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S.195

Introduced by Senators Hooker, Lyons, Chittenden, Hardy, Perchlik, Pollina
and Ram Hinsdale

Referred to Committee on Health and Welfare

Date: January 5, 2022

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

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

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

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

~~Sec. 1. FINDINGS~~

~~The General Assembly finds that:~~

~~(1) The 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 treatment. CMS encourages states to offer comprehensive
programs.~~

~~(2) Research studies have demonstrated that peer supports improve an
individual's functioning, increase an individual's satisfaction, alleviate~~

1 ~~symptoms, reduce hospitalizations and hospital days, increase an individual's~~
2 satisfaction with treatment, and enhance an individual's self-advocacy.

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

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

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

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

14 CHAPTER 176. PEER SUPPORT SPECIALISTS

15 § 7351. PURPOSE

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

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

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

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

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

8 ~~(5) assist individuals experiencing a mental condition or substance use~~
9 ~~disorder, or both, in developing coping mechanisms and problem-solving~~
10 ~~skills;~~

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

14 ~~(7) encourage employment of peer support specialists.~~

15 § 7352. DEFINITIONS

16 As used in this chapter:

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

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

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

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

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

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

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

18 (8) “Peer support” means an approach to relationships that recognizes
19 each individual as the expert of their own experience, fosters connection
20 through shared or similar experiences, centers mutuality and mutual support,

1 ~~preserves autonomy, and creates opportunity for meaningful connections and~~
2 ~~exploring possibilities.~~

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

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

13 ~~§ 7353. PEER SUPPORT SPECIALIST CERTIFICATION~~

14 ~~(a)(1) Program development. The Agency shall contract with a peer-run~~
15 ~~entity to develop a statewide certification program for peer support specialists~~
16 ~~in accordance with guidance issued by the Centers for Medicare and Medicaid~~
17 ~~Services’ State Medicaid Director Letter #07-011. The peer-run entity under~~
18 ~~contract pursuant to this subsection shall:~~

19 ~~(A) Define the range of responsibilities, practice guidelines, and~~
20 ~~supervision standards for peer support specialists using leading practice~~
21 ~~materials and the opinions of peer experts in the field.~~

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

- 7 ~~(i) peer support values and orientation, including authentic and~~
8 ~~mutual relationships;~~
- 9 ~~(ii) lived experience;~~
- 10 ~~(iii) the concepts of resilience, recovery, and wellness;~~
- 11 ~~(iv) self-determination;~~
- 12 ~~(v) trauma-informed practice;~~
- 13 ~~(vi) human rights-based approach and advocacy;~~
- 14 ~~(vii) cultural competence;~~
- 15 ~~(viii) group facilitation skills, including communication, dialogue,~~
16 ~~and active listening;~~
- 17 ~~(ix) self-awareness and self-care;~~
- 18 ~~(x) conflict resolution;~~
- 19 ~~(xi) professional boundaries and ethics;~~
- 20 ~~(xii) collaborative documentation skills and standards; and~~
21 ~~(xiii) confidentiality.~~

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

2 ~~(D) Determine the process and continuing education requirements for~~
3 ~~biennial certification renewal.~~

4 ~~(E) Determine the process for investigating complaints and taking~~
5 ~~corrective action, which may include suspension and revocation of~~
6 ~~certification.~~

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

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

17 ~~(b) Screening and training. The Agency shall contract with a peer-run~~
18 ~~entity to screen and train prospective peer support specialists consistent with~~
19 ~~the curriculum and core competencies developed pursuant to subsection (a) of~~
20 ~~this section.~~

1 ~~(c) Certification. The Agency shall contract with a peer-run entity to serve~~
2 ~~as the certifying entity for mental health peer support specialists. This peer-~~
3 ~~run entity shall:~~

4 ~~(1) determine whether an applicant has met the requirements for~~
5 ~~certification established pursuant to subsection (a) of this section through the~~
6 ~~administration of an examination; and~~

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

9 ~~(d) Exemption. Individuals providing peer support services as employees~~
10 ~~or volunteers of a peer-run organization shall not be required to obtain peer~~
11 ~~support specialist certification.~~

12 § 7354. APPLICANTS FOR CERTIFICATION

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

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

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

18 (3) be willing to share personal experiences;

19 (4) agree, in writing, to the code of ethics developed pursuant to section

20 7355 of this title,

1 ~~(5) successfully complete the curriculum and training requirements for~~
2 ~~peer support specialists; and~~

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

5 ~~(b) To maintain certification pursuant to this act, a peer support specialist~~
6 ~~shall:~~

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

9 ~~(2) complete any required continuing education, training, and~~
10 ~~recertification requirements developed by the certifying body.~~

11 § 7355. CERTIFICATION FEE SCHEDULE

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

15 Sec. 3. MEDICAID; STATE PLAN AMENDMENT

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

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

- 1 ~~(2) include peer support specialist services as a Medicaid covered~~
2 ~~service;~~
- 3 ~~(3) allow beneficiaries to self-refer for peer support specialist services;~~
- 4 ~~(4) allow for collaborative documentation of peer support specialist~~
5 ~~services; and~~
- 6 ~~(5) allow reimbursement for peer support specialist services for a range~~
7 ~~of Healthcare Common Procedure Coding System codes, including the~~
8 ~~following:~~
- 9 ~~(A) H0038: Self-help/peer services;~~
- 10 ~~(B) G0177: Training and educational services related to the care and~~
11 ~~treatment of a patient's disabling mental health problem;~~
- 12 ~~(C) H0023: Behavioral health outreach service;~~
- 13 ~~(D) H2014: Skills training and development;~~
- 14 ~~(E) H2015: Community support;~~
- 15 ~~(F) H2017: Psychiatric rehabilitation;~~
- 16 ~~(G) H2019: Therapeutic behavioral services;~~
- 17 ~~(H) H2021: Community-based wraparound;~~
- 18 ~~(I) H2023: Supported employment/supported education;~~
- 19 ~~(J) H2027: Psychoeducational services; and~~
- 20 ~~(K) T1016: Case management.~~

1 ~~(b) As used in this section:~~

2 ~~(1) “Collaborative documentation” means a model in which peer~~
3 ~~support specialists and recipients of peer support services collaborate in~~
4 ~~periodically creating intake and assessment summaries, service plans, progress~~
5 ~~notes, or tallies of services rendered, or any combination of these tasks.~~

6 ~~“Collaborative documentation” may be completed at weekly or monthly~~
7 ~~intervals, rather than at every encounter.~~

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

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

14 § 1901k. MEDICAID REIMBURSEMENT FOR PEER SUPPORT

15 SPECIALIST SERVICES

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

Sec. 1. FINDINGS

The General Assembly finds:

(1) The 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 treatment. CMS encourages states to offer comprehensive programs.

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

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

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

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

Sec. 2. PROGRAM DEVELOPMENT; MENTAL HEALTH PEER
SUPPORT SPECIALIST CERTIFICATION PROGRAM

(a) On or before September 1, 2022, the Department of Mental Health shall enter into an agreement with a peer-run or peer-led entity to develop a statewide certification program for peer support specialists in accordance with guidance issued by the Centers for Medicare and Medicaid Services for the purpose of enabling a certified mental health peer support specialist to receive Medicaid reimbursement for the individual's services. The selected peer-run or peer-led entity shall:

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

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

(A) peer support values and orientation, including authentic and mutual relationships;

(B) lived experience;

(C) the concepts of resilience, recovery, and wellness;

(D) self-determination;

(E) trauma-informed practice;

(F) human rights-based approach and advocacy;

(G) cultural competence;

(H) group facilitation skills, including communication, dialogue, and active listening;

(I) self-awareness and self-care;

(J) conflict resolution;

(K) professional boundaries and ethics;

(L) collaborative documentation skills and standards; and

(M) confidentiality.

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

(4) Determine the process and continuing education requirements for biennial certification renewal.

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

(6) Determine a process for an individual employed as a peer support specialist on and after December 31, 2021 to obtain a certification pursuant to 18 V.S.A. chapter 199, which shall include, at a minimum, a passing certification examination specifically created for this purpose.

(b) In developing a statewide certification program for peer support specialists pursuant to this section, the selected peer-run or peer-led entity shall:

(1) regularly seek advice and work collaboratively with the Office of Professional Regulation and the Departments of Mental Health and of Vermont Health Access; and

(2) seek feedback and recommendations from mental health peer-run and family organizations, hospitals, and mental health treatment providers and organizations by convening not fewer than four stakeholder meetings.

(c) As used in this section:

(1) "Certification," "core competencies," "peer-led," "peer-run," "peer support," and "peer support specialist" have the same meaning as in 18 V.S.A. chapter 199.

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

Sec. 3. 18 V.S.A. chapter 199 is added to read:

CHAPTER 199. PEER SUPPORT SPECIALISTS

§ 8501. PURPOSE

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

(1) support the ongoing provision of services by certified peer support specialists for individuals experiencing a mental health challenge or for caregivers parenting children, youth, or emerging adults who are experiencing a mental health challenge;

(2) support coaching, skill building, and fostering social connections among individuals experiencing a mental health challenge or caregivers parenting children, youth, or emerging adults who are experiencing a mental health challenge;

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

(4) collaborate with others providing care or support to an individual experiencing a mental health challenge;

(5) assist individuals experiencing a mental health challenge in developing coping mechanisms and problem-solving skills;

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

(7) encourage employment of peer support specialists.

§ 8502. DEFINITIONS

As used in this chapter:

(1) "Certification" means the activities of the certifying body related to the verification that an individual has met all the requirements under this chapter and that the individual may provide mental health support pursuant to this chapter, including the subspecialty of family-to-family peer support.

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

(3) "Code of ethics" means the standards to which a peer support specialist is required to adhere.

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

(5) “Department” means the Department of Mental Health.

(6) “Peer-led” means an entity, program, or service whose executive director, chief operating officer, or the individual responsible for the day-to-day service identifies publicly as a person with lived experience of mental health challenges and the entity, program, or service operates as an alternative to traditional mental health services and treatment.

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

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

(9) “Peer support specialist” means an individual who is at least 18 years of age and who self-identifies as having lived experience with the process of recovery from a mental health challenge or an individual with lived experience of parenting a child, youth, or emerging adult who is experiencing a mental health challenge.

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

§ 8503. PEER SUPPORT SPECIALIST CERTIFICATION

(a) Eligibility determination and training. The Department shall maintain an agreement with a peer-run or peer-led entity to:

(1) determine the eligibility of each prospective peer support specialist seeking certification under this chapter; and

(2) train eligible applicants consistent with the curriculum and core competencies developed by an entity selected by the Department.

(b) Certification. The Department shall maintain an agreement with a peer-run or peer-led entity to serve as the certifying entity for peer support specialists. This peer-run or peer-led entity shall:

(1) determine whether an applicant has met the requirements for certification established by an entity selected by the Department through the administration of an examination;

(2) adhere to the processes for certification, recertification, certification revocation, and appeals as established by an entity selected by the Department; and

(3) maintain a public-facing website that includes, at a minimum, a roster of certified peer support specialists and the procedure for filing a complaint against a certified peer support specialist.

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

§ 8504. APPLICANTS FOR CERTIFICATION

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

(1) be at least 18 years of age;

(2) be self-identified as having first-hand experience with the process of recovery from mental illness or be the family member of such an individual;

(3) be willing to share personal experiences;

(4) agree, in writing, to the code of ethics developed pursuant to section 8502 of this title;

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

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

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

(1) adhere to the code of ethics developed pursuant to section 8502 of this title and sign a biennial affirmation to that effect; and

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

§ 8505. CERTIFICATION FEE SCHEDULE

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

*Sec. 4. PEER-OPERATED RESPITE AND COMMUNITY CENTERS;
MODEL*

(a) The General Assembly finds that:

(1) peer-operated respite models and community centers, such as Alyssum, located in Rochester; Another Way, located in Montpelier; and Pathways Community Center, located in Burlington, can serve as alternative care settings for patients with psychiatric diagnoses who do not require inpatient admission; and

(2) peer-operated respite models and community centers provide residential or community-based services that can result in lowered rates of Medicaid-funded hospitalizations and health expenditures for participants.

(b) To the extent that the Agency of Human Services finds the following, it shall include a funding request for peer-operated respite models and community centers in subsequent budget proposals:

(1) that additional peer-operated respite centers and community centers should be developed with State Medicaid matching funds to provide necessary program capacity; and

(2) that viable proposals with demonstrable community support are advanced and the Agency finds that these proposals will reduce other State program costs.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2022.