

HOUSE No. 1744

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

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.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

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.

118

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.