

HOUSE No. 4692

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

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:

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

9 SECTION 1. Section 9 of chapter 13 of the General Laws, as appearing in the 2008
10 Official Edition and as amended by Sections 21, 22, 72, and 73 of Chapter 451 of the Acts of
11 2008, is hereby amended by inserting after the word “counselors”, in line 7, the following
12 words:- the board of certification of community health workers.

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

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

32 The term of office of each appointed member of the board shall be three years, except
33 that of the appointed members of the first board, three members shall be appointed for terms of
34 one year, three members for terms of two years, and three for terms of three years. At least one
35 member who is a community health worker shall be appointed for the initial term of three full
36 years. No member shall be appointed to more than two consecutive full terms; provided,
37 however, a member appointed for less than a full term may serve two full terms in addition to

38 such part of a full term, and a former member shall again be eligible for appointment after a
39 lapse of one or more years. Upon the expiration of his or her term of office, a member of the
40 board shall continue to serve until the appointment of a successor. Any member of the board
41 may be removed by the governor for neglect of duty, misconduct, malfeasance, or misfeasance in
42 office after being given a written statement of the charges against him or her and sufficient
43 opportunity to be heard thereon. Upon the death, resignation or removal for cause of any
44 member of the board, the governor shall fill the vacancy for the remainder of that member's term.

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

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

57 (a) to develop and administer a program for certification of community health workers ,
58 and to establish education, training, experience, and other qualifications for such certification,

59 application requirements, and standards for practice as a certified community health worker in
60 the commonwealth;

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

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

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

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

75 (e) to establish a means to acknowledge, document, and assess relevant education,
76 training, experience, mastery of core competencies, or other qualifications acquired by
77 community health workers practicing in the commonwealth before enactment of the community
78 health worker certification provisions of sections 106 to 108 of chapter 13 and sections 259 to
79 262 of chapter 112 for purposes of certification without completion of a community health
80 worker education and training program approved or accepted by the board;

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

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

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

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

96 (j) to establish tiered classes or levels of practice as a certified community health worker
97 and certification requirements for each established class or level, including a class or level which
98 qualifies a board-certified community health worker to act as a trainer in an education, training,
99 or continuing education program approved or accepted by the board, for the purpose of
100 enhancing career advancement as such tiered classes or levels of practice may be determined
101 necessary by the board for that purpose following study and assessment by the board, with the
102 assistance and advice of interested parties;

103 (k) to certify as a community health worker an applicant who has been duly certified as a
104 community health worker under the laws of a state, territory or commonwealth of the United
105 States or the District of Columbia where the requirements for certification are, in the opinion of
106 the board, equivalent to those in the commonwealth for community health workers and such
107 applicant submits documentation satisfactory to the board of such certification and the
108 requirements therefor;

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

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

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

121 (o) to develop rules and regulations for the mandatory licensure of community health
122 worker after 5 years of this board's inception.

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

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

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

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

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

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

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

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

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

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

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

151 e) advocating for individual and community needs.

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

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

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

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

159 (c) have experience providing services in community settings.

160 "Core competencies", a set of overlapping and mutually reinforcing skills and knowledge
161 essential for

162 effective community health work in core areas that include, but are not limited to:

163 (a) outreach methods and strategies;

164 (b) client and community assessment;

165 (c) effective communication;

166 (d) culturally based communication and care;

167 (e) health education for behavior change;

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

169 (g) application of public health concepts and approaches;

170 (h) community capacity building; and

171 (i) writing and technical communication skills.

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

176 Section 260. An application for certification as a community health worker shall be
177 made on forms approved by the board, signed under the pains and penalties of perjury by the
178 person certifying the information contained therein, and accompanied by the required fee. The
179 fee for certification shall be determined by the secretary of administration and finance pursuant
180 to section 3B of chapter 7. An applicant for certification as a community health worker shall

181 furnish satisfactory proof that he or she is at least 18 years old, is of good moral character, and
182 has met all the education, training, and experience requirements and qualifications as established
183 by the board. Each certificate holder shall carry board-issued documentation of such
184 certification, which shall be presented for view upon request in connection with practice as a
185 certified community health worker.

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

192 Nothing in this section shall construed as requiring reimbursement by the public
193 employee plans in chapter 32A, an insurance company under chapter 175, a Non-profit Hospital
194 Corporation Service Plan as defined in chapter 176A, non-profit medical service plans under
195 chapter 176B and Health Maintenance Organizations under chapter 176G.

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

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

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

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