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Legislative Reference Bureau

INTRODUCED _____

By Khan, Tarik District NO. 194

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

See next page for additional co-sponsors.

Prior Session _____

Referred to Committee on	
Date	_____
Reported	_____
As Committed-Amended	
Recomendation	_____
By Hon.	_____

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," in public assistance,
4 providing for medical assistance coverage for peer recovery
5 support services; in departmental powers and duties as to
6 licensing, further providing for definitions and for fees and
7 providing for recovery community organizations; and imposing
8 penalties.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. The act of June 13, 1967 (P.L.31, No.21), known
12 as the Human Services Code, is amended by adding a section to
13 read:

14 Section 443.15. Medical Assistance Coverage for Peer
15 Recovery Support Services.--(a) Peer recovery support services
16 are compensable under the medical assistance program in
17 accordance with the Commonwealth's approved State plan for
18 individuals with a mental health or substance use disorder
19 through a licensed recovery community organization or an
20 authorized peer support program delivered by a peer support

1 specialist. Peer recovery support services are reimbursable as a
2 primary service for individuals with a mild, moderate or severe
3 mental health or substance use disorder and require no other
4 diagnosis, condition or preauthorization. Peer recovery support
5 services may be reimbursable through a fee-for-service, bundled
6 payment approach or other value-based methodology developed by a
7 qualifying provider, the department or a managed care
8 organization designated by the department.

9 (b) Compensable services under subsection (a) shall be
10 covered by a physical health and behavioral health managed care
11 organization operating in this Commonwealth.

12 (c) Peer recovery support services delivered by a peer
13 recovery support specialist shall be deemed eligible for
14 compensation under subsection (a) if supervised by a licensed
15 mental health practitioner or a peer support specialist
16 supervisor who provides peer support specialist supervision.

17 (d) The following words and phrases when used in this
18 section shall have the meanings given to them in this subsection
19 unless the context clearly indicates otherwise:

20 "Authorized peer support program." A program or service
21 facilitated by a nonprofit organization in this Commonwealth, as
22 specified under 26 U.S.C. § 501(c)(3) (relating to exemption
23 from tax on corporations, certain trusts, etc.), that is staffed
24 by peer support specialists who deliver peer recovery support
25 services and is partnered with a licensed recovery community
26 organization.

27 "Managed care organization." A licensed managed care
28 organization that is contracted with the department to provide
29 or arrange for services to a Medicaid recipient.

30 "Peer recovery support services." A form of nonprofessional,

1 nonclinical assistance that is delivered in person at a recovery
2 community center, in the community or at any other provider
3 location, via telephone or through technological means,
4 including video calling or virtual reality, to help an
5 individual, family member or loved one with a mental health or
6 substance use disorder achieve long-term recovery, which is
7 provided by a peer support specialist who has been successful in
8 the peer support specialist's own recovery with a mental health
9 or substance use disorder and who shares the peer support
10 specialist's experience, knowledge and skills with another
11 individual with similar issues. The term includes the following:

12 (1) A one-on-one engagement between a single peer support
13 specialist and a single individual, family member or loved one,
14 which may include a brief check in, recovery planning session or
15 any other engagement focused on navigating the recovery process.

16 (2) A group engagement between a single peer support
17 specialist and no more than eighteen individuals, family members
18 or loved ones, which is facilitated by the peer support
19 specialist and may include life skills education, recovery
20 education or other nonclinical topics important to the recovery
21 process.

22 (3) Community outreach and engagement completed by a peer
23 support specialist that facilitates engagement with individuals,
24 family members or loved ones and the broader community about
25 substance use, mental health and recovery, which may include
26 supply distribution, training, forums or other activities that
27 share peer recovery support services information to the
28 community.

29 "Peer support specialist." An individual who has a personal
30 lived or living experience involving a mental health or

1 substance use disorder, including with a family member or loved
2 one, and who has been trained and certified through the
3 Pennsylvania Certification Board with a valid peer specialist
4 credential of any approved type.

5 "Peer support specialist supervision." Supervision that is
6 provided to a peer support specialist by a peer support
7 specialist supervisor on a recurring basis, delivered for the
8 purpose of ongoing practice management and training and
9 authorized under State law for reimbursement of peer recovery
10 support services.

11 "Peer support specialist supervisor." An individual who has
12 a personal lived or living experience involving a mental health
13 or substance use disorder, including with a family member or
14 loved one, and who has been trained and certified through the
15 Pennsylvania Certification Board with a valid peer support
16 specialist supervisor credential of any approved type. The term
17 does not include an individual with an active clinical or
18 medical license.

19 "Recovery community organization." An independent,
20 nonclinical, nonprofit organization led and governed by
21 representatives of local communities of recovery that employs
22 peer support specialists and conducts any of the following
23 activities, which are available to each community member and are
24 not restricted to an individual enrolled in a specific
25 educational, treatment or residential program:

26 (1) Conducts ongoing local recovery support needs assessment
27 surveys or focus groups.

28 (2) Organizes recovery-focused policy and advocacy
29 activities.

30 (3) Increases recovery workforce capacity and expertise

1 through training and education.

2 (4) Carries out recovery-focused outreach programs to engage
3 an individual seeking recovery, in recovery or in need of
4 recovery-focused support services or events to educate and raise
5 public awareness.

6 (5) Conducts recovery-focused public and professional
7 education events.

8 (6) Provides peer recovery support services.

9 (7) Supports the development of a recovery support
10 institution, including support for an education-based recovery
11 support program, recovery community center, recovery cafe,
12 recovery ministry, recovery-focused employment program or
13 recovery-focused prison reentry program.

14 (8) Hosts a national, regional or local recovery celebration
15 event.

16 (9) Collaborates on the integration of recovery-focused
17 activities within local prevention, harm reduction, early
18 intervention and treatment initiatives.

19 "Substance use disorder." A pattern of use of alcohol or
20 other drugs leading to clinical or functional impairment.

21 Section 2. Section 1001 of the act is amended by adding a
22 definition to read:

23 Section 1001. Definitions.--As used in this article--

24 * * *

25 "Recovery community organization" means an independent,
26 nonclinical, nonprofit organization led and governed by
27 representatives of local communities of recovery that employs
28 peer support specialists and conducts any of the following
29 activities, which are available to each community member and are
30 not restricted to an individual enrolled in a specific

1 educational, treatment or residential program:

2 (1) Conducts ongoing local recovery support needs assessment
3 surveys or focus groups.

4 (2) Organizes recovery-focused policy and advocacy
5 activities.

6 (3) Increases recovery workforce capacity and expertise
7 through training and education.

8 (4) Carries out recovery-focused outreach programs to engage
9 an individual seeking recovery, in recovery or in need of
10 recovery-focused support services or events to educate and raise
11 public awareness.

12 (5) Conducts recovery-focused public and professional
13 education events.

14 (6) Provides peer recovery support services.

15 (7) Supports the development of a recovery support
16 institution, including support for an education-based recovery
17 support program, recovery community center, recovery cafe,
18 recovery ministry, recovery-focused employment program or
19 recovery-focused prison reentry program.

20 (8) Hosts a national, regional or local recovery celebration
21 event.

22 (9) Collaborates on the integration of recovery-focused
23 activities within local prevention, harm reduction, early
24 intervention and treatment initiatives.

25 * * *

26 Section 3. Section 1006 of the act is amended to read:

27 Section 1006. Fees.--Annual licenses shall be issued when
28 the proper fee, if required, is received by the department and
29 all the other conditions prescribed in this act are met. For
30 personal care homes, the fee shall be an application fee. The

1 fees shall be:

2 Facility	Annual Fee
3 Adult day care center	\$ 15
4 Mental health establishment	50
5 Personal care home-- 0 - 20 beds	15
6 -- 21 - 50 beds	20
7 -- 51 - 100 beds	30
8 --101 beds and above	50

9 No fee shall be required for the annual license in the case of
10 day care centers, recovery community centers, recovery community
11 organizations, family child care homes, boarding homes for
12 children or for public or nonprofit mental institutions.

13 Section 4. Article X of the act is amended by adding a
14 subarticle to read:

15 (e) Recovery Community Organizations

16 Section 1091. Definitions.

17 The following words and phrases when used in this subarticle
18 shall have the meanings given to them in this section unless the
19 context clearly indicates otherwise:

20 "Peer recovery support services." A form of nonprofessional,
21 nonclinical assistance that is delivered in person at a recovery
22 community center, in the community or at any other provider
23 location, via telephone or through technological means,
24 including video calling or virtual reality, to help an
25 individual, family member or loved one with a mental health or
26 substance use disorder achieve long-term recovery, which is
27 provided by a peer support specialist who has been successful in
28 the peer support specialist's own recovery with a mental health
29 or substance use disorder and who shares the peer support
30 specialist's experience, knowledge and skills with another

1 individual with similar issues. The term includes the following:

2 (1) A one-on-one engagement between a single peer support
3 specialist and a single individual, family member or loved one,
4 which may include a brief check in, recovery planning session or
5 any other engagement focused on navigating the recovery process.

6 (2) A group engagement between a single peer support
7 specialist and no more than eighteen individuals, family members
8 or loved ones, which is facilitated by the peer support
9 specialist and may include life skills education, recovery
10 education or other nonclinical topics important to the recovery
11 process.

12 (3) Community outreach and engagement completed by a peer
13 support specialist that facilitates engagement with individuals,
14 family members or loved ones and the broader community about
15 substance use, mental health and recovery, which may include
16 supply distribution, training, forums or other activities that
17 share peer recovery support services information to the
18 community.

19 "Peer support specialist." An individual who has a personal
20 lived or living experience involving a mental health or
21 substance use disorder, including with a family member or loved
22 one, and who has been trained and certified through the
23 Pennsylvania Certification Board with a valid peer specialist
24 credential of any approved type.

25 "Peer support specialist supervision." Supervision that is
26 provided to a peer support specialist by a peer support
27 specialist supervisor on a recurring basis, delivered for the
28 purpose of ongoing practice management and training and
29 authorized under State law for reimbursement of peer recovery
30 support services.

1 "Peer support specialist supervisor." An individual who has
2 a personal lived or living experience involving a mental health
3 or substance use disorder, including with a family member or
4 loved one, and who has been trained and certified through the
5 Pennsylvania Certification Board with a valid peer support
6 specialist supervisor credential of any approved type. The term
7 does not include an individual with an active clinical or
8 medical license.

9 "Recovery community center." A community facility operated
10 by a recovery community organization as a community center for
11 individuals or family members in recovery or seeking recovery
12 who desire to receive and participate in peer recovery support
13 services and integrate with communities of recovery and are in
14 need of support with mental health or substance use.

15 "Recovery community organization." An independent,
16 nonclinical, nonprofit organization led and governed by
17 representatives of local communities of recovery that employs
18 peer support specialists and conducts any of the following
19 activities, which are available to each community member and are
20 not restricted to an individual enrolled in a specific
21 educational, treatment or residential program:

22 (1) Conducts ongoing local recovery support needs assessment
23 surveys or focus groups.

24 (2) Organizes recovery-focused policy and advocacy
25 activities.

26 (3) Increases recovery workforce capacity and expertise
27 through training and education.

28 (4) Carries out recovery-focused outreach programs to engage
29 an individual seeking recovery, in recovery or in need of
30 recovery-focused support services or events to educate and raise

1 public awareness.

2 (5) Conducts recovery-focused public and professional
3 education events.

4 (6) Provides peer recovery support services.

5 (7) Supports the development of a recovery support
6 institution, including support for an education-based recovery
7 support program, recovery community center, recovery cafe,
8 recovery ministry, recovery-focused employment program or
9 recovery-focused prison reentry program.

10 (8) Hosts a national, regional or local recovery celebration
11 event.

12 (9) Collaborates on the integration of recovery-focused
13 activities within local prevention, harm reduction, early
14 intervention and treatment initiatives.

15 Section 1092. Application for license as recovery community
16 organization or recovery community center.

17 No later than 60 days after the effective date of this
18 section, the Department of Drug and Alcohol Programs, in
19 conjunction with the department, shall promulgate regulations
20 specifying the requirements to apply and obtain a license from
21 the department to operate a recovery community organization or
22 recovery community center. The Department of Drug and Alcohol
23 Programs, in conjunction with the department, shall ensure that
24 an applicant for licensure under this section meets all of the
25 following requirements:

26 (1) Is a nonclinical provider that employs peer support
27 specialists to provide peer recovery support services.

28 (2) Employs peer support specialist supervisors and
29 provides peer support specialist supervision to each employed
30 peer support specialist.

1 (3) Annually attests under penalty of perjury that the
2 applicant is governed by a nonprofit board of directors that
3 includes an individual with a lived or living experience
4 involving a mental health or substance use disorder.

5 (4) Has policies and procedures to ensure compliance in
6 providing support for all pathways and programs of individual
7 recovery, including harm reduction, abstinence and medication
8 use.

9 (5) For an applicant for license as a recovery community
10 organization, meets the standards specified under section
11 1093.

12 Section 1093. Recovery community organization standards.

13 A recovery community organization shall meet the following
14 standards to hold a license under section 1092 and remain
15 eligible to hold license as a recovery community organization:

16 (1) Operates a licensed recovery community center in
17 this Commonwealth for use by individuals, family members or
18 loved ones in recovery, seeking recovery or interested in
19 education about recovery. A recovery community organization
20 that does not operate a licensed recovery community center
21 and meets all other standards specified under this section
22 shall qualify for a one-year provisional license, which may
23 not be renewed more than twice.

24 (2) Employs peer support specialists and peer support
25 specialist supervisors to deliver peer recovery support
26 services.

27 (3) Ensures that each employed peer support specialist
28 is provided peer support specialist supervision by an
29 appropriately credentialed peer support specialist
30 supervisor.

1 (4) May not be a subsidiary, department, division or a
2 legal affiliate of a Federal, State or local agency, single
3 county authority, managed care organization or a licensed
4 clinical or medical provider of any type.

5 (5) Is a legal nonprofit corporation in this
6 Commonwealth and registered with the Department of State.

7 (6) Uses and maintains an approved electronic recovery
8 record for interaction and outcomes tracking of each
9 delivered service.

10 (7) Collects and reports any information required by
11 State law and the regulations promulgated under section 1092,
12 including information on recovery capital, social
13 determinants of recovery domains, including employment,
14 housing, education, income, legal, transportation and
15 relationships domains, overdose events, community and
16 intrapersonal relationship engagement and recidivism.
17 Section 1094. Registry of recovery community organizations and
18 recovery community centers.

19 Beginning no later than March 1, 2025, the Department of Drug
20 and Alcohol Programs, in conjunction with the department, shall
21 establish and maintain a registry on a publicly accessible
22 Internet website with each licensed recovery community
23 organization and licensed recovery community center in this
24 Commonwealth. The Department of Drug and Alcohol Programs shall
25 update the registry on an annual basis.

26 Section 1095. Review, report and adjustment.

27 (a) Review and report.--No later than April 1, 2025, and
28 each 36 months thereafter, the department shall facilitate a
29 review of medical assistance reimbursement rates for peer
30 recovery support services and submit a report to the General

1 Assembly. The department shall provide information in the report
2 on peer recovery support service rate adequacy and rate
3 variation across this Commonwealth geographically and among
4 managed care organizations designated by the department.

5 (b) Adjustment.--The department shall utilize the findings
6 in each report under subsection (a) to adjust peer recovery
7 support service reimbursement rates to a 100% rate adequacy
8 immediately after each report is submitted to the General
9 Assembly.

10 Section 1096. Penalties.

11 (a) Imposition.--The department shall impose a fine of no
12 less than \$1,000 on a person who operates a recovery community
13 organization or recovery community center that receives funding,
14 in whole or in part, by a Federal agency, the department, other
15 State agency or county agency and has failed to attain or
16 maintain the license of the recovery community organization or
17 recovery community center required under section 1092.

18 (b) Referrals.--If the department determines that a recovery
19 community organization or a recovery community center is not in
20 compliance with this subarticle due to an alleged violation of a
21 Federal or State law, the department may refer the matter to the
22 appropriate Federal or State agency for investigation.

23 Section 1097. Compliance with other laws.

24 To receive and maintain a license as a recovery community
25 organization or recovery community center under section 1092, a
26 recovery community organization or recovery community center
27 shall comply with Federal and State law, including the Americans
28 with Disabilities Act of 1990 (Public Law 101-336, 104 Stat.
29 327). A recovery community organization or recovery community
30 center that fails to comply or remain in compliance with Federal

1 or State law shall relinquish licensure under section 1092, and
2 the Department of Drug and Alcohol Programs, in conjunction with
3 the department, shall remove the recovery community organization
4 or recovery community center from the registry under section
5 1094.

6 Section 5. This act shall take effect in 60 days.