

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

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.

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

ROBERT B. HUNT
Clerk

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 **41-A.**

4 State Board of Intentional Peer \$35/Day 32 MRSA §6301
5 Support Specialists

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 The State Board of Intentional Peer Support Specialists within the Department of
13 Professional and Financial Regulation, as established by Title 5, section 12004-A,
14 subsection 41-A, shall establish and ensure high professional standards among intentional
15 peer support specialists, create licensing requirements for those practicing as intentional
16 peer support specialists in the State and otherwise carry out the purposes of this chapter.

17 **§6302. Definitions**

18 As used in this chapter, unless the context otherwise indicates, the following terms
19 have the following meanings.

20 **1. Agency.** "Agency" means an establishment, organization or institution, public or
21 private, that is licensed by the Department of Health and Human Services and that offers,
22 purports to offer, maintains or operates one or more programs for the assessment,
23 diagnosis, care, treatment or rehabilitation of individuals who are suffering physically,
24 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 **3. Licensed intentional peer support specialist.** "Licensed intentional peer support
27 specialist" means an individual who provides intentional peer support services to another
28 individual affected by mental health disorders or substance use disorders and who has
29 been certified by the board to perform such services.

30 **§6303. Licensing**

31 An individual may not, unless specifically exempted by this chapter, practice as a
32 licensed intentional peer support specialist or begin an internship as or profess to the
33 public to be a licensed intentional peer support specialist or assume or use the title or

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

6 **§6304. Exemptions**

7 **1. Peer groups; self-help.** Nothing in this chapter may prevent any individual from
8 engaging in or offering intentional peer support services such as self-help, sponsorship
9 through support groups or other uncompensated intentional peer support assistance.

10 **2. Government and school employees.** Nothing in this chapter may be construed to
11 apply to the activities and services of an employee or other agent of a recognized
12 academic institution; a federal, state, county or local government institution; a program
13 agency or facility; or a school committee, school administrative unit, school approved for
14 attendance purposes pursuant to Title 20-A, section 2901, school board or board of
15 trustees if the individual is performing those activities solely within the agency or under
16 the jurisdiction of that agency and if a license granted under this chapter is not a
17 requirement for employment.

18 **3. Clergy.** Nothing in this chapter may be construed to apply to the activities and
19 services of any priest, rabbi, member of the clergy or minister of the gospel of any
20 religious denomination when performing counseling services as part of religious duties
21 and in connection with a specific synagogue or church of any religious denomination.

22 **4. Interns.** Nothing in this chapter may be construed to apply to the activities and
23 services of a student, intern or trainee pursuing a course of study in the mental health
24 field in a regionally accredited institution of higher education or training institution, if
25 these activities are performed under supervision and constitute a part of the supervised
26 course of study.

27 **5. Other licensed professionals.** Nothing in this chapter may prevent any other
28 licensed individual in the field of medicine, psychology, nursing, social work or
29 professional counseling who is qualified to provide intentional peer support services by
30 virtue of the requirements for that profession from engaging in or offering intentional
31 peer support services if such an individual does not profess to be providing the service of
32 a licensed intentional peer support specialist as the sole professional service rendered by
33 that individual. These professionals may not be required to obtain additional certification
34 in order to provide intentional peer support services as permitted by this subsection.

35 **§6305. License required**

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

1 **§6306. Confidential information**

2 The nonbusiness address of an individual licensed under this chapter is confidential,
3 not open to the public and not a public record as defined in Title 1, section 402,
4 subsection 3.

5 **§6307. Treatment of minors**

6 A licensed intentional peer support specialist who renders intentional peer support
7 services to a minor for the treatment of problems associated with a mental health disorder
8 or substance use disorder is under no obligation to obtain the consent of that minor's
9 parent or guardian or to inform that parent or guardian of that treatment. Nothing in this
10 section may be construed so as to prohibit the licensed intentional peer support specialist
11 rendering that treatment from informing that parent or guardian.

12 **SUBCHAPTER 2**

13 **STATE BOARD OF INTENTIONAL PEER SUPPORT SPECIALISTS**

14 **§6321. Appointment; terms; vacancies**

15 1. Membership. The State Board of Intentional Peer Support Specialists consists of
16 5 members appointed by the Governor: 4 licensed intentional peer support specialists and
17 one member of the community.

18 2. Term of office. Appointments are for 3-year terms. Appointments of members
19 must comply with Title 10, section 8009.

20 **§6322. Removal of board members**

21 A board member may be removed by the Governor for cause.

22 **§6323. Meetings; chair**

23 The board shall meet at least twice a year to conduct its business and to elect a chair.
24 Additional meetings must be held as necessary to conduct the business of the board and
25 may be convened at the call of the chair or a majority of the board members.

26 **§6324. Powers and duties of board**

27 The board has the following powers and duties in addition to all other powers and
28 duties imposed by this chapter.

29 1. Set standards. The board shall administer and enforce this chapter, set education
30 and examination standards and evaluate the qualifications for licensure. A standard of
31 eligibility set by the board must be clearly defined, measurable, written in accordance
32 with accepted standards and available to the public upon request.

33 2. Adopt criteria. The board shall design or adopt an examination or other suitable
34 criteria for establishing an individual's knowledge, skill and experience in intentional peer
35 support. Any criteria adopted by the board for establishing an individual's knowledge,

1 skill and experience in intentional peer support must be clearly defined, have an
2 established baseline scoring procedure that is objectively measured, be in writing and be
3 available to the public upon request.

4 **3. Standards of practice.** The board may establish standards of practice for all
5 individuals practicing as licensed intentional peer support specialists who are working in
6 the State. A standard set by the board for practice for intentional peer support specialists
7 working in the State must be clearly defined, measurable, written in accordance with
8 accepted standards and available to the public upon request. Training background must
9 be a consideration in any licensing standards adopted by the board.

10 **4. Rules.** The board may adopt rules, including but not limited to rules regarding
11 examinations, supervision and reasonable practice and training requirements for
12 individuals licensed under this chapter. Rules adopted pursuant to this subsection are
13 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

14 **5. Code of ethics.** The board shall adopt a code of ethics generally in keeping with
15 standards established by the national professional associations concerned with the areas
16 of board responsibility.

17 **SUBCHAPTER 3**

18 **LICENSURE**

19 **§6331. Licensed intentional peer support specialist; qualifications for licensure**

20 **1. Eligibility.** To be eligible to practice as a licensed intentional peer support
21 specialist, an applicant must:

22 A. Be at least 18 years of age;

23 B. Have completed an approved intentional peer support specialist training program;

24 C. Have taken and passed an examination as prescribed by board rule;

25 D. Have paid an application and license fee, or renewal fee, pursuant to section
26 6339; and

27 E. Completed 72 hours of documented supervised practice in intentional peer support
28 within one year.

29 **§6332. Examinations**

30 The board shall prepare an examination to measure the competence of an applicant to
31 engage in the practice of intentional peer support in accordance with this chapter. The
32 board may employ and cooperate with any organization or consultant in the preparation,
33 administration and grading of an examination. The board may adopt rules establishing
34 examination criteria. Applicants who are taking an examination must pay an examination
35 fee pursuant to section 6339.

1 **§6333. Denial or refusal to renew license; disciplinary action**

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

7 **§6334. Issuance after denial, suspension or revocation**

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

13 **§6335. Expiration and renewal**

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

20 Licenses issued pursuant to this chapter may be renewed up to 90 days after the date
21 of expiration upon payment of a late fee in addition to the renewal fee under section
22 6339. A licensee who submits an application for renewal more than 90 days after the
23 renewal date is subject to all requirements governing new applicants under this chapter,
24 except that the board may in its discretion, giving due consideration to the protection of
25 the public, waive examination if that renewal application is received, together with the
26 renewal fee under section 6339, within 2 years from the date of that expiration or if the
27 licensee is an inactive status intentional peer support specialist under section 6337.

28 **§6336. Continuing education**

29 **1. Requirements.** The board may adopt continuing education requirements and
30 approve programs and courses by rule. Rules adopted pursuant to this subsection are
31 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

32 **2. Program approval.** Each application for approval of a continuing education
33 program or course must be submitted according to the guidelines prescribed by rule,
34 together with a fee set pursuant to section 6339. The fee is retained whether or not the
35 application is approved.

36 **3. Core requirement.** The board may establish a core education requirement for
37 licensure under this chapter.

1 **§6337. Inactive status license**

2 **1. Placement on inactive status.** A licensee under this chapter who does not desire
3 to provide intentional peer support services to another individual affected by a mental
4 health disorder or substance use disorder and who wants to preserve the license while not
5 engaged in any intentional peer support activity may apply for an inactive status license
6 pursuant to Title 10, section 8003, subsection 5-A, paragraph D, subparagraph (5). The
7 fee for inactive status licensure is set pursuant to section 6339. During inactive status, the
8 licensee must renew the inactive license annually and pay the renewal fee set pursuant to
9 section 6339 but is not required to meet the continuing education requirements of section
10 6336.

11 **2. Reinstatement to active status.** An inactive status licensee under subsection 1
12 may apply for reinstatement to active status by paying a fee set pursuant to section 6339,
13 completing continuing education requirements as determined by board rule and
14 submitting such additional information as the board may require. Rules adopted pursuant
15 to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter
16 2-A.

17 **§6338. Endorsement**

18 The board may waive the requirements of this chapter and grant a license to an
19 applicant who presents proof of authorization to practice by another jurisdiction of the
20 United States or another country that maintains professional standards considered by the
21 board to be substantially equivalent to or higher than those set forth in this chapter, as
22 long as there is no cause for denial of a license under section 6333 or Title 10, section
23 8003, subsection 5-A, paragraph A. The applicant must pay an application and license
24 fee set pursuant to section 6339.

25 **§6339. Fees**

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

32 **SUMMARY**

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