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Legislative Document

No. 1349

H.P. 977

House of Representatives, March 21, 2019

An Act To Create a Licensing Board and Licensure Requirements for Intentional Peer Support Specialists

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

ROBERT B. HUNT Clerk

R(+ B. Hunt

Presented by Representative HANDY of Lewiston.

1	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 5 MRSA §12004-A, sub-§41-A is enacted to read:
3	<u>41-A.</u>
4 5	State Board of Intentional Peer \$35/Day Support Specialists \$35/Day
6	Sec. 2. 32 MRSA c. 82 is enacted to read:
7	CHAPTER 82
8	LICENSED INTENTIONAL PEER SUPPORT SPECIALISTS
9	SUBCHAPTER 1
10	GENERAL PROVISIONS
11	§6301. State Board of Intentional Peer Support Specialists
12 13 14 15 16	The State Board of Intentional Peer Support Specialists within the Department of Professional and Financial Regulation, as established by Title 5, section 12004-A subsection 41-A, shall establish and ensure high professional standards among intentional peer support specialists, create licensing requirements for those practicing as intentional peer support specialists in the State and otherwise carry out the purposes of this chapter.
17	§6302. Definitions
18 19	As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.
20 21 22 23 24	1. Agency. "Agency" means an establishment, organization or institution, public oprivate, that is licensed by the Department of Health and Human Services and that offers purports to offer, maintains or operates one or more programs for the assessment diagnosis, care, treatment or rehabilitation of individuals who are suffering physically emotionally or psychologically from mental health disorders or substance use disorders.
25	2. Board. "Board" means the State Board of Intentional Peer Support Specialists.
26 27 28 29	3. Licensed intentional peer support specialist. "Licensed intentional peer support specialist" means an individual who provides intentional peer support services to anothe individual affected by mental health disorders or substance use disorders and who habeen certified by the board to perform such services.
30	§6303. Licensing
31 32 33	An individual may not, unless specifically exempted by this chapter, practice as a licensed intentional peer support specialist or begin an internship as or profess to the public to be a licensed intentional peer support specialist or assume or use the title of

designation "licensed intentional peer support specialist" or the abbreviation "L.I.P.S.S." or any other title, designation, words, letters or device tending to indicate that such an individual is licensed, unless that individual is licensed with, and holds a current and valid license from, the board. An individual who violates this section is subject to the provisions of Title 10, section 8003-C.

§6304. Exemptions

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- 1. Peer groups; self-help. Nothing in this chapter may prevent any individual from engaging in or offering intentional peer support services such as self-help, sponsorship through support groups or other uncompensated intentional peer support assistance.
- 2. Government and school employees. Nothing in this chapter may be construed to apply to the activities and services of an employee or other agent of a recognized academic institution; a federal, state, county or local government institution; a program agency or facility; or a school committee, school administrative unit, school approved for attendance purposes pursuant to Title 20-A, section 2901, school board or board of trustees if the individual is performing those activities solely within the agency or under the jurisdiction of that agency and if a license granted under this chapter is not a requirement for employment.
- 3. Clergy. Nothing in this chapter may be construed to apply to the activities and services of any priest, rabbi, member of the clergy or minister of the gospel of any religious denomination when performing counseling services as part of religious duties and in connection with a specific synagogue or church of any religious denomination.
- **4. Interns.** Nothing in this chapter may be construed to apply to the activities and services of a student, intern or trainee pursuing a course of study in the mental health field in a regionally accredited institution of higher education or training institution, if these activities are performed under supervision and constitute a part of the supervised course of study.
- 5. Other licensed professionals. Nothing in this chapter may prevent any other licensed individual in the field of medicine, psychology, nursing, social work or professional counseling who is qualified to provide intentional peer support services by virtue of the requirements for that profession from engaging in or offering intentional peer support services if such an individual does not profess to be providing the service of a licensed intentional peer support specialist as the sole professional service rendered by that individual. These professionals may not be required to obtain additional certification in order to provide intentional peer support services as permitted by this subsection.

§6305. License required

<u>Unless exempted under section 6304, an individual may not practice intentional peer support unless that individual has first obtained a license as provided in this chapter.</u>

	The nonbusiness address of an individual licensed under this chapter is confidential
no	ot open to the public and not a public record as defined in Title 1, section 402.
Sι	ubsection 3.
§(6307. Treatment of minors
	A licensed intentional peer support specialist who renders intentional peer support
	ervices to a minor for the treatment of problems associated with a mental health disorder
	substance use disorder is under no obligation to obtain the consent of that minor's arent or guardian or to inform that parent or guardian of that treatment. Nothing in this
_	ection may be construed so as to prohibit the licensed intentional peer support specialis
	endering that treatment from informing that parent or guardian.
	SUBCHAPTER 2
	STATE BOARD OF INTENTIONAL PEER SUPPORT SPECIALISTS
<u>§</u> (6321. Appointment; terms; vacancies
	1. Membership. The State Board of Intentional Peer Support Specialists consists of
	members appointed by the Governor: 4 licensed intentional peer support specialists and
01	ne member of the community.
	2. Term of office. Appointments are for 3-year terms. Appointments of members
m	aust comply with Title 10, section 8009.
§(6322. Removal of board members
	A board member may be removed by the Governor for cause.
§(6323. Meetings; chair
	The board shall meet at least twice a year to conduct its business and to elect a chair
	dditional meetings must be held as necessary to conduct the business of the board and
m	ay be convened at the call of the chair or a majority of the board members.
	6324. Powers and duties of board
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	The board has the following powers and duties in addition to all other powers and duties imposed by this chapter.
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<u>dı</u>	The board has the following powers and duties in addition to all other powers and uties imposed by this chapter. 1. Set standards. The board shall administer and enforce this chapter, set education decamination standards and evaluate the qualifications for licensure. A standard of
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2. Adopt criteria. The board shall design or adopt an examination or other suitable

criteria for establishing an individual's knowledge, skill and experience in intentional peer

support. Any criteria adopted by the board for establishing an individual's knowledge,

skill and experience in intentional peer support must be clearly defined, have an established baseline scoring procedure that is objectively measured, be in writing and be available to the public upon request.
3. Standards of practice. The board may establish standards of practice for all individuals practicing as licensed intentional peer support specialists who are working in the State. A standard set by the board for practice for intentional peer support specialists working in the State must be clearly defined, measurable, written in accordance with accepted standards and available to the public upon request. Training background must be a consideration in any licensing standards adopted by the board.
4. Rules. The board may adopt rules, including but not limited to rules regarding examinations, supervision and reasonable practice and training requirements for individuals licensed under this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
5. Code of ethics. The board shall adopt a code of ethics generally in keeping with standards established by the national professional associations concerned with the areas of board responsibility.
SUBCHAPTER 3
<u>LICENSURE</u>
§6331. Licensed intentional peer support specialist; qualifications for licensure
1. Eligibility. To be eligible to practice as a licensed intentional peer support specialist, an applicant must:
A. Be at least 18 years of age;
B. Have completed an approved intentional peer support specialist training program;
B. Have completed an approved intentional peer support specialist training program;C. Have taken and passed an examination as prescribed by board rule;
C. Have taken and passed an examination as prescribed by board rule;D. Have paid an application and license fee, or renewal fee, pursuant to section
 C. Have taken and passed an examination as prescribed by board rule; D. Have paid an application and license fee, or renewal fee, pursuant to section 6339; and E. Completed 72 hours of documented supervised practice in intentional peer support

fee pursuant to section 6339.

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§6333. Denial or refusal to renew license; disciplinary action

In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the board may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for active use of alcohol or any other drug that in the judgment of the board is detrimental to the performance or competency of a licensee of the board.

§6334. Issuance after denial, suspension or revocation

An individual whose license has been denied, suspended or revoked may apply to the board for licensure or reinstatement one year after the date of the board's original action. A competency review is a condition of reinstatement. The board shall determine the nature of this review and shall adopt rules to implement it. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

§6335. Expiration and renewal

Licenses issued pursuant to this chapter expire annually on November 30th or at such other time as the Commissioner of Professional and Financial Regulation may designate. Licensees must renew their licenses on or before November 30th every 2 years or on such other date as determined by the commissioner by filing an application, completing any continuing education requirements established by board rule and paying the renewal fee under section 6339.

Licenses issued pursuant to this chapter may be renewed up to 90 days after the date of expiration upon payment of a late fee in addition to the renewal fee under section 6339. A licensee who submits an application for renewal more than 90 days after the renewal date is subject to all requirements governing new applicants under this chapter, except that the board may in its discretion, giving due consideration to the protection of the public, waive examination if that renewal application is received, together with the renewal fee under section 6339, within 2 years from the date of that expiration or if the licensee is an inactive status intentional peer support specialist under section 6337.

§6336. Continuing education

- 1. Requirements. The board may adopt continuing education requirements and approve programs and courses by rule. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
- 2. Program approval. Each application for approval of a continuing education program or course must be submitted according to the guidelines prescribed by rule, together with a fee set pursuant to section 6339. The fee is retained whether or not the application is approved.
- **3.** Core requirement. The board may establish a core education requirement for licensure under this chapter.

§6337. Inactive status license

- 1. Placement on inactive status. A licensee under this chapter who does not desire to provide intentional peer support services to another individual affected by a mental health disorder or substance use disorder and who wants to preserve the license while not engaged in any intentional peer support activity may apply for an inactive status license pursuant to Title 10, section 8003, subsection 5-A, paragraph D, subparagraph (5). The fee for inactive status licensure is set pursuant to section 6339. During inactive status, the licensee must renew the inactive license annually and pay the renewal fee set pursuant to section 6339 but is not required to meet the continuing education requirements of section 6336.
- 2. Reinstatement to active status. An inactive status licensee under subsection 1 may apply for reinstatement to active status by paying a fee set pursuant to section 6339, completing continuing education requirements as determined by board rule and submitting such additional information as the board may require. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

§6338. Endorsement

The board may waive the requirements of this chapter and grant a license to an applicant who presents proof of authorization to practice by another jurisdiction of the United States or another country that maintains professional standards considered by the board to be substantially equivalent to or higher than those set forth in this chapter, as long as there is no cause for denial of a license under section 6333 or Title 10, section 8003, subsection 5-A, paragraph A. The applicant must pay an application and license fee set pursuant to section 6339.

§6339. Fees

The Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$200 annually. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

32 SUMMARY

This bill creates the State Board of Intentional Peer Support Specialists and licensing requirements for the practice of intentional peer support in the State, modeled on the laws governing alcohol and drug counselors.