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Legislative Reference Bureau

INTRODUCED _____

By Khan, Tarik District NO. 194

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

See next page for additional co-sponsors.

Prior Session _____

Referred to Committee on	
Date	_____
Reported	_____
As Committed-Amended	
Recomendation	_____
By Hon.	_____

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," in public assistance,
4 providing for medical assistance coverage for peer recovery
5 support services; in departmental powers and duties as to
6 licensing, further providing for definitions and for fees and
7 providing for peer support services providers; and imposing
8 penalties.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. The act of June 13, 1967 (P.L.31, No.21), known
12 as the Human Services Code, is amended by adding a section to
13 read:

14 Section 443.15. Medical Assistance Coverage for Peer
15 Recovery Support Services.--(a) Peer recovery support services
16 delivered by a peer support specialist are compensable under the
17 medical assistance program in accordance with the Commonwealth's
18 approved State plan for individuals with a mental health
19 disorder or substance use disorder through a licensed peer
20 support services provider or an authorized peer support program

1 delivered by a peer support specialist. Peer recovery support
2 services are reimbursable as a primary service for individuals
3 with a mild, moderate or severe mental health disorder or
4 substance use disorder and require no other diagnosis, condition
5 or preauthorization. Peer recovery support services shall be
6 reimbursable through a fee-for-service, bundled payment approach
7 or other value-based methodology developed by a qualifying
8 provider, the department or a managed care organization
9 designated by the department.

10 (b) Compensable services under subsection (a) shall be
11 covered by all physical health and behavioral health managed
12 care organizations operating in this Commonwealth. A managed
13 care organization may not require additional certification of
14 licensed peer support services providers in order to provide
15 compensable services under subsection (a).

16 (c) Peer recovery support services delivered by a peer
17 recovery support specialist shall be deemed eligible for
18 compensation under subsection (a) if supervised by a licensed
19 mental health practitioner or a peer support specialist
20 supervisor who provides peer support specialist supervision.

21 (d) The following words and phrases when used in this
22 section shall have the meanings given to them in this subsection
23 unless the context clearly indicates otherwise:

24 "Authorized peer support program." A program or service
25 facilitated by a provider organization that is staffed by peer
26 support specialists who deliver peer recovery support services
27 and is contractually partnered with a licensed peer support
28 services provider to implement the program or service and
29 provide quality assurance assistance, peer support specialist
30 supervision, peer recovery support services or any combination

1 of these activities.

2 "Managed care organization." A licensed managed care
3 organization that is contracted with the department to provide
4 or arrange for services to a Medicaid recipient.

5 "Mental health disorder." A concern characterized by a
6 significant disturbance in an individual's cognition, emotional
7 regulation or behavior that reflects a dysfunction in the
8 psychological, biological or development processes underlying
9 mental functioning.

10 "Mental health peer organization." An independent,
11 nonclinical, nonprofit organization led and governed by
12 representatives of local communities of recovery that employs
13 peer support specialists to provide community-based peer
14 recovery support services.

15 "Peer recovery support services." A form of nonprofessional,
16 nonclinical assistance that is delivered in person at a recovery
17 community organization, in person at a mental health peer
18 organization, in the community or at any other provider
19 location, via telephone or through technological means,
20 including video calling or virtual reality, to help an
21 individual, family member or loved one with a mental health
22 disorder or substance use disorder achieve long-term recovery,
23 which is provided by a peer support specialist who has been
24 successful in the peer support specialist's own recovery with a
25 mental health disorder or substance use disorder and who shares
26 the peer support specialist's experience, knowledge and skills
27 with another individual with similar issues. The term includes
28 the following:

29 (1) A one-on-one engagement between a single peer support
30 specialist and a single individual, family member or loved one,

1 which may include a brief check in, recovery planning session or
2 any other engagement focused on navigating the recovery process.

3 (2) A group engagement between a single peer support
4 specialist and no more than eighteen individuals, family members
5 or loved ones, which is facilitated by the peer support
6 specialist and may include life skills education, recovery
7 education or other nonclinical topics important to the recovery
8 process.

9 (3) Community outreach and engagement completed by a peer
10 support specialist that facilitates engagement with individuals,
11 family members or loved ones and the broader community about
12 substance use, mental health and recovery, which may include
13 supply distribution, training, forums or other activities that
14 share peer recovery support services information to the
15 community.

16 "Peer support services provider." An independent,
17 nonclinical, nonprofit organization as specified under 26 U.S.C.
18 § 501(c)(3) (relating to exemption from tax on corporations,
19 certain trusts, etc.), including a recovery community
20 organization or mental health peer organization, which is led
21 and governed by individuals in mental health and substance use
22 recovery that employs peer support specialists and provides peer
23 recovery support services.

24 "Peer support specialist." An individual who has a personal
25 lived or living experience involving a mental health disorder or
26 substance use disorder, including with a family member or loved
27 one, and who has been trained and certified through the
28 Pennsylvania Certification Board with a valid peer specialist
29 credential of any approved type.

30 "Peer support specialist supervision." Supervision that is

1 provided to a peer support specialist by a peer support
2 specialist supervisor on a recurring basis, delivered for the
3 purpose of ongoing practice management and training and
4 authorized under State law for reimbursement of peer recovery
5 support services.

6 "Peer support specialist supervisor." An individual who has
7 a personal lived or living experience involving a mental health
8 disorder or substance use disorder, including with a family
9 member or loved one, and who has been trained and certified
10 through the Pennsylvania Certification Board with a valid peer
11 support specialist supervisor credential of any approved type.
12 The term does not include an individual with an active clinical
13 or medical license.

14 "Recovery community organization." An independent,
15 nonclinical, nonprofit organization led and governed by
16 representatives of local communities of recovery that employs
17 peer support specialists and conducts any of the following
18 activities, which are available to each community member and are
19 not restricted to an individual enrolled in a specific
20 educational, treatment or residential program:

21 (1) Conducts ongoing local recovery support needs assessment
22 surveys or focus groups.

23 (2) Organizes recovery-focused policy and advocacy
24 activities.

25 (3) Increases recovery workforce capacity and expertise
26 through training and education.

27 (4) Carries out recovery-focused outreach programs to engage
28 an individual seeking recovery, in recovery or in need of
29 recovery-focused support services or events to educate and raise
30 public awareness.

1 (5) Conducts recovery-focused public and professional
2 education events.

3 (6) Provides peer recovery support services.

4 (7) Supports the development of a recovery support
5 institution, including support for an education-based recovery
6 support program, recovery community center, recovery cafe,
7 recovery ministry, recovery-focused employment program or
8 recovery-focused prison reentry program.

9 (8) Hosts a national, regional or local recovery celebration
10 event.

11 (9) Collaborates on the integration of recovery-focused
12 activities within local prevention, harm reduction, early
13 intervention and treatment initiatives.

14 "Substance use disorder." A pattern of use of alcohol or
15 other drugs leading to clinical or functional impairment.

16 Section 2. Section 1001 of the act is amended by adding
17 definitions to read:

18 Section 1001. Definitions.--As used in this article--

19 * * *

20 "Managed care organization" means a licensed managed care
21 organization that is contracted with the department to provide
22 or arrange for services to a Medicaid recipient.

23 * * *

24 "Mental health peer organization" means an independent,
25 nonclinical, nonprofit organization led and governed by
26 representatives of local communities of recovery that employs
27 peer support specialists to provide community-based peer
28 recovery support services.

29 * * *

30 "Peer recovery support services" means a form of

1 nonprofessional, nonclinical assistance that is delivered in
2 person at a recovery community organization, in person at a
3 mental health peer organization, in the community or at any
4 other provider location, via telephone or through technological
5 means, including video calling or virtual reality, to help an
6 individual, family member or loved one with a mental health or
7 substance use disorder achieve long-term recovery, which is
8 provided by a peer support specialist who has been successful in
9 the peer support specialist's own recovery with a mental health
10 or substance use disorder and who shares the peer support
11 specialist's experience, knowledge and skills with another
12 individual with similar issues. The term includes the following:

13 (1) A one-on-one engagement between a single peer support
14 specialist and a single individual, family member or loved one,
15 which may include a brief check in, recovery planning session or
16 any other engagement focused on navigating the recovery process.

17 (2) A group engagement between a single peer support
18 specialist and no more than eighteen individuals, family members
19 or loved ones, which is facilitated by the peer support
20 specialist and may include life skills education, recovery
21 education or other nonclinical topics important to the recovery
22 process.

23 (3) Community outreach and engagement completed by a peer
24 support specialist that facilitates engagement with individuals,
25 family members or loved ones and the broader community about
26 substance use, mental health and recovery, which may include
27 supply distribution, training, forums or other activities that
28 share peer recovery support services information to the
29 community.

30 "Peer support services provider" means an independent,

1 nonclinical, nonprofit organization as specified under 26 U.S.C.
2 § 501(c)(3) (relating to exemption from tax on corporations,
3 certain trusts, etc.), including a recovery community
4 organization or mental health peer organization, which is led
5 and governed by individuals in mental health and substance use
6 recovery that employs peer support specialists and provides peer
7 recovery support services.

8 "Peer support specialist" means an individual who has a
9 personal lived or living experience involving a mental health or
10 substance use disorder, including with a family member or loved
11 one, and who has been trained and certified through the
12 Pennsylvania Certification Board with a valid peer specialist
13 credential of any approved type.

14 * * *

15 "Recovery community organization" means an independent,
16 nonclinical, nonprofit organization led and governed by
17 representatives of local communities of recovery that employs
18 peer support specialists and conducts any of the following
19 activities, which are available to each community member and are
20 not restricted to an individual enrolled in a specific
21 educational, treatment or residential program:

22 (1) Conducts ongoing local recovery support needs assessment
23 surveys or focus groups.

24 (2) Organizes recovery-focused policy and advocacy
25 activities.

26 (3) Increases recovery workforce capacity and expertise
27 through training and education.

28 (4) Carries out recovery-focused outreach programs to engage
29 an individual seeking recovery, in recovery or in need of
30 recovery-focused support services or events to educate and raise

1 public awareness.

2 (5) Conducts recovery-focused public and professional
3 education events.

4 (6) Provides peer recovery support services.

5 (7) Supports the development of a recovery support
6 institution, including support for an education-based recovery
7 support program, recovery community center, recovery cafe,
8 recovery ministry, recovery-focused employment program or
9 recovery-focused prison reentry program.

10 (8) Hosts a national, regional or local recovery celebration
11 event.

12 (9) Collaborates on the integration of recovery-focused
13 activities within local prevention, harm reduction, early
14 intervention and treatment initiatives.

15 * * *

16 Section 3. Section 1006 of the act is amended to read:

17 Section 1006. Fees.--Annual licenses shall be issued when
18 the proper fee, if required, is received by the department and
19 all the other conditions prescribed in this act are met. For
20 personal care homes, the fee shall be an application fee. The
21 fees shall be:

Facility	Annual Fee
Adult day care center	\$ 15
Mental health establishment	50
Personal care home-- 0 - 20 beds	15
-- 21 - 50 beds	20
-- 51 - 100 beds	30
--101 beds and above	50

29 No fee shall be required for the annual license in the case of
30 day care centers, peer support services providers, family child

1 care homes, boarding homes for children or for public or
2 nonprofit mental institutions.

3 Section 4. Article X of the act is amended by adding a
4 subarticle to read:

5 (e) Peer Support Services Providers

6 Section 1091. Definitions.

7 The following words and phrases when used in this subarticle
8 shall have the meanings given to them in this section unless the
9 context clearly indicates otherwise:

10 "Drop-in center." A physical brick and mortar space operated
11 by a peer support services provider for the delivery of peer
12 recovery support services.

13 "Peer support specialist supervision." Supervision that is
14 provided to a peer support specialist by a peer support
15 specialist supervisor on a recurring basis, delivered for the
16 purpose of ongoing practice management and training and
17 authorized under State law for reimbursement of peer recovery
18 support services.

19 "Peer support specialist supervisor." An individual who has
20 a personal lived or living experience involving a mental health
21 or substance use disorder, including with a family member or
22 loved one, and who has been trained and certified through the
23 Pennsylvania Certification Board with a valid peer support
24 specialist supervisor credential of any approved type. The term
25 does not include an individual with an active clinical or
26 medical license.

27 Section 1092. Application for license as peer support services
28 provider.

29 (a) Regulations.--No later than 60 days after the effective
30 date of this subsection, the department and the Department of

1 Drug and Alcohol Programs shall jointly promulgate regulations
2 specifying the requirements to apply and obtain a license from
3 the department and the Department of Drug and Alcohol Programs
4 to operate as a peer support services provider. The department
5 and the Department of Drug and Alcohol Programs shall ensure
6 that the regulations promulgated under this subsection supersede
7 the regulations in effect on the effective date of this
8 subsection relating to peer support service providers that are
9 based on the Provider Handbook for Psychiatric and Partial
10 Hospitalization Services, Section VII - Other Services.

11 (b) Applications for licensure.--

12 (1) An applicant to hold a license under this section as
13 a peer support services provider who intends to serve
14 individuals, family members or loved ones with a lived or
15 living experience involving a mental health disorder shall
16 submit an application to the department in accordance with
17 the regulations promulgated under subsection (a).

18 (2) An applicant to hold a license under this section as
19 a peer support services provider who intends to serve
20 individuals, family members or loved ones with a lived or
21 living experience involving a substance use disorder shall
22 submit an application to the Department of Drug and Alcohol
23 Programs in accordance with the regulations promulgated under
24 subsection (a).

25 (3) An applicant to hold a license under this section as
26 a peer support services provider who intends to serve
27 individuals, family members or loved ones with a lived or
28 living experience involving both a mental health and
29 substance use disorder shall submit an application to the
30 department and the Department of Drug and Alcohol Programs in

1 accordance with the regulations promulgated under subsection
2 (a).

3 (c) Licensure requirements.--The department and the
4 Department of Drug and Alcohol Programs shall ensure that an
5 applicant for licensure under this section meets all of the
6 following requirements:

7 (1) Is a nonclinical provider that employs peer support
8 specialists to provide peer recovery support services.

9 (2) Employs peer support specialist supervisors and
10 provides at least weekly peer support specialist supervision
11 to each employed peer support specialist.

12 (3) Annually attests under penalty of perjury that the
13 applicant is governed by a nonprofit board of directors that
14 is comprised of no less than 51% of members who are
15 individuals, family members or loved ones with a lived or
16 living experience involving a mental health or substance use
17 disorder.

18 (4) Has policies and procedures to ensure compliance in
19 providing support for all pathways and programs of individual
20 recovery, including harm reduction, abstinence and medication
21 use.

22 (5) Meets the standards specified under section 1093.
23 Section 1093. Peer support services provider standards.

24 A peer support services provider shall meet the following
25 standards to hold a license under section 1092 and remain
26 eligible to hold license as a peer support services provider:

27 (1) Operates a drop-in center in this Commonwealth for
28 use by individuals, family members or loved ones in recovery,
29 seeking recovery or interested in education about recovery. A
30 peer support services provider that does not operate a drop-

1 in center and meets all other standards specified under this
2 section shall qualify for a one-year provisional license,
3 which may not be renewed more than twice.

4 (2) Employs peer support specialists and peer support
5 specialist supervisors to deliver peer recovery support
6 services.

7 (3) Ensures that each employed peer support specialist
8 is provided at least weekly peer support specialist
9 supervision by an appropriately credentialed peer support
10 specialist supervisor.

11 (4) May not be a subsidiary, department, division or a
12 legal affiliate of a Federal, State or local agency, single
13 county authority, managed care organization or a licensed
14 clinical or medical provider of any type. A peer support
15 services provider that provides nonclinical peer respite
16 services as a licensed mental health crisis residential
17 program in this Commonwealth, but holds no other clinical or
18 medical license, shall be in compliance with this paragraph.

19 (5) Is a legal nonprofit corporation in this
20 Commonwealth and registered with the Department of State.

21 (6) Maintains a standardized process for the collection
22 of interaction and outcome data of each delivered service. A
23 peer support services provider may use an approved electronic
24 recovery record or other approved alternative method to
25 comply with this paragraph.

26 (7) Collects and reports any information required by
27 State law and the regulations promulgated under section 1092,
28 including information on recovery capital, social
29 determinants of recovery domains, including employment,
30 housing, education, income, legal, transportation and

1 relationships domains, overdose events, community and
2 intrapersonal relationship engagement and recidivism.
3 Section 1094. Registry of peer support services providers.

4 Beginning no later than March 1, 2025, the Department of Drug
5 and Alcohol Programs, in conjunction with the department, shall
6 establish and maintain a registry on a publicly accessible
7 Internet website with each licensed peer support services
8 provider in this Commonwealth. The Department of Drug and
9 Alcohol Programs shall update the registry on an annual basis.

10 Section 1095. Review, report and adjustment.

11 (a) Review and report.--No later than April 1, 2025, and
12 each 36 months thereafter, the department shall facilitate a
13 review of medical assistance reimbursement rates for peer
14 recovery support services and submit a report to the General
15 Assembly. The department shall provide information in the report
16 on peer recovery support service rate adequacy and rate
17 variation across this Commonwealth geographically and among
18 managed care organizations designated by the department.

19 (b) Adjustment.--The department shall utilize the findings
20 in each report under subsection (a) to adjust peer recovery
21 support service reimbursement rates to a 100% rate adequacy
22 immediately after each report is submitted to the General
23 Assembly.

24 Section 1096. Penalties.

25 (a) Imposition.--The department shall impose a fine of no
26 less than \$1,000 on a person who operates as a peer support
27 services provider that receives funding, in whole or in part, by
28 a Federal agency, the department, other State agency or county
29 agency and has failed to attain or maintain the license of the
30 peer support services provider required under section 1092.

1 (b) Referrals.--If the department determines that a peer
2 support services provider is not in compliance with this
3 subarticle due to an alleged violation of a Federal or State
4 law, the department may refer the matter to the appropriate
5 Federal or State agency for investigation.

6 Section 1097. Compliance with other laws.

7 To receive and maintain a license as a peer support services
8 provider under section 1092, a peer support services provider
9 shall comply with Federal and State law, including the Americans
10 with Disabilities Act of 1990 (Public Law 101-336, 104 Stat.
11 327). A peer support services provider that fails to comply or
12 remain in compliance with Federal or State law shall relinquish
13 licensure under section 1092, and the Department of Drug and
14 Alcohol Programs, in conjunction with the department, shall
15 remove the peer support services provider from the registry
16 under section 1094.

17 Section 5. This act shall take effect in 60 days.