

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

HOUSE BILL 2324

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)

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

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

4 ARTICLE 7.1. COMMUNITY HEALTH WORKERS

5 36-765. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "CERTIFIED COMMUNITY HEALTH WORKER" MEANS A COMMUNITY HEALTH
8 WORKER TO WHOM THE DEPARTMENT HAS ISSUED A CERTIFICATE TO PRACTICE AS A
9 CERTIFIED COMMUNITY HEALTH WORKER IN THIS STATE.

10 2. "COMMUNITY HEALTH WORKER" MEANS A NONMEDICAL HEALTH WORKER WHO
11 SERVES AS A LIAISON FOR HEALTH AND COMMUNITY SERVICE PROVIDERS AND
12 ENROLLEES TO FACILITATE ACCESS TO SERVICES AND IMPROVE THE QUALITY OF
13 SERVICE DELIVERY, INCLUDING THE COORDINATION OF SERVICES TO IMPROVE
14 MEDICAL AND BEHAVIORAL HEALTH OUTCOMES.

15 3. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.

16 4. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.

17 5. "PRACTICE AS A CERTIFIED COMMUNITY HEALTH WORKER" MEANS A
18 COMMUNITY HEALTH WORKER'S APPLICATION OF THE EDUCATION, TRAINING AND
19 EXPERIENCE IN THE CORE COMPETENCIES TO EFFECTIVELY PROVIDE SERVICES TO THE
20 COMMUNITIES AND POPULATIONS THAT THE COMMUNITY HEALTH WORKER SERVES
21 THROUGH ONE OR MORE OF THE COMMUNITY HEALTH WORKER'S ROLES.

22 36-765.01. Application for certificate; certification;
23 renewal

24 A. A PERSON MAY APPLY TO THE DIRECTOR FOR A CERTIFICATE TO PRACTICE
25 AS A CERTIFIED COMMUNITY HEALTH WORKER ON A FORM PRESCRIBED BY THE
26 DIRECTOR AND SHALL FURNISH INFORMATION REQUIRED BY THE DIRECTOR.

27 B. THE DIRECTOR SHALL GRANT A COMMUNITY HEALTH WORKER CERTIFICATE
28 TO A PERSON WHO MEETS THE QUALIFICATIONS PRESCRIBED BY THIS ARTICLE AND
29 RULES ADOPTED PURSUANT TO THIS ARTICLE AND WHO PAYS THE APPLICABLE FEES.

30 C. A CERTIFICATE IS VALID FOR TWO YEARS AND MAY BE RENEWED ONCE
31 EVERY TWO YEARS BY APPLYING TO THE DIRECTOR AND PAYING THE APPLICABLE
32 FEES.

33 D. A PERSON SHALL FILE AN APPLICATION FOR RENEWAL AT LEAST THIRTY
34 DAYS AND NOT MORE THAN SIXTY DAYS BEFORE THE EXPIRATION DATE OF THE
35 CURRENT CERTIFICATE.

36 36-765.02. Powers and duties of director; rules

37 A. THE DIRECTOR, BY RULE, SHALL:

38 1. PRESCRIBE THE SCOPE OF PRACTICE AND THE CORE COMPETENCIES OF
39 CERTIFIED COMMUNITY HEALTH WORKERS, INCLUDING SKILLS AND AREAS OF
40 KNOWLEDGE THAT ARE ESSENTIAL TO BRING ABOUT EXPANDED HEALTH AND WELLNESS
41 IN DIVERSE COMMUNITIES AND TO REDUCE HEALTH DISPARITIES.

42 2. DESCRIBE AND DEFINE REASONABLE AND NECESSARY MINIMUM
43 QUALIFICATIONS, INCLUDING EDUCATION AND TRAINING REQUIREMENTS, FOR
44 CERTIFIED COMMUNITY HEALTH WORKERS.

1 3. ESTABLISH STANDARDS AND REQUIREMENTS FOR THE ESTABLISHMENT OF
2 CERTIFIED COMMUNITY HEALTH WORKER EDUCATION AND TRAINING PROGRAMS IN THIS
3 STATE.

4 4. ADOPT STANDARDS AND REQUIREMENTS FOR THE APPROVAL OR ACCEPTANCE
5 OF CONTINUING EDUCATION COURSES AND PROGRAMS FOR THE RENEWAL OF A
6 CERTIFICATE.

7 5. ESTABLISH MINIMUM EDUCATION, TRAINING, EXPERIENCE AND OTHER
8 QUALIFICATIONS THAT A CERTIFIED COMMUNITY HEALTH WORKER MUST POSSESS TO
9 QUALIFY AS A TRAINER IN ANY EDUCATION, TRAINING OR CONTINUING EDUCATION
10 PROGRAM FOR CERTIFIED COMMUNITY HEALTH WORKERS.

11 6. ESTABLISH THE CRITERIA FOR GRANTING, DENYING, SUSPENDING AND
12 REVOKING A CERTIFICATE IN ORDER TO PROTECT THE HEALTH AND SAFETY OF THE
13 PUBLIC.

14 B. THE DIRECTOR MAY ADOPT RULES:

15 1. THAT ARE NECESSARY FOR THE PROPER ADMINISTRATION AND ENFORCEMENT
16 OF THIS ARTICLE.

17 2. THAT ALLOW FOR RECIPROCITY AGREEMENTS, INCLUDING WITH THE INDIAN
18 HEALTH SERVICE.

19 C. THE DIRECTOR SHALL WAIVE THE MINIMUM TRAINING AND EDUCATION
20 REQUIREMENTS FOR CERTIFICATION FOR APPLICANTS WHO PROVIDE DOCUMENTATION OF
21 AT LEAST NINE HUNDRED SIXTY HOURS OF PAID OR VOLUNTEER EXPERIENCE
22 PROVIDING COMMUNITY HEALTH WORKER SERVICES IN THE CORE COMPETENCIES DURING
23 THE PREVIOUS THREE YEARS IN A LICENSED HEALTH CARE FACILITY OR IN THE
24 SERVICE OF A LICENSED HEALTH CARE PROVIDER OR A CONTRACTOR UNDER CHAPTER
25 29, ARTICLE 1 OF THIS TITLE.

26 36-765.03. Denial, suspension or revocation of certificate;
27 disciplinary action; appeal

28 A. THE DIRECTOR MAY DENY, SUSPEND OR REVOKE THE CERTIFICATE OF ANY
29 COMMUNITY HEALTH WORKER WHO:

30 1. VIOLATES ANY PROVISION OF THIS ARTICLE OR RULE ADOPTED PURSUANT
31 TO THIS ARTICLE.

32 2. HAS BEEN CONVICTED OF A FELONY OR A MISDEMEANOR INVOLVING MORAL
33 TURPITUDE.

34 3. INDULGES IN CONDUCT OR A PRACTICE DETRIMENTAL TO THE HEALTH OR
35 SAFETY OF THE PUBLIC.

36 B. THE DEPARTMENT MAY DENY, SUSPEND OR REVOKE A CERTIFICATE WITHOUT
37 HOLDING A HEARING. AFTER RECEIVING NOTIFICATION OF THE DENIAL, SUSPENSION
38 OR REVOCATION, THE APPLICANT MAY REQUEST A HEARING TO REVIEW THE DENIAL,
39 SUSPENSION OR REVOCATION. IF REQUESTED, THE DEPARTMENT SHALL CONDUCT A
40 HEARING TO DENY, SUSPEND OR REVOKE A CERTIFICATE PURSUANT TO TITLE 41,
41 CHAPTER 6, ARTICLE 10.

42 C. IF THE DIRECTOR DETERMINES PURSUANT TO A HEARING THAT GROUNDS
43 EXIST TO DENY, SUSPEND OR REVOKE A CERTIFICATE, THE DIRECTOR MAY DO SO
44 PERMANENTLY OR FOR A FIXED PERIOD OF TIME AND MAY IMPOSE CONDITIONS AS
45 PRESCRIBED BY RULE.

1 D. A CERTIFIED COMMUNITY HEALTH WORKER EMPLOYED BY A TRIBE WHO
2 VIOLATES THIS SECTION SHALL BE UNDER TRIBAL GOVERNMENT JURISDICTION. IF
3 THE WORKER IS DETERMINED TO HAVE VIOLATED THIS SECTION, THE INFORMATION
4 PROVIDED TO THE DIRECTOR MAY RESULT IN THE DENIAL, SUSPENSION OR
5 REVOCATION OF THE WORKER'S CERTIFICATION. INTERNAL HEARINGS, APPEALS OR
6 PENALTIES RESULTING FROM DISCIPLINARY ACTIONS BY A TRIBAL GOVERNMENT ARE
7 DEEMED AS THE FINAL DECISION IN ACCORDANCE WITH THIS SECTION.

8 36-765.04. Investigations; evidence

9 THE DIRECTOR MAY INVESTIGATE INFORMATION THAT INDICATES A PERSON MAY
10 BE VIOLATING THIS ARTICLE. IN CONNECTION WITH AN INVESTIGATION, THE
11 DIRECTOR MAY EXAMINE AND COPY DOCUMENTS AND OTHER PHYSICAL EVIDENCE
12 WHEREVER LOCATED THAT RELATE TO THE CONDUCT OR COMPETENCY OF A COMMUNITY
13 HEALTH WORKER PURSUANT TO THE REQUIREMENTS OF THIS ARTICLE.

14 36-765.05. Fees; use

15 THE DIRECTOR, BY RULE, SHALL ESTABLISH AND COLLECT NONREFUNDABLE
16 FEES FOR CERTIFICATION THAT ARE CONSISTENT WITH FEES THAT ARE PRESCRIBED
17 PURSUANT TO SECTION 36-1908. THE DEPARTMENT SHALL DEPOSIT THE FEES IN A
18 SEGREGATED ACCOUNT IN THE HEALTH SERVICES LICENSING FUND ESTABLISHED BY
19 SECTION 36-414.

20 36-765.06. Certification not required

21 THIS ARTICLE DOES NOT REQUIRE COMMUNITY HEALTH WORKERS TO BE
22 CERTIFIED BY THE DEPARTMENT IN ORDER TO PRACTICE AS A COMMUNITY HEALTH
23 WORKER.

24 36-765.07. Public contracts; no preference

25 THIS STATE AND POLITICAL SUBDIVISIONS OF THIS STATE MAY NOT PROVIDE
26 A PREFERENCE IN AWARDING A PUBLIC CONTRACT FOR SERVICES PROVIDED BY A
27 CERTIFIED COMMUNITY HEALTH WORKER OR AN ENTITY THAT EMPLOYS CERTIFIED
28 COMMUNITY HEALTH WORKERS.

29 Sec. 2. Community health workers advisory council; delayed
30 repeal

31 A. The community health workers advisory council is established
32 consisting of nine members, the majority of whom are community health
33 workers, who are residents of this state, who represent the geographic
34 region of this state where they reside and who are appointed by the
35 director of the department of health services. The council shall make
36 recommendations to the department regarding:

37 1. Core competencies for the certification of community health
38 workers.

39 2. Minimum education and training qualifications for certified
40 community health workers.

41 3. Standards and requirements for community health worker education
42 and training programs.

43 4. Standards and requirements for continuing education courses and
44 programs.

- 1 5. Minimum education and training standards for educators.
- 2 6. The type of certification examination or other means to assess
- 3 community health worker competency for certification.
- 4 7. Standards for unprofessional conduct.
- 5 8. Any other matter as requested by the director.
- 6 B. This section is repealed from and after December 31, 2022.