

SENATE No. 2891

The Commonwealth of Massachusetts

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

SENATE, August 10, 2020.

The committee on Mental Health, Substance Use and Recovery, to whom was referred the petition (accompanied by bill, Senate, No. 1144) of Cindy F. Friedman and Sean Garballey for legislation relative to mental health peer specialists certification, reports the accompanying bill (Senate, No. 2891).

For the committee,
Julian Cyr

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**In the One Hundred and Ninety-First General Court
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An Act establishing a board of registration of peer specialists.

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. 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 peer specialists,

4 SECTION 2. Said chapter 13 of the General Laws is hereby further amended by adding
5 the following section:-

6 Section 110. (a) There shall be, within the department of public health, a board of
7 registration of peer specialists which shall consist of 11 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 have expertise in training
10 peer specialists, 1 of whom shall be employed as a peer specialist with lived experience with
11 substance use disorder, 1 of whom shall be a peer specialist with lived experience with mental
12 illness, 1 of whom shall be a family member to an individual with a substance use disorder, 1 of
13 whom shall be a family member to an individual with or mental illness, 1 of whom shall

14 represent communities that have been disproportionately impacted by historical over-policing
15 relative to drug enforcement, 1 of whom shall represent a health plan, 1 of whom shall be a
16 licensed physician or nurse specializing in addiction, and 1 of whom shall be a licensed
17 physician or nurse specializing in psychiatry.

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

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

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

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

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

33 SECTION 3. Section 1 of chapter 112 of the General Laws, as appearing in the 2018
34 Official Edition, is hereby amended by inserting after the word “dentistry”, in line 12, the
35 following words:- , the board of registration of peer specialists

36 SECTION 4. Said chapter 112 is hereby further amended by adding the following 4
37 sections:-

38 Section 276. (a) The following words as used in sections 276 to 279, inclusive, unless the
39 context otherwise requires, shall have the following meanings:--

40 “Board”, the board of registration of peer specialists, established under section 110 of
41 chapter 13.

42 “Peer Specialist”, an individual who is authorized to practice by the board under this
43 chapter and who uses shared understanding, respect and mutual empowerment to help others
44 become and stay engaged in the process of recovery from a mental illness or substance use
45 disorder.

46 “Lived experience”, the experience of having recovered from a mental illness or
47 substance use disorder.

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

49 (1) to promulgate regulations and adopt such rules as are necessary to regulate peer
50 specialists;

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

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

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

57 (5) to establish specifications for the authorized practice of peer specialist support;
58 provided, that the specifications shall require individuals to have lived experience and
59 demonstrate at least 2 years of sustained recovery; provided further, that requirements may be
60 waived for individuals who were credentialed by the Massachusetts Board of Substance Abuse
61 Counselor Certification or the Massachusetts Certified Peer Specialist Training Program before
62 the establishment of the board.

63 (6) to define by regulation the appropriate standards for education, core competencies,
64 and experience necessary to qualify as an authorized peer specialist, including, but not limited to,
65 continuing professional education requirements; provided, that the board shall consider any
66 standards contained within relevant training programs established by the departments of public
67 health and mental health;

68 (7) to establish an ethical code of conduct for peer specialists authorized to practice by
69 the board; provided, that the board shall consider any codes of conduct for relevant training
70 programs established by the departments of public health and mental health;

71 (8) to establish standards of supervision for students or persons in training to become a
72 peer specialist; provided, that the board shall consider standards contained within relevant
73 training programs established by the departments of public health and mental health;

74 (9) to fine, censure, revoke, suspend or deny a peer specialist authorization to practice,
75 place on probation, reprimand or otherwise discipline a peer specialist for violations of the code
76 of ethics or the rules of the board.

77 (10) to summarily suspend a peer specialist who poses an imminent danger to the public;
78 provided, that the peer specialist shall be afforded a hearing within 7 business days to determine
79 whether the summary action is warranted; and

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

81 Section 277. An application to be a peer specialist, under section 276, shall be made on
82 forms approved by the board, signed under the penalties of perjury by the person certifying the
83 information contained therein and accompanied by the required fee. The fee shall be determined
84 by the secretary of administration and finance under section 3B of chapter 7. A peer specialist
85 applicant shall furnish satisfactory proof that the applicant is at least 18 years of age and has met
86 all the education, training and experience requirements and qualifications as established by the
87 board.

88 The board, in consultation with the departments of public health and mental health, shall
89 determine the renewal cycle and renewal period for peer specialists. A peer specialist authorized
90 to practice under this chapter shall apply to the board for a renewal not later than the expiration
91 date, as determined by the board, unless earlier revoked, suspended or canceled as a result of a
92 disciplinary proceeding. As a condition for renewal under this section, the board may require
93 satisfactory proof that the peer specialist has successfully completed the required number of
94 hours of continuing education in courses or programs approved by the board or has complied
95 with such other requirements or equivalent requirements as approved by the board. Upon

96 satisfactory compliance with the requirements and successful completion of the continuing
97 education requirements, the board shall issue a renewal. The board may provide for the late
98 renewal that has lapsed and may require payment of a late fee. Each renewal application
99 submitted to the board shall be accompanied by a fee as determined by the secretary of
100 administration and finance under section 3B of chapter 7.

101 The board may authorize a peer specialist to practice by reciprocity. The board shall
102 promulgate rules and regulations as may be necessary to implement this section.

103 Section 278. (a) The title “peer specialist” shall only be used by individuals who have
104 met the requirements and qualifications and hold a valid, current authorization issued by the
105 board. No person may act as a peer specialist for a fee unless such person holds a valid, current
106 authorization issued by the board. The use by any person not so authorized of any words, letters,
107 abbreviations or insignia indicating or implying a person is an authorized peer specialist shall be
108 a violation of this section for which the board may issue a cease and desist order and seek
109 additional appropriate legal remedies.

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

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

118 Section 279. All application fees and civil administrative penalties and fines collected
119 under sections 276 to this section, inclusive, shall be deposited into the Quality in Health
120 Professions Trust Fund established in section 35X of chapter 10.

121 SECTION 152. No person shall be found to have violated section 278 of chapter 112 of
122 the General Laws until 6 months after the board of registration of peer specialists first issues an
123 authorization to practice under said chapter 112.