

NSMHA Contract Memorandum 2005-011

Date: October 13, 2005

To: Jess Jamieson, President APN and CEO, Compass Health
Charles Roxin, *bridgeways*
Michael Watson, Lake Whatcom RTC
Andy Byrne, Whatcom Counseling and Psychiatric Center
Tom MacIntyre, Catholic Community Services Northwest
Claudia D'Allegri, Sea Mar
Janelle Sgrignoli, Snohomish County Human Services
Linda Carlson, Volunteers of America

From: Deirdre Ridgway, NSMHA Contracts Manager

Subject: Peer Support Licensure for CMHAs

Please see the attached information from MHD regarding the process for obtaining CMHA licensure for Peer Support.

Also, attached please find copies of the Application for License, Rule-Making Order and the new section of WAC 388-865.

If you are planning to apply, please contact us if we can provide any assistance. Please route your completed application through us as you do your other licensure forms.

-----Original Message-----

From: Foster, Kellean [mailto:FosteKM@dshs.wa.gov]

Sent: Wednesday, October 12, 2005 4:11 PM

To: DSHS DL MHD RSN Administrators

Cc: Staples, Bonnie; Gosney, Judy; Hall, Judy; Thompson, Melena; Gregoire, Sandra; Marburger, Pete; Neff-Daniels, Marianne; O'Leary, Anthony P; Ruden, Danielle; Sarno, Mary; Waite, Linda

Subject: Peer Support License

As you all know, in September, the Peer Support WAC became final. All CMHA's providing Peer Support now need to be licensed to do so. Please send this on to all providers who currently provide or plan to provide Peer Support using Medicaid funds. The providers can contact their assigned regional representative in QA&I in order to apply for this license.

The procedure will be a simple one, with each provider being required to send in policies and procedures based on the Peer Support WAC. The policies and procedures will outline how the CMHA will develop, implement and monitor Peer Support Services.

Attached is the new WAC and an application that must be sent to QA&I in order to apply for this license. If you or any of your providers have questions, please have them contact the regional representative assigned to their region.

This process should not be confused with the certification of individual Peer Support Counselors. That is a separate process, outside of the licensing arena. For information on that, please see the MHD web site or contact Bonnie Staples at 360-902-0794.

Thank you,

*Kelly Foster
Senior Mental Health Program Administrator
Quality Assurance and Improvement
Mental Health Division
360-902-0795*

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*Kelly Foster
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360-902-0795*

COMMUNITY MENTAL HEALTH SERVICES
APPLICATION FOR LICENSE

PROVIDER NAME	LEGAL ENTITY	
ADDRESS		
ADMINISTRATOR'S NAME	TELEPHONE NUMBER (INCLUDE AREA CODE)	
<input type="checkbox"/> Governmental <input type="checkbox"/> Proprietary <input type="checkbox"/> Other		
COMMUNITY SUPPORT SERVICES APPLIED FOR- (NON-RESIDENTIAL) CHECK APPLICABLE BOX(ES)		
<input type="checkbox"/> Emergency Crisis Intervention Services – WAC 388-865-0452 <input type="checkbox"/> Case Management Services – WAC 388-865-0456 <input type="checkbox"/> Psychiatric Treatment, including Medication Supervision – WAC 388-865-0458 <input type="checkbox"/> Counseling and Psychotherapy Services – WAC 388-865-0460 <input type="checkbox"/> Day Treatment – WAC 388-865-0462 <input type="checkbox"/> Consumer Employment Services – WAC 388-865-0464 <input type="checkbox"/> Peer Support Services WAC 388-865-0453	CURRENT LICENSE STATUS <input type="checkbox"/> New <input type="checkbox"/> Renewal NUMBER OF ANNUAL CONSUMER SERVICE HOURS	
<input type="checkbox"/> CRISIS TELEPHONE SERVICES ONLY – WAC 388-865-0454 (Non-Community Support)		
DEPARTMENT OF HEALTH LICENSE NUMBER	TYPE OF LICENSE	EXPIRATION DATE
LIST ONLY THOSE RESIDENTIAL SERVICES WHERE APPLICANT PROVIDES BOTH THE FACILITY AND THE MENTAL HEALTH CARE.		
DECLARATION		
<p>This application for licensure signifies readiness of the provider to meet the requirements of the laws of Washington State and the Washington Administrative Code including Revised Code of Washington (RCW) 71.05, 71.24, 71.34 and WAC 388-865. I declare that the information given in this application is true to the best of my knowledge and belief.</p>		
ADMINISTRATOR'S SIGNATURE	DATE	ADMINISTRATOR'S NAME AND TITLE
GOVERNING BODY SIGNATURE	DATE	GOVERNING BODY NAME AND TITLE
REGIONAL SUPPORT NETWORK (RSN) APPROVAL		
<p>My signature represents Regional Support Network approval of this application. I will notify the department of observations that this provider may not be in compliance with licensing requirements.</p>		
NON-RSN COUNTY OR RSN REVIEWER'S SIGNATURE	DATE	NON-RSN COUNTY OR RSN REVIEWER'S NAME AND TITLE



RULE-MAKING ORDER

CR-103 (June 2004) (Implements RCW 34.05.360)

Agency: Department of Social and Health Services,

- Permanent Rule
- Emergency Rule

Effective date of rule:
Permanent Rules
 31 days after filing.
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:
Emergency Rules
 Immediately upon filing.
 Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
 Yes No If Yes, explain:

Purpose: To add new WAC 388-865-0107 and -0453 and to amend -0150, -0230, and -0400 as appropriate to include provisions to adopt and implement the requirements for the consumer peer support services modality as defined in the Medicaid State Plan.

Citation of existing rules affected by this order:
 Repealed: None
 Amended: WAC 388-865-0150, 0230, and 0400.
 Suspended: None

Statutory authority for adoption: RCW 71.24.035(5)(c), RCW 71.24.037

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)
 Adopted under notice filed as WSR 05/08/123 on April 5, 2005 (date)
 Describe any changes other than editing from proposed to adopted version:
 No changes made.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: None.
 Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

EMERGENCY RULE ONLY
 Under RCW 34.05.350 the agency for good cause finds:
 That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
 Reasons for this finding:

Date adopted:

CODE REVISER USE ONLY

NAME (TYPE OR PRINT)
 Andy Fernando

SIGNATURE

TITLE
 Manager, Rules and Policies Assistance Unit

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	<u>2</u>	Amended	<u>3</u>	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted in the agency's own initiative:

New	___	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	<u>2</u>	Amended	<u>3</u>	Repealed	___

NEW SECTION

WAC 388-865-0107 Peer Counselor Certification. The mental health division certifies consumers to provide peer support services. (1) In order to be certified as a peer counselor, all applicants must meet the following requirements:

- (a) Be a self-identified consumer of mental health services, as defined;
 - (b) Maintain registration as a counselor under chapter 18.19 RCW;
 - (c) Complete specialized training provided or contracted by the mental health division; and
 - (d) Successfully pass an examination administered by the mental health division or an authorized contractor.
- (2) The training requirement specified in (2)(c) of this subsection is waived for consumers who were trained prior to October 1, 2004 by trainers approved by the mental health division, provided that all of the other requirements are met by January 31, 2005.
- (3) A consumer whose request for certification is denied has the right to contest this decision by submitting a written request to the mental health division within twenty-eight calendar days of the date of notification:
- (a) The request should include the consumer's name, address, and telephone number and a brief explanation of the issue and resolution being requested;
 - (b) The consumer also has the right to use the state administrative hearing process as described in chapter 388-02 WAC;
 - (c) A consumer who completes the administrative hearing process may request reconsideration in accordance with chapter 388-02 WAC but does not have recourse to review by the DSHS board of appeals.

AMENDATORY SECTION (Amending WSR 03-24-030, filed 11/24/03, effective 12/25/03)

WAC 388-865-0150 Definitions. "Adult" means a person on or after their eighteenth birthday. For persons eligible for the Medicaid program, adult means a person on or after his/her twenty-first birthday.

"Certified peer counselor" is defined as a consumer of mental health services who has met the registration, experience, and training requirements, has satisfactorily passed the examination, and has been issued a certificate by the mental health division as specified in WAC 388-865-0107.

"Child" means a person who has not reached his/her eighteenth birthday. For persons eligible for the Medicaid program, child means a person who has not reached his/her twenty-first birthday.

"Clinical services" means those direct age and culturally appropriate consumer services which either:

- (1) Assess a consumer's condition, abilities or problems;
- (2) Provide therapeutic interventions which are designed to ameliorate psychiatric symptoms and improve a consumer's functioning.

"Consumer" means a person who has applied for, is eligible for or who has received mental health services. For a child, under the age of thirteen, or for a child age thirteen or older whose parents or legal guardians are involved in the treatment plan, the definition of consumer includes parents or legal guardians.

"Consultation" means the clinical review and development of recommendations regarding the job responsibilities, activities, or decisions of, clinical staff, contracted employees, volunteers, or students by persons with appropriate knowledge and experience to make recommendations.

"Cultural competence" means a set of congruent behaviors, attitudes, and policies that come together in a system or agency and enable that system or agency to work effectively in cross-cultural situations. A culturally

competent system of care acknowledges and incorporates at all levels the importance of language and culture, assessment of cross-cultural relations, knowledge and acceptance of dynamics of cultural differences, expansion of cultural knowledge and adaptation of services to meet culturally unique needs.

"Ethnic minority" or "racial/ethnic groups" means, for the purposes of this chapter, any of the following general population groups:

- (1) African American;
- (2) An American Indian or Alaskan native, which includes:
 - (a) A person who is a member or considered to be a member in a federally recognized tribe;
 - (b) A person determined eligible to be found Indian by the secretary of interior, and
 - (c) An Eskimo, Aleut, or other Alaskan native.
- (d) A Canadian Indian, meaning a person of a treaty tribe, Metis community, or nonstatus Indian community from Canada.
- (e) An unenrolled Indian meaning a person considered Indian by a federally or nonfederally recognized Indian tribe or off reservation Indian/Alaskan native community organization.
- (3) Asian/Pacific Islander; or
- (4) Hispanic.

"Medical necessity" or "medically necessary" - A term for describing a requested service which is reasonably calculated to prevent, diagnose, correct, cure, alleviate or prevent the worsening of conditions in the recipient that endanger life, or cause suffering or pain, or result in illness or infirmity, or threaten to cause or aggravate a handicap, or cause or physical deformity or malfunction, and there is no other equally effective, more conservative or substantially less costly course of treatment available or suitable for the person requesting service. For the purpose of this chapter "course of treatment" may include mere observation or, where appropriate, no treatment at all.

"Mental health division" means the mental health division of the Washington state department of social and health services (DSHS). DSHS has designated the mental health division as the state mental health authority to administer the state and Medicaid funded mental health program authorized by chapters 71.05, 71.24, and 71.34 RCW.

"Mental health professional" means:

- (1) A psychiatrist, psychologist, psychiatric nurse or social worker as defined in chapters 71.05 and 71.34 RCW;
- (2) A person with a masters degree or further advanced degree in counseling or one of the social sciences from an accredited college or university. Such person shall have, in addition, at least two years of experience in direct treatment of persons with mental illness or emotional disturbance, such experience gained under the supervision of a mental health professional;
- (3) A person who meets the waiver criteria of RCW 71.24.260, which was granted prior to 1986((-));
- (4) A person who had an approved waiver to perform the duties of a mental health profession that was requested by the regional support network and granted by the mental health division prior to July 1, 2001; or
- (5) A person who has been granted a time-limited exception of the minimum requirements of a mental health professional by the mental health division consistent with WAC 388-865-265.

"Mental health specialist" means.

(1) A **"child mental health specialist"** is defined as a mental health professional with the following education and experience:

(a) A minimum of one hundred actual hours (not quarter or semester hours) of special training in child development and the treatment of children and youth with serious emotional disturbance and their families; and

(b) The equivalent of one year of full-time experience in the treatment of seriously emotionally disturbed children and youth and their families under the supervision of a child mental health specialist.

(2) A **"geriatric mental health specialist"** is defined as a mental health professional who has the following education and experience:

(a) A minimum of one hundred actual hours (not quarter or semester hours) of specialized training devoted to the mental health problems and treatment of persons sixty years of age or older; and

(b) The equivalent of one year of full-time experience in the treatment of persons sixty years of age or older, under the supervision of a geriatric mental health specialist.

(3) An **"ethnic minority mental health specialist"** is defined as a mental health professional who has demonstrated cultural competence attained through major commitment, ongoing training, experience and/or specialization in serving ethnic minorities, including evidence of one year of service specializing in serving the ethnic minority group under the supervision of an ethnic minority mental health specialist; and

(a) Evidence of support from the ethnic minority community attesting to the person's commitment to that community; or

(b) A minimum of one hundred actual hours (not quarter or semester hours) of specialized training devoted to ethnic minority issues and treatment of ethnic minority consumers.

(4) A **"disability mental health specialist"** is defined as a mental health professional with special expertise in working with an identified disability group. For purposes of this chapter only, **"disabled"** means an individual with a disability other than a mental illness, including a developmental disability, serious physical handicap, or sensory impairment.

(a) If the consumer is deaf, the specialist must be a mental health professional with:

(i) Knowledge about the deaf culture and psychosocial problems faced by people who are deaf; and

(ii) Ability to communicate fluently in the preferred language system of the consumer.

(b) The specialist for consumers with developmental disabilities must be a mental health professional who:

(i) Has at least one year's experience working with people with developmental disabilities; or

(ii) Is a developmental disabilities professional as defined in RCW 71.05.020.

"Older person" means an adult who is sixty years of age or older.

"Service recipient" means for the purposes of a mental health prepaid health plan, a consumer eligible for the Title XIX Medicaid program.

"Substantial hardship" means that a consumer will not be billed for emergency involuntary treatment if he or she meets the eligibility standards of the psychiatric indigent inpatient program that is administered by the DSHS economic services administration.

"Supervision" means monitoring of the administrative, clinical, or clerical work performance of staff, students, volunteers, or contracted employees by persons with the authority to give direction and require change.

"Underserved" means consumers who are:

- (1) Minorities;
- (2) Children;
- (3) Older adults;
- (4) Disabled; or
- (5) Low-income persons.

AMENDATORY SECTION (Amending 01-12-047, filed 5/31/01, effective 7/1/01)

WAC 388-865-0230 Community support services. The regional support network must develop and coordinate age and culturally competent community support services that are consistent with chapters 71.24, 71.05, and 71.34 RCW:

(1) Provide the following services directly, or contract with sufficient numbers and variety of licensed and/or certified service providers to ensure that persons eligible for regional support network services have access to at least the following services:

- (a) Emergency crisis intervention services;
- (b) Case management services;
- (c) Psychiatric treatment including medication supervision;
- (d) Counseling and psychotherapy services;
- (e) Day treatment services as defined in RCW 71.24.300(5) and 71.24.035(7); ~~((and))~~
- (f) Consumer employment services as defined in RCW 71.24.035 (5)(e); and
- (g) Peer support services.

(2) Conduct prescreening determinations for providing community support services for persons with mental illness who are being considered for placement in nursing homes (RCW 71.24.025(7) and 71.24.025(9)); and

(3) Complete screening for persons with mental illness who are being considered for admission to residential services funded by the regional support network (RCW 71.24.025 and 71.24.025(9)).

AMENDATORY SECTION (Amending WSR 01-12-047, filed 5/31/01, effective 7/1/01)

WAC 388-865-0400 Community support service providers. The mental health division licenses and certifies community support service providers. To gain and maintain licensure or certification, a provider must meet applicable local, state and federal statutes and regulations as well as the requirements of WAC 388-865-400 through 388-865-450 as applicable to services offered. The license or certificate lists service components the provider is authorized to provide to publicly funded consumers and must be prominently posted in the provider reception area. In addition, the provider must meet minimum standards of the specific service components for which licensure is being sought:

- (1) Emergency crisis intervention services;
- (2) Case management services;
- (3) Psychiatric treatment, including medication supervision;
- (4) Counseling and psychotherapy services;

(5) Day treatment services; ~~((and/or),~~

(6) Consumer employment services; and/or

(7) Peer support services.

NEW SECTION

WAC 388-865-0453 Peer Support Services (1) Peer support services are a wide range of scheduled activities to assist consumers in exercising control over their own lives and recovery process (e.g., promoting socialization, self advocacy, developing natural supports and maintenance of community living skills). Peer support services may include but are not limited to self-help support groups, telephone support lines, drop-in centers, and sharing of the peer counselor's own life experiences. Services must be limited to four hours per day per consumer.

(2) The community support service provider that is licensed to provide peer support services must assure that all general minimum standards for community support services are met.

(3) Services must be provided by a peer counselor who has been certified consistent with WAC 388-865-0107 and who discloses him/herself to be a consumer of mental health services.

(4) Services must be documented in the clinical record at least monthly, including objective progress toward goals established in the individual service plan.