

Introduced by

Senators Mathern, J. Lee

1 A BILL for an Act to create and enact chapter 23-48 and a new section to chapter 50-24.1 of the
2 North Dakota Century Code, relating to the certification of a community health
3 worker-community health representative and to medical assistance reimbursement; to provide a
4 report; and to provide an effective date.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** Chapter 23-48 of the North Dakota Century Code is created and enacted as
7 follows:

8 **23-48-01. Definitions.**

9 The definitions in this section are applicable to this chapter.

- 10 1. "Certified community health worker-community health representative" means a
 11 community health worker-community health representative who is certified under this
 12 chapter, applies an understanding of the experience, language, and culture of the
 13 populations that the individual serves, and provides, as part of a health care team,
 14 direct services that are aimed at optimizing individual and family health and dental
 15 outcomes, and which may include:
 - 16 a. Informal and motivational counseling and education;
 - 17 b. Interventions to maximize social supports;
 - 18 c. Participation in care coordination;
 - 19 d. Participation in case management;
 - 20 e. Facilitation of access to health care, dental care, and social services;
 - 21 f. Health and dental screenings; and
 - 22 g. Other services as permitted by rule.
- 23 2. "Community health worker-community-health representative" means an individual
 24 who:

- 1 a. Is a trusted, knowledgeable, front line worker;
- 2 b. Lives in or has familiarity with the community in which the individual provides
- 3 services;
- 4 c. Bridges cultural and linguistic barriers;
- 5 d. Promotes access to health care and health coverage;
- 6 e. Helps to improve health outcomes; and
- 7 f. Serves as a critical link between the community in which the individual provides
- 8 services and the health care system, thereby reducing health care access
- 9 disparities, enhancing health care quality and affordability, and empowering
- 10 individuals and communities in the pursuit of better health.
- 11 3. "Department" means the state department of health.

12 **23-48-02. Administration.**

- 13 1. The department shall develop and administer a program to provide for the certification
- 14 of community health workers-community health representatives.
- 15 2. The health council shall adopt rules to implement the program. The rules must
- 16 address:
 - 17 a. Education, experience, and training requirements to qualify for certification under
 - 18 this chapter;
 - 19 b. Continuing education standards for certification renewal;
 - 20 c. Grounds for certification denial, suspension, revocation, and reinstatement; and
 - 21 d. Fees for certification and certification renewal.
- 22 3. The state health officer may issue a cease-and-desist order to a person violating this
- 23 chapter or rules adopted under this chapter.

24 **23-48-03. Certified community health worker-community health representative - Use**

25 **of designation.**

26 Before an individual practices as, claims to be, or uses a letter designation indicating that

27 the individual is a certified community health worker-community health representative, the

28 individual must be certified in accordance with this chapter.

29 **23-48-04. Criminal history record check.**

30 The department shall check or cause to be checked the criminal history record of each

31 applicant for certification and may check or cause to be checked the criminal history record of

1 each applicant for recertification. An applicant who is denied certification based on information
2 obtained through a criminal history record check may appeal the denial at the applicant's
3 expense.

4 **23-48-05. Fees.**

5 The department shall deposit fees collected under this chapter in the department's
6 operating fund.

7 **23-48-06. Initial certification - Waiver of criteria.**

- 8 1. An applicant for certification shall submit to the department an application and
9 associated fees at the time and in the manner required by the department.
- 10 2. The department may waive one or more certification criteria in the case of an
11 individual who provides satisfactory evidence of health care training, work experience,
12 or other education, comparable to the certification standards required by this chapter.
- 13 3. An individual seeking a waiver of criteria in accordance with subsection 2 shall
14 demonstrate familiarity with the community health worker-community health
15 representative program in this state and shall agree to limit the individual's practice to
16 this state.
- 17 4. A certificate issued under this section is valid for three years.

18 **23-48-07. Certification - Renewal.**

- 19 1. An applicant for certification renewal shall submit to the department an application and
20 associated fees for certification renewal. Each individual is responsible for ensuring
21 that the renewal of certification is completed in a timely manner.
- 22 2. The department shall issue a renewal certificate that is valid for three years to each
23 qualified applicant.
- 24 3. As a condition of certification renewal, the department shall require an applicant to
25 complete ten hours of approved continuing education each year.

26 **23-48-08. Certified community health worker-community health representative -**

27 **Scope of practice.**

- 28 1. A certified community health worker-community health representative may engage
29 only in those activities authorized in this chapter and rules adopted under this chapter.
30 While practicing as a certified community health worker-community health

1 representative, an individual may not engage in or perform any act or service for which
2 another professional certificate, license, or other legal authority is required.

3 2. This chapter does not prevent or restrict the practice, service, or activities of any
4 individual simultaneously certified as a community health worker and licensed,
5 certified, registered, or otherwise authorized to engage in the practice of another
6 profession in this state, if that individual does not use, while engaged in the authorized
7 practice of another profession, any name, title, letter designations, or any other
8 designation indicating that the individual is a certified community health
9 worker-community health representative.

10 **SECTION 2.** A new section to chapter 50-24.1 of the North Dakota Century Code is created
11 and enacted as follows:

12 **Medical assistance coverage - Certified community health worker-community health**
13 **representative.**

14 Medical assistance coverage must include reimbursement of a certified community health
15 worker-community health representative, as provided for under chapter 23-48, if the individual
16 provides for the coordination of care and education services and if the services are provided
17 under the supervision of a physician, a physician's assistant, a registered nurse, an advanced
18 practice registered nurse, a behavioral health professional, an optometrist, or a dentist.

19 **SECTION 3. REPORT.**

20 The department of human services shall provide a report to the sixty-fifth legislative
21 assembly on the medicaid enrollment by community health workers-community health
22 representatives and on medicaid service utilization of clients receiving services from community
23 health workers-community health representatives. The department of human services shall
24 compare medicaid service utilization before and after the medicaid enrollment of community
25 health workers-community health representatives.

26 **SECTION 4. EFFECTIVE DATE.** This Act becomes effective on July 1, 2016, or upon
27 approval from the center for medicare and medicaid services for the department of human
28 services to secure one hundred percent federal funding of the medicaid costs for the services of
29 the community health worker-community health representative, whichever occurs later.