



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 1209

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H.P. 827

House of Representatives, April 2, 2015

### **An Act To Increase the Effectiveness of Peer Supports in the State**

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Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative GATTINE of Westbrook.  
Cosponsored by Senator HASKELL of Cumberland and  
Representatives: HAMANN of South Portland, PETERSON of Rumford, Senators: DAVIS of  
Piscataquis, KATZ of Kennebec.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §12004-I, sub-§36-F** is enacted to read:

3 **36-F.**

4 <u>Human Services</u>	<u>Intentional Peer</u>	<u>Expenses and Per</u>	<u>34-B MRSA §3613</u>
	<u>Support Advisory</u>	<u>Diem</u>	
5	<u>Committee</u>		
6			

7 **Sec. 2. 34-B MRSA §3613** is enacted to read:

8 **§3613. Peer support services**

9 The department shall provide peer support services through intentional peer support  
10 specialists who have been certified to provide peer support services, as provided in this  
11 section, to consumers of mental health services who are clients of the department.

12 **1. Definitions.** For the purposes of this section, unless the context otherwise  
13 indicates, the following terms have the following meanings:

14 A. "Peer support services" means services, assistance and supports that are based on  
15 the principles of mutual respect, responsibility and decision making and that are  
16 provided to persons with mental illness by intentional peer support specialists.

17 B. "Intentional peer support specialist" means a person:

18 (1) Who has or who previously had a diagnosis of a mental illness, who is  
19 receiving or has received mental health services and supports and who is in  
20 recovery from mental illness; and

21 (2) Who is certified by the department under subsection 3.

22 **2. Provision of peer support services.** Peer support services must be provided by  
23 certified intentional peer support specialists who function as part of a community mental  
24 health or physical health program that includes a certified intentional peer support  
25 component. An assertive community treatment team providing mental health services on  
26 behalf of the department must include within its staff at least one full-time intentional  
27 peer support specialist as provided in section 3801, subsection 11.

28 **3. Certification.** The department shall certify intentional peer support specialists as  
29 provided in rules adopted by the department after consultation with the Intentional Peer  
30 Support Advisory Committee as established in Title 5, section 12004-I, subsection 36-F  
31 and the entity that contracts with the department under subsection 4.

32 **4. Contracted services.** The department shall contract with an entity for the  
33 provision and management of peer support services, including, but not limited to, the  
34 following services:

35 A. Recruiting, training, supervising and overseeing intentional peer support  
36 specialists; and

1           B. Conducting informational sessions statewide on the functions and qualifications  
2           of intentional peer support specialists.

3           **5. Advisory committee.** The department shall appoint and convene the Intentional  
4           Peer Support Advisory Committee, referred to in this subsection as "the committee,"  
5           consisting of 8 to 16 intentional peer support specialists, to advise the department on  
6           recruiting, training, supervising and overseeing intentional peer support specialists and to  
7           make recommendations to the department on those issues and on standards for training  
8           and approval, fidelity standards and oversight. The department shall make appointments  
9           to the committee from a list of nominees provided by the Consumer Council System of  
10           Maine, established in Title 5, section 12004-I, subsection 60-B. The committee must  
11           meet at least 6 times per year. Members of the committee must be reimbursed for  
12           expenses and paid a per diem for attendance at meetings.

13           **6. Rulemaking.** The department shall adopt rules to implement this section. Rules  
14           adopted pursuant to this subsection are routine technical rules as defined by Title 5,  
15           chapter 375, subchapter 2-A.

16           **Sec. 3. 34-B MRSA §3801, sub-§11,** as enacted by PL 2005, c. 519, Pt. BBBB,  
17           §3 and affected by §20, is amended to read:

18           **11. Assertive community treatment.** "Assertive community treatment" or "ACT"  
19           means a self-contained service with a fixed point of responsibility for providing  
20           treatment, rehabilitation and support services to persons with mental illness for whom  
21           other community-based treatment approaches have been unsuccessful. Assertive  
22           community treatment uses clinical and rehabilitative staff to address symptom stability;  
23           relapse prevention; maintenance of safe, affordable housing in normative settings that  
24           promote well-being; establishment of natural support networks to combat isolation and  
25           withdrawal; the minimizing of involvement with the criminal justice system; individual  
26           recovery education; and services to enable the person to function at a work site. Assertive  
27           community treatment is provided by multidisciplinary teams who are on duty 24 hours  
28           per day, 7 days per week; teams must include a psychiatrist, registered nurse, certified  
29           rehabilitation counselor or certified employment specialist, a full-time certified  
30           intentional peer ~~recovery~~ support specialist as provided in section 3613 and a substance  
31           abuse counselor and may include an occupational therapist, community-based mental  
32           health rehabilitation technician, psychologist, licensed clinical social worker or licensed  
33           clinical professional counselor. An ACT team member who is a state employee is, while  
34           in good faith performing a function as a member of an ACT team, performing a  
35           discretionary function within the meaning of Title 14, section 8104-B, subsection 3.

36           **Sec. 4. Funding for peer support services provided to clients of the**  
37           **Department of Health and Human Services.** The office of substance abuse and  
38           mental health services within the Department of Health and Human Services shall  
39           provide peer support services under the Maine Revised Statutes, Title 34-B, section 3613.  
40           The costs of peer support services and the Intentional Peer Support Advisory Committee,  
41           as established in Title 5, section 12004-I, subsection 36-F, must be met through the  
42           transfer of funding within the Mental Health - Community account and the Mental Health  
43           - Community Medicaid account and through the discontinuance of 2 full-time positions  
44           within the office of substance abuse and mental health services.

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**SUMMARY**

2           This bill establishes a peer support services program in the office of substance abuse  
3 and mental health services within the Department of Health and Human Services. The bill  
4 requires each assertive community treatment team to include at least one full-time  
5 intentional peer support specialist certified by the department. "Intentional peer support  
6 specialist" is defined. The bill requires the department to appoint and convene the  
7 Intentional Peer Support Advisory Committee. The bill requires the department to adopt  
8 necessary rules and designates the rules as routine technical rules. The bill requires the  
9 costs of intentional peer support services and the advisory committee to be met through  
10 the transfer of funding from the Mental Health - Community account and the Mental  
11 Health - Community Medicaid account and through the discontinuance of 2 full-time  
12 positions within the office of substance abuse and mental health services.