

Adverse impact notification sent to Joint Commission on Administrative Rules, House Committee on Appropriations, and Senate Committee on Finance (COV § 2.2-4007.04.C): Yes  Not Needed

If/when this economic impact analysis (EIA) is published in the *Virginia Register of Regulations*, notification will be sent to each member of the General Assembly (COV § 2.2-4007.04.B).



## Virginia Department of Planning and Budget Economic Impact Analysis

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**12 VAC 35 -250 Peer Recovery Specialists**  
**Department of Behavioral Health and Developmental Services**  
**Town Hall Action/Stage: 4796 / 7987**  
October 4, 2017

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### Summary of the Proposed Amendments to Regulation

Pursuant to Chapters 418<sup>1</sup> and 426<sup>2</sup> of the 2017 Acts of Assembly, the State Board of Behavioral Health and Developmental Services (Board) proposes to promulgate a new regulation, *Peer Recovery Specialists*. The proposed regulation includes definitions and requirements for an individual to become professionally qualified to be a registered peer recovery specialist. This proposed regulation would replace an existing emergency regulation.<sup>3</sup>

### Result of Analysis

The benefits likely exceed the costs for the proposed regulation.

### Estimated Economic Impact

#### *Peer Support Services*

Peer support services are an evidence-based mental health model of care which consists of a qualified peer recovery specialist who assists individuals with their recovery from mental illness and substance use disorders. The provision of peer support services facilitates recovery

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<sup>1</sup> See <http://leg1.state.va.us/cgi-bin/legp504.exe?171+ful+CHAP0418>

<sup>2</sup> See <http://leg1.state.va.us/cgi-bin/legp504.exe?171+ful+CHAP0426>

<sup>3</sup> See <http://townhall.virginia.gov/l/ViewStage.cfm?stageid=7902>

from both serious mental illnesses and substance use disorders. Recovery is a process in which people are able to live, work, learn and fully participate in their communities. For some individuals, recovery is the ability to live a fulfilling and productive life despite their disability. For others, recovery could mean the reduction or complete remission of symptoms.

Research has provided evidence that peer-delivered services generate superior outcomes in terms of decreased substance abuse, engagement of “difficult-to-reach” clients, and reduced rates of hospitalization.<sup>4</sup> Further, peer support has been found to increase participants’ sense of hope, control, and ability to effect changes in their lives; increase their self-care, sense of community belonging, and satisfaction with various life domains; and decrease participants’ level of depression and psychosis.<sup>5</sup>

### *Peer Recovery Specialists*

Peer support services are delivered by peers who have been successful in the recovery process and can extend the reach of treatment beyond the clinical setting into an individual’s community and natural environment to support and assist an individual with staying engaged in the recovery process. Peer Recovery Specialists (“PRS”) are self-identified consumers who are in successful and ongoing recovery from mental illness and/or substance use disorders, or are family members of individuals who are receiving or have received mental health or substance abuse services. PRS are employed or seek to be employed to deliver collaborative support to others who are seeking to recover from a primary diagnosis of mental illness, addiction, or both.

As of December 31, 2016, there were 430 certified peer recovery specialists employed across Virginia in public or private mental health or substance use disorder service settings.<sup>6</sup> The demand for PRS services is expected to expand through the Virginia Medicaid Addiction and Recovery Treatment Services (ARTS) new substance use disorder benefit. Under the ARTS benefit, peer support services began to be funded for Medicaid members on July 1, 2017. In order for peer support services to be funded by Medicaid,<sup>7</sup> the PRS must be registered by the

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<sup>4</sup> See Rowe et al (2007) and Solomon et al (1995)

<sup>5</sup> See Davison et al (2012)

<sup>6</sup> Source: Department of Behavioral Health and Developmental Services

<sup>7</sup> Sources: Department of Medical Assistance Services, and Department of Behavioral Health and Developmental Services

Department of Health Professions (DHP). This proposed regulation provides requirements that PRS must meet in order to receive DHP registration.

### *Requirements*

The Board proposes to require the following for persons seeking to become a registered PRS:

1. Have a high school diploma or equivalent.
2. Sign and abide by the Virginia Peer Recovery Specialist Code of Ethics.<sup>8</sup>
3. Complete the Department of Behavioral Health and Developmental Services (DBHDS) peer recovery specialist training.
4. Show current certification in good standing from one of the following:
  - a. U.S. Department of Veterans Affairs
  - b. National Association for Alcoholism and Drug Abuse Counselors
  - c. A member board of the International Certification and Reciprocity Consortium (IC&RC)
  - d. Any other certifying body approved by DBHDS

DBHDS peer recovery specialist training lasts 72 hours<sup>9</sup> and includes training on the following topics: 1) the current body of mental health and substance abuse knowledge, 2) the recovery process, 3) promoting services, supports, and strategies for recovery, 4) peer-to-peer services, 5) crisis intervention, 6) the value of the role of a peer recovery specialist, 7) basic principles related to health and wellness, 8) recovery, resiliency, and wellness plans, 9) stage-appropriate pathways in recovery support, 10) ethics and ethical boundaries. 11) cultural sensitivity and practice, 12) trauma and its impact on recovery, 13) community resources, and 14) delivering peer services within agencies and organizations. Currently, there is no fee for DBHDS peer recovery specialist training.

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<sup>8</sup> See <http://www.dbhds.virginia.gov/library/recovery/code%20of%20ethical%20conduct%20for%20cprs.pdf>

<sup>9</sup> Source: Department of Behavioral Health and Developmental Services

The Virginia Certification Board<sup>10</sup> is the Virginia member board of the IC&RC. Requirements to become a Certified Peer Recovery Specialist via the Virginia Certification Board consist of:

1. High school diploma or GED.
2. Complete the DBHDS peer recovery specialist training.
3. 500 hours of volunteer or paid experience providing peer recovery support services.<sup>11</sup> Volunteer and part-time experience is acceptable if it is provided under direct supervision. Actual time spent in a supervised substance abuse or mental health internship, or practicum may be applied toward the employment requirement.
4. Pass the IC&RC Peer Recovery Specialist Examination.
5. Virginia residency.

The fee for a two-year certification from the Virginia Certification Board, which includes the application and examination, is \$175. The fee for certification renewal is \$75. Twenty hours of peer support specific continuing education, including six hours in ethics, is also required for certification renewal.<sup>12</sup>

Thus for a Virginian who chooses to become certified through the Virginia Certification Board in order to become professionally qualified to be a registered peer recovery specialist, she must: 1) have a high school diploma or GED, 2) sign and abide by the Virginia Peer Recovery Specialist Code of Ethics, 3) complete the DBHDS peer recovery specialist training, 4) have at least 500 hours of volunteer or paid experience providing peer recovery support services, 5) pass the IC&RC Peer Recovery Specialist Examination, and 6) pay \$175 to the Virginia Certification Board.

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<sup>10</sup> See <https://www.vacertboard.org/>

<sup>11</sup> At least 25 of the hours must be supervised and specific to the four domains: advocacy, ethical responsibility, mentoring and education, and recovery/wellness support.

<sup>12</sup> See <https://www.vacertboard.org/sites/default/files/VCBRecertApplication.pdf>

## *Conclusion*

The U.S. Department of Health and Human Services, Centers for Medicare & Medicaid Services specifies that:

Peer support providers must complete training and certification as defined by the State. Training must provide peer support providers with a basic set of competencies necessary to perform the peer support function. The peer must demonstrate the ability to support the recovery of others from mental illness and/or substance use disorders. Similar to other provider types, ongoing continuing educational requirements for peer support providers must be in place.

The proposed regulation meets those requirements, helping enable Virginia providers of peer support services to receive Medicaid funding.

## **Businesses and Entities Affected**

The proposed regulation affects businesses and other entities that either provide or are considering providing peer support services. According to the Department of Medical Assistance Services, there are approximately 5,891 provider entities with a unique National Provider Identifier that could be affected if they choose to participate in the ARTS program. At least half if not more of these providers are small businesses.<sup>13</sup>

## **Localities Particularly Affected**

The proposed regulation does not disproportionately affect particular localities.

## **Projected Impact on Employment**

The proposed regulation helps businesses and other entities that either provide or are considering providing peer support services qualify for Medicaid funding. This will likely increase the number of peer recovery specialist positions in the Commonwealth.

## **Effects on the Use and Value of Private Property**

The proposed regulation helps enable Virginia providers of peer support services to receive Medicaid funding. Consequently, there may be greater provision of peer support services by private firms, and their values may increase.

## **Real Estate Development Costs**

The proposed regulation does not affect real estate development costs.

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<sup>13</sup> Source: Department of Medical Assistance Services

**Small Businesses:****Definition**

Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.”

**Costs and Other Effects**

The proposed regulation is beneficial for small businesses in that it helps meet the federal requirements concerning set qualifications for peer support providers, helping enable small businesses that provide or are considering providing peer support services to receive Medicaid funding.

**Alternative Method that Minimizes Adverse Impact**

The proposed regulation is beneficial in that it helps meet the federal requirements concerning set qualifications for peer support providers, helping enable small businesses that provide or are considering providing peer support services to receive Medicaid funding. That said, there is flexibility in determining qualification requirements. Given that in order to become a registered peer recovery specialist the candidate must complete extensive training and pass a qualification exam, requiring 500 hours of supervised experience providing peer recovery support services prior to becoming certified or registered may be more than is necessary for assuring competence. Small firms looking to hire registered peer recovery specialists in order to provide peer support services and receive Medicaid funding could hire and employ registered peer recovery specialists sooner if the experience requirement were fewer hours.

**Adverse Impacts:****Businesses:**

The proposed regulation does not adversely affect businesses.

**Localities:**

The proposed regulation does not adversely affect localities.

**Other Entities:**

The proposed regulation does not adversely affect other entities.

## References

- Davidson, L., C. Bellamy, K. Guy, and R. Miller. 2011. Peer support among persons with severe mental illnesses: a review of evidence and experience. *World Psychiatry* 11:123-128
- Rowe M., C. Bellamy et al. 2007. Reducing alcohol use, drug use, and criminality among persons with severe mental illness: outcomes of a Group- and Peer-Based Intervention. *Psychiatric Services* 58:955-61.
- Solomon P, J. Draine, and M. Delaney. 1995. The working alliance and consumer case management. *Journal of Mental Health Administration* 22:126-34.

## Legal Mandates

**General:** The Department of Planning and Budget has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order Number 17 (2014). Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the report should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

**Adverse impacts:** Pursuant to Code § 2.2-4007.04(C): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance within the 45-day period.

If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.