

**HOUSE . . . . . No. 1744**

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**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 relative to recovery coach certification.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>1/15/2019</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/1/2019</i>

**HOUSE . . . . . No. 1744**

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By Mr. O'Day of West Boylston, a petition (accompanied by bill, House, No. 1744) of James J. O'Day and Elizabeth A. Malia for legislation to regulate recovery support services by creating certification for recovery coaches. Mental Health, Substance Use and Recovery.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act relative to recovery coach certification.

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

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

5           "Approved continuing education", continuing education approved by the department,  
6 including research and training programs, college and university courses, in-service training  
7 programs, seminars and conferences designed to maintain and enhance the skills of certified  
8 recovery coaches.

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

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

13 "Department", the department of public health.

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

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

20 "Recovery Coach," a person certified by the department to conduct an independent  
21 practice of recovery support services.

22 Section 2. Duties of department: The department, in consultation with the  
23 recommendations made by the commission to review and make recommendations regarding  
24 recovery coaching in the commonwealth under section 101 of chapter 208 of the Acts of 2018,  
25 shall establish the requirements for the certification of recovery coaches practicing in the  
26 commonwealth, evaluate the qualifications of applicants, supervise certification examinations,  
27 collect fees established for certification and examination, grant and issue certifications to  
28 recovery coaches who satisfy the department's requirements for certification, require and  
29 establish continuing education requirements, investigate complaints and take appropriate  
30 disciplinary action to protect the public health, safety and welfare.

31           The department shall establish requirements for certified recovery coaches and may  
32 establish other reasonable classifications for recovery coaches as it finds necessary and  
33 appropriate, taking into consideration different levels of education, training and work experience.

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

37           The department shall promulgate such rules and regulations as it deems necessary to  
38 implement the provisions of this chapter including rules and regulations establishing the  
39 educational and professional requirements for certifying recovery coaches, establishing fees for  
40 certifying and examination and governing the practice and employment of certified recovery  
41 coaches to promote the public health, safety and welfare.

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

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

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

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

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

55 Section 4. Except as otherwise provided for in this chapter or by regulation, a person who  
56 is not certified or is otherwise exempt from certification, shall not hold him or herself out as a  
57 certified recovery coach and shall not use the title, initials or description of a certified recovery  
58 coach or practice or attempt to practice recovery coaching. Whoever engages in any such  
59 unauthorized action shall be subject to a fine of not less than \$500. In addition, the department  
60 may bring a petition in superior court to enjoin such action or any other violation of this chapter  
61 or a regulation of the department.

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

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

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

73 Section 6: Consumer complaints; authority of department; discipline of certified recovery  
74 coach

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

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

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

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

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

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

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

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

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

101 Section 7: Certification examinations; form; semi-annually; certificate in lieu of  
102 examination

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

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

111 Section 8: Certification without examination; applicant licensed or certified in another  
112 state

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

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119           SECTION 2. Chapter 32A of the General Laws, as so appearing, is hereby amended by  
120 inserting after section 17O the following section:-

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

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

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

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

132           Any coverage offered by the commission to an active or retired employee of the  
133 commonwealth insured under the group insurance commission shall provide coverage for



134 recovery support services provided by a certified recovery coach pursuant to chapter 17, section  
135 21 for the initiation and maintenance of recovery from substance use disorder when determined  
136 to be medically necessary by a licensed clinician. An increase in patient cost sharing shall not be  
137 allowed to achieve compliance with this section.

138 SECTION 3. Chapter 118E of the General Laws, as so appearing, is hereby amended by  
139 inserting after section 10J the following section:-

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

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

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

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

155 SECTION 4. Chapter 175 of the General Laws, as so appearing, is hereby amended by  
156 inserting after section 47II the following section:-

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

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

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

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

171 SECTION 5. Chapter 176A of the General Laws, as so appearing, is hereby amended by  
172 inserting after section Section 8KK the following new section:-

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

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

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

181           Any contract between a subscriber and the corporation under an individual or group  
182 hospital service plan which is delivered, issued or renewed within the commonwealth shall  
183 provide coverage for recovery support services provided by a certified recovery coach pursuant  
184 to chapter 17, section 21 for the treatment of a patient seeking initiation or maintenance of  
185 recovery from substance use disorder when determined to be medically necessary by a licensed  
186 clinician. An increase in patient cost sharing shall not be allowed to achieve compliance with this  
187 section.

188           SECTION 6. Chapter 176B of the General Laws, as so appearing, is hereby amended by  
189 inserting after section Section 4KK the following new section:-

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

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

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

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

204 SECTION 7. Chapter 176G of the General Laws, as so appearing, is hereby amended by  
205 inserting after section Section 4CC the following new section:-

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

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

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

214 Any individual or group health maintenance contract shall provide coverage for recovery  
215 support services provided by a certified recovery coach pursuant to chapter 17, section 21 for the  
216 treatment of a patient seeking initiation or maintenance of recovery from substance use disorder

217 when determined to be medically necessary by a licensed clinician. An increase in patient cost  
218 sharing shall not be allowed to achieve compliance with this section.