



Center for  
Public Health Law  
Research

# Research Protocol for Peer Support Credentialing Legal Map

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Health Officials Staff

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## Peer Support Credentialing Legal Map

- I. **Date of Protocol:** May 2024
- II. **Scope:** Collect, code, and analyze current state/territorial statutes and regulations as of July 1, 2023, related to state-recognized peer support specialist credentialing and funding to support peer support services.
- III. **Primary Data Collection**
  - a. **Project Dates:** October 2021 – May 2024
  - b. **Dates Covered in the Dataset:** This is a cross-sectional data set analyzing statutes and regulations related to peer support specialist credentialing and funding for peer support services as of July 1, 2023.
  - c. **Data Collection Methods:** The research teams (“team”) consisted of two teams of legal researchers (“researchers”) who researched the laws and rules. Team A consisted of attorneys from Network for Public Health Law (NPHL), and Team B consisted of two licensed attorneys at ASTHO. Researchers in Team A used WestLaw and captured their research results in an external document that ASTHO staff used to populate the MonQcle system. Researchers in Team B used LexisNexis and entered data directly into MonQcle.
  - d. **Databases Used:** WestLaw and LexisNexis were used to identify current statutes and regulations and researchers then pulled the sources from jurisdiction legislative websites when available. Researchers also used internet search engines to identify secondary sources, specifically health agency websites or peer support services credentialing sites specific to the jurisdiction.

e. **Search Terms:** Team A used WestLaw and Team B used LexisNexis legal databases, using the same search terms. The following search terms were used to capture the laws coded in the data set:

**i. Peer Support Programs**

1. To identify laws related to peer support programs the research teams entered the following search strings for each jurisdiction:
  - a. “Peer support”
  - b. peer AND support
  - c. peer AND support AND substance
  - d. peer AND substance
  - e. peer AND drug
2. The above terms were also run more generally in an internet search engine to look for relevant search results.

**ii. Medicaid Reimbursement**

1. To identify laws related to peer support programs, the research teams entered the following search strings for each jurisdiction:
  - a. Medicaid AND (substance OR drug OR recovery OR peer)
  - b. Medicaid AND “incorporated by reference”
  - c. If Medicaid in a state has a specific name (i.e., Apple Health), search was done with the program name in place of Medicaid
2. The above terms were also run more generally in an internet search engine to look for relevant search results.

f. **Initial Returns and Additional Inclusion or Exclusion Criteria:** To refine the scope of relevant laws, the following topics were included or excluded:

- i. State-required funding for peer support services
- ii. Medicaid reimbursement for peer support services
- iii. Credentialing requirements for peer support services
- iv. Supervisors of peer support services required to hold a professional license
- v. Municipal laws and regulations were excluded from the scope of the search

#### IV. Coding

- a. **Development of Coding Scheme:** The ASTHO research teams and subject matter experts developed the coding questions, circulated them with NPHL subject matter experts for review. When the questions were finalized, the team entered them into MonQcle, a web-based software-coding platform.
- b. **Coding Methods:** Below are specific rules used when coding the questions and responses in the Peer Support Program data set.

**Question 1:** Does jurisdictional law provide or require funding for peers who provide support for people who misuse substances? (Yes/No)

- Jurisdictions were coded “yes” if a statute or regulation explicitly provided funding for peers who provided support for people who misuse substances.
- If no such law existed, the jurisdiction was coded as “no.” Jurisdictions that had a grant program in which entities had to apply for funding or the jurisdiction allowed for Medicaid reimbursement were coded as a “no.”

**Question 1.1:** Does jurisdictional law provide direct state funding for peer support programs for substance use? (Yes/No)

- Jurisdictions were coded “yes” if a statute or regulation provided direct (including grants, direct, etc.) state funding for peer support programs for substance misuse.
- Jurisdictions were coded “no” if the law did not explicitly provide direct state funding for peer support programs for substance misuse.

**Question 1.2:** Does jurisdictional law allow Medicaid reimbursement for peers who provide support for substance use? (Yes/No)

- Jurisdictions were coded “yes” if statute or regulations allowed for Medicaid reimbursement to cover peers who provide support for substance misuse. Caution flags were used to denote known limitations to Medicaid reimbursement (e.g., authorizing only certain types of providers).
- Jurisdictions were coded “no” if there was no statute or regulation found that would allow for Medicaid reimbursement of peer support services for substance misuse.

**Question 2:** Does jurisdictional law create or recognize a credentialing process for peer support specialists? (Yes/No)

- Jurisdictions were coded “yes” if statute or regulations create or recognize a credentialing process—meaning any license or certification not limited to those issued by the state—so long as the state sets requirements for the credential to be issued for peer support specialists.
- Jurisdictions were coded “no” if there was no statute or regulation found that created credentialing processes or recognize an existing process for credentialing peer support specialists.

**Question 2.1:** Does jurisdictional law require a person to complete formal training to be credentialed? (Yes/No)

- Jurisdictions were coded “yes” if statutes or regulations require a person to complete formal training (inclusive of initial application), requirements to maintain credentialing, or both to be credentialed.
- Jurisdictions were coded “no” if no law was found that requires a person to complete formal training to be credentialed as a peer support specialist.

**Question 2.2:** Does jurisdictional law require a person to be abstinent from illegal substance use and/or alcohol misuse to be credentialed? (Yes/No)

- Jurisdictions were coded “yes” if statute or regulations require a person to be abstinent from illegal substance use and/or alcohol misuse to be credentialed as a peer support specialist.
- Jurisdictions were coded as “no” if no law was found that required a person be abstinent from illegal substance use and/or alcohol to be credentialed.
- Jurisdictions that had statutes or regulations that require a person to abstain from alcohol or illicit substance only while on the job were coded as “no.”

**Question 2.3:** Does jurisdictional law require a criminal background check to be credentialed? (Yes/No)

- Jurisdictions were coded “yes” if statute or regulations explicitly required a criminal background in order to be a credentialed peer.
- Jurisdictions were coded “no” if the law did not explicitly require a criminal background or if they only required a criminal background to work with youth.

**Question 2.4:** Does jurisdictional law prohibit credential to individuals with certain criminal convictions? (Yes/No)

- Jurisdictions were coded “yes” if statute or regulation explicitly prohibited criminal convictions or if the statute required a peer support specialist to ‘pass’ a criminal background check.
- Jurisdictions were coded “no” if the statute or regulation did not explicitly prohibit peer support credentialing to individuals with a criminal conviction.

**Question 3:** Does jurisdictional law require supervisors of peer support specialists to hold a professional license? (Yes/No)

- Jurisdictions were coded “yes” if statute or regulation required explicitly a professional license, inclusive of a certification, of supervisors of peer support specialists.
- Jurisdictions were coded “no” if the law did not explicitly require supervisors to hold and maintain a professional license.

## V. Quality Control

- a. **Research.** Quality Control of the research consisted of dual research being conducted on each jurisdiction. The NPHL lawyers conducted research as part of Team A compiling data for each jurisdiction. Then ASTHO lawyers, as part of research Team B, then conducted the same research using the same search protocol. Once there was duplicative research for jurisdictions, divergence review was conducted to compare data results. These divergence reviews were done by Team B—ASTHO lawyers and subject matter experts who reviewed all divergences of answers between Team A and Team B data entries. Regular meetings were held to determine how to consistently account for different situations and resolve all divergences and differences of opinion with respect to the relevant statutes and regulations. After all data collection was completed and divergences reviewed, all duplicate entries were reduced to a single entry for each jurisdiction. A final review was done by an ASTHO attorney who was not part of Team B to verify accuracy of the collection and coding process prior to publication.
- b. **Coding.** Two staff uploaded research Team A’s data from the master spreadsheet into the MonQcle system. Research team B entered their research directly into the MonQcle system. All jurisdictions were 100% redundantly researched with divergences reviewed through the MonQcle system. All errors were resolved by Team B researchers and subject matter experts.

- c. **Data Limitations.** The statutes and rules included in this data set were ones identified through the above research protocol. There may be additional statutes, rules, case law, or guidance related to peer support specialist certification and funding that were outside the scope of this research. This data set is for informational purposes and does not constitute legal advice. To best understand the legal framework support peer support specialists in your jurisdiction, please consult an attorney licensed in your jurisdiction.

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