

AMENDED IN ASSEMBLY AUGUST 18, 2016

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AMENDED IN ASSEMBLY JULY 6, 2015

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 614

Introduced by Senator ~~Leno Hertzberg~~
(~~Coauthor: Senator Anderson~~)
(Coauthor: Senator Leno)
(Coauthor: Assembly Member Mayes)

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; amend Section 987.8 of the Penal Code, relating to criminal procedure.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 614, as amended, ~~Leno Hertzberg. Medi-Cal: mental health services: peer, parent, transition-age, and family support specialist certification. Criminal procedure: legal assistance: ability to pay.~~

Existing law requires a court to assign counsel to defend a defendant if the defendant desires the assistance of counsel and cannot afford to pay for counsel. Upon conclusion of the proceedings against the defendant, or withdrawal of counsel, existing law authorizes the court to make a determination of the ability of a defendant to pay all or a portion of his or her defense. Existing law authorizes the court to order a defendant to reimburse the county for those costs. Existing law

provides a presumption that a defendant sentenced to state prison is determined not to have a reasonably discernible future financial ability to reimburse the costs of his or her defense, except as specified.

This bill would extend that presumption to a defendant sentenced to county jail for a period longer than 364 days.

~~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~~-no.
State-mandated local program: no.

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

1 **SECTION 1.** *Section 987.8 of the Penal Code is amended to*
2 *read:*

3 987.8. (a) Upon a finding by the court that a defendant is
4 entitled to counsel but is unable to employ counsel, the court may
5 hold a hearing or, in its discretion, order the defendant to appear
6 before a county officer designated by the court, to determine
7 whether the defendant owns or has an interest in any real property
8 or other assets subject to attachment and not otherwise exempt by
9 law. The court may impose a lien on any real property owned by
10 the defendant, or in which the defendant has an interest to the
11 extent permitted by law. The lien shall contain a legal description
12 of the property, shall be recorded with the county recorder in the
13 county or counties in which the property is located, and shall have
14 priority over subsequently recorded liens or encumbrances. The
15 county shall have the right to enforce its lien for the payment of
16 providing legal assistance to an indigent defendant in the same
17 manner as other lienholders by way of attachment, except that a
18 county shall not enforce its lien on a defendant's principal place
19 of residence pursuant to a writ of execution. No lien shall be
20 effective as against a bona fide purchaser without notice of the
21 lien.

22 (b) In any case in which a defendant is provided legal assistance,
23 either through the public defender or private counsel appointed by
24 the court, upon conclusion of the criminal proceedings in the trial
25 court, or upon the withdrawal of the public defender or appointed
26 private counsel, the court may, after notice and a hearing, make a
27 determination of the present ability of the defendant to pay all or
28 a portion of the cost thereof. The court may, in its discretion, hold
29 one such additional hearing within six months of the conclusion
30 of the criminal proceedings. The court may, in its discretion, order
31 the defendant to appear before a county officer designated by the
32 court to make an inquiry into the ability of the defendant to pay
33 all or a portion of the legal assistance provided.

34 (c) In any case in which the defendant hires counsel replacing
35 a publicly provided attorney; in which the public defender or
36 appointed counsel was required by the court to proceed with the
37 case after a determination by the public defender that the defendant
38 is not indigent; or, in which the defendant, at the conclusion of the

1 case, appears to have sufficient assets to repay, without undue
2 hardship, all or a portion of the cost of the legal assistance provided
3 to him or her, by monthly installments or otherwise; the court shall
4 make a determination of the defendant's ability to pay as provided
5 in subdivision (b), and may, in its discretion, make other orders
6 as provided in that subdivision.

7 This subdivision ~~shall be operative in~~ *applies to* a county only
8 upon the adoption of a resolution by the board of supervisors to
9 that effect.

10 (d) If the defendant, after having been ordered to appear before
11 a county officer, has been given proper notice and fails to appear
12 before a county officer within 20 working days, the county officer
13 shall recommend to the court that the full cost of the legal
14 assistance shall be ordered to be paid by the defendant. The notice
15 to the defendant shall contain all of the following:

16 (1) A statement of the cost of the legal assistance provided to
17 the defendant as determined by the court.

18 (2) The defendant's procedural rights under this section.

19 (3) The time limit within which the defendant's response is
20 required.

21 (4) A warning that if the defendant fails to appear before the
22 designated officer, the officer will recommend that the court order
23 the defendant to pay the full cost of the legal assistance provided
24 to him or her.

25 (e) At a hearing, the defendant shall be entitled to, but shall not
26 be limited to, all of the following rights:

27 (1) The right to be heard in person.

28 (2) The right to present witnesses and other documentary
29 evidence.

30 (3) The right to confront and cross-examine adverse witnesses.

31 (4) The right to have the evidence against him or her disclosed
32 to him or her.

33 (5) The right to a written statement of the findings of the court.

34 If the court determines that the defendant has the present ability
35 to pay all or a part of the cost, the court shall set the amount to be
36 reimbursed and order the defendant to pay the sum to the county
37 in the manner in which the court believes reasonable and
38 compatible with the defendant's financial ability. Failure of a
39 defendant who is not in custody to appear after due notice is a
40 sufficient basis for an order directing the defendant to pay the full

1 cost of the legal assistance determined by the court. The order to
2 pay all or a part of the costs may be enforced in the manner
3 provided for enforcement of money judgments generally but may
4 not be enforced by contempt.

5 Any order entered under this subdivision is subject to relief under
6 Section 473 of the Code of Civil Procedure.

7 (f) Prior to the furnishing of counsel or legal assistance by the
8 court, the court shall give notice to the defendant that the court
9 may, after a hearing, make a determination of the present ability
10 of the defendant to pay all or a portion of the cost of counsel. The
11 court shall also give notice that, if the court determines that the
12 defendant has the present ability, the court shall order him or her
13 to pay all or a part of the cost. The notice shall inform the defendant
14 that the order shall have the same force and effect as a judgment
15 in a civil action and shall be subject to enforcement against the
16 property of the defendant in the same manner as any other money
17 judgment.

18 (g) As used in this section:

19 (1) “Legal assistance” means legal counsel and supportive
20 services including, but not limited to, medical and psychiatric
21 examinations, investigative services, expert testimony, or any other
22 form of services provided to assist the defendant in the preparation
23 and presentation of the defendant’s case.

24 (2) “Ability to pay” means the overall capability of the defendant
25 to reimburse the costs, or a portion of the costs, of the legal
26 assistance provided to him or her, and shall include, but not be
27 limited to, all of the following:

28 (A) The defendant’s present financial position.

29 (B) The defendant’s reasonably discernible future financial
30 position. In no event shall the court consider a period of more than
31 six months from the date of the hearing for purposes of determining
32 the defendant’s reasonably discernible future financial position.
33 Unless the court finds unusual circumstances, a defendant
34 sentenced to state ~~prison~~ *prison, or to county jail for a period*
35 *longer than 364 days, including, but not limited to, a sentence*
36 *imposed pursuant to subdivision (h) of Section 1170*, shall be
37 determined not to have a reasonably discernible future financial
38 ability to reimburse the costs of his or her defense.

39 (C) The likelihood that the defendant shall be able to obtain
40 employment within a six-month period from the date of the hearing.

1 (D) Any other factor or factors ~~which~~ *that* may bear upon the
2 defendant's financial capability to reimburse the county for the
3 costs of the legal assistance provided to the defendant.

4 (h) At any time during the pendency of the judgment rendered
5 according to the terms of this section, a defendant against whom
6 a judgment has been rendered may petition the rendering court to
7 modify or vacate its previous judgment on the grounds of a change
8 in circumstances with regard to the defendant's ability to pay the
9 judgment. The court shall advise the defendant of this right at the
10 time it renders the judgment.

11 (i) This section shall apply to all proceedings, including
12 contempt proceedings, in which the party is represented by a public
13 defender or appointed counsel.

14 ~~SECTION 1. Article 1.4 (commencing with Section 14045.10)~~
15 ~~is added to Chapter 7 of Part 3 of Division 9 of the Welfare and~~
16 ~~Institutions Code, to read:~~

17
18 ~~Article 1.4. Peer, Parent, Transition-Age, and Family Support~~
19 ~~Specialist Certification Program~~
20

21 ~~14045.10. This article shall be known, and may be cited, as~~
22 ~~the Peer, Parent, Transition-Age, and Family Support Specialist~~
23 ~~Certification Program Act of 2015.~~

24 ~~14045.11. The Legislature finds and declares all of the~~
25 ~~following:~~

26 ~~(a) With the enactment of the Mental Health Services Act in~~
27 ~~2004, support to include peer providers identified as consumers,~~
28 ~~parents, and family members for the provision of services has been~~
29 ~~on the rise.~~

30 ~~(b) There are over 6,000 peer providers in California who~~
31 ~~provide individualized support, coaching, facilitation, and~~
32 ~~education to clients with mental health care needs and substance~~
33 ~~use disorder, in a variety of settings, yet no statewide scope of~~
34 ~~practice, standardized curriculum, training standards, supervision~~
35 ~~standards, or certification protocol is available.~~

36 ~~(c) The United States Department of Veterans Affairs and over~~
37 ~~30 states utilize standardized curricula and certification protocols~~
38 ~~for peer support services.~~

39 ~~(d) The federal Centers for Medicare and Medicaid Services~~
40 ~~(CMS) recognizes peer support services as an evidence-based~~

1 model of care and notes it is an important component in a state's
2 delivery of effective mental health and substance use disorder
3 treatment. The CMS encourages states to offer peer support
4 services as a component of a comprehensive mental health and
5 substance use disorder delivery system and federal financial
6 participation is available for this purpose.

7 (e) A substantial number of research studies demonstrate that
8 peer supports improve client functioning, increase client
9 satisfaction, reduce family burden, alleviate depression and other
10 symptoms, reduce hospitalizations and hospital days, increase
11 client activation, and enhance client self-advocacy.

12 (f) Certification at the state level can incentivize the public
13 mental health system and the Medi-Cal program, including the
14 Drug Medi-Cal program, to increase the number, diversity, and
15 availability of peer providers and peer-driven services.

16 14045.12. It is the intent of the Legislature that the peer, parent,
17 transition-age, and family support specialist certification program,
18 established under this article, achieve all of the following:

19 (a) Establish the ongoing provision of peer support services for
20 beneficiaries experiencing mental health care needs, substance use
21 disorder needs, or both by certified peer support specialists.

22 (b) Provide support, coaching, facilitation, and education to
23 beneficiaries with mental health needs, substance use disorder
24 needs, or both, and to families or significant support persons.

25 (c) Provide increased family support, building on the strengths
26 of families and helping them achieve desired outcomes.

27 (d) Provide a part of a wraparound continuum of services, in
28 conjunction with other community mental health services and other
29 substance use disorder services.

30 (e) Collaborate with others providing care or support to the
31 beneficiary or family.

32 (f) Assist parents, when applicable, in developing coping
33 mechanisms and problem-solving skills.

34 (g) Provide an individualized focus on the beneficiary, the
35 family, or both, as needed.

36 (h) Encourage employment under the peer, parent, transition-age,
37 and family support specialist certification program to reflect the
38 culture, ethnicity, sexual orientation, gender identity, mental health
39 service experiences, and substance use disorder experiences of the
40 people whom they serve.

1 (i) Promote socialization, recovery, self-sufficiency,
2 self-advocacy, development of natural supports, and maintenance
3 of skills learned in other support services.

4 14045.13. For purposes of this article, the following definitions
5 shall apply:

6 (a) “Adult peer support specialist” means a person who is 18
7 years of age or older and who has self-identified as having lived
8 experience of recovery from mental illness, substance use disorder,
9 or both, and the skills learned in formal trainings to deliver peer
10 support services in a behavioral setting to promote mind-body
11 recovery and resiliency for adults.

12 (b) “Certification” means, as it pertains to the peer, parent,
13 transition-age, and family support specialist certification program,
14 all federal and state requirements have been satisfied, federal
15 financial participation under Title XIX of the federal Social
16 Security Act (42 U.S.C. Sec. 1396 et seq.) is available, and all
17 necessary federal approvals have been obtained.

18 (c) “Certified” means all federal and state requirements have
19 been satisfied by an individual who is seeking designation under
20 this article, including completion of curriculum and training
21 requirements, testing, and agreement to uphold and abide by the
22 code of ethics.

23 (d) “Certification examination” means the competency testing
24 requirements, as approved by the department, an individual is
25 required to successfully complete as a condition of becoming
26 certified under this article. Each training program approved by the
27 department may develop a unique competency examination for
28 each category of peer, parent, transition-age, and family support
29 specialist listed in subdivision (b) of Section 14045.14. Each
30 certification examination shall include core curriculum elements.

31 (e) “Code of ethics” means the professional standards each
32 certified peer, parent, transition-age, and family support specialist
33 listed in subdivision (b) of Section 14045.14 is required to agree
34 to uphold and abide by. These professional standards shall include
35 principles, expected behavior and conduct of the certificate holder
36 in an agreed-upon statement that is required to be provided to the
37 applicant and acknowledged by signing with his or her personal
38 signature prior to being granted certification under this article.

39 (f) “Core competencies” are the foundational and essential
40 competencies required by each category of peer, parent,

1 transition-age, and family support specialists listed in subdivision
2 (b) of Section 14045.14 who provide peer support services:

3 (g) “Cultural competence” means a set of congruent behaviors,
4 attitudes, and policies that come together in a system or agency
5 that enables that system or agency to work effectively in
6 cross-cultural situations. A culturally competent system of care
7 acknowledges and incorporates, at all levels, the importance of
8 language and culture, intersecting identities, assessment of
9 cross-cultural relations, knowledge and acceptance of dynamics
10 of cultural differences, expansion of cultural knowledge, and
11 adaptation of services to meet culturally unique needs to provide
12 services in a culturally competent manner.

13 (h) “Family peer support specialist” means a person with lived
14 experience as a self-identified family member of an individual
15 experiencing mental illness, substance use disorder, or both, and
16 the skills learned in formal trainings to assist and empower families
17 of individuals experiencing mental illness, substance use disorder,
18 or both. For the purposes of this subdivision, “family member”
19 includes a sibling or kinship caregiver, and their partners.

20 (i) “Parent” means a person who is parenting or has parented a
21 child or individual experiencing mental illness, substance use
22 disorder, or both, and who can articulate his or her understanding
23 of his or her experience with another parent or caregiver. This
24 person may be a birth parent, adoptive parent, or family member
25 standing in for an absent parent.

26 (j) “Parent peer support specialist” means a parent with formal
27 training to assist and empower families parenting a child or
28 individual experiencing mental illness, substance use disorder, or
29 both.

30 (k) “Peer support specialist services” means culturally competent
31 services that promote engagement, socialization, recovery,
32 self-sufficiency, self-advocacy, development of natural supports,
33 identification of strengths, and maintenance of skills learned in
34 other support services. Peer support specialist services shall
35 include, but are not limited to, support, coaching, facilitation, and
36 education to Medi-Cal beneficiaries that is individualized to the
37 beneficiary and is conducted by a certified adult peer support
38 specialist, a certified transition-age youth peer support specialist,
39 a certified family peer support specialist, or a certified parent peer
40 support specialist.

1 ~~(l) “Recovery” means a process of change through which an~~
2 ~~individual improves his or her health and wellness, lives a~~
3 ~~self-directed life, and strives to reach his or her full potential. This~~
4 ~~process of change recognizes cultural diversity and inclusion, and~~
5 ~~honors the different routes to resilience and recovery based on the~~
6 ~~individual and his or her cultural community.~~

7 ~~(m) “Transition-age youth peer support specialist” means a~~
8 ~~person who is 18 years of age or older and who has self-identified~~
9 ~~as having lived experience of recovery from mental illness,~~
10 ~~substance use disorder, or both, and the skills learned in formal~~
11 ~~trainings to deliver peer support services in a behavioral setting to~~
12 ~~promote mind-body recovery and resiliency for transition-age~~
13 ~~youth, including adolescents and young adults.~~

14 ~~14045.14. No later than July 1, 2017, the department, as the~~
15 ~~sole state Medicaid agency, shall establish a peer, parent,~~
16 ~~transition-age, and family support specialist certification program~~
17 ~~that, at a minimum, shall do all of the following:~~

18 ~~(a) Establish a certifying body, either within the department,~~
19 ~~through contract, or through an interagency agreement, to provide~~
20 ~~for the certification of peer, parent, transition-age, and family~~
21 ~~support specialists as described in this article.~~

22 ~~(b) Provide for a statewide certification for each of the following~~
23 ~~categories of peer support specialists, as contained in federal~~
24 ~~guidance issued by the Centers for Medicare and Medicaid~~
25 ~~Services, State Medicaid Director Letter (SMDL) #07-011:~~

26 ~~(1) Adult peer support specialists, who may serve individuals~~
27 ~~across the lifespan.~~

28 ~~(2) Transition-age youth peer support specialists.~~

29 ~~(3) Family peer support specialists.~~

30 ~~(4) Parent peer support specialists.~~

31 ~~(c) Define the range of responsibilities and practice guidelines~~
32 ~~for the categories of peer support specialists listed in subdivision~~
33 ~~(b), by utilizing best practice materials published by the federal~~
34 ~~Substance Abuse and Mental Health Services Administration, the~~
35 ~~federal Department of Veterans Affairs, and related notable experts~~
36 ~~in the field as a basis for development.~~

37 ~~(d) Determine curriculum and core competencies, including~~
38 ~~curriculum that may be offered in areas of specialization, such as~~
39 ~~older adults, veterans, family support, forensics, whole health,~~
40 ~~juvenile justice, youth in foster care, sexual orientation, gender~~

1 identity, and any other areas of specialization identified by the
2 department. Specialized curriculum shall be determined for each
3 of the categories of peer, parent, transition-age, and family support
4 specialists listed in subdivision (b). Core competencies-based
5 curriculum shall include, at a minimum, all of the following
6 elements:

- 7 (1) ~~The concepts of hope, recovery, and wellness.~~
- 8 (2) ~~The role of advocacy.~~
- 9 (3) ~~The role of consumers and family members.~~
- 10 (4) ~~Psychiatric rehabilitation skills and service delivery, and~~
11 ~~addiction recovery principles, including defined practices.~~
- 12 (5) ~~Cultural competence training.~~
- 13 (6) ~~Trauma-informed care.~~
- 14 (7) ~~Group facilitation skills.~~
- 15 (8) ~~Self-awareness and self-care.~~
- 16 (9) ~~Cooccurring disorders of mental health and substance use.~~
- 17 (10) ~~Conflict resolution.~~
- 18 (11) ~~Professional boundaries and ethics.~~
- 19 (12) ~~Safety and crisis planning.~~
- 20 (13) ~~Navigation of, and referral to, other services.~~
- 21 (14) ~~Documentation skills and standards.~~
- 22 (15) ~~Study and test-taking skills.~~
- 23 (e) ~~Specify training requirements, including~~
24 ~~core-competencies-based training and specialized training~~
25 ~~necessary to become certified under this article, allowing for~~
26 ~~multiple qualified training entities, and requiring training to include~~
27 ~~people with lived experience as consumers and family members.~~
- 28 (f) ~~Specify required continuing education requirements for~~
29 ~~certification.~~
- 30 (g) ~~Determine clinical supervision requirements for personnel~~
31 ~~certified under this article, that shall require, at a minimum,~~
32 ~~personnel certified pursuant to this article to work under the~~
33 ~~direction of a mental health rehabilitation specialist, as defined in~~
34 ~~Section 782.35 of Title 9 of the California Code of Regulations,~~
35 ~~or substance use disorder professional. A licensed mental health~~
36 ~~professional, as defined in Section 782.26 of Title 9 of the~~
37 ~~California Code of Regulations, may also provide supervision.~~
- 38 (h) ~~Establish a code of ethics.~~
- 39 (i) ~~Determine the process for certification renewal.~~
- 40 (j) ~~Determine a process for revocation of certification.~~

1 ~~(k) Determine a process for allowing existing personnel~~
2 ~~employed in the peer support field to obtain certification under~~
3 ~~this article, at their option.~~

4 ~~14045.15. In order to be certified as an adult peer support~~
5 ~~specialist, an individual shall, at a minimum, satisfy all of the~~
6 ~~following requirements:~~

7 ~~(a) Be at least 18 years of age.~~

8 ~~(b) Have or have had a primary diagnosis of mental illness,~~
9 ~~substance use disorder, or both, which is self-disclosed.~~

10 ~~(c) Have received or is receiving mental health services,~~
11 ~~substance use disorder services, or both.~~

12 ~~(d) Be willing to share his or her experience of recovery.~~

13 ~~(e) Demonstrate leadership and advocacy skills.~~

14 ~~(f) Have a strong dedication to recovery.~~

15 ~~(g) Agree to uphold and abide by a code of ethics. A copy of~~
16 ~~the code of ethics shall be signed by the applicant.~~

17 ~~(h) Successful completion of the curriculum and training~~
18 ~~requirements for an adult peer support specialist.~~

19 ~~(i) Pass a certification examination approved by the department~~
20 ~~for an adult peer support specialist.~~

21 ~~(j) Successful completion of any required continuing education,~~
22 ~~training, and recertification requirements.~~

23 ~~14045.16. In order to be certified as a transition-age youth peer~~
24 ~~support specialist, an individual shall, at a minimum, satisfy all of~~
25 ~~the following requirements:~~

26 ~~(a) Be at least 18 years of age.~~

27 ~~(b) Have or have had a primary diagnosis of mental illness,~~
28 ~~substance use disorder, or both, which is self-disclosed.~~

29 ~~(c) Have received or is receiving mental health services,~~
30 ~~substance use disorder addiction services, or both.~~

31 ~~(d) Be willing to share his or her experience of recovery.~~

32 ~~(e) Demonstrate leadership and advocacy skills.~~

33 ~~(f) Have a strong dedication to recovery.~~

34 ~~(g) Agree to uphold and abide by a code of ethics. A copy of~~
35 ~~the code of ethics shall be signed by the applicant.~~

36 ~~(h) Successful completion of the curriculum and training~~
37 ~~requirements for a transition-age youth peer support specialist.~~

38 ~~(i) Pass a certification examination approved by the department~~
39 ~~for a transition-age youth peer support specialist.~~

1 ~~(j) Successful completion of any required continuing education,~~
2 ~~training, and recertification requirements.~~

3 ~~14045.17. In order to be certified as a family peer support~~
4 ~~specialist, an individual shall, at a minimum, satisfy all of the~~
5 ~~following requirements:~~

6 ~~(a) Be at least 18 years of age.~~

7 ~~(b) Be self-identified as a family member of an individual~~
8 ~~experiencing mental illness, substance use disorder, or both.~~

9 ~~(c) Be willing to share his or her experience.~~

10 ~~(d) Demonstrate leadership and advocacy skills.~~

11 ~~(e) Have a strong dedication to recovery.~~

12 ~~(f) Agree to uphold and abide by a code of ethics. A copy of~~
13 ~~the code of ethics shall be signed by the applicant.~~

14 ~~(g) Successful completion of the curriculum and training~~
15 ~~requirements for a family peer support specialist.~~

16 ~~(h) Pass a certification examination approved by the department~~
17 ~~for a family peer support specialist.~~

18 ~~(i) Successful completion of any required continuing education,~~
19 ~~training, and recertification requirements.~~

20 ~~14045.18. In order to be certified as a parent peer support~~
21 ~~specialist, an individual shall, at a minimum, satisfy all of the~~
22 ~~following requirements:~~

23 ~~(a) Be at least 18 years of age.~~

24 ~~(b) Be self-identified as a parent, as defined in Section 14045.13.~~

25 ~~(c) Be willing to share his or her experience.~~

26 ~~(d) Demonstrate leadership and advocacy skills.~~

27 ~~(e) Have a strong dedication to recovery.~~

28 ~~(f) Agree to uphold and abide by a code of ethics. A copy of~~
29 ~~the code of ethics shall be signed by the applicant.~~

30 ~~(g) Successful completion of the curriculum and training~~
31 ~~requirements for a parent peer support specialist.~~

32 ~~(h) Pass a certification examination approved by the department~~
33 ~~for a parent peer support specialist.~~

34 ~~(i) Successful completion of any required continuing education,~~
35 ~~training, and recertification requirements.~~

36 ~~14045.19. This article shall not be construed to imply that an~~
37 ~~individual who is certified pursuant to this article is qualified to,~~
38 ~~or authorize that individual to, diagnose an illness, prescribe~~
39 ~~medication, or provide clinical services.~~

1 14045.20. ~~The department shall closely collaborate with the~~
2 ~~Office of Statewide Health Planning and Development (OSHDP)~~
3 ~~and its associated workforce collaborative, and regularly consult~~
4 ~~with interested stakeholders, including peer support and family~~
5 ~~organizations, mental health and substance use disorder services~~
6 ~~providers and organizations, the County Behavioral Health~~
7 ~~Directors Association of California, health plans participating in~~
8 ~~the Medi-Cal managed care program, the California Mental Health~~
9 ~~Planning Council, and other interested parties in developing,~~
10 ~~implementing, and administering the peer, parent, transition-age,~~
11 ~~and family support specialist certification program established~~
12 ~~pursuant to this article. This consultation shall initially include, at~~
13 ~~a minimum, bimonthly stakeholder meetings, which may also~~
14 ~~include technical workgroup meetings. The department may seek~~
15 ~~private funds from a nonprofit organization or foundation for this~~
16 ~~purpose.~~

17 14045.21. ~~The department may contract to obtain technical~~
18 ~~assistance for the development of the peer, parent, transition-age,~~
19 ~~and family support specialist certification program, as provided~~
20 ~~in Section 4061.~~

21 14045.22. (a) ~~The department shall amend its Medicaid state~~
22 ~~plan to do both of the following:~~

23 (1) ~~Include each category of peer, parent, transition-age, and~~
24 ~~family support specialist listed in subdivision (b) of Section~~
25 ~~14045.14 certified pursuant to this article as a provider type for~~
26 ~~purposes of this chapter.~~

27 (2) ~~Include peer support specialist services as a distinct service~~
28 ~~type for purposes of this chapter, which may be provided to eligible~~
29 ~~Medi-Cal beneficiaries who are enrolled in either a Medi-Cal~~
30 ~~managed mental health care plan or a Medi-Cal managed care~~
31 ~~health plan.~~

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

35 (c) ~~Medi-Cal reimbursement for peer support services shall be~~
36 ~~implemented only if and to the extent that federal financial~~
37 ~~participation under Title XIX of the federal Social Security Act~~
38 ~~(42 U.S.C. Sec. 1396 et seq.) is available and all necessary federal~~
39 ~~approvals have been obtained.~~

1 ~~14045.23. To facilitate early intervention for mental health~~
2 ~~services, community health workers may partner with peer, parent,~~
3 ~~transition-age, and family support specialists for engagement,~~
4 ~~outreach, and education.~~

5 ~~14045.24. It is not the intent of the Legislature in enacting this~~
6 ~~article to modify the Medicaid state plan in any manner that would~~
7 ~~otherwise change or nullify the requirements, billing, or~~
8 ~~reimbursement of the “other qualified provider” provider type, as~~
9 ~~currently authorized by the Medicaid state plan.~~

10 ~~14045.25. The department may utilize Mental Health Services~~
11 ~~Act funds, as authorized in subdivision (d) of Section 5892, and~~
12 ~~any designated Workforce Education and Training Program~~
13 ~~resources, including funding, as administered by OSHPD pursuant~~
14 ~~to Section 5820, to develop and administer the peer, parent,~~
15 ~~transition-age, and family support specialist certification program.~~
16 ~~Further, these Mental Health Service Act funds may then serve as~~
17 ~~the state’s share of funding to develop and administer the peer,~~
18 ~~parent, transition-age, and family support specialist certification~~
19 ~~program and shall be available for purposes of claiming federal~~
20 ~~financial participation under Title XIX of the federal Social~~
21 ~~Security Act (42 U.S.C. Sec. 1396 et seq.) once all necessary~~
22 ~~federal approvals have been obtained.~~

23 ~~14045.251. The department may establish a certification fee~~
24 ~~schedule and may require remittance as contained in the~~
25 ~~certification fee schedule for the purpose of supporting the~~
26 ~~department’s activities associated with the ongoing state~~
27 ~~administration of the peer, parent, transition-age, and family~~
28 ~~support specialist certification program. The department shall~~
29 ~~utilize all funding resources as made available in Section 14045.25~~
30 ~~first, prior to determining the need for the certification fee schedule~~
31 ~~and requiring the remittance of fees. It is the intent of the~~
32 ~~Legislature that any certification fees charged by the department~~
33 ~~be reasonable and reflect the expenditures directly applicable to~~
34 ~~the ongoing state administration of the peer, parent, transition-age~~
35 ~~and family support specialist certification program.~~

36 ~~14045.26. For the purposes of implementing this article, the~~
37 ~~department may enter into exclusive or nonexclusive contracts on~~
38 ~~a bid or negotiated basis, including contracts for the purpose of~~
39 ~~obtaining subject matter expertise or other technical assistance.~~
40 ~~Contracts may be statewide or on a more limited geographic basis.~~

1 ~~14045.27. Notwithstanding Chapter 3.5 (commencing with~~
2 ~~Section 11340) of Part 1 of Division 3 of Title 2 of the Government~~
3 ~~Code, the department may implement, interpret, or make specific~~
4 ~~this article by means of plan letters, plan or provider bulletins, or~~
5 ~~similar instructions, without taking regulatory action, until the~~
6 ~~time regulations are adopted. The department shall adopt~~
7 ~~regulations by July 1, 2019, in accordance with the requirements~~
8 ~~of Chapter 3.5 (commencing with Section 11340) of Part 1 of~~
9 ~~Division 3 of Title 2 of the Government Code. Notwithstanding~~
10 ~~Section 10231.5 of the Government Code, beginning six months~~
11 ~~after the effective date of this article, the department shall provide~~
12 ~~semiannual status reports to the Legislature, in compliance with~~
13 ~~Section 9795 of the Government Code, until regulations have been~~
14 ~~adopted.~~

15 ~~SEC. 2. The Legislature finds and declares that this act clarifies~~
16 ~~procedures and terms of the Mental Health Services Act within~~
17 ~~the meaning of Section 18 of the Mental Health Services Act.~~