

HOUSE No. 4537

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 9, 2020.

The committee on Mental Health, Substance Use and Recovery, to whom was referred the 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, reports recommending that the accompanying bill (House, No. 4537) ought to pass.

For the committee,

MARJORIE C. DECKER.

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

An Act relative to recovery coach licensure.

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 I. Section 9 of chapter 13 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by inserting after the word “workers”, in line 8, the
3 following words:- , the board of registration of recovery coaches.

4 SECTION 2. Said chapter 13, as so appearing, is hereby further amended by adding the
5 following section:-

6 Section 110. (a) There shall be, within the department of public health, a board of
7 registration of recovery coaches which shall consist of 7 members to be appointed by the
8 governor, 1 of whom shall be the commissioner of public health or a designee, 1 of whom shall
9 be the commissioner of mental health or a designee; 1 of whom shall be employed as a recovery
10 coach, 1 of whom shall be a family member to an individual with a substance use disorder, 1 of
11 whom shall represent a health plan, 1 of whom shall be a licensed physician or nurse specializing
12 in addiction, and 1 member of the general public.

13 Members of the board shall be residents of the commonwealth.

14 (b) Each member of the board shall serve for a term of 3 years. Upon the expiration of a
15 term of office, a member shall continue to serve until a successor has been appointed. A member
16 shall not serve for more than 2 consecutive terms; provided, however, that a person who is
17 chosen to fill a vacancy in an unexpired term of a prior board member may serve for 2
18 consecutive terms in addition to the remainder of that unexpired term.

19 (c) A member may be removed by the governor for neglect of duty, misconduct or
20 malfeasance or misfeasance in office.

21 (d) The board shall, at its first meeting and annually thereafter, organize by electing from
22 its membership a chair, a vice-chair and a secretary. Those officers shall serve until their
23 successors are elected.

24 (e) The board shall meet at least four times annually and may hold additional meetings at
25 the call of the chair or at such times as may be determined by the board. Board members shall
26 serve without compensation but shall be reimbursed for actual and reasonable expenses incurred
27 in the performance of their duties.

28 SECTION 3. Section 1 of chapter 112, as so appearing, is hereby amended by inserting
29 after the word “dentistry”, in line 12, the following words:- , the board of registration of recovery
30 coaches.

31 SECTION 4. Section 164 of said chapter 112, as so appearing, is hereby amended by
32 inserting after the word “therapist”, in line 23, the following words:- , recovery coach, authorized
33 to practice under sections 290 to 293, inclusive,

34 SECTION 5. Said chapter 112, as so appearing, is hereby further amended by adding the
35 following 4 sections:-

36 Section 275. (a) The following words as used in sections 275 to 278, inclusive, unless the
37 context otherwise requires, shall have the following meanings:--

38 “Board”, the board of registration of recovery coaches, established under section 110 of
39 chapter 13.

40 “Recovery Coach”, an individual who is authorized to practice by the board under this
41 chapter and who uses shared understanding, respect and mutual empowerment to help others
42 become and stay engaged in the process of recovery from a substance use disorder.

43 “Lived experience”, the experience of addiction and recovery from a substance use
44 disorder.

45 (b) The board shall have the following powers and duties:

46 (1) to promulgate regulations and adopt such rules as are necessary to regulate recovery
47 coaches;

48 (2) to receive, review, approve or disapprove initial applications, renewals and
49 reinstatement requests and to issue those authorizations to practice;

50 (3) to establish administrative procedures for processing applications submitted under
51 clause (2) and to hire or appoint such agents as are appropriate for processing applications;

52 (4) to retain records of its actions and proceedings in accordance with public records
53 laws;

54 (5) to establish specifications for the authorized practice of recovery coaching; provided,
55 that the specifications shall require individuals to have lived experience and demonstrate at least
56 2 years of sustained recovery; provided further, that the lived experience requirement may be
57 waived for individuals who were credentialed by the Massachusetts Board of Substance Abuse
58 Counselor Certification before the establishment of the board.

59 (6) to define by regulation the appropriate standards for education, core competencies,
60 and experience necessary to qualify as an authorized recovery coach, including, but not limited
61 to, continuing professional education requirements; provided, that the board shall consider any
62 standards contained within recovery coach training programs established by the department of
63 public health;

64 (7) to establish an ethical code of conduct for recovery coaches authorized to practice by
65 the board; provided, that the board shall consider any codes of conduct for recovery coach
66 training programs established by the department of public health;

67 (8) to establish standards of supervision for students or persons in training to become a
68 recovery coach; provided, that the board shall consider standards contained within recovery
69 coach training programs established by the department of public health;

70 (9) to fine, censure, revoke, suspend or deny a recovery coaches authorization to practice,
71 place on probation, reprimand or otherwise discipline a recovery coach for violations of the code
72 of ethics or the rules of the board.

73 (10) to summarily suspend a recovery coach who poses an imminent danger to the public;
74 provided, that the recovery coach shall be afforded a hearing within 7 business days to determine
75 whether the summary action is warranted; and

76 (11) to perform other functions and duties as may be required to carry out this section.

77 Section 276. An application to be a recovery coach, under section 275, shall be
78 made on forms approved by the board, signed under the penalties of perjury by the person
79 certifying the information contained therein and accompanied by the required fee. The fee shall
80 be determined by the secretary of administration and finance under section 3B of chapter 7. A
81 recovery coach applicant shall furnish satisfactory proof that the applicant is at least 18 years of
82 age, is of good moral character and has met all the education, training and experience
83 requirements and qualifications as established by the board.

84 The board, in consultation with the department of public health, shall determine the
85 renewal cycle and renewal period for recovery coaches. A recovery coach authorized to practice
86 under this chapter shall apply to the board for a renewal not later than the expiration date, as
87 determined by the board, unless earlier revoked, suspended or canceled as a result of a
88 disciplinary proceeding. As a condition for renewal under this section, the board may require
89 satisfactory proof that the recovery coach has successfully completed the required number of
90 hours of continuing education in courses or programs approved by the board or has complied
91 with such other requirements or equivalent requirements as approved by the board. Upon
92 satisfactory compliance with the requirements and successful completion of the continuing
93 education requirements, the board shall issue a renewal. The board may provide for the late
94 renewal that has lapsed and may require payment of a late fee. Each renewal application
95 submitted to the board shall be accompanied by a fee as determined by the secretary of
96 administration and finance under section 3B of chapter 7.

97 The board may authorize a recovery coach to practice by reciprocity. The board shall
98 promulgate rules and regulations as may be necessary to implement this section.

99 Section 277. (a) The title “recovery coach” shall only be used by individuals who have
100 met the requirements and qualifications and hold a valid, current authorization issued by the
101 board. No person may act as a recovery coach for a fee unless such person holds a valid, current
102 authorization issued by the board. The use by any person not so authorized of any words, letters,
103 abbreviations or insignia indicating or implying a person is an authorized recovery coach shall be
104 a violation of this section for which the board may issue a cease and desist order and seek
105 additional appropriate legal remedies.

106 (b) A person who violates subsection (a) shall be liable for a fine as determined by
107 the Board.

108 (c) No person filing a complaint alleging a violation of law or of the regulations of the
109 board, reporting information pursuant to such laws or regulations or assisting the board at its
110 request in any manner in discharging its duties and functions shall be liable in any cause of
111 action arising out of the board's receipt of such information or assistance, if the person making
112 the complaint, or reporting or providing such information or assistance, does so in good faith and
113 without malice.

114 SECTION 6. No person shall be found to have violated section 292 of chapter 112 of the
115 General Laws until 6 months after the board of registration of recovery coaches first issues an
116 authorization to practice under said chapter 112.