



PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 09, 2024

TIME: 2:09 PM

WSR 24-21-053

Agency: Health Care Authority

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 24-14-134 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) Chapter 182-115, Certified Peer Counselor, Chapter 182-116, Certified Peer Specialist

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
November 26, 2024	10:00 AM	The Health Care Authority 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_zumIUaSYRMWndscscs_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 (Note: This is **NOT** the effective date)

Submit written comments to:

Name HCA Rules Coordinator

Address PO Box 42716, Olympia WA 98504-2716

Email arc@hca.wa.gov

Fax 360-586-9727

Other

Beginning (date and time) October 8, 2024, 8:00 AM

By (date and time) November 26, 2024, by 11:59 PM

Assistance for persons with disabilities:

Contact Johanna Larson

Phone 360-725-1349

Fax 360-586-9727

TTY Telecommunication Relay Service (TRS): 711

Email Johanna.Larson@hca.wa.gov

Other

By (date) November 15, 2024

Purpose of the proposal and its anticipated effects, including any changes in existing rules: As authorized in Second Substitute Bill 5555 (68th Legislature, Regular Session), the agency 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.

The agency is also proposing new Chapter 182-116, 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, RCW 71.24.920

Statute being implemented: RCW 41.05.021, 41.05.160, RCW 71.24.920

Is rule necessary because of a:

- Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Name of proponent: (person or organization)

Type of proponent: Private. Public. Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Melinda Froud	P.O. Box 42716, Olympia, WA 98504-2716	360-725-1408
Implementation	Maureen Bailey	P.O. Box 55543, Olympia, WA 98504-5534	360-725-9997
Enforcement	Maureen Bailey	P.O. Box 55543, Olympia, WA 98504-5534	360-725-9997

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?

Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name
- Address
- Phone
- Fax
- TTY
- Email
- Other

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

- Name
- Address
- Phone
- Fax
- TTY
- Email
- Other

No: Please explain: RCW 34.05.328 does not apply to Health Care Authority rules unless requested by the Joint Administrative Rules Review Committee or applied voluntarily.

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:
- | | |
|---|---|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
(i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |
- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#). (Does not affect small businesses).
- This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

- The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name
- Address
- Phone
- Fax
- TTY
- Email
- Other

Date: October 9, 2024	Signature: 
Name: Wendy Barcus	
Title: HCA Rules Coordinator	

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.

**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.