



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 28, 2021

TIME: 3:16 PM

WSR 22-02-027

Agency: Health Care Authority

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 21-16-061 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) WAC 182-115-0100 Certified peer counselor – General; 182-115-0200 Certified peer counselor – Application, training, examination, and authority approval

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
February 8, 2022	10:00 AM	The Health Care Authority (HCA) remains closed in response to the coronavirus disease 2019 (COVID-19) public health emergency. Until further notice, HCA continues to hold public hearings virtually without a physical meeting place. This promotes social distancing and the safety of the residents of Washington State.	To attend the virtual public hearing, you must register in advance for this public hearing: https://zoom.us/webinar/register/WN_1xrodXpRxCfb9iBSr0GHw After registering, you will receive a confirmation email containing information about joining the public hearing.

Date of intended adoption: Not sooner than February 9, 2022 (Note: This is NOT the effective date)

Submit written comments to:

Name: HCA Rules Coordinator

Address: PO Box 42716, Olympia WA 98504-2716

Email: arc@hca.wa.gov

Fax: (360) 586-9727

Other:

By (date) February 8, 2022

Assistance for persons with disabilities:

Contact HCA Rules Coordinator

Phone: (360) 725-1306

Fax: (360) 586-9727

TTY: Telecommunication Relay Services (TRS): 711

Email: arc@hca.wa.gov

Other:

By (date) January 21, 2022

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The authority intends to adopt rules to define the process of becoming a behavioral health certified peer counselor.

Reasons supporting proposal: See Purpose.

Statutory authority for adoption: RCW 41.05.021, 41.05.160

Statute being implemented: RCW 41.05.021, 41.05.160

Is rule necessary because of a:

Federal Law? Yes No

Federal Court Decision? Yes No

State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: N/A

Name of proponent: (person or organization) Health Care Authority

Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Valerie Freudenstein	PO Box 42716, Olympia WA 98504-2716	360-725-1344
Implementation:	Maureen Bailey	PO Box 55534, Olympia, WA 98504-5534	360-725-9997
Enforcement:	Maureen Bailey	PO Box 55534, Olympia, WA 98504-5534	360-725-9997

Is a school district fiscal impact statement required under RCW 28A.305.135?

Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

Phone:

Fax:

TTY:
Email:
Other:

No: Please explain: RCW 34.05.328 does not apply to Health Care Authority rules unless requested by the Joint Administrative Rules Review Committee or applied voluntarily.

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. The proposed rule does not impose any costs on businesses.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: December 28, 2021

Name: Wendy Barcus

Title: HCA Rules Coordinator

Signature:



**Chapter 182-115 WAC
CERTIFIED PEER COUNSELOR**

NEW SECTION

WAC 182-115-0100 Certified peer counselor—General. (1) The authority recognizes a person as a certified peer counselor who can provide medicaid-reimbursable peer counseling services when the person meets the requirements in WAC 182-115-0200.

(2) Certified peer counselors who provide services to people enrolled in medicaid must be under the clinical supervision of a mental health professional and/or substance use disorder professional who understands rehabilitation and recovery. The clinical supervisor's expertise should be aligned with the needs of the populations served by the certified peer counselor.

(3) Certified peer counselors must provide services to people enrolled in medicaid under a licensed community behavioral health agency as defined in WAC 246-341-0200 and certified under WAC 246-341-0724.

NEW SECTION

WAC 182-115-0200 Certified peer counselor—Application, training, examination, and authority approval. (1) Applicants applying to become a certified peer counselor with the authority must meet all of the following:

(a) Self-identify as a person with lived experience in behavioral health recovery or as a parent or legal guardian of a child under the age of 18 who experienced behavioral health challenges;

(b) Demonstrate they have been well-grounded in their own recovery for at least one year and be willing to tell their recovery story;

(c) Demonstrate basic reading and writing comprehension;

(d) Meet the minimum education requirements of a high school diploma or GED. The authority may grant a waiver of this requirement;

(e) Be 18 years of age or older;

(f) Be credentialed as an agency affiliated counselor under chapter 18.19 RCW;

(g) Complete specialized training provided by or contracted through the authority. If the person was trained by trainers approved by the department of social and health services before October 1, 2004, and has met the requirements in (a), (b), and (f) of this subsection by January 31, 2005, the person is exempt from completing this specialized training; and

(h) Successfully pass the authority's examination.

(2) In order to take the authority's examination to become a certified peer counselor who can provide medicaid-reimbursable peer counseling services, applicants must:

(a) Successfully complete an approved certified peer counselor training course administered by the authority's approved training entity with approved trainers; and

(b) Pass the Washington state certified peer counseling examination with a score of 80 percent or higher.

(3) Upon successful completion of the authority's examination, the authority issues a letter stating the authority recognizes the person as a "certified peer counselor."