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

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

ARTICLE 7.1. COMMUNITY HEALTH WORKERS

36-765. Definitions
IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:
1. "CERTIFIED COMMUNITY HEALTH WORKER" MEANS A COMMUNITY HEALTH WORKER TO WHOM THE DEPARTMENT HAS ISSUED A CERTIFICATE TO PRACTICE AS A CERTIFIED COMMUNITY HEALTH WORKER IN THIS STATE.
3. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.
4. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.
5. "PRACTICE AS A CERTIFIED COMMUNITY HEALTH WORKER" MEANS A COMMUNITY HEALTH WORKER'S APPLICATION OF THE EDUCATION, TRAINING AND EXPERIENCE IN THE CORE COMPETENCIES TO EFFECTIVELY PROVIDE SERVICES TO THE COMMUNITIES AND POPULATIONS THAT THE COMMUNITY HEALTH WORKER SERVES THROUGH ONE OR MORE OF THE COMMUNITY HEALTH WORKER'S ROLES.

36-765.01. Certified community health workers; elements of practice
FOR THE PURPOSES OF THIS ARTICLE, PRACTICE AS A CERTIFIED COMMUNITY HEALTH WORKER INCLUDES:
1. PROVIDING CULTURAL MEDIATION AMONG INDIVIDUALS, COMMUNITIES AND HEALTH AND SOCIAL SERVICE SYSTEMS.
2. PROVIDING CULTURALLY APPROPRIATE HEALTH EDUCATION AND INFORMATION.
3. PROVIDING CARE COORDINATION, CASE MANAGEMENT AND SYSTEM NAVIGATION.
4. PROVIDING COACHING AND SOCIAL SUPPORT.
5. ADVOCATING FOR INDIVIDUALS AND COMMUNITIES.
6. BUILDING INDIVIDUAL AND COMMUNITY CAPACITY.
7. PROVIDING DIRECT SERVICES THAT ARE CONSISTENT WITH THE EDUCATION AND TRAINING REQUIRED FOR CERTIFICATION OF A COMMUNITY HEALTH WORKER.
8. IMPLEMENTING INDIVIDUAL ENVIRONMENTAL ANALYSES AND COMMUNITY NEEDS ASSESSMENTS.
9. CONDUCTING OUTREACH.
10. PARTICIPATING IN EVALUATION AND RESEARCH.
36-765.02. Application for certificate; certification; renewal

A. A person may apply to the director for a certificate to practice as a certified community health worker on a form prescribed by the director and shall furnish information required by the director.

B. The director shall grant a community health worker certificate to a person who meets the qualifications prescribed by this article and rules adopted pursuant to this article and who pays the applicable fees.

C. A certificate is valid for two years and may be renewed once every two years by applying to the director and paying the applicable fees.

D. A person shall file an application for renewal at least thirty days and not more than sixty days before the expiration date of the current certificate.

36-765.03. Powers and duties of director; rules

A. The director, by rule, shall:

1. Prescribe the core competencies of certified community health workers, including skills and areas of knowledge that are essential to bring about expanded health and wellness in diverse communities and to reduce health disparities.

2. Describe and define reasonable and necessary minimum qualifications for certified community health workers.

3. Establish standards and requirements for the establishment of certified community health worker education and training programs in this state.

4. Adopt standards and requirements for the approval or acceptance of continuing education courses and programs for the renewal of a certificate.

5. Establish minimum education, training, experience and other qualifications that a certified community health worker must possess to qualify as a trainer in any education, training or continuing education program for certified community health workers.

6. Establish the criteria for granting, denying, suspending and revoking a certificate in order to protect the health and safety of the public.

B. The director may adopt rules:

1. That are necessary for the proper administration and enforcement of this article.

2. That allow for reciprocity agreements, including with the Indian health service.

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

A. The director may deny, suspend or revoke the certificate of any community health worker who:
1. Violates any provision of this article or rule adopted pursuant to this article.
2. Has been convicted of a felony or a misdemeanor involving moral turpitude.
3. Indulges in conduct or a practice detrimental to the health or safety of the public.

B. The director may deny a certificate without holding a hearing. An applicant may appeal this decision pursuant to Title 41, Chapter 6, Article 10.

C. The director shall conduct a hearing to suspend or revoke a certificate in accordance with the procedures established pursuant to Title 41, Chapter 6, Article 10. If the director determines after a hearing that grounds exist to suspend or revoke a certificate, the director may do so permanently or for any period of time and under any conditions the director deems appropriate. An applicant for certification or recertification may appeal the final decision of the director.

D. In addition to other disciplinary action, the director may assess a civil penalty of not more than one hundred dollars for each violation of this article or rule adopted pursuant to this article as determined at a hearing held pursuant to this section. Each day that a violation continues constitutes a separate offense. The attorney general or the county attorney may bring an action in the name of this state to enforce a civil penalty. The action shall be filed in the superior court or in justice court in the county where the violation occurred.

E. In addition to other available remedies, the director may apply to the superior court for an injunction to restrain a person from violating this article or a rule adopted pursuant to this article. The court shall grant a temporary restraining order, a preliminary injunction or a permanent injunction without bond. The person may be served in any county of this state. The action shall be brought on behalf of the director by the attorney general or the county attorney of the county in which the violation occurred.

36-765.05. Investigations; evidence; confidentiality

A. The director may investigate information that indicates a person may be violating this article. In connection with an investigation, the director may examine and copy documents and other physical evidence wherever located that relate to the conduct or competency of a community health worker pursuant to the requirements of this article.

B. Pursuant to an investigation or an administrative proceeding, the director may issue subpoenas to compel the testimony of witnesses or to demand the production of relevant documents and other physical evidence. If a person refuses to comply with a subpoena, the director may 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.
3. Standards and requirements for community health worker education and training programs.
4. Standards and requirements for continuing education courses and programs.
5. Minimum education and training standards for educators.
6. The type of certification examination or other means to assess community health worker competency for certification.
7. Standards for unprofessional conduct.
8. Any other matter as requested by the director.
8. This section is repealed from and after December 31, 2022.