



TO: Medical Care Advisory Committee
DATE: August 16, 2018
FROM: Laura Gold, HHSC Medicaid/CHIP Senior Policy Advisor

Agenda Item No.: 6

SUBJECT: Peer Specialists

Proposed new: Texas Administrative Code Title 1, Part 15, Chapter 354, Subchapter N, Peer Specialist Services

BACKGROUND: Federal Requirement Legislative Requirement
Other: (e.g., Program Initiative)

The proposed new subchapter implements House Bill (H.B.) 1486, 85th Legislature, Regular Session, 2017, which requires HHSC to establish a Medicaid reimbursable peer specialist benefit and adopt rules establishing training and certification requirements for peer specialists to provide Medicaid-reimbursable peer specialist "services to persons with mental illness or services to persons with substance use conditions." The proposed rules were developed with input from a stakeholder workgroup, in compliance with H.B. 1486.

ISSUES AND ALTERNATIVES:

In sharing the draft rules with external stakeholders, three primary areas of concern were expressed: age range for eligibility to receive services, inclusion of peer-run organizations as eligible providers, and supervision of peer specialists.

The proposed rules require that the person receiving services be at least 21 years old. External stakeholders would like to include 18- to 20-year-olds, and perhaps younger teens, in the eligible population. The rules are being proposed with a minimum age of 21 because HHSC's interpretation of the legislation is that it directs the state to create an adult benefit.

Likewise, external stakeholders would like peer-run organizations to be eligible to provide this Medicaid service. Peer-run organizations are not currently allowable Medicaid providers. HHSC prefers to launch the service with the best possible options immediately available to Medicaid recipients. HHSC is committed to exploring the addition of peer-run organizations, but cannot accomplish that by the anticipated effective date of these rules.

Finally, external stakeholders have expressed concern about the requirement to have a licensed professional supervising peer specialists under these rules, or supervising the supervisor of the peer specialists. The concern is that a clinical approach to services is contrary to peer support, which is non-clinical in nature. While HHSC understands this concern, HHSC must also ensure that these services meet all CMS requirements for Medicaid reimbursement. Current interpretation of CMS requirements is that a licensed professional must be in the peer specialist's chain of oversight.

STAKEHOLDER INVOLVEMENT:

H.B. 1486 required that HHSC establish an external stakeholder workgroup to provide input on the rules adopted based on the legislation. The 22-member workgroup has been meeting at least monthly since November 2017, and provided extensive feedback to HHSC staff on the proposed rules. The workgroup members include peer specialist trainers and training organizations, current peer specialists for both mental health and substance use, and organizations that employ peer specialists.

The proposed rules were posted on the HHSC web site from June 7 to June 21 for external stakeholder informal comment. During that time, HHSC also hosted two public meetings that included both a presentation from HHSC staff on the project and the proposed rules, and opportunity for public comment. Written and oral comments were considered and resulted in revisions to the proposed rules.

FISCAL IMPACT:

None Yes

	SFY 19	SFY 20	SFY 21	SFY 22	SFY 23
State	\$126,183	\$120,568	\$118,068	\$118,068	\$118,068
Federal	\$126,183	\$120,569	\$118,069	\$118,069	\$118,069
Total	\$252,366	\$241,137	\$236,137	\$236,137	\$236,137

The fiscal impact estimates include costs for 1.5 new FTEs to oversee the training and certification of peer specialists within the IDD/BHS division of HHSC. Client service costs will be reflected in the rate rule that is proposed separately from this program rule.

RULE DEVELOPMENT SCHEDULE:

August 2018 Present to the Medical Care Advisory Committee
August 2018 Present to HHSC Executive Council
September 2018 Publish proposed rules in *Texas Register*
December 2018 Publish adopted rules in *Texas Register*
January 1, 2019 Effective date

REQUESTED ACTION: (Check appropriate box)

- The MCAC recommends approval of the proposed rules for publication.
- Information Only

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TITLE 1 ADMINISTRATION
PART 15 TEXAS HEALTH AND HUMAN SERVICES COMMISSION
CHAPTER 354 MEDICAID HEALTH SERVICES
SUBCHAPTER N PEER SPECIALIST SERVICES

PROPOSED PREAMBLE

The Texas Health and Human Services Commission (HHSC) proposes new Subchapter N, Peer Specialist Services, including Division 1, General Provisions; Division 2, Service Provision; Division 3, Peer Specialists; Division 4, Organizations in Which Peer Specialists Deliver Services; Division 5, Training; Division 6, Peer Specialist and Peer Specialist Supervisor Certification; Division 7, Certification Entities; and Division 8, Complaints, Appeals, and Hearings.

BACKGROUND AND PURPOSE

The proposed new subchapter implements House Bill (H.B.) 1486, 85th Legislature, Regular Session, 2017, which requires HHSC to establish a Medicaid reimbursable peer service benefit and adopt rules establishing training and certification requirements for peer specialists to provide Medicaid-reimbursable peer specialist "services to persons with mental illness or services to persons with substance use conditions." The proposed rules were developed with input from a stakeholder workgroup, in compliance with H.B. 1486.

SECTION-BY-SECTION SUMMARY

Division 1, General Provisions

Proposed new §354.3001, Purpose and Applicability, states the purpose of the subchapter and cites the statutory authority for the rules proposed in this subchapter.

Proposed new §354.3003, Definitions, defines certain words and terms used throughout the subchapter.

Division 2, Service Provision

Proposed new §354.3011, Eligibility to Receive Services, describes who is eligible to receive peer specialist services under this subchapter.

Proposed new §354.3013, Services Provided, describes the peer specialist services to be provided under this subchapter.

Proposed new §354.3015, Medicaid Reimbursement, outlines the conditions that must be met for Medicaid reimbursement of peer services provided under this subchapter.

Division 3, Peer Specialists

Proposed new §354.3051, Minimum Qualifications, outlines the minimum qualifications for a person to provide peer specialist services under this subchapter. This rule includes a grandfather clause for persons already certified as a peer specialist outside of these rules.

Proposed new §354.3053, Scope of Work, describes the scope of work for peer specialists under this subchapter.

Proposed new §354.3055, Ethical Responsibilities, lists the ethical responsibilities of a peer specialist providing services under this subchapter.

Division 4, Organizations in Which Peer Specialists Deliver Services

Proposed new §354.3101, Requirements, outlines the requirements for an organization in which peer specialists deliver services under this subchapter.

Proposed new §354.3103, Supervision of Peer Specialists, describes the requirements for supervising peer specialists under this subchapter.

Proposed new §354.3105, Peer Specialist Supervisor Minimum Qualifications, outlines who may supervise a peer specialist under this subchapter. This rule includes a grandfather clause for persons already providing peer specialist supervision outside of these rules.

Division 5, Training

Proposed new §354.3151, Training Entity Minimum Requirements, outlines the requirements for an organization or person to provide training under this division.

Proposed new §354.3153, Instructor Requirements, lists the requirements for an instructor, including a grandfather clause for persons already providing peer specialist training outside of these rules.

Proposed new §354.3155, Orientation and Self-Assessment, describes the orientation and self-assessment that a prospective peer specialist is expected to complete before applying to be trained under this division.

Proposed new §354.3157, Application for Training, explains the expected application process for training under this division.

Proposed new §354.3159, Core and Supplemental Training, explains the requirements for core and supplemental training for prospective peer specialists.

Proposed new §354.3161, Peer Specialist Certification Renewal Training, outlines the expectations for peer specialist ongoing training as part of certification renewal.

Proposed new §354.3163, Supervisor Training, describes the requirement for a prospective peer specialist supervisor to successfully complete training before applying to be certified.

Proposed new §354.3165, Peer Specialist Supervisor Certification Renewal Training, outlines the expectations for peer specialist supervisor ongoing training as part of certification renewal.

Division 6, Peer Specialist and Peer Specialist Supervisor Certification

Proposed new §354.3201, Criminal History and Registry Checks, outlines the requirements for background checks for both peer specialists and peer specialist supervisors, including which background check findings may preclude a person from being certified or having his/her certification renewed.

Proposed new §354.3203, Procedures for Peer Specialist Certification, outlines the expectations for processing an application for peer specialist certification.

Proposed new §354.3205, Initial Peer Specialist Certification, describes the initial six-month certification for peer specialists and the requirement to complete 250 hours of supervised work experience during that certification period.

Proposed new §354.3207, Peer Specialist Certification Renewal, outlines the expectations for renewing a peer specialist certification.

Proposed new §354.3209, Procedures for Peer Specialist Supervisor Certification, outlines the expectations for processing an application for peer specialist supervisor certification.

Proposed new §354.3211, Peer Specialist Supervisor Certification Renewal, outlines the expectations for renewing a peer specialist supervisor certification.

Division 7, Certification Entities

Proposed new §354.3251, Certification Entity Minimum Requirements, lists the expectations for an entity that intends to request HHSC approval to be a certification entity under this subchapter.

Proposed new §354.3253, Certification Entity Application Process, describes the process by which HHSC considers an application to become a certification entity under this subchapter.

Proposed new §354.3255, Certification Entity Ongoing Requirements, lists the ongoing obligations a certification entity must meet to retain HHSC approval, such as documentation.

Division 8, Complaints, Appeals, and Hearings

Proposed new §354.3301, Recipient Complaints, refers the reader to Subchapter I of this chapter for rules related to Medicaid Program Appeals Procedures.

Proposed new §354.3303, Peer Specialist or Peer Specialist Supervisor: Denial, Suspension, or Revocation of Certification or Renewal, explains the appeal rights for peer specialist and peer specialist supervisor applicants as well as certified peer specialists and peer specialist supervisors.

Proposed new §354.3305, Training Entity: Denial, Suspension, or Revocation of Certification, indicates that the certification entity will process any training entity appeals related to the training entity's certification.

Proposed new §354.3307, Certification Entity: Denial, Suspension, or Revocation of Approval, indicates that HHSC will process any certification entity appeals related to the certification entity's approval under this subchapter.

FISCAL NOTE

Greta Rymal, Deputy Executive Commissioner for Financial Services, has determined that for each year of the first five years that the rules will be in effect, there will be a cost to state government of \$126,183 General Revenue (GR) and \$252,366 All Funds (AF) in State Fiscal Year (SFY) 2019; \$120,568 GR and \$241,137 AF in SFY 2020; \$118,068 GR and \$236,137 AF in SFY 2021; \$118,068 GR and \$236,137 AF in SFY 2022; and \$118,068 GR and \$236,137 AF in SFY 2023 as a result of enforcing and administering the rules as proposed. These costs do not include direct service delivery costs, which are associated with §355.8085, published elsewhere in this issue of the Texas Register.

There is no anticipated impact to costs and revenues of local government, because costs to local government entities providing peer services under these proposed rules are anticipated to be offset by Medicaid reimbursement.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rules will be in effect:

- (1) the proposed rules will create a government program;
- (2) implementation of the proposed rules will affect the number of HHSC employee positions;
- (3) implementation of the proposed rules will not require an increase or decrease in future legislative appropriations;
- (4) the proposed rules will not affect fees paid to the agency;
- (5) the proposed rules will create a new rule;
- (6) the proposed rules will not expand, limit, or repeal an existing rule; and
- (7) the proposed rules will increase the number of individuals subject to the rule.

HHSC has insufficient information to determine the proposed rules' effect on the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

HHSC has determined that there will be no adverse economic effect on small businesses or micro-businesses as a result of the proposed rules. The peer services will be a new service with the adoption of these rules. Participation in providing this new service is optional.

ECONOMIC COSTS TO PERSONS AND IMPACT ON LOCAL EMPLOYMENT

There are anticipated economic costs to persons who are required to comply with the rules as proposed.

There is no anticipated negative impact on local employment.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to this rule because the rule is necessary to implement legislation that does not specifically state that §2001.0045 applies to the rule.

PUBLIC BENEFIT

Enrique Marquez, Chief Program and Services Officer, has determined that for each year of the first five years the rules are in effect, the public benefit expected as a result of enforcing or administering the rules will be an anticipated increase in the availability of peer specialist services under Medicaid, which has the potential to assist more Medicaid clients in achieving recovery from a mental health condition or substance use disorder.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Government Code §2007.043.

PUBLIC HEARING

A public hearing is scheduled for October 4, 2018, at 9:00 a.m. (central time) in the Brown-Heatly Building, Public Hearing Room, located at 4900 North Lamar Boulevard, Austin, Texas 78751. Persons requiring further information, special assistance, or accommodations should contact Amy Chandler at 512-487-3419.

PUBLIC COMMENT

Written comments on the proposal may be submitted to Rules Coordination Office, P.O. Box 149030, Mail Code H600, Austin, Texas 78714-9030, or street address 4900 North Lamar Boulevard, Austin, Texas 78751; or e-mailed to IDD-BH_Peer_Support_Services-Medicaid_Benefit@hhsc.state.tx.us.

To be considered, comments must be submitted no later than 30 days after the date of this issue of the *Texas Register*. The last day to submit comments falls on a Sunday; therefore, comments must be: (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) e-mailed by midnight on the last day of the comment period. When e-mailing comments, please indicate "Comments on Proposed Peer Specialist Rules" in the subject line.

STATUTORY AUTHORITY

The amendments are proposed under Texas Government Code §531.033, which provides the Executive Commissioner of HHSC with broad rulemaking authority, and Texas Human Resources Code §32.021 and Texas Government Code §531.021(a), which provide HHSC with the authority to administer the federal medical assistance (Medicaid) program in Texas.

The proposed amendments implement Texas Government Code, Chapter 531, and Texas Human Resources Code, Chapter 32.

This agency hereby certifies that this proposal has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

ADDITIONAL INFORMATION

For further information, please call: (512) 730-7440.

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Legend:

Single Underline = Proposed new language

~~[Strikethrough and brackets]~~ = Current language proposed for deletion

Regular print = Current language

(No change.) = No changes are being considered for the designated subdivision

TITLE 1 ADMINISTRATION
PART 15 TEXAS HEALTH AND HUMAN SERVICES COMMISSION
CHAPTER 354 MEDICAID HEALTH SERVICES
SUBCHAPTER N PEER SPECIALIST SERVICES
DIVISION 1 GENERAL PROVISIONS

§354.3001. Purpose and Applicability.

(a) Peer specialists providing services under this subchapter support recipients with a mental health condition and/or substance use disorder to actively plan and work toward long-term recovery.

(b) This subchapter establishes requirements for providing peer specialist services through Medicaid, and applies only to peer specialist services that are Medicaid reimbursable under this subchapter and other applicable rule or law.

(c) This subchapter implements §531.0999 of the Texas Government Code and §32.024(kk) of the Texas Human Resources Code, which requires HHSC to include peer specialists as Medicaid providers.

§354.3003. Definitions.

The following words and terms, when used in this subchapter, have the following meanings unless the context clearly indicates otherwise.

(1) Adult--A person who is 21 years or older.

(2) Certification entity--An organization approved by HHSC to certify:

(A) peer specialists;

(B) peer specialist supervisors; and

(C) peer specialist training entities.

(3) Closed--A certification entity record for a revoked or relinquished certification, including the record for a person who is deceased or no longer certified for another reason.

(4) Dual relationship--A peer specialist's familial, financial, business, professional, close personal, sexual, or any other non-therapeutic relationship with a recipient, or engaging in any activity with another person that interferes or conflicts with the peer specialist's professional obligation to a recipient.

(5) HHSC--The Texas Health and Human Services Commission or its designee.

(6) Lived experience--When a person has experienced a significant life disruption due to the person's own mental health condition and/or substance use disorder and is now in recovery.

(7) LPHA--Licensed Practitioner of the Healing Arts. A person licensed as one of following and acting within the authorized scope of the person's license:

- (A) physician;
- (B) licensed professional counselor;
- (C) licensed clinical social worker;
- (D) psychologist;
- (E) advanced practice registered nurse;
- (F) physician assistant; or
- (G) licensed marriage and family therapist.

(8) Mental health--A state of well-being in which an individual realizes one's own abilities, can cope with the normal stresses of life, and is able to be productive.

(9) Mental health condition--A condition (excluding a single diagnosis of an intellectual or developmental disability or a substance use disorder) that substantially impairs:

- (A) an individual's thought, perception of reality, emotional process, or judgement;
- (B) an individual's behavior; or
- (C) an individual's ability to participate in daily routines.

(10) Mental health rehabilitative services--Services that are individualized, age-appropriate, and provide training and instructional guidance that restore an individual's functional deficits due to serious mental illness. The services are designed to improve or maintain the individual's ability to remain in the community as a fully integrated and functioning member of that community.

(11) Peer specialist--A person who uses lived experience, in addition to skills learned in formal training, to deliver strengths-based, person-centered services to promote a recipient's recovery and resiliency.

(12) Person-centered--The provision of services:

- (A) directed by the recipient;
 - (B) aligned with the hopes, goals, and preferences of the recipient;
- and
- (C) designed to build on the recipient's interests and strengths.

(13) Person-centered recovery plan--A written plan that serves as a plan of care and:

- (A) is developed with the person, others whose inclusion is requested by the person and who agree to participate, and the persons planning or providing services;
- (B) amended at any time based on the person's needs;
- (C) guides the recovery process and fosters resiliency;
- (D) identifies the person's changing strengths, capacities, goals, preferences, needs, and desired outcomes; and

(E) identifies services and supports to meet the person's goals, preferences, needs and desired outcomes.

(14) Prevalent language--A non-English language determined to be spoken by at least 10 percent of persons in a community where a peer specialist will be providing services or in a community in which a training is offered. Persons are only counted toward the minimum 10 percent if they do not speak English as their primary language and if they have a limited ability to read, speak, write, or understand English.

(15) QCC--Qualified Credentialed Counselor. A person licensed as one of the following and acting within the authorized scope of the person's license:

- (A) licensed professional counselor;
- (B) licensed clinical social worker;
- (C) licensed marriage and family therapist;
- (D) psychologist;
- (E) physician;
- (F) physician's assistant;
- (G) licensed chemical dependency counselor;
- (H) certified addictions registered nurse; or
- (I) advanced practice nurse recognized by the Board of Nurse

Examiners as a clinical nurse specialist or practitioner with a specialty in psychiatric-mental health nursing.

(16) QMHP--Qualified Mental Health Professional. A QMHP must demonstrate competency in the work to be performed and:

(A) be a Registered Nurse; or

(B) have a bachelor's degree from an accredited college or university with a minimum number of hours that is equivalent to a major in psychology, social work, medicine, nursing, rehabilitation, counseling, sociology, human growth and development, physician's assistant, gerontology, special education, educational psychology, early childhood education, or early childhood intervention.

(17) QPS--Qualified Peer Supervisor. A QPS must:

(A) be a certified peer specialist under this subchapter; and

(B) have one of the following combinations:

(i) a high school diploma or General Equivalency Diploma (GED) and at least four years of work experience as a peer specialist, up to two years of which may be substituted by work experience supervising others; or

(ii) an associate's degree or higher from an accredited college or university and at least two years of work experience as a peer specialist.

(18) Recipient--Refers to a person receiving Medicaid services under this subchapter.

(19) Recovery--A process of change through which a person:

(A) improves one's health and wellness;

(B) lives a self-directed life;

(C) strives to reach one's self-defined full potential; and

(D) participates in one's personal community.

(20) Relationship-focused--Requires a peer specialist to deliver services through a relationship with the recipient that is respectful, trusting, empathetic, collaborative, and mutual.

(21) Self-directed recovery--The point at which an individual takes proactive steps to plan and implement the individual's own recovery.

(22) Substance use disorder--A recurrent use of alcohol and/or drugs that causes clinically and functionally significant impairment, such as health problems, disability, and failure to meet major responsibilities at work, school, or home.

(23) Trauma-informed--A program, organization, or system that is trauma-informed realizes the widespread impact of trauma and understands potential paths for recovery; recognizes the signs and symptoms of trauma in clients, families, staff, and others involved with the system; and responds by fully integrating knowledge about trauma into policies, procedures, and practices, and seeks to actively resist re-traumatization.

TITLE 1 ADMINISTRATION
PART 15 TEXAS HEALTH AND HUMAN SERVICES COMMISSION
CHAPTER 354 MEDICAID HEALTH SERVICES
SUBCHAPTER N PEER SPECIALIST SERVICES
DIVISION 2 SERVICE PROVISION

§354.3011. Eligibility to Receive Services.

A recipient must:

- (1) be an adult;
 - (2) be a Medicaid recipient;
 - (3) have a mental health condition or substance use disorder, or both;
- and
- (4) have peer specialist services included in the recipient's person-centered recovery plan.

§354.3013. Services Provided.

(a) All peer specialist services must be recovery-oriented, person-centered, relationship-focused, and trauma-informed.

(b) Peer specialist services may include:

- (1) recovery and wellness support, which includes providing information on and support with planning for recovery;
- (2) mentoring, which includes serving as a role model and providing assistance in finding needed community resources and services; and
- (3) advocacy, which includes providing support in stressful or urgent situations, and helping to ensure that the recipient's rights are respected.

(c) Services may be provided individually or in a group.

(d) Participation in peer specialist services is voluntary.

§354.3015. Medicaid Reimbursement.

(a) Peer specialist services must be documented in a recipient's person-centered recovery plan.

(b) Medicaid mental health rehabilitation services are billed separately from the peer specialist services described in this chapter.

(c) The amount, duration, and scope of peer specialist services available through the Texas Medicaid Program are established according to applicable federal regulations, the Texas state plan for medical assistance under Title XIX of the Social Security Act, state law, and HHSC rules. Information regarding benefits and limitations is available to providers of these services through the Texas Medicaid Provider Procedures Manual.

TITLE 1 ADMINISTRATION
PART 15 TEXAS HEALTH AND HUMAN SERVICES COMMISSION
CHAPTER 354 MEDICAID HEALTH SERVICES
SUBCHAPTER N PEER SPECIALIST SERVICES
DIVISION 3 PEER SPECIALISTS

§354.3051. Minimum Qualifications.

(a) A peer specialist must:

- (1) be at least 18 years of age;
- (2) have lived experience;
- (3) have a high school diploma or General Equivalency Diploma (GED);
- (4) be willing to appropriately share his own recovery story with

recipients;

(5) be able to demonstrate current self-directed recovery; and

(6) pass criminal history and registry checks as described in §354.3201 of this subchapter (relating to Criminal History and Registry Checks).

(b) A person certified in Texas on the date this rule is initially effective may apply to a certification entity to be grandfathered into certification under this subchapter.

(1) A request under this subsection must meet the requirements of §354.3203(a) of this subchapter (relating to Procedures for Peer Specialist Certification), except as outlined in paragraphs (2) and (3) of this subsection.

(2) A person with a certification in good standing with the Texas Certification Board of Addiction Professionals, on the date this rule is initially effective, may apply to a certification entity to be grandfathered into peer specialist certification under this subchapter, with the designation of Recovery Support Peer Specialist. A person requesting to be grandfathered under this paragraph is exempt from the initial certification and supervised work experience requirements in §354.3205 of this subchapter (relating to Initial Peer Specialist Certification).

(3) A person with a certification in good standing with Via Hope, on the date this rule is initially effective, may apply to a certification entity to be grandfathered into peer specialist certification under this subchapter, with the designation of Mental Health Peer Specialist. A person requesting to be grandfathered in under this paragraph must submit documentation of at least 250 hours of supervised work experience. If the person does not have, or cannot document, at least 250 hours of supervised work experience, the certification entity may offer that person an initial certification under §354.3205 of this subchapter.

(c) A certification entity must ensure that each applicant for certification meets the requirements in subsection (a) or (b) of this section.

(d) A peer specialist must complete required training and be certified under this subchapter before providing services under this subchapter. A peer specialist must remain certified in good standing under this subchapter to provide services under this subchapter. The required training does not apply to a person grandfathered into certification under subsection (b) of this section.

§354.3053. Scope of Work.

(a) A peer specialist provides peer specialist services as described in §354.3013 of this subchapter (relating to Services Provided).

(b) A peer specialist may also provide mental health rehabilitative services that are within the peer specialist's knowledge and abilities.

§354.3055. Ethical Responsibilities.

(a) A peer specialist may not:

(1) practice psychotherapy, make clinical or diagnostic assessments, or dispense expert opinions;

(2) engage in any service that requires a license;

(3) falsify any documentation related to application, training, testing, certification, or services provided under this subchapter;

(4) retaliate against any person who, in good faith, makes a complaint or files a grievance against the peer specialist regarding services provided under this subchapter;

(5) engage in conduct that is prohibited by state, federal, or local law, including those laws prohibiting the use, possession, or distribution of drugs or alcohol;

(6) participate in, condone, or promote discrimination on the basis of race, creed, color, national origin, gender, sexual orientation, religion, age, physical disability, or economic status in the performance of peer specialist services or training;

(7) delay or fail to report suspicion of abuse or neglect to the proper authority;

(8) violate law, rule, or policy related to a recipient's privacy and confidentiality;

(9) violate professional and personal boundaries, including having sexual contact with a recipient; or

(10) have a dual relationship with a recipient.

(b) This section does not preclude a certification entity from creating a more expansive or detailed list of certified peer specialist ethical responsibilities.

TITLE 1 ADMINISTRATION
PART 15 TEXAS HEALTH AND HUMAN SERVICES COMMISSION
CHAPTER 354 MEDICAID HEALTH SERVICES
SUBCHAPTER N PEER SPECIALIST SERVICES
DIVISION 4 ORGANIZATIONS IN WHICH PEER SPECIALISTS
DELIVER SERVICES

§354.3101. Requirements.

(a) An organization in which peer specialists deliver services must provide supervision for peer specialists as described in §354.3103 of this division (relating to Supervision of Peer Specialists).

(b) In order to be reimbursed by Medicaid for peer specialist services under this subchapter, an organization must:

- (1) be a Medicaid-enrolled provider in Texas;
- (2) comply with all applicable federal, state, and local laws and regulations;
- (3) bill for covered peer specialist services in a manner and format prescribed by HHSC; and
- (4) maintain documentation as specified in the Texas Medicaid Provider Procedures Manual.

§354.3103. Supervision of Peer Specialists.

(a) Peer specialist supervision must focus on a peer specialist's provision of services, including review of cases and activities, skill building, problem resolution, and professional growth. Supervision may also include aspects specific to the organization, such as following organizational policy or other administrative matters.

(b) Peer specialist supervision must occur:

- (1) at least once weekly for a peer specialist with an initial certification;
- (2) at least once monthly for a peer specialist with a two-year certification; or
- (3) more frequently at the request of the peer specialist.

(c) Peer specialist supervision may:

- (1) be provided individually or in a group setting;
 - (2) be provided face-to-face or via teleconference; and
 - (3) include observation of the peer specialist providing services.
- (d) Peer specialist supervision must be documented.

§354.3105. Peer Specialist Supervisor Minimum Qualifications.

(a) A peer specialist supervisor must:

- (1) be at least 18 years of age;

- (2) be a:
 - (A) QCC;
 - (B) LPHA;
 - (C) QMHP, with a QCC or LPHA supervising the QMHP; or
 - (D) QPS, with a QCC or LPHA supervising the QPS;
 - (3) pass criminal history and registry checks as described in §354.3201 of this subchapter (relating to Criminal History and Registry Checks);
 - (4) meet the training requirements in §354.3163 of this subchapter (relating to Supervisor Training) and §354.3165 of this subchapter (relating to Peer Specialist Supervisor Certification Renewal Training); and
 - (5) be certified under this subchapter.
- (b) An LPHA or QCC supervising a QMHP or QPS per subsections (a)(2)(C) or (a)(2)(D) of this section must conduct:
- (1) at least monthly documented meetings with each QMHP or QPS being supervised; and
 - (2) documented observation of a QMHP or QPS providing supervision at a frequency determined by the LPHA or QCC based on the QMHP's or QPS's skill level.
- (c) A person who has at least two years of experience supervising peer specialists, within the five years prior to the date this rule is initially effective, may apply to a certification entity to be grandfathered into peer specialist supervisor certification under this subchapter. A person requesting to be grandfathered in under this subsection must successfully complete the knowledge assessment required by §354.3163(b) of this subchapter (relating to Supervisor Training). If the person is unable to successfully complete the knowledge assessment, the certification entity may:
- (1) deny the request for grandfathering; or
 - (2) accept the request for grandfathering, with an initial one-year certification during which the person must successfully complete specific training and pass the knowledge assessment for that training.
- (d) A peer specialist supervisor must be certified as such under this subchapter before providing supervision to a peer specialist under this subchapter.
- (e) If a peer specialist supervisor is also a peer specialist, that person cannot supervise themselves.

TITLE 1 ADMINISTRATION
PART 15 TEXAS HEALTH AND HUMAN SERVICES COMMISSION
CHAPTER 354 MEDICAID HEALTH SERVICES
SUBCHAPTER N PEER SPECIALIST SERVICES
DIVISION 5 TRAINING

§354.3151. Training Entity Minimum Requirements.

- (a) A training entity must have:
- (1) a physical location in Texas;
 - (2) experience in training or sponsoring training for paraprofessionals;
 - (3) experience in training or sponsoring training that uses adult learning principles;
 - (4) experience in training or sponsoring training related to elements of peer specialist services;
 - (5) a plan to provide training for:
 - (A) peer specialists, including:
 - (i) core training; and
 - (ii) at least one type of supplemental training;
 - (B) peer specialist supervisors under §354.3163 of this division (relating to Supervisor Training); and
 - (C) instructors who will provide training under (A) or (B);
 - (6) a plan to provide training on a regularly scheduled basis, including primary training location(s), training schedule, and procedures related to registration/enrollment, training methodology, course completion/graduation requirements, and evaluation of training;
 - (7) a documented application process for peer specialists, peer specialist supervisors, and instructors, including:
 - (A) use of HHSC-approved scoring rubric(s) for peer specialists and peer specialist supervisors; and
 - (B) availability of application materials in prevalent languages, professionally translated;
 - (8) a documented internal review process designed to ensure consistency and equity in application scoring, unless the training entity consists of only one individual trainer; and
 - (9) a documented fee policy.
- (b) A training entity must be certified by a certification entity to provide training under this subchapter.
- (c) A training entity must use training curricula pre-approved by HHSC, including the knowledge assessment at the conclusion of each training.
- (d) All training must:
- (1) provide reasonable accommodation for a person with a disability;
 - (2) provide reasonable accommodation for a person who speaks a prevalent language; and

- (3) be culturally sensitive.
- (e) A training entity must maintain the following documentation for each person trained:
 - (1) application;
 - (2) date of each training attended and length of each training; and
 - (3) results of each knowledge assessment.
- (f) An application not approved must be retained for at least 2 years.
- (g) Documentation of each person trained must be retained for at least 5 years.

§354.3153. Instructor Requirements.

- (a) An instructor must:
 - (1) be a certified peer specialist in good standing, and must have the certification endorsement related to any supplemental training before providing that training;
 - (2) be trained by a training entity certified under this subchapter, and be approved to provide each type of training described in this subchapter before facilitating that training; and
 - (3) use training curricula pre-approved by HHSC, including the knowledge assessment at the conclusion of each training.
- (b) An instructor who has been consistently providing peer specialist training in the two years before the initial effective date of this section may apply to a certification entity to be approved as an instructor under this subchapter without meeting the requirements in:
 - (1) subsection (a)(1) of this section; and
 - (2) subsection (a)(2) of this section, except that the instructor may only provide supplemental training in the area of specialty for which they have historically provided training.

§354.3155. Orientation and Self-Assessment.

- (a) A peer specialist must complete required orientation before applying to participate in core training.
- (b) The orientation items are posted on the HHSC website and training entity websites.
- (c) The orientation items are completed through online modules, self-study, and a readiness assessment.
- (d) Orientation includes:
 - (1) a self-assessment tool;
 - (2) a description of peer specialist services;
 - (3) a description of a peer specialist's typical workday;
 - (4) employment demographics for peer specialists;

- (5) review of the background check requirements and other minimum qualifications to be certified under this chapter;
- (6) information about peer specialist careers;
- (7) information about the concept of recovery; and
- (8) the evidence base for peer support.

§354.3157. Application for Training.

(a) A person who has completed the orientation and self-assessment required in §354.3155 of this division (relating to Orientation and Self-Assessment) may apply for training by submitting to a training entity, in a format specified by the training entity:

- (1) a complete application;
- (2) proof that the person completed the required orientation and self-assessment; and
- (3) any other documentation required by the training entity.

(b) Application approval or disapproval must be communicated to the applicant within 60 calendar days of receiving the application. Notice of disapproval must include the reason(s) for disapproval and information on how to file an appeal.

(c) An applicant who is not approved for training may file an appeal per §354.3303 of this subchapter (relating to Peer Specialist or Peer Specialist Supervisor: Denial, Suspension, or Revocation of Certification or Renewal).

§354.3159. Core and Supplemental Training.

(a) Core training must be delivered in a classroom setting. If provided through telecommunication, participants must be able to ask questions in real time and interact with the instructor and other classmates.

(b) Core training must be consistent with subsection (a) of §354.3013 of this subchapter (relating to Services Provided).

(c) Upon successful completion of core training, a person is eligible for the supplemental training consistent with the person's lived experience:

- (1) Mental Health Peer Specialist, for a person with lived experience in recovery from a mental health condition; or
- (2) Recovery Support Peer Specialist, for a person with lived experience in recovery from a substance use disorder.

(d) Upon successful completion of a supplemental training, a person may apply for certification under Division 6 of this subchapter (relating to Peer Specialist and Peer Specialist Supervisor Certification).

(e) Successful completion of both core training and supplemental training must be documented through a knowledge assessment completed by each participant at the end of each training.

§354.3161. Peer Specialist Certification Renewal Training.

(a) In order to qualify for renewal under §354.3207 of this subchapter (relating to Peer Specialist Certification Renewal), a peer specialist must obtain at least 20 hours of training each certification period, of which three hours must be related to the ethical responsibilities of a peer specialist.

(b) Renewal training must be relevant to the skills required of, or services provided by, a peer specialist under this subchapter.

(c) Renewal training may include classroom training, webinars, online training, and conferences.

(d) Renewal training may be obtained through:

(1) a certified training entity under this subchapter;

(2) training pre-approved by a certification entity under this subchapter;

or

(3) training approved for continuing education for a mental health or substance use disorder professional, if the training also complies with subsection (b) of this section.

(e) A person dually certified as a peer specialist and a peer specialist supervisor may include the six hours of training required each certification period under §354.3165 of this division (relating to Peer Specialist Supervisor Certification Renewal Training) as part of the 20 hours of training required under this section.

§354.3163. Supervisor Training.

(a) A peer specialist supervisor must successfully complete training on peer specialist services and the recovery model from a certified training entity before being certified to supervise a peer specialist under this subchapter.

(b) Successful completion of supervisor training must be documented through a knowledge assessment completed by each participant at the end of each training.

§354.3165. Peer Specialist Supervisor Certification Renewal Training.

(a) In order to qualify for renewal under Division 6 of this subchapter (relating to Peer Specialist and Peer Specialist Supervisor Certification), a peer specialist supervisor must obtain at least six hours of training each certification period related to peer specialist supervision and leadership.

(b) Renewal training may be obtained through:

(1) a training entity under this subchapter;

(2) training pre-approved by a certification entity under this subchapter;

or

(3) training pre-approved for continuing education for a mental health or substance use disorder professional, if the training relates to peer specialist supervision and leadership.

TITLE 1 ADMINISTRATION
PART 15 TEXAS HEALTH AND HUMAN SERVICES COMMISSION
CHAPTER 354 MEDICAID HEALTH SERVICES
SUBCHAPTER N PEER SPECIALIST SERVICES
DIVISION 6 PEER SPECIALIST AND PEER SPECIALIST
SUPERVISOR CERTIFICATION

§354.3201. Criminal History and Registry Checks.

(a) A certified peer specialist, certified peer specialist supervisor, or applicant for either certification must disclose and provide to a certification entity complete information about all:

- (1) misdemeanor and felony charges;
- (2) indictments;
- (3) deferred adjudications;
- (4) episodes of community supervision or probation; and
- (5) convictions.

(b) Failure to make full and accurate disclosure under subsection (a) of this section may be grounds for application denial or disciplinary action, including revocation of the person's certification.

(c) If a certified peer specialist or certified peer specialist supervisor is convicted of a crime listed in subsection (d) of this section, the person must immediately report that information to the certification entity.

(d) HHSC has identified the following offenses as offenses directly related to the duties and responsibilities of a peer specialist or peer specialist supervisor, and has categorized them according to the seriousness of the offense.

- (1) Category 1 includes:
 - (A) capital offenses;
 - (B) sexual offenses involving a child victim;
 - (C) felony sexual offenses involving an adult victim who is a client (one or more counts);
 - (D) multiple counts of felony sexual offenses involving any adult victim; and
 - (E) 1st degree homicide.
- (2) Category 2 includes:
 - (A) kidnapping;
 - (B) arson;
 - (C) homicide lesser than 1st degree;
 - (D) felony sexual offenses involving an adult victim who is not a client (single count); and
 - (E) attempting to commit crimes in Category 1 or 2.

(3) Category 3 includes felony offenses that are not listed separately in this section and that result in actual or potential physical harm to others or animals.

(4) Category 4 includes:

(A) class A misdemeanor alcohol and drug offenses;

(B) class A misdemeanor offenses resulting in actual or potential physical harm to others or animals;

(C) felony alcohol and drug offenses; and

(D) all other felony offenses not listed separately in this section.

(5) Category 5 includes:

(A) class B misdemeanor alcohol and drug offenses; and

(B) class B misdemeanor offenses resulting in actual or potential physical harm to others or animals.

(e) A certification entity must deny the initial or renewal application of a person who has been convicted or placed on community supervision for a:

(1) category 1 offense during the person's lifetime;

(2) category 2 offense during the fifteen years preceding the date of application;

(3) category 3 offense during the ten years preceding the date of application;

(4) category 4 offense during the five years preceding the date of application, unless, at the time of application, proceedings have been dismissed and the person has been discharged after having been placed on and completing community supervision following a deferred adjudication; or

(5) category 5 offense during the three years preceding the date of application.

(f) A certification entity must deny the initial or renewal application of a person when there has been a finding of incapacity made by a court in a criminal matter, on the basis of a mental defect or disease.

(g) When a person's application is denied under subsection (e) or (f) of this section, the person may reapply when:

(1) the person receives a full pardon based on the person's wrongful conviction;

(2) the timeframes established in subsection (e) of this section have been met; or

(3) the person who had been found to be incapacitated is found to be no longer incapacitated, in which case the provisions of this section applicable to the status of the charge and prosecution at that time will apply.

(h) A certification entity defers action on an initial or renewal application for a person who has been charged or indicted for an offense described in subsection (d) of this section. If the person is convicted, placed on deferred adjudication, or placed on community supervision for the offense, subsection (e) of this section applies. If the charges are dismissed or the person is acquitted, the application or renewal is processed without prejudice.

(1) The person remains subject to applicable renewal requirements during the deferral.

(2) A certification renewal remains deferred under this subsection until paragraph (4) of this subsection or subsection (e) of this section applies.

(3) A certification entity sends notice stating the reason for the deferral by certified mail to the certified peer specialist or certified peer specialist supervisor at the address listed in the certification entity's records.

(4) If no other bar exists at the time, the certification entity restores a person's certification upon receipt of official documentation that the charges have been dismissed or the person has been acquitted, except that, where the dismissal follows a deferred adjudication, the time frames set forth in subsection (e) of this section apply.

(i) A person whose certification has been denied or deferred under this section may only appeal the action if:

(1) the person was convicted or placed on community supervision or deferred adjudication; and

(2) the appeal is based on the grounds that the timeframes defined in subsection (e) of this section have been met.

(j) The provisions of this section do not limit the ability to take any other action against a certified peer specialist, certified peer specialist supervisor, or applicant for either certification as otherwise authorized by law, rule, or certification entity policy.

(k) A certified peer specialist, certified peer specialist supervisor, or applicant for either certification must not be listed on the Employee Misconduct Registry, maintained by HHSC under Chapter 253 of the Texas Health and Safety Code.

(l) A certification entity may develop an exception process for applicants with a criminal history that would require application denial under subsection (e) of this section. An exception process allows a certification applicant to request approval of the person's application, despite required denial under this section, due to extraordinary or extenuating circumstances specific to the person's criminal history and events of that person's life since the conviction.

(1) A certification entity's exception process must be documented and must be approved by HHSC.

(2) A certification entity's exception process may not apply to subsection (k) of this section.

	Offense	Timeframe
1-A	Capital Offenses	Any
1-B	Sexual offenses involving minors	Any
1-C	Felony sex offense involving adult client	Any
1-D	Multiple felony sex offenses involving any adult	Any
1-E	1st Degree Homicide	Any
2-A	Kidnapping	Within last 15 years
2-B	Arson	Within last 15 years
2-C	Homicide (lesser degrees)	Within last 15 years
2-D	Felony sex offense involving any adult	Within last 15 years
2-E	Attempting to commit offenses in 1 and 2	Within last 15 years
3	Any felony that results or might result in physical harm to others or animals	Within last 10 years
4-A	Class A misdemeanor alcohol and drug offenses	Within last 5 years
4-B	Class A misdemeanor offenses that result or might result in physical harm to others or animals	Within last 5 years
4-C	Felony alcohol and drug offenses	Within last 5 years
4-D	Any other unlisted felony	Within last 5 years
5-A	Class B misdemeanor alcohol and drug offenses	Within last 3 years
5-B	Class B misdemeanor offenses that result or might result in physical harm to others or animals	Within last 3 years

§354.3203. Procedures for Peer Specialist Certification.

(a) An applicant must submit all required information and documentation to a certification entity electronically or in hard copy, as specified by the certification entity, including:

- (1) application form;
- (2) proof of core training and supplemental training;
- (3) state-issued identification; and
- (4) signed ethics statement.

(b) For each applicant, the certification entity must conduct the background checks required in §354.3201 of this division (relating to Criminal History and Registry Checks).

(c) Application approval must be based on the requirements in §354.3051 of this subchapter (relating to Minimum Qualifications) and §354.3201 of this division.

(d) Application approval or disapproval must be communicated to the applicant within 60 calendar days. Notice of disapproval must include the reason(s) for disapproval and information on how to file an appeal.

(e) An applicant who is not approved may file an appeal per Division 8 of this subchapter (relating to Complaints, Appeals, and Hearings).

(f) For an approved applicant, the certification entity issues a peer specialist certification, including an endorsement based on the supplemental training completed by the person per §354.3159 of this subchapter (relating to Core and Supplemental Training). Each peer specialist certification includes:

- (1) a certificate number;
- (2) the peer specialist's endorsement, based on lived experience and supplemental training, as a:
 - (A) Mental Health Peer Specialist; or
 - (B) Recovery Support Peer Specialist;
- (3) the date the certification will expire;
- (4) the name of the certification entity; and
- (5) the peer specialist's signature and photo.

(g) A peer specialist may only provide services consistent with the endorsement on the person's certification, as listed in subsection (f)(2) of this section. However, a person with lived experience in recovery from both a mental health condition and a substance use disorder may apply to receive both supplemental trainings.

(1) Documentation of each supplemental training under this subsection must be provided to the certification entity, in order to have a second endorsement added to the person's certification.

(2) Two endorsements does not require additional supervised work experience under §354.3205 of this division (relating to Initial Peer Specialist Certification).

(3) Two endorsements does not require additional certification renewal training hours.

§354.3205. Initial Peer Specialist Certification

(a) Initial peer specialist certification is valid for six months.

(b) During the initial certification period, a peer specialist must document at least 250 hours of supervised work experience as a peer specialist under this subchapter.

(1) Independent study, such as reading or watching instructional videos, does not count toward the required hours.

(2) Time spent receiving supervision, other than observation of the peer specialist providing services, does not count toward the required hours.

(c) Supervision of a peer specialist during initial certification must comply with §354.3103 of this subchapter (relating to Supervision of Peer Specialists) and §354.3105 of this subchapter (relating to Peer Specialist Supervisor Minimum Qualifications).

(d) If a peer specialist is not able to complete the supervised work experience and submit documentation of such to the certification entity within the six-month certification, the certification entity may approve one additional six-month certification or may deny renewal.

(e) Documentation of supervised work experience must include a letter of recommendation from the peer specialist's supervisor.

(f) Once the certification entity receives and approves documentation that a peer specialist has successfully completed the 250 hours of supervised work experience, the certification entity grants the peer specialist a two-year certification.

§354.3207. Peer Specialist Certification Renewal.

(a) After the initial certification under §354.3205 of this division (relating to Initial Peer Specialist Certification), peer specialist certification must be renewed every two years.

(b) Each peer specialist certification renewal under this section must include the following documentation:

(1) any application or other form required by the certification entity;

(2) documentation of the peer specialist's renewal training hours; and

(3) results of the certification entity's criminal history and registry

background checks conducted on the peer specialist:

(A) immediately before renewing the certification; and

(B) per the requirements found in §354.3201 of this division (relating to Criminal History and Registry Checks).

§354.3209. Procedures for Peer Specialist Supervisor Certification

(a) An applicant must submit all required information and documentation to a certification entity electronically or in hard copy, as specified by the certification entity, including:

(1) application form;

- (2) proof of peer specialist supervisor training;
- (3) state-issued identification; and
- (4) signed ethics statement.

(b) For each applicant, the certification entity must conduct the background checks required in §354.3201 of this division (relating to Criminal History and Registry Checks).

(c) Application approval must be based on the requirements in §354.3105 of this subchapter (relating to Peer Specialist Supervisor Minimum Qualifications) and §354.3201 of this division.

(d) Application approval or disapproval must be communicated to the applicant within 60 calendar days. Notice of disapproval must include the reason(s) for disapproval and information on how to file an appeal.

(e) An applicant who is not approved may file an appeal per Division 8 of this subchapter (relating to Complaints, Appeals, and Hearings).

(f) The certification entity issues an approved applicant a peer specialist supervisor certification. Each peer specialist supervisor certification includes:

- (1) a certificate number;
- (2) the date the certification will expire;
- (3) the name of the certification entity; and
- (4) the peer specialist supervisor's signature and photo.

§354.3211. Peer Specialist Supervisor Certification Renewal.

(a) A peer specialist supervisor certification must be renewed every two years.

(b) Each peer specialist supervisor certification renewal under this section must include the following documentation:

- (1) any application or other form required by the certification entity;
- (2) documentation of the peer specialist supervisor's re-certification training hours; and
- (3) results of the certification entity's criminal history and registry background checks conducted on the peer specialist supervisor:
 - (A) immediately before renewing the certification; and
 - (B) per the requirements found in §354.3201 of this division (relating to Criminal History and Registry Checks).

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DIVISION 7 CERTIFICATION ENTITIES

§354.3251. Certification Entity Minimum Requirements.

A certification entity must have:

- (1) experience licensing or certifying a professional or paraprofessional group;
 - (2) documented application procedures for each certification type;
 - (3) documented procedures for certification renewal of peer specialists and peer specialist supervisors;
 - (4) documented procedures for investigating complaints and taking action against a certified person or training entity, as needed;
 - (5) documented procedures for processing appeals or grievances;
 - (6) documented procedures for determining reciprocity with another state's peer specialist or peer specialist supervisor certification;
 - (7) a documented fee policy;
 - (8) documented procedures for taking each possible action on a certification, including late renewal, expiration, inactive status, suspension, revocation, and voluntary relinquishment;
 - (9) documented procedures for initial certification and renewal criminal history and registry checks, per §354.3201 of this subchapter (relating to Criminal History and Registry Checks);
 - (10) documented policy and procedures for an exception process for background checks, per §354.3201(I) of this subchapter, if the certification entity plans to offer an exception process;
 - (11) documented procedures for monitoring approved training entities;
- and
- (12) a plan for professional translation of application and certification renewal documents into prevalent languages.

§354.3253. Certification Entity Application Process.

- (a) An applicant to be a certification entity submits an application and all required documentation to HHSC, in a format specified by HHSC.
- (b) Within 90 calendar days, HHSC sends the applicant a notice of disapproval, a notice of approval, or a notice of required additional materials or revisions to the application.
- (c) If HHSC sends a notice of required additional materials or revisions to the application, the applicant must submit the requested materials within 90 calendar days. HHSC may require a new application if additional materials or revisions are not submitted to HHSC within calendar 90 days.

- (d) HHSC approves an application which is in compliance with this subchapter and which properly documents applicant eligibility.
- (e) HHSC disapproves an application if the applicant:
 - (1) does not meet the eligibility and application requirements set out in this subchapter;
 - (2) fails or refuses to properly complete or submit required information;or
 - (3) knowingly presents false or misleading information in the application process.
- (f) HHSC gives an applicant written notice of the reason for a disapproval and of the opportunity to reapply or appeal.

§354.3255. Certification Entity Ongoing Requirements.

- (a) An approved certification entity must operate according to the:
 - (1) requirements of this subchapter; and
 - (2) application materials that the certification entity submitted to and approved by HHSC.
- (b) If an approved certification entity wishes to change a process or procedure that was documented in its approved application to HHSC, the certification entity must submit the change to HHSC and obtain HHSC's approval before implementing the change.
- (c) An approved certification entity must notify HHSC of any change of name, location, or contact information at least 30 calendar days before the change occurs.
- (d) An approved certification entity may not also be a training entity and may not provide peer specialist or peer specialist supervisor training.
- (e) An approved certification entity must maintain the following documentation for each certified peer specialist or certified peer specialist supervisor, and must retain the documentation for the required length of time:
 - (1) application, including documentation of required training, for at least five years after the record is closed;
 - (2) results of each criminal history and registry check, for at least five years after the record is closed;
 - (3) documentation of each approved certification renewal, including training documentation submitted, for at least the last five renewals;
 - (4) each complaint against the person and the resolution of the complaint, for at least five years after the record is closed;
 - (5) documentation of each action or status change related to the certification, including expiration, inactive status, suspension, revocation, and voluntary relinquishment, for at least five years after the record is closed; and
 - (6) documentation of each fee paid, for at least the last five years.

(f) An approved certification entity must maintain the following documentation for each training entity, and must retain the record for at least five years after the record is closed:

- (1) application;
- (2) each complaint against the training entity and the resolution of the complaint; and
- (3) documentation of each fee paid.

(g) For any certification type, an application not approved must be retained for at least five years.

(h) Documentation of each appeal or grievance must be maintained for at least 5 years after the appeal or grievance is resolved.

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TITLE 1 ADMINISTRATION
PART 15 TEXAS HEALTH AND HUMAN SERVICES COMMISSION
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SUBCHAPTER N PEER SPECIALIST SERVICES
DIVISION 8 COMPLAINTS, APPEALS, AND HEARINGS

§354.3301. Recipient Complaints.

Recipient complaints are addressed per Subchapter I of this chapter (relating to Medicaid Program Appeals Procedures).

§354.3303. Peer Specialist or Peer Specialist Supervisor: Denial, Suspension, or Revocation of Certification or Renewal.

(a) An applicant for training under §354.3157 of this subchapter (relating to Application for Training) may appeal a denial of the application for training to the certification entity that approved the training entity that is the subject of the complaint.

(b) An applicant for certification, a certified peer specialist, or a certified peer specialist supervisor may appeal the denial, suspension, or revocation of a certification or a denial of a certification renewal to the certification entity. The certification entity must have a process for addressing such appeals.

§354.3305. Training Entity: Denial, Suspension, or Revocation of Certification.

A training entity may appeal the denial, suspension, or revocation of a certification to the certification entity. The certification entity must have a process for addressing such appeals.

§354.3307. Certification Entity: Denial, Suspension, or Revocation of Approval.

A certification entity may appeal the denial, suspension, or revocation of its approval as a certification entity by HHSC under this subchapter according to Chapter 357, Subchapter I, of this title (relating to Hearings Under the Administrative Procedure Act).