

SENATE BILL NO. 198

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO BEHAVIORAL HEALTH PEER SUPPORT SPECIALISTS; PROVIDING FOR LICENSURE OF PEER SUPPORT SPECIALISTS; ESTABLISHING LICENSING REQUIREMENTS; ESTABLISHING REQUIREMENTS FOR CANDIDATES FOR LICENSURE; SPECIFYING REQUIREMENTS FOR SUPERVISION OF PEER SUPPORT SPECIALISTS AND LICENSURE CANDIDATES; AND AMENDING SECTIONS 37-38-101, 37-38-102, 37-38-106, 37-38-201, AND 37-38-202, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Behavioral health peer support specialist licensure candidate -- registration requirements -- standards. (1) A person who has completed the training requirements for licensure under 37-38-202 but who has not completed the supervised training and work experience required for licensure shall register as a behavioral health peer support licensure candidate in order to engage in behavioral health peer support and earn the supervised training and experience required for licensure.

(2) To register, the person shall submit:

(a) the attestation required under 37-38-202(1);

(b) the application and fee required by the board;

(c) proof of completion of the training requirement;

(d) fingerprints for the purpose of fingerprint background checks by the Montana department of justice and the federal bureau of investigation as provided in 37-1-307; and

(e) a training and supervision plan that meets requirements set by the board.

(3) A licensure candidate shall complete 1,000 hours of supervised training and work experience before applying for licensure. At a minimum, the supervised experience must include:

(a) 200 hours of one-on-one direct behavioral health peer support;

- 1 (b) 10 hours facilitating or cofacilitating peer-led groups; and
- 2 (c) continuing education consisting of:
 - 3 (i) 12 hours related to suicide prevention and intervention;
 - 4 (ii) 10 hours related to professional boundaries and ethical responsibilities;
 - 5 (iii) 6 hours related to self-care and wellness;
 - 6 (iv) 6 hours related to professional development for behavioral health peer support specialists;
 - 7 (v) 4 hours related to deescalation strategies; and
 - 8 (vi) 2 hours related to opiate overdose prevention and intervention.

9 (4) A competent mental health professional must provide 1 hour of face-to-face supervision for
 10 every 20 hours of supervised behavioral health peer support activities, other than continuing education,
 11 required under subsection (3).

12 (5) Following satisfaction of the requirements of subsection (2) and approval by the board, a
 13 person may engage in behavioral health peer support under the conditions set by the board and use the title of
 14 "behavioral health peer support specialist licensure candidate".

15 (6) A licensure candidate shall conform to the standards of conduct applicable to a licensed
 16 behavioral health peer support specialist. Unprofessional conduct or failure to satisfy the training and work
 17 requirements or other conditions set by the board may result in disciplinary action, sanctions, or other restriction
 18 of a person's authorization to act as a behavioral health peer support specialist licensure candidate.

19 (7) A person shall register annually as a behavioral health peer support specialist licensure
 20 candidate. The board may limit the number of years that a person may act as a licensure candidate.

21

22 **Section 2.** Section 37-38-101, MCA, is amended to read:

23 **"37-38-101. Behavioral health peer support specialist.** The profession of behavioral health peer
 24 support specialist is subject to ~~certification~~ licensure requirements set forth in this chapter and by rules
 25 promulgated by the board of behavioral health."

26

27 **Section 3.** Section 37-38-102, MCA, is amended to read:

28 **"37-38-102. Definitions.** As used in this chapter, the following definitions apply:

1 (1) "Behavioral health" includes a person with a diagnosis of:

2 (a) a mental disorder, as that term is defined in 53-21-102; or

3 (b) chemical dependency, as that term is defined in 53-24-103.

4 (2) "Behavioral health peer support" means the use of a peer support specialist's personal
5 experience with a behavioral health disorder to provide support, mentoring, guidance, and advocacy and to
6 offer hope to individuals with behavioral health disorders.

7 (3) "Behavioral health peer support specialist" means a person who:

8 (a) has experienced and is in recovery from a behavioral health disorder;

9 (b) has obtained the education and skills needed to provide recovery support to individuals with
10 behavioral health disorders; and

11 (c) possesses a valid and current license.

12 ~~(3)(4)~~ "Board" means the board of behavioral health established under 2-15-1744.

13 ~~(4) "Certified behavioral health peer support specialist" means a person who:~~

14 ~~(a) has experienced and is in recovery from a behavioral health disorder;~~

15 ~~(b) has obtained the education and skills needed to provide therapeutic support to individuals with~~
16 ~~behavioral health disorders; and~~

17 ~~(c) possesses a valid and current certification.~~

18 (5) "Mental health professional" means:

19 (a) a physician licensed under Title 37, chapter 3;

20 (b) a psychologist licensed under Title 37, chapter 17;

21 (c) a social worker licensed under Title 37, chapter 22;

22 (d) a professional counselor licensed under Title 37, chapter 23;

23 (e) an advanced practice registered nurse, as provided for in 37-8-202, with a clinical specialty in
24 psychiatric mental health nursing;

25 (f) a marriage and family therapist licensed under Title 37, chapter 37; or

26 (g) a licensed addiction counselor licensed under Title 37, chapter 35."

27

28 **Section 4.** Section 37-38-106, MCA, is amended to read:

1 **"37-38-106. Privileged communications -- exceptions.** (1) ~~Certified behavioral~~ Licensed behavioral
 2 health peer support specialists and licensure candidates work in health care teams. Communication among
 3 team members that is essential for the supported individual's recovery must be defined and established by
 4 board rule.

5 (2) A ~~certified~~ licensed behavioral health peer support specialist or licensure candidate may ~~not~~
 6 disclose ~~any~~ information the behavioral health peer support specialist or licensure candidate acquires from an
 7 individual to whom the behavioral health peer support specialist or licensure candidate provides behavioral
 8 health peer support ~~except only~~:

9 (a) when the behavioral health peer support specialist or licensure candidate has:

10 ~~(a)(i)~~ with obtained the written consent of the individual or, in the case of the individual's death or
 11 mental incapacity, ~~with~~ the written consent of the individual's personal representative or guardian;

12 ~~(b)(ii)~~ when received a communication that otherwise would be confidential but reveals that the
 13 individual or another person is contemplating the commission of a crime; ~~or~~

14 ~~(iii)~~ determined that a communication that would otherwise be confidential in the behavioral health
 15 peer support specialist's professional opinion reveals a threat of imminent harm to the individual or others;

16 ~~(e)(iv)~~ that if the individual is in the case of a minor, and acquired information acquired by the certified
 17 behavioral health peer support specialist that indicates that the minor was the victim of a crime, ~~the peer~~
 18 support specialist may be and the behavioral health peer support specialist or licensure candidate is required to
 19 testify fully in relation to the information in any investigation, trial, or other legal proceeding in which the
 20 commission of that crime is the subject of inquiry;

21 ~~(d)(v)~~ been named in an action brought by that if the an individual or the individual's personal
 22 representative or guardian ~~brings an action against a certified behavioral health peer support specialist~~ for a
 23 claim arising out of the behavioral health peer support specialist's or licensure candidate's professional
 24 relationship with the individual, In that instance, the individual is considered to have waived any privilege;

25 ~~(e)(b)~~ to the extent that the privilege is otherwise waived by the individual; and

26 ~~(f)(c)~~ as may otherwise be required by law."
 27

28 **Section 5.** Section 37-38-201, MCA, is amended to read:

1 **"37-38-201. Certification Licensure required -- exceptions.** (1) ~~Upon certification~~ Following
 2 licensure in accordance with this chapter, a person may use the title "~~certified~~ licensed behavioral health peer
 3 support specialist" or "behavioral health peer support specialist".

4 (2) Subsection (1) does not prohibit a qualified member of another profession, such as a physician,
 5 lawyer, psychologist, pastoral counselor, probation officer, court employee, nurse, school counselor, educator,
 6 chemical dependency counselor accredited by a federal agency, clinical social worker licensed pursuant to Title
 7 37, chapter 22, clinical professional counselor licensed pursuant to Title 37, chapter 23, addiction counselor
 8 licensed pursuant to Title 37, chapter 35, or marriage and family therapist licensed pursuant to Title 37, chapter
 9 37, from performing duties and services consistent with the person's licensure or certification and the code of
 10 ethics of the person's profession.

11 (3) Subsection (1) does not prohibit a qualified member of another profession, business,
 12 educational program, or volunteer organization who is not licensed or certified or for whom there is no
 13 applicable code of ethics, including peer mentors, advocates, and coaches, from performing duties and
 14 services consistent with the person's training, as long as the person does not represent by title that the person
 15 is engaging in the practice of behavioral health peer support."
 16

17 **Section 6.** Section 37-38-202, MCA, is amended to read:

18 **"37-38-202. Certificate Licensure requirements -- supervision -- fees.** (1) A person may apply for
 19 ~~certification~~ licensure as a behavioral health peer support specialist if the person has attested to the fact that
 20 the person:

- 21 (a) has been diagnosed by a mental health professional as having a behavioral health disorder;
- 22 (b) has received treatment for the diagnosed behavioral health disorder; and
- 23 (c) is in recovery, as defined by the board by rule, from a behavioral health disorder.

24 (2) An applicant shall submit a written application on a form provided by the board and an
 25 application fee prescribed by the board. A person must be ~~recertified~~ relicensed annually using a process
 26 specified by the board by rule, including payment of a fee prescribed by the board.

27 (3) An applicant must have:

- 28 (a) successfully completed a training course in behavioral health peer support, as defined by the

1 board by rule, which must include a module in ethics; ~~and~~

2 (b) verified the applicant's ability to perform all essential functions of the ~~certified~~ peer support role
3 through the application and ~~certification~~ licensure process provided for by the board; and

4 (c) provided proof of completion of 1,000 hours of supervised behavioral health peer support
5 training and work experience as required under [section 1].

6 (4) As a prerequisite to the issuance of a ~~certificate~~ license, the board shall require the applicant to
7 submit fingerprints for the purpose of fingerprint background checks by the Montana department of justice and
8 the federal bureau of investigation as provided in 37-1-307.

9 (5) Pursuant to 37-1-203, an applicant who has a history of criminal convictions has the
10 opportunity to demonstrate to the board that the applicant is sufficiently rehabilitated to warrant the public trust.
11 The board may deny the license if it determines that the applicant is not sufficiently rehabilitated.

12 (6) ~~(a) Supervision of a certified behavioral health peer support specialist must be provided by a~~
13 ~~competent mental health professional must provide 1 hour of face-to-face supervision for every 40 hours of~~
14 ~~behavioral health peer support provided by a licensed behavioral health peer support specialist. The amount,~~
15 ~~duration, and scope of supervision may vary depending on the demonstrated competency and experience of~~
16 ~~the peer support specialist, as well as the service mix. Supervision may range from direct oversight to periodic~~
17 ~~care consultation. The board may create guidelines for supervision but must allow for flexibility in the provision~~
18 ~~of behavioral health peer support services.~~

19 (b) Supervision under this subsection (6) must be provided by a physician, a psychologist, an
20 advanced practice registered nurse with a clinical specialty in psychiatric mental health nursing, a clinical social
21 worker, a clinical professional counselor, a marriage and family therapist, or an addiction counselor.

22 (c) The individual providing supervision must:

23 (i) have an active license in good standing in Montana; and

24 (ii) have been licensed for a minimum of 3 years, excluding licensure as a candidate; or

25 (iii) have at least 20 hours of board-approved training in supervision.

26 (7) In selecting approved training courses as required in subsection (3), the board shall provide as
27 much flexibility and inclusivity as possible to applicants. The board shall review existing training materials from
28 national, regional, and state agencies and organizations, including existing Montana-based peer support

1 providers, that adequately address the essential functions of the certified peer support role and shall include
2 those materials as possible. The board may not exclude a training course from the list of approved courses
3 solely because the training course was created by or is provided by a faith-based or culturally based entity,
4 association, tribe, church, or educational institution."

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6 **NEW SECTION. Section 7. Codification instruction.** [Section 1] is intended to be codified as an
7 integral part of Title 37, chapter 38, and the provisions of Title 37, chapter 38, apply to [section 1].

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