

HOUSE No. 4380

The Commonwealth of Massachusetts

PRESENTED BY:

James J. O'Day

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to improve substance use disorder treatment in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Michael J. Finn</i>	<i>6th Hampden</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>

<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>Carlos González</i>	<i>10th Hampden</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Juana B. Matias</i>	<i>16th Essex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Joan Meschino</i>	<i>3rd Plymouth</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>
<i>Brian Murray</i>	<i>10th Worcester</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Andres X. Vargas</i>	<i>3rd Essex</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>

HOUSE No. 4380

By Mr. O'Day of West Boylston, a petition (subject to Joint Rule 12) of James J. O'Day and others relative to the treatment of substance use disorders. Mental Health, Substance Use and Recovery.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act to improve substance use disorder treatment in the Commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 17 of the General Laws, as appearing in the 2016 official edition, is
2 hereby amended by inserting after section 19 the following section:

3

4 Section 19A.(a) As used in this section, the following words shall have the following
5 meanings unless the context clearly requires otherwise:

6 “Relapse discharge”, termination of treatment of a patient for substance use disorder as
7 determined by treatment provider staff, despite a lack of maximal clinical improvement in the
8 patient, due to the use of alcohol or drugs, not including the distribution of alcohol or drugs.

9 “Department”, the department of public health.

10 “Bureau”, the bureau of substance addiction services as established in chapter 18.

11 (b) The bureau, in consultation with the department, shall establish standard criteria and
12 methodology for use in making relapse discharge decisions regarding the appropriate level of
13 treatment based on severity of symptoms.

14

15 (c) The department shall promulgate regulations relative to relapse discharge decisions
16 for substance use disorder treatment programs subject to licensure or approval under sections 24
17 and 24D of chapter 90, sections 6 and 6A of chapter 111B and section 7 of chapter 111E. The
18 regulations shall include, but not be limited to, a requirement that such substance use disorder
19 treatment providers shall:

20 (1) make all decisions involving the relapse discharge of patients from a licensed
21 substance use disorder treatment program pursuant to said methodology established in subsection
22 (b) of section 19.

23 (2) prior to the relapse discharge of any patient from a licensed substance use disorder
24 treatment program, connect the patient to the appropriate level of treatment based on the clinical
25 needs of the patient as determined by the treating clinician.

26 SECTION 2. Chapter 111E, section 18 of the General Laws, as appearing in the 2016
27 official edition, is hereby amended by inserting the following subsections after subsection (e):

28 (f) no patient may be discharged from care as the result of a relapse discharge decision
29 without the connection to clinically appropriate level of care as determined by the treating
30 clinician.

31 SECTION 3. Section 16 of chapter 6D of the General Laws, as appearing in the 2016
32 official edition, is hereby amended by inserting the following subsections after subsection (c) :

33 (d) The office of patient protection shall: -- (1) have the authority to administer and
34 enforce the standards and procedures established by section 19A of chapter 17. The commission
35 shall promulgate such regulations to enforce this section. The regulations authorized by this
36 section shall be consistent with, and not duplicate or overlap with, regulations promulgated by
37 the bureau of substance abuse services established in the department of public health pursuant to
38 said chapter 17.

39 (2) assist patients with questions or concerns relating to substance use disorder treatment
40 and care;

41 (3) establish, by regulation, procedures and rules relating to appeals by patients aggrieved
42 by denials of service or disenrollment resulting from any final action of a substance use disorder
43 treatment program, and to conduct hearings and issue rulings on appeals brought by substance
44 use disorder treatment program patients that are not otherwise properly heard by the patient's
45 treatment program or care provider.

46 SECTION 4. Title XVI of the General Laws, as appearing in the 2016 official edition, is
47 hereby amended by inserting after chapter 111O the following chapter:

48 Chapter 111P. Section 1. As used in this section and in sections 2 to 8, inclusive, the
49 following words shall have the following meanings unless the context clearly requires otherwise:

50 "Approved continuing education", continuing education approved by the department,
51 including research and training programs, college and university courses, in-service training

52 programs, seminars and conferences designed to maintain and enhance the skills of certified
53 recovery coaches.

54 "Approved program", a program approved by the department for the education and
55 training of certified recovery coaches.

56 "Approved work experience", supervised work experience, approved by the department,
57 in substance use disorder treatment and recovery.

58 "Department", the department of public health.

59 "Non-clinical", not including clinical diagnosis and treatment

60 "Recovery support services", non-clinical services provided to assist an individual with
61 initiation and engagement to treatment and to maintain recovery from addiction or substance use
62 disorder that draw upon lived substance use disorder experience, and that include motivational
63 support, informational support, and companionship. Similar roles are commonly known as a
64 recovery coach or a peer recovery support specialist.

65 "Certified Recovery Coach I", a person certified by the department to conduct an
66 independent practice of recovery support services and to provide supervision to other recovery
67 coaches. A Recovery Coach I shall have completed a supervised practicum, including training on
68 the supervisory role, which meets the requirements established by the department or such
69 equivalent educational credits as may be established by the department, shall have at least three
70 years of approved work experience in recovery support services and shall have passed a
71 certification examination approved by the department.

72 “Certified Recovery Coach II”, a person certified by the department to practice non-
73 clinical recovery support services under the supervision of a Certified Recovery Coach I. A
74 certified recovery coach II shall have completed an approved program of education, including a
75 supervised practicum which meets the requirements established by the department or such
76 equivalent educational credits as may be established by the department, shall have at least one
77 year of approved relevant experience and shall have passed a certification examination approved
78 by the department.

79 Section 2. Duties of department: The department shall establish the requirements for the
80 certification of recovery coaches practicing in the commonwealth, evaluate the qualifications of
81 applicants, supervise certification examinations, collect fees established for certification and
82 examination, grant and issue certifications to recovery coaches who satisfy the department's
83 requirements for certification, require and establish continuing education requirements,
84 investigate complaints and take appropriate disciplinary action to protect the public health, safety
85 and welfare.

86 The department shall establish requirements for certified recovery coaches I and II and
87 may establish other reasonable classifications for recovery coaches as it finds necessary and
88 appropriate, taking into consideration different levels of education, training and work experience.

89 The department shall approve and issue certificates of approval of programs for the
90 training of recovery coaches. The department shall maintain a list of approved programs as well
91 as a current roster of persons serving as recovery coaches in the commonwealth.

92 The department shall promulgate such rules and regulations as it deems necessary to
93 implement the provisions of this chapter including rules and regulations establishing the

94 educational and professional requirements for certifying recovery coaches, establishing fees for
95 certifying and examination and governing the practice and employment of certified recovery
96 coaches to promote the public health, safety and welfare.

97 Section 3: Certifying; proof of qualifications; biennial certification renewal

98 Section 3. Each applicant for a certification shall furnish the department with proof of
99 satisfactory completion of the educational, training and experience requirements for certification,
100 including completion of an approved program and approved work experience and proof of
101 having passed such certifying examination as approved or administered by the department.

102 A person serving as a certified recovery coach shall apply for certification renewal
103 biennially to the department. A recovery coach seeking certification renewal shall submit proof
104 of having successfully completed the requirements for such approved continuing education as
105 may be established by regulations.

106 Applications for certifications and renewals thereof shall be submitted in accordance with
107 procedures established by the department. Each application shall be accompanied by the
108 payment of a fee to be determined by the department.

109 Section 4: Prohibition of uncertified recovery coaching; fine; injunction

110 Section 4. Except as otherwise provided for in this chapter or by regulation, a person who
111 is not certified or is otherwise exempt from certification, shall not hold him or herself out as a
112 certified recovery coach and shall not use the title, initials or description of a certified recovery
113 coach or practice or attempt to practice recovery coaching. Whoever engages in any such
114 unauthorized action shall be subject to a fine of not less than \$500. In addition, the department

115 may bring a petition in superior court to enjoin such action or any other violation of this chapter
116 or a regulation of the department.

117 Section 5: Provision of coaching services by noncertified individuals; limitations:

118 Section 5. Nothing in this section shall be construed to prevent qualified members of
119 other professions, including licensed alcohol & drug counselors, marriage and family counselors,
120 mental health counselors, psychologists, social workers, nurse practitioners, practical nurses,
121 physician assistants, physicians, Christian Science practitioners or members of the clergy, from
122 providing recovery support services consistent with accepted standards of their respective
123 professions; provided, however, that no such person shall use a title stating or implying that such
124 person is a certified recovery coach.

125 Nothing in this section shall be construed to prevent members of peer groups or self-help
126 groups from performing peer group or self-help activities; provided, however, that no such
127 person shall use a title stating or implying that such person is a certified recovery coach.

128 Section 6: Consumer complaints; authority of department; discipline of certified recovery
129 coach

130 Section 6. The department shall establish procedures for consumers to file written
131 complaints regarding a recovery coach who is subject to requirements for certification.

132 The department shall investigate all complaints relating to the proper practice of a
133 recovery coach holding a certification and all complaints relating to any violation of this chapter
134 or regulation of the department.

135 The department may conduct an adjudicatory proceeding pursuant to chapter 30A, but
136 shall not have the power to issue, vacate, modify or enforce subpoenas pursuant to section 12 of
137 said chapter 30A. The department may, after a hearing pursuant to said chapter 30A, deny, refuse
138 renewal, revoke, limit or suspend a certification or otherwise discipline a recovery coach
139 certified pursuant to this chapter. Grounds for denial, refusal to renew, revocation, limitation,
140 suspension or other discipline shall include the following:

141 (1) fraud or misrepresentation in obtaining a certification;

142 (2) criminal conduct which the department determines to be of such a nature as to render
143 such person unfit to practice as a certified recovery coach as evidenced by criminal proceedings
144 resulting in a conviction, guilty plea or plea of nolo contendere or an admission of sufficient
145 facts;

146 (3) violation of any rule or regulation of the department governing the practice of
147 recovery coaches;

148 (4) violation of ethical standards which the department determines to be of such a nature
149 as to render such person unfit to practice as a recovery coach;

150 (5) other just and sufficient cause which the department may determine would render a
151 person unfit to practice as a recovery coach.

152 Where denial, refusal to renew, revocation or suspension is based solely on the failure of
153 the certified recovery coach to file timely an application or pay prescribed fees or to maintain
154 insurance coverage as required by law or regulation, the department may act without first
155 granting the applicant or certified recovery coach a hearing.

156 Section 7: Certification examinations; form; semi-annually; certificate in lieu of
157 examination

158 Section 7. Examinations for recovery coaches shall be conducted at least twice a year at
159 times and places designated by the department. Examinations shall be written; provided,
160 however, that portions thereof may be conducted orally. A person who has failed an examination
161 may be admitted to the next subsequent examination.

162 The department may accept, in lieu of its own examination, a current certificate of any
163 recognized certifying body issued on the basis of an examination satisfactory to the department;
164 provided, however, that the standards of such body shall be at least as stringent as those
165 established by the department.

166 Section 8: Certification without examination; applicant licensed or certified in another
167 state

168 Section 8. The department may issue a certification without examination to an applicant
169 whose qualifications meet the requirements for certification established by the department if such
170 applicant is licensed or certified in recovery coaching or a comparable field in another state
171 wherein the requirements for certification are deemed by the department to be equivalent to or in
172 excess of the requirements of this chapter.

173

174 SECTION 5. Chapter 32A of the General Laws, as appearing in the 2016 official edition,
175 is hereby amended by inserting after section 170 the following section:-

176 Section 17P. For the purposes of this section the following terms shall have the following
177 meanings:-

178 “Recovery support services”, non-clinical services provided to assist an individual with
179 initiation and engagement to treatment and to maintain recovery from addiction or substance use
180 disorder that draw upon lived substance use disorder experience, and that include motivational
181 support, informational support, and companionship. Similar roles are commonly known as a
182 recovery coach or a peer recovery support specialist.

183 “Certified recovery coach”, an individual certified to provide recovery support services.

184 “Clinician”, any individual who has a master’s degree in one of the following disciplines
185 or a closely related field: clinical psychology, medicine, psychiatric nursing, rehabilitative
186 counseling, clinical social work, advance practice registered nursing

187 Any coverage offered by the commission to an active or retired employee of the
188 commonwealth insured under the group insurance commission shall provide coverage for
189 recovery support services provided by a certified recovery coach pursuant to chapter 17, section
190 21 for the initiation and maintenance of recovery from substance use disorder when determined
191 to be medically necessary by a licensed clinician. An increase in patient cost sharing shall not be
192 allowed to achieve compliance with this section.

193 SECTION 6. Chapter 118E of the General Laws, as appearing in the 2016 official
194 edition, is hereby amended by inserting after section 10J the following section:-

195 Section 10K. For the purposes of this section the following terms shall have the following
196 meanings:-

197 “Recovery support services”, non-clinical services provided to assist an individual with
198 initiation and engagement to treatment and to maintain recovery from addiction or substance use
199 disorder that draw upon lived substance use disorder experience, and that include motivational
200 support, informational support, and companionship. Similar roles are commonly known as a
201 recovery coach or a peer recovery support specialist.

202 “Certified recovery coach”, an individual certified to provide recovery support services.

203 The division and its contracted health insurers, health plans, health maintenance
204 organizations, behavioral health management firms and third-party administrators under contract
205 to a Medicaid managed care organization or primary care clinician plan shall provide coverage
206 for recovery support services provided by a certified recovery coach pursuant to chapter 17,
207 section 21 for the initiation and maintenance of recovery from substance use disorder when
208 determined to be medically necessary by a licensed clinician and shall establish billing codes and
209 rates of payment for the delivery of said recovery support services.

210 SECTION 7. Chapter 175 of the General Laws, as appearing in the 2016 official edition,
211 is hereby amended by inserting after section 47II the following section:-

212 Section 47JJ. For the purposes of this section the following terms shall have the
213 following meanings:-

214 “Recovery support services”, non-clinical services provided to assist an individual with
215 initiation and engagement to treatment and to maintain recovery from addiction or substance use
216 disorder that draw upon lived substance use disorder experience, and that include motivational
217 support, informational support, and companionship. Similar roles are commonly known as a
218 recovery coach or a peer recovery support specialist.

219 “Certified recovery coach”, an individual certified to provide recovery support services.

220 Any policy, contract, agreement, plan or certificate of insurance issued, delivered or
221 renewed within the commonwealth that provides medical expense coverage shall provide
222 coverage for recovery support services provided by a certified recovery coach pursuant to
223 chapter 17, section 21 for the treatment of a patient seeking initiation or maintenance of recovery
224 from substance use disorder when determined to be medically necessary by a licensed clinician.
225 An increase in patient cost sharing shall not be allowed to achieve compliance with this section.

226 SECTION 8. Chapter 176A of the General Laws, as appearing in the 2016 official
227 edition, is hereby amended by inserting after section Section 8KK the following new section:-

228 Section 8LL. For the purposes of this section the following terms shall have the following
229 meanings:-

230 “Recovery support services”, non-clinical services provided to assist an individual with
231 initiation and engagement to treatment and to maintain recovery from addiction or substance use
232 disorder that draw upon lived substance use disorder experience, and that include motivational
233 support, informational support, and companionship. Similar roles are commonly known as a
234 recovery coach or a peer recovery support specialist.

235 “Certified recovery coach”, an individual certified to provide recovery support services.

236 Any contract between a subscriber and the corporation under an individual or group
237 hospital service plan which is delivered, issued or renewed within the commonwealth shall
238 provide coverage for recovery support services provided by a certified recovery coach pursuant
239 to chapter 17, section 21 for the treatment of a patient seeking initiation or maintenance of

240 recovery from substance use disorder when determined to be medically necessary by a licensed
241 clinician. An increase in patient cost sharing shall not be allowed to achieve compliance with this
242 section.

243 SECTION 9. Chapter 176B of the General Laws, as appearing in the 2016 official
244 edition, is hereby amended by inserting after section Section 4KK the following new section:-

245 Section 4LL. For the purposes of this section the following terms shall have the following
246 meanings:-

247 “Recovery support services”, non-clinical services provided to assist an individual with
248 initiation and engagement to treatment and to maintain recovery from addiction or substance use
249 disorder that draw upon lived substance use disorder experience, and that include motivational
250 support, informational support, and companionship. Similar roles are commonly known as a
251 recovery coach or a peer recovery support specialist.

252 “Certified recovery coach”, an individual certified to provide recovery support services.

253 Any subscription certificate under an individual or group medical service agreement
254 delivered, issued or renewed within the commonwealth shall provide coverage for recovery
255 support services provided by a certified recovery coach pursuant to chapter 17, section 21 for the
256 treatment of a patient seeking initiation or maintenance of recovery from substance use disorder
257 when determined to be medically necessary by a licensed clinician. An increase in patient cost
258 sharing shall not be allowed to achieve compliance with this section.

259 SECTION 10. Chapter 176G of the General Laws, as appearing in the 2016 official
260 edition, is hereby amended by inserting after section Section 4CC the following new section:-

261 Section 4DD. For the purposes of this section the following terms shall have the
262 following meanings:-

263 “Recovery support services”, non-clinical services provided to assist an individual with
264 initiation and engagement to treatment and to maintain recovery from addiction or substance use
265 disorder that draw upon lived substance use disorder experience, and that include motivational
266 support, informational support, and companionship. Similar roles are commonly known as a
267 recovery coach or a peer recovery support specialist.

268 “Certified recovery coach”, an individual certified to provide recovery support services.

269 Any individual or group health maintenance contract shall provide coverage for recovery
270 support services provided by a certified recovery coach pursuant to chapter 17, section 21 for the
271 treatment of a patient seeking initiation or maintenance of recovery from substance use disorder
272 when determined to be medically necessary by a licensed clinician. An increase in patient cost
273 sharing shall not be allowed to achieve compliance with this section.