

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 58

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

AN ACT

RELATING TO HEALTH CARE; ENACTING THE COMMUNITY HEALTH WORKERS  
ACT; PROVIDING FOR DEPARTMENT OF HEALTH CERTIFICATION OF  
COMMUNITY HEALTH WORKERS; PROVIDING FOR RULEMAKING, FEES,  
CRIMINAL BACKGROUND SCREENING AND DISCIPLINE RELATING TO  
CERTIFIED COMMUNITY HEALTH WORKERS; CREATING A BOARD OF  
CERTIFICATION OF COMMUNITY HEALTH WORKERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be  
cited as the "Community Health Workers Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the  
Community Health Workers Act:

A. "applicant" means an individual applying to be  
certified or recertified as a community health worker;

B. "board" means the board of certification of

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1 community health workers;

2 C. "certificate" means the document issued by the  
3 department to qualified applicants for certification as  
4 community health workers;

5 D. "certification" means the voluntary process by  
6 which the department grants recognition and use of a credential  
7 to individuals who are eligible to practice as certified  
8 community health workers;

9 E. "certified community health worker" means a  
10 community health worker to whom the department has issued a  
11 certificate to practice as a certified community health worker;

12 F. "community health worker" means a public health  
13 worker who applies an understanding of the experience, language  
14 and culture of the populations that the individual serves and  
15 who provides direct services aimed at optimizing individual and  
16 family health outcomes, including:

- 17 (1) informal and motivational counseling and  
18 education;
- 19 (2) interventions to maximize social supports;
- 20 (3) care coordination;
- 21 (4) facilitation of access to health care and  
22 social services;
- 23 (5) health screenings; and
- 24 (6) other services that the secretary defines  
25 by rule;

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1 G. "department" means the department of health;

2 H. "recertification" means a renewal of  
3 certification; and

4 I. "secretary" means the secretary of health.

5 SECTION 3. [NEW MATERIAL] RULEMAKING--COMMUNITY HEALTH  
6 WORKER CERTIFICATION--RECERTIFICATION--FEES.--

7 A. The secretary shall adopt and promulgate rules  
8 relating to the following:

9 (1) establishment and administration of a  
10 voluntary program for certification of community health  
11 workers, including criteria for:

12 (a) minimum education;

13 (b) training;

14 (c) experience; and

15 (d) other qualifications that the  
16 secretary deems appropriate in accordance with the provisions  
17 of the Community Health Workers Act;

18 (2) forms and procedures for the receipt,  
19 review and action upon applications for initial community  
20 health worker certification and for biennial recertification;

21 (3) establishment of standards for continuing  
22 education and other requirements that the secretary deems  
23 appropriate for biennial recertification;

24 (4) procedures for disciplinary action  
25 relating to applicants or certified community health workers.

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1 Department rules shall include guidelines for:

- 2 (a) disciplinary action;
- 3 (b) reprimands;
- 4 (c) probation;
- 5 (d) the denial, suspension or revocation
- 6 of certification or recertification; and
- 7 (e) applicants' appeal rights;
- 8 (5) the determination, assessment and
- 9 collection of certification fees, recertification fees and
- 10 disciplinary fines; and
- 11 (6) other matters that the secretary deems
- 12 appropriate to carry out the provisions of the Community Health
- 13 Workers Act.

14 B. The department shall apply any fee it collects

15 pursuant to the Community Health Workers Act to cover the costs

16 of administering the community health worker certification

17 program established pursuant to that act.

18 SECTION 4. [NEW MATERIAL] BOARD OF CERTIFICATION OF

19 COMMUNITY HEALTH WORKERS--CREATION--MEMBERSHIP--DUTIES.--

20 A. The "board of certification of community health

21 workers" is created. The board is administratively attached to

22 the department and shall meet at least once quarterly at the

23 call of the chair.

24 B. The board shall consist of nine members who

25 shall be:

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- 1 (1) residents of the state;
- 2 (2) appointed by and serve at the pleasure of
- 3 the secretary; and
- 4 (3) composed of:
- 5 (a) the secretary or the secretary's
- 6 designee, who shall serve as chair of the board; and
- 7 (b) eight additional members, at least
- 8 three of whom shall be community health workers.

9 C. In determining the membership of the board, the

10 secretary shall endeavor to appoint community health worker

11 stakeholders such as health care providers, individuals from

12 institutions of higher learning and members of the community

13 from various geographic regions of the state.

14 D. The secretary shall adopt and promulgate rules

15 that establish the board's membership, duties and the conduct

16 of meetings. At a minimum, the board's duties shall include

17 making recommendations to the secretary on the following

18 matters:

19 (1) standards and requirements for the

20 establishment of community health worker education and training

21 programs in the state, the successful completion of which shall

22 qualify an individual as eligible to apply to the department

23 for certification as a certified community health worker;

24 (2) standards and requirements for approval or

25 acceptance of continuing education courses and programs as the

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1 board may require for the biennial renewal of a community  
2 health worker certificate;

3 (3) minimum education, training, experience  
4 and other qualifications that a certified community health  
5 worker shall possess to qualify as a trainer in any education,  
6 training or continuing education program for community health  
7 workers;

8 (4) a means to acknowledge, document and  
9 assess relevant education, training and experience or other  
10 qualifications acquired by community health workers practicing  
11 in the state before the effective date of the Community Health  
12 Workers Act for purposes of certification while waiving minimum  
13 training and experience requirements established pursuant to  
14 Paragraph (1) of Subsection A of Section 3 of the Community  
15 Health Workers Act; and

16 (5) the type of certification examination or  
17 other means to assess community health worker competency in  
18 connection with certification that the department shall require  
19 if the secretary determines that a certification examination  
20 would enhance the advancement of the practice and profession of  
21 community health workers.

22 SECTION 5. [NEW MATERIAL] REQUIREMENTS FOR  
23 CERTIFICATION--RE-CERTIFICATION.--

24 A. An applicant for certification or  
25 recertification shall submit an application for registration in

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1 accordance with department rules.

2 B. A certified community health worker shall carry  
3 the certified community health worker's certificate and present  
4 it upon request.

5 C. The department shall issue certificates that  
6 shall be valid for two years to certified community health  
7 workers. A certificate may be recertified in accordance with  
8 department rules.

9 SECTION 6. [NEW MATERIAL] USE OF CERTIFIED COMMUNITY  
10 HEALTH WORKER DESIGNATION--UNAUTHORIZED PRACTICE.--

11 A. In order to use the title "certified community  
12 health worker", the initials "CCHW" or other designation  
13 indicating that the individual is a certified community health  
14 worker, an individual shall be certified pursuant to the  
15 provisions of the Community Health Workers Act.

16 B. To ensure compliance with the provisions of the  
17 Community Health Workers Act or any rule that the secretary has  
18 adopted and promulgated pursuant to that act, the department  
19 may issue cease-and-desist orders to persons violating the  
20 provisions of the Community Health Workers Act.

21 C. A certified community health worker shall engage  
22 only in those activities authorized pursuant to the Community  
23 Health Workers Act and by rules adopted and promulgated  
24 pursuant to that act. While engaging in practice as a  
25 certified community health worker, an individual shall not

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1 engage in or perform any act or service for which another  
2 professional certificate, license or other legal authority is  
3 required. Nothing in this section shall be construed to  
4 prevent or restrict the practice, service or activities of any  
5 individual simultaneously certified as a community health  
6 worker and licensed, certified, registered or otherwise legally  
7 authorized in the state to engage in the practice of another  
8 profession if that individual does not, while engaged in the  
9 authorized practice of another profession, use any name, title,  
10 the initials "CCHW" or other designation indicating that the  
11 individual is a certified community health worker.

12 SECTION 7. [NEW MATERIAL] CRIMINAL HISTORY SCREENING.--

13 A. The department is authorized to obtain the  
14 criminal history records of applicants and to exchange  
15 fingerprint data directly with the federal bureau of  
16 investigation, the department of public safety and any other  
17 law enforcement agency or organization. The department shall  
18 require fingerprinting of applicants for the purposes of this  
19 section.

20 B. The secretary shall adopt and promulgate rules  
21 to:

22 (1) require criminal background checks for  
23 applicants;

24 (2) identify the information from a criminal  
25 background check that may form the basis of a denial,

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1 suspension or revocation of certification or any other  
2 disciplinary action; and

3 (3) otherwise carry out the provisions of this  
4 section.

5 C. The department shall comply with applicable  
6 confidentiality requirements of the department of public safety  
7 and the federal bureau of investigation regarding the  
8 dissemination of criminal background check information.

9 D. An applicant whose certification or  
10 recertification is denied, suspended or revoked, or who is  
11 otherwise disciplined based on information obtained in a  
12 criminal history background check, shall be entitled to review  
13 the information obtained pursuant to this section and to appeal  
14 the decision pursuant to rules promulgated by the department.

15 E. The applicant shall bear any costs associated  
16 with ordering or conducting criminal background checks.

17 F. The provisions of the Criminal Offender  
18 Employment Act shall govern any consideration of criminal  
19 records required or permitted by the Community Health Workers  
20 Act.