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HOUSE . . . . . No. 4130

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to establish a board of certification of community health workers ..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Pursuant to Section 110 of Chapter 58 of the Acts of 2006, which required the Massachusetts Department of Public Health to conduct a workforce investigation and develop recommendations for a sustainable Community Health Worker program for the Commonwealth and, specifically, required such recommendations to promote 1) public and private partnerships to improve access to care, eliminate disparities, increase the use of primary care, and reduce inappropriate hospital emergency room use, and 2) stronger workforce development, including a training curriculum and certification program to insure high standards, cultural competency, and quality of services, Massachusetts General Laws are hereby amended as follows:

SECTION 1. Section 9 of chapter 13 of the General Laws, as appearing in the 2006 Official Edition and as amended by Sections 21, 22, 72, and 73 of Chapter 451 of the Acts of 2008, is hereby amended by inserting after the word “counselors”, in line [insert line number], the following words:- the board of certification of community health workers.

SECTION 2. Said chapter 13, as so appearing and as so amended, is hereby further amended by adding, after section 105, the following three sections:-

Section 106. There shall be a board of certification of community health workers, called the board in sections 106 to 108 of chapter 13 and in sections 259 to 262 of chapter 112, consisting of 11 members who shall be residents of the commonwealth, one of whom shall be the commissioner of public health or his or her designee, who shall serve as chairman of the board, and ten of whom shall to be appointed by the governor. Of the appointed members of the board, six shall be appointed to ensure representation of all six geographic regions of the executive office of health and human services and shall include no fewer than four community health workers selected from recommendations offered by the Massachusetts Association of Community Health Workers; one shall represent a community health worker training organization; one shall represent the Massachusetts Public Health Association; one shall represent the Massachusetts Association of Health Plans; one shall represent the Massachusetts League of Community Health Centers; one shall represent a community-based community health worker employer; and one shall represent the public, subject to the provisions of section 9B of chapter 13, and shall be familiar with community health worker services. Board members appointed to the first board as community health workers shall be persons who are eligible for board certification as community health workers and shall be so certified within a time frame specified in regulations promulgated by the board governing such certification.

The term of office of each appointed member of the board shall be three years, except that of the appointed members of the first board, three members shall be appointed for terms of one year, three members for terms of two years, and three for terms of three years. At least one member who is a community health worker shall be appointed for the initial term of three full

years. No member shall be appointed to more than two consecutive full terms; provided, however, a member appointed for less than a full term may serve two full terms in addition to such part of a full term, and a former member shall again be eligible for appointment after a lapse of one or more years. Upon the expiration of his or her term of office, a member of the board shall continue to serve until the appointment of a successor. Any member of the board may be removed by the governor for neglect of duty, misconduct, malfeasance, or misfeasance in office after being given a written statement of the charges against him or her and sufficient opportunity to be heard thereon. Upon the death, resignation or removal for cause of any member of the board, the governor shall fill the vacancy for the remainder of that member's term.

Section 107. The board shall meet at least quarterly or more often upon the call of the chairman at such times and places as the chairman shall designate. The board shall, at its first meeting and annually thereafter, elect from among its members a vice-chairman and a secretary. Such officers shall serve until their successors are elected and qualified. A quorum of the board shall consist of a majority of the members. The board shall keep records and minutes as are necessary to carry out its duties and as otherwise required by law. Board members shall serve without compensation, but shall be reimbursed for actual and reasonable expenses incurred in the performance of their official duties. The board shall be supported with a director, administrative assistant, and such other professional staff and operating expenses as are required to discharge its duties.

Section 108. In addition to those powers and duties set forth in sections 106 and 107 of chapter 13, the board shall have the following powers and duties:

(a) to develop and administer a program for certification of community health workers , and to establish education, training, experience, and other qualifications for such certification, application requirements, and standards for practice as a certified community health worker in the commonwealth;

(b) to set standards and requirements for the establishment, board evaluation, and board approval or board acceptance of community health worker education and training programs in the commonwealth, the successful completion of which shall make individuals and community health workers eligible to apply to the board for certification as a community health worker;

(c) to set standards and requirements for approval or acceptance of continuing education courses and programs as the board may require for the biennial renewal of a community health worker certificate previously issued by the board;

c) to set standards and requirements for approval or acceptance of continuing education courses and programs as the board may require for the biennial renewal of a community health worker certificate previously issued by the board;

(d) to establish minimum education, training, experience, and other qualifications that a certified community health worker must possess in order to qualify as a trainer in any education, training, or continuing education program for community health workers approved or accepted by the board;

(e) to establish a means to acknowledge, document, and assess relevant education, training, experience, mastery of core competencies, or other qualifications acquired by community health workers practicing in the commonwealth before enactment of the community health worker certification provisions of sections 106 to 108 of chapter 13 and sections 259 to

262 of chapter 112 for purposes of certification without completion of a community health worker education and training program approved or accepted by the board;

(f) to establish and implement procedures for receipt, review, and action upon applications for certification as a community health worker and the biennial renewal of such certification, for which the board may require documentation of completion of continuing education, and the issuance of certificates of competency to practice as a community health worker;

(g) be authorized to make, adopt, amend, repeal, and enforce such rules and regulations consistent with law as it deems necessary for the protection of the public health, safety, and welfare and for proper administration and enforcement of its responsibilities;

(h) to collect reasonable fees established pursuant to the provisions of section 3B of chapter 7 and to deposit such fees into the Quality in Health Professions Trust Fund pursuant to section 35X of chapter 10 to support board operations and administration;

(i) to identify and adopt a certification examination or other means to assess community health worker competency in connection with board certification, should the board determine that such examination would enhance the advancement of the practice and profession of community health workers;

(j) to establish tiered classes or levels of practice as a certified community health worker and certification requirements for each established class or level, including a class or level which qualifies a board-certified community health worker to act as a trainer in an education, training, or continuing education program approved or accepted by the board, for the purpose of enhancing career advancement as such tiered classes or levels of practice may be determined

necessary by the board for that purpose following study and assessment by the board, with the assistance and advice of interested parties;

(k) to certify as a community health worker an applicant who has been duly certified as a community health worker under the laws of a state, territory or commonwealth of the United States or the District of Columbia where the requirements for certification are, in the opinion of the board, equivalent to those in the commonwealth for community health workers and such

applicant submits documentation satisfactory to the board of such certification and the requirements therefor;

(l) to establish grounds for complaints related to the practice of community health workers and to establish and implement procedures for the review, investigation, and resolution of such complaints;

(m) to establish the disciplinary actions available to the board in connection with complaint resolution, which may include: a fine; the censure, suspension, revocation or denial of a certificate issued by the board; denial of certificate renewal; placing a certificate on probation; or issuing a reprimand to the certificate holder; or some combination of the foregoing; and to discipline certificate holders in accordance with procedures established by the board that shall conform with chapter 30A and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 et seq.;

(n) to perform such other functions and duties as may be required to carry out this section.

SECTION 3. Chapter 112 of the General Laws, as appearing in the 2006 Official Edition and as amended by Sections 21, 22, 72, and 73 of Chapter 451 of the Acts of 2008, is hereby amended by adding, after section 258, the following four sections:-

Section 259. The following words as used in sections two 259 to 262, inclusive, unless the context otherwise requires, shall have the following meanings:-

“Board-approved education and training program”, a training and education program for community health workers that meets standards established by the board for such education and training, the successful completion of which shall make individuals and community health workers eligible to apply to the board for certification as a community health worker.

"Certificate", the document issued by the board to qualified applicants for certification as a community health worker that indicates that its holder has met specified competency requirements to practice as a certified community health worker as established by the board.

"Certification", the voluntary process by which an agency grants recognition and use of a credential to individuals who have met predetermined and standardized requirements. Certifying agencies may require individuals to be periodically recertified.

"Certified community health worker", a community health worker to whom the board has duly issued a certificate of competency to practice as a certified community health worker.

"Community health worker", a public health worker who applies his or her unique understanding of the experience, language, and/or culture of the populations he or she serves through one or more of the following roles:

a) Providing culturally appropriate health education, information, and outreach in community-based settings, such as homes, schools, clinics, shelters, local businesses, and community centers;

b) bridging/culturally mediating between individuals, communities, and health and human services, including actively building individual and community capacity;

c) assuring that community members access the services they need;

d) providing direct services, such as informal counseling, social support, care coordination, and health screenings; and

e) advocating for individual and community needs.

The board may identify additional roles that may emerge in the development of community health worker practice.

Community health workers are distinguished from other health professionals in that they:

(a) are employed primarily for their understanding of, and connection with, the populations and communities they serve;

(b) conduct outreach during a significant portion of the time they provide services through one or more of the roles set forth in this section; and

(c) have experience providing services in community settings.

"Core competencies", a set of overlapping and mutually reinforcing skills and knowledge essential for effective community health work in core areas that include, but are not limited to:

(a) outreach methods and strategies;

(b) client and community assessment;

(c) effective communication;

(d) culturally based communication and care;

(e) health education for behavior change;

(f) support, advocate and coordinate care for clients;

(g) application of public health concepts and approaches;

(h) community capacity building; and

(i) writing and technical communication skills.

"Practice as a community health worker", use by a community health worker of the education, training, and experience in the community health worker core competencies to effectively provide services to the communities and populations he or she serves through one or more of the roles set forth in this section.

Section 260. An application for certification as a community health worker shall be made on forms approved by the board, signed under the pains and penalties of perjury by the

person certifying the information contained therein, and accompanied by the required fee. The fee for certification shall be determined by the secretary of administration and finance pursuant to section 3B of chapter 7. An applicant for certification as a community health worker shall furnish satisfactory proof that he or she is at least 18 years old, is of good moral character, and has met all the education, training, and experience requirements and qualifications as established by the board. Each certificate holder shall carry board-issued documentation of such certification, which shall be presented for view upon request in connection with practice as a certified community health worker.

Each certificate issued by the board shall be valid for two years and, if its holder desires to continue to use the title "certified community health worker" or to represent himself or herself in any other way that he or she is so certified by the board, shall be timely renewed in accordance with procedures established by the board. Each renewal application submitted to the board shall be accompanied by a fee as determined by the secretary of administration and finance pursuant to section 3B of chapter 7.

Section 261. The title "certified community health worker" shall only be used by individuals who have met the requirements and qualifications for certification as a community health worker as established by the board and have been duly certified by the board. The use by any person not so certified of any words, letters, abbreviations or insignia indicating or implying a person holds a certificate issued by the board shall be in violation of this section for which the board may issue a cease and desist order and seek additional appropriate legal remedies.

Nothing in this section shall permit a certified community health worker to engage in or perform any act or service for which a license issued by a professional licensing board is required. Nothing in this section shall be construed to prevent or restrict the practice, service or activities of any person licensed, certified, or registered in the commonwealth under any laws other than board of certification of community health worker laws from engaging in activities within the scope of practice of the profession or occupation for which he or she is licensed, provided that he or she does not represent to the public, directly or indirectly, that he or she is certified under section 260 of chapter 112, and that he or she does not use any name, title, or designation indicating that the person is certified under such section.

Section 262. No person filing a complaint alleging a violation of the laws or regulations of the board, or reporting information pursuant to such laws or regulations, or assisting the board at its request in any manner in discharging its duties and functions, shall be liable in any cause of action arising out of the board's receipt of such information or assistance, provided the person making the complaint or reporting or providing such information or assistance does so in good faith and without malice.

SECTION 4. Sections 1, 2 and 3 shall take effect eighteen months after enactment.