

1 AN ACT  
2 RELATING TO HEALTH CARE; ENACTING THE COMMUNITY HEALTH  
3 WORKERS ACT; PROVIDING FOR DEPARTMENT OF HEALTH CERTIFICATION  
4 OF COMMUNITY HEALTH WORKERS; PROVIDING FOR RULEMAKING, FEES,  
5 CRIMINAL BACKGROUND SCREENING AND DISCIPLINE RELATING TO  
6 CERTIFIED COMMUNITY HEALTH WORKERS; CREATING A BOARD OF  
7 CERTIFICATION OF COMMUNITY HEALTH WORKERS.

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

10 SECTION 1. SHORT TITLE.--This act may be cited as the  
11 "Community Health Workers Act".

12 SECTION 2. DEFINITIONS.--As used in the Community  
13 Health Workers Act:

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

16 B. "board" means the board of certification of  
17 community health workers;

18 C. "certificate" means the document issued by the  
19 department to qualified applicants for certification as  
20 community health workers;

21 D. "certification" means the voluntary process by  
22 which the department grants recognition and use of a  
23 credential to individuals who are eligible to practice as  
24 certified community health workers;

25 E. "certified community health worker" means a

1 community health worker to whom the department has issued a  
2 certificate to practice as a certified community health  
3 worker;

4 F. "community health worker" means a public health  
5 worker who applies an understanding of the experience,  
6 language and culture of the populations that the individual  
7 serves and who provides direct services aimed at optimizing  
8 individual and family health outcomes, including:

9 (1) informal and motivational counseling and  
10 education;

11 (2) interventions to maximize social  
12 supports; (3) care coordination;

13 (4) facilitation of access to health care  
14 and social services;

15 (5) health screenings; and

16 (6) other services that the secretary  
17 defines by rule;

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

19 H. "recertification" means a renewal of  
20 certification; and

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

22 SECTION 3. RULEMAKING--COMMUNITY HEALTH WORKER  
23 CERTIFICATION--RECERTIFICATION--FEES.--

24 A. The secretary shall adopt and promulgate rules  
25 relating to the following:

1                   (1) establishment and administration of a  
2 voluntary program for certification of community health  
3 workers, including criteria for:

- 4                   (a) minimum education;
- 5                   (b) training;
- 6                   (c) experience; and
- 7                   (d) other qualifications that the  
8 secretary deems appropriate in accordance with the provisions  
9 of the Community Health Workers Act;

10                   (2) forms and procedures for the receipt,  
11 review and action upon applications for initial community  
12 health worker certification and for biennial recertification;

13                   (3) establishment of standards for  
14 continuing education and other requirements that the  
15 secretary deems appropriate for biennial recertification;

16                   (4) procedures for disciplinary action  
17 relating to applicants or certified community health workers.  
18 Department rules shall include guidelines for:

- 19                   (a) disciplinary action;
- 20                   (b) reprimands;
- 21                   (c) probation;
- 22                   (d) the denial, suspension or  
23 revocation of certification or recertification; and

24                   (e) applicants' appeal rights;

25                   (5) the determination, assessment and

1 collection of certification fees, recertification fees and  
2 disciplinary fines; and

3 (6) other matters that the secretary deems  
4 appropriate to carry out the provisions of the Community  
5 Health Workers Act.

6 B. The department shall apply any fee it collects  
7 pursuant to the Community Health Workers Act to cover the  
8 costs of administering the community health worker  
9 certification program established pursuant to that act.

10 SECTION 4. BOARD OF CERTIFICATION OF COMMUNITY HEALTH  
11 WORKERS--CREATION--MEMBERSHIP--DUTIES.--

12 A. The "board of certification of community health  
13 workers" is created. The board is administratively attached  
14 to the department and shall meet at least once quarterly at  
15 the call of the chair.

16 B. The board shall consist of nine members who  
17 shall be:

18 (1) residents of the state;

19 (2) appointed by and serve at the pleasure  
20 of the secretary; and

21 (3) composed of:

22 (a) the secretary or the secretary's  
23 designee, who shall serve as chair of the board; and

24 (b) eight additional members, at least  
25 three of whom shall be community health workers.

1           C. In determining the membership of the board, the  
2 secretary shall endeavor to appoint community health worker  
3 stakeholders such as health care providers, individuals from  
4 institutions of higher learning and members of the community  
5 from various geographic regions of the state.

6           D. The secretary shall adopt and promulgate rules  
7 that establish the board's membership, duties and the conduct  
8 of meetings. At a minimum, the board's duties shall include  
9 making recommendations to the secretary on the following  
10 matters:

11                   (1) standards and requirements for the  
12 establishment of community health worker education and  
13 training programs in the state, the successful completion of  
14 which shall qualify an individual as eligible to apply to the  
15 department for certification as a certified community health  
16 worker;

17                   (2) standards and requirements for approval  
18 or acceptance of continuing education courses and programs as  
19 the board may require for the biennial renewal of a community  
20 health worker certificate;

21                   (3) minimum education, training, experience  
22 and other qualifications that a certified community health  
23 worker shall possess to qualify as a trainer in any  
24 education, training or continuing education program for  
25 community health workers;

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

9 (5) the type of certification examination or  
10 other means to assess community health worker competency in  
11 connection with certification that the department shall  
12 require if the secretary determines that a certification  
13 examination would enhance the advancement of the practice and  
14 profession of community health workers.

15 SECTION 5. REQUIREMENTS FOR CERTIFICATION--  
16 RECERTIFICATION.--

17 A. An applicant for certification or  
18 recertification shall submit an application for registration  
19 in accordance with department rules.

20 B. A certified community health worker shall carry  
21 the certified community health worker's certificate and  
22 present it upon request.

23 C. The department shall issue certificates that  
24 shall be valid for two years to certified community health  
25 workers. A certificate may be recertified in accordance with

1 department rules.

2 SECTION 6. USE OF CERTIFIED COMMUNITY HEALTH WORKER  
3 DESIGNATION--UNAUTHORIZED PRACTICE.--

4 A. In order to use the title "certified community  
5 health worker", the initials "CCHW" or other designation  
6 indicating that the individual is a certified community  
7 health worker, an individual shall be certified pursuant to  
8 the provisions of the Community Health Workers Act.

9 B. To ensure compliance with the provisions of the  
10 Community Health Workers Act or any rule that the secretary  
11 has adopted and promulgated pursuant to that act, the  
12 department may issue cease-and-desist orders to persons  
13 violating the provisions of the Community Health Workers Act.

14 C. A certified community health worker shall  
15 engage only in those activities authorized pursuant to the  
16 Community Health Workers Act and by rules adopted and  
17 promulgated pursuant to that act. While engaging in practice  
18 as a certified community health worker, an individual shall  
19 not engage in or perform any act or service for which another  
20 professional certificate, license or other legal authority is  
21 required. Nothing in this section shall be construed to  
22 prevent or restrict the practice, service or activities of  
23 any individual simultaneously certified as a community health  
24 worker and licensed, certified, registered or otherwise  
25 legally authorized in the state to engage in the practice of

1 another profession if that individual does not, while engaged  
2 in the authorized practice of another profession, use any  
3 name, title, the initials "CCHW" or other designation  
4 indicating that the individual is a certified community  
5 health worker.

6 SECTION 7. CRIMINAL HISTORY SCREENING.--

7 A. The department is authorized to obtain the  
8 criminal history records of applicants and to exchange  
9 fingerprint data directly with the federal bureau of  
10 investigation, the department of public safety and any other  
11 law enforcement agency or organization. The department shall  
12 require fingerprinting of applicants for the purposes of this  
13 section.

14 B. The secretary shall adopt and promulgate rules  
15 to:

16 (1) require criminal background checks for  
17 applicants;

18 (2) identify the information from a criminal  
19 background check that may form the basis of a denial,  
20 suspension or revocation of certification or any other  
21 disciplinary action; and

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

24 C. The department shall comply with applicable  
25 confidentiality requirements of the department of public

1 safety and the federal bureau of investigation regarding the  
2 dissemination of criminal background check information.

3 D. An applicant whose certification or  
4 recertification is denied, suspended or revoked, or who is  
5 otherwise disciplined based on information obtained in a  
6 criminal history background check, shall be entitled to  
7 review the information obtained pursuant to this section and  
8 to appeal the decision pursuant to rules promulgated by the  
9 department.

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

12 F. The provisions of the Criminal Offender  
13 Employment Act shall govern any consideration of criminal  
14 records required or permitted by the Community Health Workers  
15 Act. \_\_\_\_\_

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