (Medicaid  
11       reimbursement for peer support specialist services) shall take effect upon  
12       approval of the Medicaid state plan amendment in Sec. 3 by the Centers for  
13       Medicare and Medicaid Services.