

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 5086

By Delegates Pinson, Lewis, and Heckert

[Originating in the Committee on Health and Human

Resources; Reported on February 12, 2026]

1 A BILL to amend and reenact §30-1-8 of the Code of West Virginia, 1931, as amended, and by
2 adding thereto new sections designated §21-18-1, §21-18-2 and §57-3-11; relating to peer
3 support programs; defining terms; establishing standards for peer support programs;
4 prohibiting licensure discipline; prohibiting boards from requesting certain information;
5 allowing for privileged communications; and providing exemptions.

Be it enacted by the Legislature of West Virginia:

CHAPTER 21. LABOR.

ARTICLE 18. PEER SUPPORT TEAM.

§21-18-1.

Definitions.

1 As used in this article, the following terms shall have the meanings ascribed to them by this
2 section, unless a different meaning is clearly required by the context in which the term is used:

3 (1) "Covered caregiver" or "caregiver" means an individual licensed, certified, or otherwise
4 authorized to practice any of the following professions in this state:

5 (A) Medical doctors licensed pursuant to §30-3-1 et seq. of this code;

6 (B) Physician assistants licensed pursuant to §30-3e-1 et seq. of this code;

7 (C) Registered nurses licensed pursuant to §30-7-1 et seq. of this code;

8 (D) Practical nurses licensed pursuant to §30-7A-1 et seq. of this code;

9 (E) Osteopathic physicians and surgeons licensed pursuant to §30-14-1 et seq. of this
10 code;

11 (F) Participant of a medical residency program pursuant to §30-3-16 of this code or an
12 approved program of post-graduate clinical training as defined in §30-14-2 of this code;

13 (G) Psychologists licensed pursuant to §30-21-1 et seq. of this code;

14 (H) Counselors licensed pursuant to §30-31-1 et seq. of this code;

(F) A first responder as defined by §23-4-1f of this code, including but not limited to, law enforcement officers, firefighters, emergency medical technicians, paramedic and emergency dispatchers;

(I) Social workers licensed pursuant to §30-30-1 et seq. of this code;

(J) Chaplains certified by a recognized certifying body, such as the Association of Professional Chaplains or the National Association of Catholic Chaplains;

(K) Pharmacists or other professionals licensed pursuant to §30-5-1 et seq. of this code;
and

(L) Any other licensed or certified professional designated by a hospital's governing authority as a health care professional with the experience necessary to provide other health care professionals with support.

(2) "Licensing board" means any state board or agency responsible for the licensure, certification, or regulation of a covered caregiver.

(3) "Peer support program" means a formal or informal program, including those operated by employers, professional associations, or nonprofit organizations, that provides peer support services to caregivers.

(4) "Peer support services" means consultation, risk assessment, referral, or on-site intervention services provided by a peer support team member to an individual experiencing psychological or physical symptoms caused by exposure to acute or chronic high stress incidents in the course of the individual's employment. "Peer support services" includes:

(A) Providing knowledge and experience or emotional, social, or practical support to peers;

(B) Helping a peer navigate available resources, including the mental health system; or

(C) Nonclinical assistance provided by a caregiver or other trained individual with shared or similar professional experience, intended to promote emotional, psychological, or professional well-being.

40 (5) "Peer support team" means an organized group that has been established by an
41 employer of covered caregivers to provide peer support services to employees or members.

§21-18-2. Peer support teams.

1 (a) An employer or organization that appoints a peer support team may designate any of
2 the following individuals as an advisor to ensure team members are appropriately trained and are
3 providing proper peer support services:

4 (1) An individual licensed to practice medicine and surgery or osteopathic medicine and
5 surgery by the state medical board, including such an individual who has satisfactorily completed a
6 residency training program in psychiatry;

7 (2) An individual licensed under §30-21-10 of this code to practice psychology;

8 (3) A advanced practice registered nurse as defined in section §30-7-1 of this code who
9 holds a psychiatric-mental health credential issued by the American nurses credentialing center or
10 a successor organization;

11 (4) A licensed professional clinical counselor or licensed professional counselor authorized
12 to practice under §30-31-1 et seq. of this code;

13 (5) A licensed independent social worker or licensed social worker authorized to practice
14 under §30-30-1 et seq. of this code.

15 (b) To receive the testimonial privilege established under §57-3-11 of this code, a peer
16 support team member must complete not less than eight hours of initial basic peer support training
17 and additional training or refreshers at least quarterly.

18 (c) The training required for a peer support team member shall include the following topics:

19 (1) An introduction to peer support services and basic peer support skills;

20 (2) Understanding and identifying the risk factors of mental health problems for the peer
21 support team member's peers;

22 (3) Understanding confidentiality and privacy for privileged communications;

23 (4) Identifying local mental health support resources;

(5) Understanding the importance of engaged communication, listening, and conflict resolution in the context of providing peer support services.

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.

§30-1-8. Denial, suspension or revocation of a license or registration; probation; proceedings; effect of suspension or revocation; transcript; report; judicial review.

(a) Every board referred to in this chapter may suspend or revoke the license of any person who has been convicted of a felony or who has been found to have engaged in conduct, practices or acts constituting professional negligence or a willful departure from accepted standards of professional conduct. Where any person has been convicted of a felony or has been found to have engaged in such conduct, practices or acts, every board referred to in this chapter may enter into consent decrees, to reprimand, to enter into probation orders, to levy fines not to exceed \$1,000 per day per violation, or any of these, singly or in combination. Each board may also assess administrative costs. Any costs which are assessed shall be placed in the special account of the board and any fine which is levied shall be deposited in the state Treasury's General Revenue Fund.

(b) For purposes of this section, the word "felony" means a felony or crime punishable as a felony under the laws of this state, any other state or the United States.

(c) (1) Every board may not take disciplinary action against a caregiver, as defined in §21-18-1, solely because the caregiver voluntarily seeks or participates in:

(A) Peer support;

(B) Counseling;

(C) Therapy;

18 (D) Mental health treatment; or

19 (E) Substance use disorder treatment.

20 (2) Every board may not require disclosure of participation in peer support or mental health
21 services unless otherwise required by federal law or necessary to determine current fitness to
22 practice.

23 (d) Every board referred to in this chapter may promulgate rules in accordance with the
24 provisions of chapter twenty-nine-a of this code to delineate conduct, practices or acts which, in
25 the judgment of the board, constitute professional negligence, a willful departure from accepted
26 standards of professional conduct or which may render an individual unqualified or unfit for
27 licensure, registration or other authorization to practice.

28 ~~(d)~~ (e) Every board referred to in this chapter may revoke the license or registration of an
29 individual licensed or otherwise lawfully practicing within this state whose license or registration in
30 any other state, territory, jurisdiction or foreign nation has been revoked by the licensing authority
31 thereof.

32 ~~(e)~~ (f) Notwithstanding any other provision of law to the contrary, no certificate, license,
33 registration or authority issued under the provisions of this chapter may be suspended or revoked
34 without a prior hearing before the board or court which issued the certificate, license, registration
35 or authority, except:

36 (1) A board is authorized to suspend or revoke a certificate, license, registration or
37 authority prior to a hearing if the person's continuation in practice constitutes an immediate danger
38 to the public; or

39 (2) After due diligence, if a board cannot locate a person licensed under the provisions of
40 this chapter within sixty days of a complaint being filed against the licensee, then the board may
41 suspend the license, certificate, registration or authority of the person without holding a hearing.
42 After due diligence, if a Board still cannot locate the person licensed under the provisions of this
43 chapter thirty days after the suspension of the person's license, certificate, registration or authority,

then the board may revoke the license, certificate, registration or authority of the person without holding a hearing.

~~(f)~~ (g) In all proceedings before a board or court for the suspension or revocation of any certificate, license, registration or authority issued under the provisions of this chapter, a statement of the charges against the holder of the certificate, license, registration or authority and a notice of the time and place of hearing shall be served upon the person as a notice is served under section one, article two, chapter fifty-six of this code at least thirty days prior to the hearing and he or she may appear with witnesses and be heard in person, by counsel, or both. The board may take oral or written proof, for or against the accused, as it may consider advisable. If upon hearing the board finds that the charges are true, it may suspend or revoke the certificate, license, registration or authority and suspension or revocation shall take from the person all rights and privileges acquired thereby.

~~(g)~~ (h) Pursuant to the provisions of section one, article five, chapter twenty-nine-a of this code, informal disposition may also be made by the board of any contested case by stipulation, agreed settlement, consent order or default. Further, the board may suspend its decision and place a licensee found by the board to be in violation of the applicable practice on probation.

~~(h)~~ (i) Any person denied a license, certificate, registration or authority who believes the denial was in violation of this article or the article under which the license, certificate, registration or authority is authorized shall be entitled to a hearing on the action denying the license, certificate, registration or authority. Hearings under this subsection are in accordance with the provisions for hearings which are set forth in this section.

~~(i)~~ (j) A stenographic report of each proceeding on the denial, suspension or revocation of a certificate, license, registration or authority shall be made at the expense of the board and a transcript of the hearing retained in its files. The board shall make a written report of its findings, which shall constitute part of the record.

(j) (k) All proceedings under the provisions of this section are subject to review by the Supreme Court of Appeals.

(k) (l) ~~On or before July 1, 2001,~~ Every board referred to in this chapter shall adopt procedural rules in accordance with the provisions of article three, chapter twenty-nine-a of this code, which shall specify a procedure for the investigation and resolution of all complaints against persons licensed under this chapter. The proposed legislative rules relating only to complaint procedures or contested case hearing procedures required by the prior enactment of this subsection shall be redesignated as procedural rules in accordance with the provisions of article three, chapter twenty-nine-a of this code. Each board shall file the procedural rules required by this subsection by January 31, 2001. The public hearing or public comment period conducted for the proposed legislative rules shall serve as the public hearing or public comment period required by section five, article three, chapter twenty-nine-a of this code.

CHAPTER 57. EVIDENCE AND WITNESSES.

ARTICLE 3. COMPETENCY OF WITNESSES.

§57-3-11. Privileged peer support communications.

(a) A peer support team member, as defined in §21-18-1 may not be compelled to testify concerning the following:

(1) A communication received from an individual who receives peer support services from the peer support team member; or

(2) The peer support team member's advice to the individual.

(b) The testimonial privilege does not apply if any of the following are apply:

(1) The communication or advice indicates clear and present danger to the individual who receives peer support services or to other persons.

(2) The individual who received peer support services expressly consents to the testimony.

10 (3) If the individual who received peer support services is deceased, the surviving spouse
11 or the executor or administrator of the estate of the deceased individual expressly consents.

12 (4) The individual who received peer support services voluntarily testifies, in which case
13 the peer support team member may be compelled to testify on the same subject.

14 (5) The court in camera determines that the information communicated by the individual
15 who received peer support services is not germane to the relationship between the individual and
16 the peer support team member.

17 (6) The communication or advice pertains or is related to any criminal act.

18 (c) For purposes of subsection (b)(1) of this section, indications of past or present abuse or
19 neglect of a child constitute a clear and present danger.

20 (e) For the testimonial privilege established under subsection (b) of this section to apply to
21 a communication made at the scene of and immediately after an incident that involves a
22 substantial risk of serious physical harm to persons, serious physical harm to persons, or the loss
23 of human life, the peer support team member must have provided the peer support services at the
24 request of the recipient and at the direction of the appointing entity.