

REFERENCE TITLE: community health workers; voluntary certification

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

HB 2324

Introduced by
Representative Carter

AN ACT

AMENDING TITLE 36, CHAPTER 6, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 7.1; RELATING TO PUBLIC HEALTH.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 6, Arizona Revised Statutes, is
3 amended by adding article 7.1, to read:

4 ARTICLE 7.1. COMMUNITY HEALTH WORKERS

5 36-765. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "CERTIFIED COMMUNITY HEALTH WORKER" MEANS A COMMUNITY HEALTH
8 WORKER TO WHOM THE DEPARTMENT HAS ISSUED A CERTIFICATE TO PRACTICE AS A
9 CERTIFIED COMMUNITY HEALTH WORKER IN THIS STATE.

10 2. "COMMUNITY HEALTH WORKER" MEANS A FRONTLINE PUBLIC HEALTH WORKER
11 WHO IS A TRUSTED MEMBER OF THE COMMUNITY, WHO SERVES THE COMMUNITY OR HAS
12 AN IN-DEPTH UNDERSTANDING OF THE COMMUNITY THE WORKER SERVES, WHO SERVES
13 AS A LIAISON BETWEEN HEALTH SERVICE PROVIDERS OR SOCIAL SERVICE PROVIDERS
14 AND COMMUNITY MEMBERS TO FACILITATE ACCESS TO SERVICES AND IMPROVE THE
15 QUALITY AND CULTURAL COMPETENCE OF SERVICE DELIVERY AND WHO BUILDS
16 INDIVIDUAL AND COMMUNITY CAPACITY BY INCREASING HEALTH KNOWLEDGE AND
17 SELF-SUFFICIENCY THROUGH A RANGE OF ACTIVITIES SUCH AS OUTREACH, COMMUNITY
18 EDUCATION, INFORMAL COUNSELING, SOCIAL SUPPORT AND ADVOCACY.

19 3. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.

20 4. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.

21 5. "PRACTICE AS A CERTIFIED COMMUNITY HEALTH WORKER" MEANS A
22 COMMUNITY HEALTH WORKER'S APPLICATION OF THE EDUCATION, TRAINING AND
23 EXPERIENCE IN THE CORE COMPETENCIES TO EFFECTIVELY PROVIDE SERVICES TO THE
24 COMMUNITIES AND POPULATIONS THAT THE COMMUNITY HEALTH WORKER SERVES
25 THROUGH ONE OR MORE OF THE COMMUNITY HEALTH WORKER'S ROLES.

26 36-765.01. Certified community health workers; elements of
27 practice

28 FOR THE PURPOSES OF THIS ARTICLE, PRACTICE AS A CERTIFIED COMMUNITY
29 HEALTH WORKER INCLUDES:

30 1. PROVIDING CULTURAL MEDIATION AMONG INDIVIDUALS, COMMUNITIES AND
31 HEALTH AND SOCIAL SERVICE SYSTEMS.

32 2. PROVIDING CULTURALLY APPROPRIATE HEALTH EDUCATION AND
33 INFORMATION.

34 3. PROVIDING CARE COORDINATION, CASE MANAGEMENT AND SYSTEM
35 NAVIGATION.

36 4. PROVIDING COACHING AND SOCIAL SUPPORT.

37 5. ADVOCATING FOR INDIVIDUALS AND COMMUNITIES.

38 6. BUILDING INDIVIDUAL AND COMMUNITY CAPACITY.

39 7. PROVIDING DIRECT SERVICES THAT ARE CONSISTENT WITH THE EDUCATION
40 AND TRAINING REQUIRED FOR CERTIFICATION OF A COMMUNITY HEALTH WORKER.

41 8. IMPLEMENTING INDIVIDUAL ENVIRONMENTAL ANALYSES AND COMMUNITY
42 NEEDS ASSESSMENTS.

43 9. CONDUCTING OUTREACH.

44 10. PARTICIPATING IN EVALUATION AND RESEARCH.

1 36-765.02. Application for certificate; certification;
2 renewal

3 A. A PERSON MAY APPLY TO THE DIRECTOR FOR A CERTIFICATE TO PRACTICE
4 AS A CERTIFIED COMMUNITY HEALTH WORKER ON A FORM PRESCRIBED BY THE
5 DIRECTOR AND SHALL FURNISH INFORMATION REQUIRED BY THE DIRECTOR.

6 B. THE DIRECTOR SHALL GRANT A COMMUNITY HEALTH WORKER CERTIFICATE
7 TO A PERSON WHO MEETS THE QUALIFICATIONS PRESCRIBED BY THIS ARTICLE AND
8 RULES ADOPTED PURSUANT TO THIS ARTICLE AND WHO PAYS THE APPLICABLE FEES.

9 C. A CERTIFICATE IS VALID FOR TWO YEARS AND MAY BE RENEWED ONCE
10 EVERY TWO YEARS BY APPLYING TO THE DIRECTOR AND PAYING THE APPLICABLE
11 FEES.

12 D. A PERSON SHALL FILE AN APPLICATION FOR RENEWAL AT LEAST THIRTY
13 DAYS AND NOT MORE THAN SIXTY DAYS BEFORE THE EXPIRATION DATE OF THE
14 CURRENT CERTIFICATE.

15 36-765.03. Powers and duties of director; rules

16 A. THE DIRECTOR, BY RULE, SHALL:

17 1. PRESCRIBE THE CORE COMPETENCIES OF CERTIFIED COMMUNITY HEALTH
18 WORKERS, INCLUDING SKILLS AND AREAS OF KNOWLEDGE THAT ARE ESSENTIAL TO
19 BRING ABOUT EXPANDED HEALTH AND WELLNESS IN DIVERSE COMMUNITIES AND TO
20 REDUCE HEALTH DISPARITIES.

21 2. DESCRIBE AND DEFINE REASONABLE AND NECESSARY MINIMUM
22 QUALIFICATIONS FOR CERTIFIED COMMUNITY HEALTH WORKERS.

23 3. ESTABLISH STANDARDS AND REQUIREMENTS FOR THE ESTABLISHMENT OF
24 CERTIFIED COMMUNITY HEALTH WORKER EDUCATION AND TRAINING PROGRAMS IN THIS
25 STATE.

26 4. ADOPT STANDARDS AND REQUIREMENTS FOR THE APPROVAL OR ACCEPTANCE
27 OF CONTINUING EDUCATION COURSES AND PROGRAMS FOR THE RENEWAL OF A
28 CERTIFICATE.

29 5. ESTABLISH MINIMUM EDUCATION, TRAINING, EXPERIENCE AND OTHER
30 QUALIFICATIONS THAT A CERTIFIED COMMUNITY HEALTH WORKER MUST POSSESS TO
31 QUALIFY AS A TRAINER IN ANY EDUCATION, TRAINING OR CONTINUING EDUCATION
32 PROGRAM FOR CERTIFIED COMMUNITY HEALTH WORKERS.

33 6. ESTABLISH THE CRITERIA FOR GRANTING, DENYING, SUSPENDING AND
34 REVOKING A CERTIFICATE IN ORDER TO PROTECT THE HEALTH AND SAFETY OF THE
35 PUBLIC.

36 B. THE DIRECTOR MAY ADOPT RULES:

37 1. THAT ARE NECESSARY FOR THE PROPER ADMINISTRATION AND ENFORCEMENT
38 OF THIS ARTICLE.

39 2. THAT ALLOW FOR RECIPROCITY AGREEMENTS, INCLUDING WITH THE INDIAN
40 HEALTH SERVICE.

41 36-765.04. Denial of certificate; disciplinary action;
42 appeal; civil penalty; injunctive relief

43 A. THE DIRECTOR MAY DENY, SUSPEND OR REVOKE THE CERTIFICATE OF ANY
44 COMMUNITY HEALTH WORKER WHO:

1 1. VIOLATES ANY PROVISION OF THIS ARTICLE OR RULE ADOPTED PURSUANT
2 TO THIS ARTICLE.

3 2. HAS BEEN CONVICTED OF A FELONY OR A MISDEMEANOR INVOLVING MORAL
4 TURPITUDE.

5 3. INDULGES IN CONDUCT OR A PRACTICE DETRIMENTAL TO THE HEALTH OR
6 SAFETY OF THE PUBLIC.

7 B. THE DIRECTOR MAY DENY A CERTIFICATE WITHOUT HOLDING A HEARING.
8 AN APPLICANT MAY APPEAL THIS DECISION PURSUANT TO TITLE 41, CHAPTER 6,
9 ARTICLE 10.

10 C. THE DIRECTOR SHALL CONDUCT A HEARING TO SUSPEND OR REVOKE A
11 CERTIFICATE IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED PURSUANT TO
12 TITLE 41, CHAPTER 6, ARTICLE 10. IF THE DIRECTOR DETERMINES AFTER A
13 HEARING THAT GROUNDS EXIST TO SUSPEND OR REVOKE A CERTIFICATE, THE
14 DIRECTOR MAY DO SO PERMANENTLY OR FOR ANY PERIOD OF TIME AND UNDER ANY
15 CONDITIONS THE DIRECTOR DEEMS APPROPRIATE. AN APPLICANT FOR CERTIFICATION
16 OR RECERTIFICATION MAY APPEAL THE FINAL DECISION OF THE DIRECTOR.

17 D. IN ADDITION TO OTHER DISCIPLINARY ACTION, THE DIRECTOR MAY
18 ASSESS A CIVIL PENALTY OF NOT MORE THAN ONE HUNDRED DOLLARS FOR EACH
19 VIOLATION OF THIS ARTICLE OR RULE ADOPTED PURSUANT TO THIS ARTICLE AS
20 DETERMINED AT A HEARING HELD PURSUANT TO THIS SECTION. EACH DAY THAT A
21 VIOLATION CONTINUES CONSTITUTES A SEPARATE OFFENSE. THE ATTORNEY GENERAL
22 OR THE COUNTY ATTORNEY MAY BRING AN ACTION IN THE NAME OF THIS STATE TO
23 ENFORCE A CIVIL PENALTY. THE ACTION SHALL BE FILED IN THE SUPERIOR COURT
24 OR IN JUSTICE COURT IN THE COUNTY WHERE THE VIOLATION OCCURRED.

25 E. IN ADDITION TO OTHER AVAILABLE REMEDIES, THE DIRECTOR MAY APPLY
26 TO THE SUPERIOR COURT FOR AN INJUNCTION TO RESTRAIN A PERSON FROM
27 VIOLATING THIS ARTICLE OR A RULE ADOPTED PURSUANT TO THIS ARTICLE. THE
28 COURT SHALL GRANT A TEMPORARY RESTRAINING ORDER, A PRELIMINARY INJUNCTION
29 OR A PERMANENT INJUNCTION WITHOUT BOND. THE PERSON MAY BE SERVED IN ANY
30 COUNTY OF THIS STATE. THE ACTION SHALL BE BROUGHT ON BEHALF OF THE
31 DIRECTOR BY THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY OF THE COUNTY IN
32 WHICH THE VIOLATION OCCURRED.

33 36-765.05. Investigations; evidence; confidentiality

34 A. THE DIRECTOR MAY INVESTIGATE INFORMATION THAT INDICATES A PERSON
35 MAY BE VIOLATING THIS ARTICLE. IN CONNECTION WITH AN INVESTIGATION, THE
36 DIRECTOR MAY EXAMINE AND COPY DOCUMENTS AND OTHER PHYSICAL EVIDENCE
37 WHEREVER LOCATED THAT RELATE TO THE CONDUCT OR COMPETENCY OF A COMMUNITY
38 HEALTH WORKER PURSUANT TO THE REQUIREMENTS OF THIS ARTICLE.

39 B. PURSUANT TO AN INVESTIGATION OR AN ADMINISTRATIVE PROCEEDING,
40 THE DIRECTOR MAY ISSUE SUBPOENAS TO COMPEL THE TESTIMONY OF WITNESSES OR
41 TO DEMAND THE PRODUCTION OF RELEVANT DOCUMENTS AND OTHER PHYSICAL
42 EVIDENCE. IF A PERSON REFUSES TO COMPLY WITH A SUBPOENA, THE DIRECTOR MAY
43 APPLY TO THE SUPERIOR COURT FOR AN ORDER TO COMPEL COMPLIANCE.

C. PATIENT RECORDS, INCLUDING CLINICAL RECORDS, MEDICAL REPORTS, LABORATORY STATEMENTS AND REPORTS, FILES, FILMS AND ORAL STATEMENTS RELATING TO PATIENT EXAMINATIONS, FINDINGS AND TREATMENT THAT ARE KEPT BY THE DIRECTOR PURSUANT TO AN INVESTIGATION ARE NOT AVAILABLE TO THE PUBLIC. THE DIRECTOR SHALL KEEP CONFIDENTIAL THE NAMES OF PATIENTS WHOSE RECORDS ARE REVIEWED DURING THE COURSE OF AN INVESTIGATION OR HEARING.

36-765.06. Violations; classification

A PERSON IS GUILTY OF A CLASS 6 FELONY WHO:

1. OBTAINS A CERTIFICATE AS A CERTIFIED COMMUNITY HEALTH WORKER BY FRAUD, INTENTIONAL MISREPRESENTATION OR DECEIT.

2. CLAIMS TO BE A CERTIFIED COMMUNITY HEALTH WORKER WITHOUT HAVING A PROPER CERTIFICATE OR AFTER HAVING A CERTIFICATE DENIED, SUSPENDED OR REVOKED.

36-765.07. Fees; donations; use

A. THE DIRECTOR, BY RULE, SHALL ESTABLISH AND COLLECT NONREFUNDABLE FEES FOR CERTIFICATION.

B. THE DIRECTOR MAY ACCEPT GIFTS, GRANTS OR DONATIONS, WHICH MAY BE USED ONLY TO COVER THE COSTS RELATED TO THE REGULATION OF CERTIFIED COMMUNITY HEALTH WORKERS.

36-765.08. Use of title; prohibition

A. IT IS A VIOLATION OF THIS ARTICLE FOR A PERSON WHO IS NOT CERTIFIED PURSUANT TO THIS ARTICLE TO USE THE TITLE "CERTIFIED COMMUNITY HEALTH WORKER" OR TO USE ANY OTHER WORDS, LETTERS, SIGNS OR FIGURES TO INDICATE THAT THE PERSON IS A CERTIFIED COMMUNITY HEALTH WORKER.

B. THIS ARTICLE DOES NOT REQUIRE COMMUNITY HEALTH WORKERS TO BE CERTIFIED BY THE DEPARTMENT IN ORDER TO PRACTICE AS A COMMUNITY HEALTH WORKER.

Sec. 2. Community health workers advisory council; delayed repeal

A. The community health workers advisory council is established consisting of nine members, the majority of whom are community health workers, who are residents of this state, who represent the geographic region of this state where they reside and who are appointed by the director of the department of health services. The council shall make recommendations to the department regarding:

1. Core competencies for the certification of community health workers.

2. Minimum education and training qualifications for certified community health workers.

3. Standards and requirements for community health worker education and training programs.

4. Standards and requirements for continuing education courses and programs.

- 1 5. Minimum education and training standards for educators.
- 2 6. The type of certification examination or other means to assess
- 3 community health worker competency for certification.
- 4 7. Standards for unprofessional conduct.
- 5 8. Any other matter as requested by the director.
- 6 B. This section is repealed from and after December 31, 2022.