

By: Zerwas

H.B. No. 2244

A BILL TO BE ENTITLED

AN ACT

1
2 relating to expanding the use of and funding for promotoras,
3 patient health navigators, and community health workers in this
4 state.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 48, Health and Safety Code, is amended to
7 read as follows:

8 CHAPTER 48. [~~TRAINING AND REGULATION OF~~] PROMOTORAS, PATIENT HEALTH
9 NAVIGATORS, AND COMMUNITY HEALTH WORKERS

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 48.001. DEFINITIONS. In this chapter:

12 (1) "Advisory committee" means the Promotora Program
13 Development Advisory Committee.

14 (2) "Commission" means the Health and Human Services
15 Commission.

16 (3) "Compensation" includes receiving payment or
17 receiving reimbursement for expenses.

18 (4) "Executive commissioner" means the executive
19 commissioner of the Health and Human Services Commission.

20 (5) [~~(2)~~] "Promotora," "patient health navigator," or
21 "community health worker" means a person who, with or without
22 compensation, provides a liaison between health care providers and
23 patients through activities that may include activities such as
24 assisting in case conferences, providing patient education, making

1 referrals to health and social services, conducting needs
2 assessments, distributing surveys to identify barriers to health
3 care delivery, making home visits, and providing bilingual language
4 services.

5 SUBCHAPTER B. TRAINING AND REGULATION OF PROMOTORAS, PATIENT
6 HEALTH NAVIGATORS, AND COMMUNITY HEALTH WORKERS

7 Sec. 48.051 [~~48.002~~]. PROMOTORA, PATIENT HEALTH NAVIGATOR,
8 AND COMMUNITY HEALTH WORKER TRAINING PROGRAM. (a) The commission
9 [~~department~~] shall establish and operate a program designed to
10 train and educate persons who act as promotoras, patient health
11 navigators, or community health workers. In establishing the
12 training program, the commission [~~department~~], to the extent
13 possible, shall consider the report and any findings of the
14 advisory committee and implement any applicable recommendations of
15 the advisory committee [~~Promotora Program Development Committee~~].

16 (b) Participation in a training and education program
17 established under this section is voluntary for a promotora,
18 patient health navigator, or community health worker who provides
19 services without receiving any compensation and mandatory for a
20 promotora, patient health navigator, or community health worker who
21 provides services for compensation. The executive commissioner
22 [~~board~~] may adopt rules to exempt a promotora, patient health
23 navigator, or community health worker from mandatory training who
24 has served for three or more years or who has 1,000 or more hours of
25 experience.

26 Sec. 48.052 [~~48.003~~]. CERTIFICATION PROGRAM FOR
27 PROMOTORAS, PATIENT HEALTH NAVIGATORS, AND COMMUNITY HEALTH

1 WORKERS. (a) The commission [~~department~~] shall establish and
2 operate a certification program for persons who act as promotoras,
3 patient health navigators, or community health workers. In
4 establishing the program, the executive commissioner [~~board~~] shall
5 adopt rules that provide minimum standards and guidelines,
6 including participation in the training and education program under
7 Section 48.051 [~~48.002~~], for issuance of a certificate to a person
8 under this section. In adopting the minimum standards and
9 guidelines, the executive commissioner [~~board~~] shall consider the
10 report and any findings of the advisory committee and adopt any
11 applicable recommendations of the advisory committee [~~Promotora~~
12 ~~Program Development Committee~~].

13 (b) Receipt of a certificate issued under this section may
14 not be a requirement for a person to act as a promotora, patient
15 health navigator, or community health worker without receiving any
16 compensation and is a requirement for a person to act as a
17 promotora, patient health navigator, or community health worker for
18 compensation.

19 (c) The commission [~~Health and Human Services Commission~~]
20 shall require health and human services agencies to use certified
21 promotoras to the extent possible in health outreach and education
22 programs for recipients of medical assistance under Chapter 32,
23 Human Resources Code.

24 Sec. 48.053. RULES. The executive commissioner shall adopt
25 rules for the administration of this subchapter.

26 SUBCHAPTER C. MAXIMIZING BENEFITS FROM EMPLOYMENT OF
27 PROMOTORAS, PATIENT HEALTH NAVIGATORS, AND COMMUNITY HEALTH

WORKERS

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2 Sec. 48.101. PROMOTORA PROGRAM DEVELOPMENT ADVISORY
3 COMMITTEE. (a) The commission shall establish a statewide
4 Promotora Program Development Advisory Committee composed of
5 representatives from relevant entities and state agencies
6 appointed by the executive commissioner. The executive
7 commissioner shall appoint a member of the advisory committee as
8 presiding officer of the advisory committee.

9 (b) The advisory committee shall assist the commission in:

10 (1) developing the model plan described by Section
11 48.102;

12 (2) interpreting, including performing a cost-benefit
13 analysis, the results of studies and other information related to
14 the employment and funding of promotoras, patient health
15 navigators, and community health workers;

16 (3) developing recommendations for a sustainable
17 program for promotoras, patient health navigators, and community
18 health workers consistent with the purposes of this subchapter; and

19 (4) preparing the report required by Section 48.103.

20 (c) Chapter 2110, Government Code, applies to the advisory
21 committee.

22 Sec. 48.102. MODEL PLAN. The commission shall create and
23 implement a model plan to:

24 (1) maximize the employment of and access to
25 promotoras, patient health navigators, and community health
26 workers where practicable; and

27 (2) expand funding and reimbursement for services

1 provided by promotoras, patient health navigators, and community
2 health workers.

3 Sec. 48.103. COMMISSION STUDY. (a) The commission shall:

4 (1) study the desirability and feasibility of
5 employing promotoras, patient health navigators, and community
6 health workers to provide publicly and privately funded health
7 services in this state; and

8 (2) explore methods of funding and reimbursing
9 promotoras, patient health navigators, and community health
10 workers for the provision of health care services.

11 (b) In conducting the study required by Subsection (a), the
12 commission shall consult:

13 (1) relevant national organizations engaged in the
14 development of community health worker policy;

15 (2) the advisory committee; and

16 (3) other individuals or organizations the commission
17 considers necessary to prepare and implement the model plan under
18 Section 48.102.

19 (c) The commission shall use the findings of the study
20 required by Subsection (a) in creating and implementing the model
21 plan under Section 48.102.

22 (d) On or before December 1, 2012, the commission shall
23 submit to the legislature a report regarding the impact of the
24 implementation of the model plan described by Section 48.102 on:

25 (1) the cost of avoidable health care expenses in this
26 state;

27 (2) the efficiency and quality of health care services

1 provided in this state; and

2 (3) the access of individuals in this state to health
3 care services.

4 (e) This section expires December 31, 2012.

5 SECTION 2. The heading to Subtitle B, Title 2, Health and
6 Safety Code, is amended to read as follows:

7 SUBTITLE B. [~~TEXAS DEPARTMENT OF~~] HEALTH PROGRAMS

8 SECTION 3. Not later than December 31, 2011, the Health and
9 Human Services Commission shall:

10 (1) establish the Promotora Program Development
11 Advisory Committee as required by Section 48.101, Health and Safety
12 Code, as added by this Act;

13 (2) adopt the rules required by Section 48.053, Health
14 and Safety Code, as added by this Act; and

15 (3) implement the model plan required by Section
16 48.102, Health and Safety Code, as added by this Act.

17 SECTION 4. (a) On September 1, 2011, the promotora, patient
18 health navigator, and community health worker training program
19 described by Section 48.051, Health and Safety Code, as added by
20 this Act, and the certification program for promotoras, patient
21 health navigators, and community health workers described by
22 Section 48.052, Health and Safety Code, as added by this Act, are
23 transferred from the Department of State Health Services to the
24 Health and Human Services Commission.

25 (b) The rules of the promotora, patient health navigator,
26 and community health worker training program and certification
27 program for promotoras, patient health navigators, and community

1 health workers are continued in effect until superseded by rules
2 adopted by the executive commissioner of the Health and Human
3 Services Commission.

4 SECTION 5. If before implementing any provision of this Act
5 a state agency determines that a waiver or authorization from a
6 federal agency is necessary for implementation of that provision,
7 the agency affected by the provision shall request the waiver or
8 authorization and may delay implementing that provision until the
9 waiver or authorization is granted.

10 SECTION 6. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2011.