

WSR 24-21-053

PROPOSED RULES

HEALTH CARE AUTHORITY

[Filed October 9, 2024, 2:09 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-14-134.

Title of Rule and Other Identifying Information: Chapter 182-115 WAC, Certified peer counselor; and chapter 182-116 WAC, Certified peer specialist.

Hearing Location(s): On November 26, 2024, at 10:00 a.m. The health care authority (HCA) holds public hearings virtually without a physical meeting place. To attend the virtual public hearing, you must register in advance [https://us02web.zoom.us/webinar/register/WN\\_zumlUaSYRMWndscsc\\_AQA](https://us02web.zoom.us/webinar/register/WN_zumlUaSYRMWndscsc_AQA). If the link above opens with an error message, please try using a different browser. After registering, you will receive a confirmation email containing information about joining the public hearing.

Date of Intended Adoption: Not sooner than November 27, 2024.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email [arc@hca.wa.gov](mailto:arc@hca.wa.gov), fax 360-586-9727, beginning October 8, 2024, 8:00 a.m., by November 26, 2024, by 11:59 p.m.

Assistance for Persons with Disabilities: Contact Johanna Larson, phone 360-725-1349, fax 360-586-9727, telecommunication relay service 711, email [Johanna.Larson@hca.wa.gov](mailto:Johanna.Larson@hca.wa.gov), by November 15, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: As authorized in 2SB [2SSB] 5555 (68th legislature, regular session), HCA is revising chapter 182-115 WAC as follows:

- Effective January 1, 2027, certified peer counselors will no longer be a payable provider type.
- Effective January 1, 2025, the authority will no longer provide certified peer counselor training.
- Effective January 1, 2027, the new profession of certified peer specialists will supersede certified peer counselors.
- WAC 182-115-0200, which addresses application, training, and examination of certified peer counselors, will be repealed.

HCA is also proposing new chapter 182-116 WAC, which addresses general provisions for peer specialists, as well as training and supervision requirements.

Reasons Supporting Proposal: See purpose above.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160, 71.24.920.

Statute Being Implemented: RCW 41.05.021, 41.05.160, 71.24.920.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Governmental.

Name of Agency Personnel Responsible for Drafting: Melinda Froud, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1408; Implementation and Enforcement: Maureen Bailey, P.O. Box 55543, Olympia, WA 98504-5534 [5543], 360-725-9997.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules review committee or applied voluntarily.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

Scope of exemption for rule proposal:

Is fully exempt.

October 9, 2024  
Wendy Barcus  
Rules Coordinator

#### OTS-5819.4

AMENDATORY SECTION (Amending WSR 22-05-059, filed 2/10/22, effective 3/13/22)

**WAC 182-115-0100 Certified peer counselors (~~—General~~).** (1) ~~((The authority recognizes a person as))~~ A certified peer counselor ~~((who can))~~ may provide medicaid-reimbursable peer counseling services ~~((when the person meets the requirements in WAC 182-115-0200))~~ through December 31, 2026.

(2) Effective January 1, 2025, the authority will no longer train people to qualify as certified peer counselors ~~((who provide services to people enrolled in medicaid must be)).~~

(3) Effective January 1, 2027, the profession of certified peer specialist, as defined in RCW 18.420.010, will supersede certified peer counselors who provide medicaid-reimbursable peer services.

(4) A certified peer counselor may provide medicaid-reimbursable services only under the clinical supervision of a mental health professional and/or substance use disorder professional who understands rehabilitation and recovery. The ~~((clinical))~~ approved supervisor's expertise should ~~((be aligned))~~ align with the needs of the populations served by the certified peer counselor.

~~((+3))~~ (5) Certified peer counselors ~~((must))~~ may provide services to people enrolled in medicaid ~~((under))~~ only when those services are provided in a licensed community behavioral health agency, as defined in WAC 246-341-0200 ~~((and certified under WAC 246-341-0724)).~~

#### NEW SECTION

**WAC 182-115-0300 Peer specialist supervisor training.** Only those people who are certified peer counselors or certified peer specialists may qualify to take the authority's training to become endorsed by the department of health as an approved supervisor.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 182-115-0200 Certified peer counselor—Application, training, examination, and authority approval.

**OTS-5820.1****Chapter 182-116 WAC  
CERTIFIED PEER SPECIALIST**NEW SECTION

**WAC 182-116-0100 Certified peer specialist—General.** (1) A peer specialist certified by the department of health who provides medic-aid-reimbursable peer support services must meet the requirements in WAC 182-116-0200.

(2) Certified peer specialists who provide services to people enrolled in medicaid must practice:

(a) Under the clinical supervision of a behavioral health provider as defined in RCW 71.24.025 or a certified peer specialist supervisor as defined in RCW 18.420.010; and

(b) In a community behavioral health agency licensed, certified, or subject to an approved tribal attestation by the department of health.

NEW SECTION

**WAC 182-116-0200 Peer specialist—Application, training, examination, and authority approval.** (1) People applying with the authority to train and test to qualify as a peer specialist certified under the department of health must meet all of the following:

(a) Be age 18 or older;

(b) Attest on the authority's application that they self-identify as:

(i) A person with one or more years of recovery from a mental health condition, substance use disorder, or both; or

(ii) The parent or legal guardian of a child age 17 or younger who is receiving or has received behavioral health services.

(c) Pass the authority's educational courses and pass the required examination with a total score of 80 percent or higher.

(2) After a person passes the authority's examination, the authority issues a letter stating that the person qualifies to become a certified peer specialist through the department.