

WSR 25-05-099

PROPOSED RULES

HEALTH CARE AUTHORITY

[Filed February 19, 2025, 10:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 25-02-110.

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 March 25, 2025, 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 at https://us02web.zoom.us/webinar/register/WN_hzHS7TQKTfmTS6aXCuU3VQ. 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 March 26, 2025.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email arc@hca.wa.gov, fax 360-586-9727, beginning February 20, 2025, 8:00 a.m., by March 25, 2025, 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, by March 7, 2025.

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

- Peer counselors may provide medicaid-reimbursable peer services only through December 31, 2026.
- The rules include requirements for peer counselor supervision, credentialing, and service locations.
- The rules provide that certified peer specialists will supersede certified peer counselors on January 1, 2027.
- The rules repeal WAC 182-115-0200, which provides for peer counselor application, training, examination, and approval.

In chapter 182-116 WAC, HCA is making some housekeeping changes. The rules also clarify that a person who passes the HCA's examination receives a letter stating that they have met the training requirements to apply for a certified peer specialist or certified peer specialist trainee credential.

Reasons Supporting Proposal: See purpose.

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

Statute Being Implemented: RCW 41.05.021, 41.05.160, and 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 55534, Olympia, WA 98504-5534, 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.

Scope of exemption for rule proposal from Regulatory Fairness Act requirements:

Is not exempt.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. This rule making implements 2SSB 5555, chapter 469, Laws of 2023, addresses the behavioral health workforce, and expands access to peer services by creating the profession of certified peer specialist. HCA worked within the limits of the legislation to make it the least burdensome to the current and future workforce and the providers of peer services and has made every effort to reduce disproportionate impacts on these providers. HCA created options for the free required training, including a fully virtual option, as well as expedited training through an online learning management system. HCA therefore concludes that these rules do not impose a more-than-minor cost on small businesses.

February 19, 2025
Wendy Barcus
Rules Coordinator

RDS-6143.1

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

WAC 182-115-0100 Certified peer counselor (~~General~~). (1)

~~((The authority recognizes a person as a certified peer counselor who can provide medicaid-reimbursable peer counseling services when the person meets the requirements in WAC 182-115-0200.~~

~~(2) Certified peer counselors who provide services to people enrolled in medicaid must be under the clinical supervision of a mental health professional and/or substance use disorder professional who understands rehabilitation and recovery. The clinical supervisor's expertise should be aligned with the needs of the populations served by the certified peer counselor.~~

~~(3) Certified peer counselors must provide services to people enrolled in medicaid under) A certified peer counselor may provide medicaid-reimbursable peer services only:~~

~~(a) Through December 31, 2026;~~

~~(b) Under the clinical supervision of a mental health professional, or substance use disorder professional, or both:~~

~~(i) Who understands rehabilitation and recovery; and~~

~~(ii) Whose expertise aligns with the needs of the populations served by the certified peer counselor;~~

~~(c) When the services are provided in a licensed community behavioral health agency, as defined in WAC 246-341-0200 ((and certified under WAC 246-341-0724)); and~~

(d) When the certified peer counselor is credentialed as an agency-affiliated counselor under chapter 18.19 RCW.

(2) On January 1, 2027, the profession of certified peer specialist, as defined in RCW 18.420.010, will supersede certified peer counselors. On and after that date, only certified peer specialists and peer specialist trainees may provide medicaid-reimbursable peer services.

AMENDATORY SECTION (Amending WSR 25-01-118, filed 12/16/24, effective 1/16/25)

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))~~ recognized 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.

RDS-6144.1

AMENDATORY SECTION (Amending WSR 25-01-118, filed 12/16/24, effective 1/16/25)

WAC 182-116-0100 Certified peer specialist and certified peer specialist trainee—General. (1) A certified peer specialist or certified peer specialist trainee credentialed by the department of health who provides medicaid-reimbursable peer support services must meet the requirements in WAC 182-116-0200.

(2) Certified peer specialists or certified peer specialist trainees 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.

AMENDATORY SECTION (Amending WSR 25-01-118, filed 12/16/24, effective 1/16/25)

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))~~ for peer specialist training must:

(a) Be age 18 or older; and

(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))~~ behavioral health experiences/challenges; or

(ii) The parent or legal guardian of a ~~((child age 17 or younger who is receiving))~~ person who has applied for, is eligible for, 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 meets the training requirements and passes the authority's examination, the authority issues a letter stating ~~((that))~~ the person ~~((meets))~~ has met the ~~((educational qualifications to become a))~~ training requirements needed to apply for the credential of certified peer specialist or certified peer specialist trainee through the department.