

S.L.C.
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Kaine #1

AMENDMENT NO. 1 Calendar No. _____

Purpose: To require a report on research and recommendations with respect to criminal background check processes for individuals becoming peer support specialists.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 3393

To reauthorize the SUPPORT for Patients and Communities Act, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. KAINE

Viz:

1 At the appropriate place, insert the following:

2 **SEC. ____ . RESEARCH AND RECOMMENDATIONS ON CRIMI-**
3 **NAL BACKGROUND CHECK PROCESS FOR**
4 **PEER SUPPORT SPECIALISTS.**

5 (a) IN GENERAL.—The Secretary of Health and
6 Human Services (referred to in this section as the “Sec-
7 retary”), in coordination with the Attorney General, shall
8 develop a report on research and recommendations with
9 respect to criminal background check processes for indi-
10 viduals becoming peer support specialists.

for himself and
Mr. Braun,
Ms. Baldwin, and
Ms. Murkowski.

1 (b) CONTENTS.—The report under subsection (a)
2 shall include—

3 (1) a summary of evidence-informed literature
4 on the effectiveness of peer support specialists in im-
5 proving the mental health and the substance use dis-
6 order recovery of other individuals;

7 (2) a survey of each State’s laws (including reg-
8 ulations) that contain criminal background check re-
9 quirements for serving as a peer support specialist,
10 including—

11 (A) an analysis of criminal offenses that
12 are included in State laws (including regula-
13 tions) that prevent individuals from earning a
14 peer support specialist certification or from
15 practicing as a peer support specialist;

16 (B) an analysis of requirements (if any)
17 under the State plan under title XIX of the So-
18 cial Security Act (42 U.S.C. 1396 et seq.) or
19 under a waiver of such plan relating to back-
20 ground checks for providers participating under
21 such plan or waiver and the extent to which any
22 such requirements differ from similar require-
23 ments imposed under State law (including regu-
24 lations);

1 (C) an analysis of requirements (if any) of
2 any State receiving a grant under part B of
3 title XIX of the Public Health Service Act (42
4 U.S.C. 300x et seq.) relating to background
5 checks for providers participating in a program
6 under, or otherwise providing services supported
7 by, such grant;

8 (D) a review of State laws (including regu-
9 lations) that provide exemptions from prohibi-
10 tions regarding certification or practice of peer
11 support specialists; and

12 (E) an indication of each State that has
13 gone through the process of amending or other-
14 wise changing criminal background check laws
15 (including regulations) for the certification and
16 practice of peer support specialists; and

17 (3) recommendations to States on criminal
18 background check processes that would reduce bar-
19 riers to becoming certified as peer support special-
20 ists.

21 (c) AVAILABILITY.—Not later than 1 year after the
22 date of enactment of this Act, the Secretary shall—

23 (1) post the report required under subsection
24 (a) on the publicly accessible internet website of the

1 Substance Abuse and Mental Health Services Ad-
2 ministration; and

3 (2) distribute such report to—

4 (A) State agencies responsible for certifi-
5 cation of peer support specialists;

6 (B) the Centers for Medicare & Medicaid
7 Services;

8 (C) State agencies responsible for carrying
9 out a State plan under title XIX of the Social
10 Security Act or under a waiver of such plan;
11 and

12 (D) State agencies responsible for carrying
13 out a grant under part B of title XIX of the
14 Public Health Service Act (42 U.S.C. 300x et
15 seq.).

16 (d) DEFINITION OF PEER SUPPORT SPECIALIST.—

17 (1) IN GENERAL.—In this section, the term
18 “peer support specialist” means an individual—

19 (A)(i) who has lived experience of recovery
20 from a mental health condition or substance use
21 disorder and who specializes in supporting indi-
22 viduals with mental health conditions or sub-
23 stance use disorders; or

24 (ii) who has lived experience as a parent or
25 caregiver of an individual with a mental health

1 condition or substance use disorder and who
2 specializes in supporting families navigating
3 mental health or substance use service systems;
4 and

5 (B) who is certified as qualified to furnish
6 peer support services, as described in paragraph
7 (2), under a process that is determined by the
8 State in which such individual furnishes such
9 services or determined appropriate by the Sec-
10 retary.

11 (2) PEER SUPPORT SERVICES.—The services
12 described in this paragraph shall be consistent with
13 the National Practice Guidelines for Peer Sup-
14 porters issued by the National Association of Peer
15 Supporters (or a successor publication) and inclusive
16 of the Core Competencies for Peer Workers in Be-
17 havioral Health Services of the Substance Abuse and
18 Mental Health Services Administration.