

TITLE 25 HEALTH SERVICES
PART 1 DEPARTMENT OF STATE HEALTH SERVICES
CHAPTER 146 TRAINING AND CERTIFICATION OF PROMOTORES OR
 COMMUNITY HEALTH WORKERS

§146.1. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Applicant--A person who applies to the department for a certificate of competency as a promotor(a) or community health worker, an instructor, or a training program.
- (2) Certificate--Certificate issued to a promotor(a) or community health worker, instructor, or training program by the department.
- (3) Certified Training Curriculum--An educational, community health training curriculum approved by the department for the purpose of training promotores or community health workers or instructors.
- (4) Commission--The Texas Health and Human Services Commission.
- (5) Commissioner--The Commissioner of the Department of State Health Services.
- (6) Committee--Promotor(a) or Community Health Worker Training and Certification Advisory Committee.
- (7) Compensation--Receiving payment or receiving reimbursement for expenses.
- (8) Core Competencies--Key skills for a promotor(a) or community health worker required for certification by the department as listed in policy at www.dshs.texas.gov.
- (9) Department--The Department of State Health Services.
- (10) Executive Commissioner--The Executive Commissioner of the Texas Health and Human Services Commission.
- (11) Instructor--A person certified by the department to provide instruction and training in one or more core competencies to promotores or community health workers.
- (12) Program--The Promotor(a) or Community Health Worker Training and Certification Program established by the department to provide standards and guidelines for issuance of a certificate.
- (13) Promotor(a) or Community Health Worker--A person who, with or without compensation, provides a liaison between health care providers and patients through activities such as assisting in case conferences, providing patient

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

(14) Training program--An organization approved by the department to deliver a certified training curriculum to promotores or community health workers or instructors.

§146.2. Applicability and Exemption.

(a) The provisions of this chapter apply to:

(1) a training program that delivers a certified training curriculum for promotores or community health workers;

(2) an instructor representing that the instructor trains promotores or community health workers; or

(3) a promotor(a) or community health worker representing that the promotor(a) or community health worker performs as a certified promotor(a) or community health worker.

(b) Certification under this chapter is voluntary for a promotor(a) or community health worker who provides services without receiving compensation and mandatory for a promotor(a) or community health worker who provides services for compensation.

(c) Application and certification procedures are outlined in policy and can be found online at www.dshs.texas.gov.

(d) The department or commission may develop a specialty certification and continuing education for promotores or community health workers or instructors that may be certified by the department directly.

§146.3. Promotor(a) or Community Health Worker Training and Certification Advisory Committee.

(a) Committee. The committee is established by the department under Health and Safety Code, §48.101.

(b) Applicable law. The committee is subject to Government Code, Chapter 2110, concerning state agency advisory committees. In accordance with Section 2110.006, the department evaluates the committee annually. If the committee is not continued or consolidated, the committee shall be abolished on August 31, 2023.

(c) Purpose and tasks.

(1) The committee shall advise the department and the commission on the implementation of standards, guidelines, and requirements relating to the training and regulation of persons working as promotores or community health workers.

(2) The committee shall advise the department on matters related to the employment and funding of promotores or community health workers.

(3) The committee shall provide to the department recommendations for a sustainable Program for promotores or community health workers.

(d) Composition. The committee shall be composed of nine members appointed by the Commissioner from the following categories:

(1) five promotores or community health workers currently certified by the department;

(2) one public member, which may include a consumer of community health worker services or a person with paid or volunteer experience in community health care or social services;

(3) one member from the Higher Education Coordinating Board, or a higher education faculty member who has teaching experience in community health, public health or adult education and has trained promotores or community health workers; and

(4) two professionals who work with promotores or community health workers in a community setting, including employers and representatives of non-profit community-based organizations or faith-based organizations.

(e) Terms of office. The term of office of each member shall be three years, and a member may apply to be reappointed for up to one additional term.

(1) If a vacancy occurs, a person shall be appointed to serve the unexpired portion of that term.

(2) Members shall be appointed for staggered terms so that the terms of three members will expire on August 31st of each year.

(f) Officers. The Commissioner shall appoint a member of the advisory committee as presiding officer after August 31st of each year.

(1) The committee may elect a member of the advisory committee as an assistant presiding officer.

(2) An officer position, either presiding or assistant presiding officer, must be occupied by a promotor(a) or a community health worker member.

(3) Each officer shall serve until the next appointment of officers.

(4) The presiding officer shall preside at all committee meetings at which the presiding officer is in attendance, call meetings in accordance with this section, appoint subcommittees of the committee as necessary, and cause proper reports to be made to the Executive Commissioner. The presiding officer may serve as an ex-officio member of any subcommittee of the committee.

(5) The assistant presiding officer shall perform the duties of the presiding

officer in case of the absence or disability of the presiding officer. In case the office of presiding officer becomes vacant, the assistant presiding officer will serve until the Commissioner appoints a successor to complete the unexpired portion of the term of the office of presiding officer.

(6) A member shall serve no more than two consecutive terms as an officer of the committee.

(7) The committee may reference its officers by other terms, such as chairperson and vice-chairperson.

(g) Meetings. The committee shall meet quarterly to conduct committee business.

(1) A meeting may be called by agreement of department staff and either the presiding officer or at least three members of the committee.

(2) Department staff makes meeting arrangements and contacts committee members to determine availability for a meeting date and place.

(3) Each meeting of the committee shall be announced and conducted in accordance with the Open Meetings Act, Government Code, Chapter 551. The committee is not a "governmental body" as defined in the Open Meetings Act. Meetings may be conducted in person, through conference call, or by means of other technology.

(4) Each member of the committee shall be informed of a committee meeting at least five working days before the meeting.

(5) Five members of the committee shall constitute a quorum for the purpose of transacting official business.

(6) The committee is authorized to transact official business only when in a legally constituted meeting with a quorum present, as specified in paragraph (3) of this subsection.

(7) The agenda for each committee meeting shall include an item entitled public comment under which any person will be allowed to address the committee on matters relating to the business of the committee. Public comment procedures shall be in accordance with Health and Human Services policy.

(h) Attendance. Members shall attend committee meetings as scheduled. Members shall attend meetings of subcommittees to which the member is assigned.

(1) A member shall notify the presiding officer or appropriate department staff if a member is unable to attend a scheduled meeting.

(2) It is grounds for removal from the committee if a member:

(A) cannot discharge the member's duties for a substantial part of the term for which the member is appointed because of illness or disability;

(B) is absent from more than half of the committee and subcommittee

meetings during a calendar year; or

(C) is absent from three consecutive committee meetings.

(3) The validity of an action of the committee is not affected by the fact that it is taken when a ground for removal of a member exists.

(i) Staff. The department provides staff support for the committee.

(j) Procedures. Committee bylaws shall be the basis of parliamentary decisions except where otherwise provided by law or rule.

(1) An action taken by the committee must be approved by a majority vote of the members voting once quorum is established.

(2) Each member shall have one vote.

(3) A member may not authorize another person to represent the member by proxy.

(4) The committee shall make decisions in the discharge of its duties without discrimination based on any person's race, creed, gender, religion, national origin, age, physical condition, or economic status.

(5) The department staff will take minutes of each committee meeting and the committee will review the minutes for possible approval at the next scheduled meeting.

(k) Subcommittees. The committee may establish subcommittees as necessary to assist the committee in carrying out its duties.

(1) The presiding officer shall appoint members of the committee to serve on subcommittees and to act as subcommittee chairpersons. The presiding officer may also appoint nonmembers of the committee to serve on subcommittees. Subcommittee members shall serve for a term of one year expiring August 31.

(2) Subcommittees shall be composed of no more than four members of the committee and no more than three nonmembers. The committee shall maintain a roster of each subcommittee.

(3) Subcommittees shall meet when called by the subcommittee chairperson or when so directed by the committee.

(4) A subcommittee chairperson shall make regular reports to the advisory committee at each committee meeting or in interim written reports as needed. The reports shall include an executive summary or minutes of each subcommittee meeting.

(l) Statement by members.

(1) The Executive Commissioner, the Commissioner, the department, and the committee shall not be bound in any way by any statement or action on the part of

any committee member except when a statement or action is in pursuit of specific instructions from the Executive Commissioner, the Commissioner, the department, or committee.

(2) The committee and its members shall follow the policy and provisions as outlined in the statement by members document in accordance with adopted committee bylaws.

(m) Reports. The committee shall prepare and file an annual written report with the Commissioner.

(1) The report shall list:

(A) the meeting dates of the committee and any subcommittees;

(B) the attendance records of its members;

(C) a brief description of actions taken by the committee;

(D) a description of how the committee has accomplished the tasks given to the committee by the department and the commission;

(E) anticipated activities of the committee for the next year; and

(F) any amendments to this section requested by the committee.

(2) The report shall identify the costs related to the committee.

(3) The report shall cover the meetings and activities in the immediate preceding calendar year and shall be filed with the Commissioner by April 30 of each year.

(n) Reimbursement for expenses. In accordance with the requirements set forth in the Government Code, Chapter 2110, a committee member may receive reimbursement for the member's travel expenses incurred for each day the member engages in official committee business if authorized by the General Appropriations Act or budget execution process. The committee shall follow reimbursement requirements as outlined in the committee bylaws.

§146.4. Certification of Training Programs.

(a) Minimum eligibility requirements for training programs. The following requirements apply to organizations applying for certification:

(1) physical location in Texas;

(2) experience in training promotores or community health workers, health care professionals, or paraprofessionals and training experience within the past two years and related to the core competencies; and

(3) affiliation with one or more instructors currently certified by the department.

(b) Application requirements for training programs. The department specifies the

required information and documentation that an applicant shall complete and notifies the applicant if the application is incomplete.

(c) Application approval. The department approves an application which complies with the requirements set in policy and which properly documents applicant eligibility.

(d) Disapproved applications.

(1) The department may disapprove an application if the applicant:

(A) has not met the eligibility and application requirements set out in this chapter; or

(B) has failed or refused to properly complete or submit required information or has knowingly presented false or misleading information in the application process.

(2) If the department determines that an application should not be approved because it is incomplete, the department gives the applicant written notice of the reason for the disapproval and the opportunity for re-application.

(3) An applicant whose application has been disapproved for a reason other than that it is incomplete may appeal the disapproval under the fair hearing procedures found in Chapter 1, Subchapter C of this title (relating to Fair Hearing Procedures).

(e) Changes of name and address. Training programs shall notify the department of changes in organization name, contact information, mailing address, or physical location within 30 calendar days after the change.

(f) Certificate.

(1) Upon approval of the application, the department issues the training program a certificate with an expiration date and a certificate number.

(2) The department replaces a lost, damaged, or destroyed certificate upon written request.

(g) Standards for the approval of certification and continuing education curricula. Training programs shall follow the guidelines set in policy regarding standards for certification and continuing education curricula for promotores or community health workers or instructors.

(h) Training program responsibilities. A training program shall:

(1) submit an addendum, in a format specified by the department and in compliance with policy, when revising a current, certified curriculum;

(2) ensure curricula are provided by a certified instructor, unless otherwise approved by the department;

(3) provide training to promotores or community health workers or instructors

as applicable to the training program's certifications that includes:

(A) at least one certification course per year; and

(B) at least one continuing education course per certification cycle;

(4) report the names of persons to the department who have successfully completed the training program within seven business days of program completion in a format specified by the department; and

(5) maintain an accurate record of each person's attendance and participation for not less than three years.

(i) Certificate renewal.

(1) A training program shall renew the certificate every two years in accordance with policy. Failure to receive notification from the department before the expiration date will not excuse failure to file for renewal.

(2) Failure to meet the requirements in subsection (h)(3) of this section shall result in denial of the certificate renewal.

(j) Late renewals.

(1) A training program whose certificate has expired for not more than one year may renew the certificate by submitting to the department the completed renewal application. The training program shall not provide training for community health workers or instructors until the certificate has been renewed. A certificate not renewed within one year after expiration cannot be renewed.

(2) A training program whose certification has been expired for more than one year must meet the requirements under subsection (a) of this section and apply for a new certificate.

(k) Right to inspect. The department reserves the right to inspect facilities and documentation and to monitor training programs.

§146.5. Eligibility Requirements and Application Procedures for Community Health Worker Instructors.

(a) Minimum eligibility requirements for instructor certification. The following requirements apply to persons applying for certification:

(1) Texas residency;

(2) at least 18 years of age;

(3) lack of physical or mental impairment, which in accordance with the Americans with Disabilities Act interferes with the performance of duties or otherwise constitutes a hazard to the health or safety of the persons being served; and

(4) achievement of core competencies in instruction or training as identified in policy through completion of certified competency-based instructor training within the past three years or through department verification of at least 1,000 hours related training experience within the past three years.

(b) Application requirements for instructors. The department specifies the required information and documentation that an applicant shall complete and the department notifies the applicant if the application is incomplete.

(c) Application approval. The department approves any application which complies with this chapter and which properly documents applicant eligibility, unless the application is disapproved under the provisions of subsection (d) of this section.

(d) Disapproved applications.

(1) The department may disapprove the application if the applicant:

(A) has not met the eligibility and application requirements set out in this chapter;

(B) has failed or refused to properly complete or submit any required information or has knowingly presented false or misleading information in the application process;

(C) has engaged in unethical conduct as defined in §146.7 of this chapter (relating to Professional and Ethical Standards);

(D) has been convicted of a felony or misdemeanor directly related to the duties and responsibilities of a promotor(a) or community health worker or instructor as set out in §146.8 of this chapter (relating to Enforcement); or

(E) has developed an incapacity which in accordance with the Americans with Disabilities Act prevents the person from practicing with reasonable skill, competence, and safety to the public as the result of:

(i) an illness;

(ii) drug or alcohol dependency; or

(iii) another physical or mental condition or illness.

(2) If the department determines that the application should not be approved because it is incomplete, the department gives the applicant written notice of the reason for the disapproval and the opportunity for re-application.

(3) If the department determines that the application should not be approved because experience requirements are not met, the department gives the applicant written notice of the reason for the disapproval and the opportunity for re-application after sufficient experience is obtained.

(4) An applicant whose application has been disapproved for a reason other than paragraph (2) or (3) in this subsection, may appeal the disapproval under the fair

hearing procedures found in Chapter 1, Subchapter C of this title (relating to Fair Hearing Procedures).

(e) Changes of name and address.

(1) The department changes the status of a certification to inactive upon receipt of notification that the certificate holder no longer lives in Texas.

(2) Notification of name changes shall be submitted to the department and include a copy of a marriage certificate, court decree evidencing such change, Texas driver's license or identification card, or a social security card reflecting the new name before a certificate or identification card is issued by the department.

(f) Certificate.

(1) The department issues the instructor a certificate with an expiration date and a certificate number. An identification card shall be included for a certified instructor.

(2) The department replaces a lost, damaged, or destroyed certificate or identification card upon written request.

(g) An instructor must be affiliated with an approved training program in order to provide department-certified training to certified promotores or community health workers or instructors.

(h) Certificate renewal.

(1) An instructor shall renew the certificate every two years in accordance with policy. Failure to receive notification from the department before the expiration date will not excuse failure to file for renewal.

(2) An instructor must complete at least 20 contact hours of continuing education acceptable to the department and related to the core competencies during each certification period.

(3) Before certificate expiration, an instructor may request one 90-day extension to complete the continuing education requirement and apply for certificate renewal.

(i) Late renewals.

(1) A person whose certificate has expired for not more than one year may renew the certificate by submitting to the department the completed renewal application. An instructor must submit proof of compliance with continuing education requirements for renewal as set out in this section before the late renewal is effective. A certificate issued under this subsection shall expire two years from the date the previous certificate expired.

(2) A person whose certification has been expired for more than one year must meet the requirements under subsection (a) of this section and apply for a new certificate.

§146.6. Eligibility Requirements and Application Procedures for Promotores or Community Health Workers.

(a) Minimum eligibility requirements for promotor(a) or community health worker certification. The following requirements apply to persons applying for certification:

(1) Texas residency;

(2) at least 16 years of age;

(3) lack of physical or mental impairment, which in accordance with the Americans with Disabilities Act interferes with the performance of duties or otherwise constitutes a hazard to the health or safety of the persons being served; and

(4) achievement of core competencies identified in policy through completion of a certified competency-based training provided by an approved training program within the past three years or through verification of at least 1,000 hours of related experience within the past three years.

(b) Application requirements for a promotor(a) or community health worker. The department specifies the required information and documentation that an applicant shall complete and the department notifies the applicant if the application is incomplete.

(c) Application approval. The department approves any application which complies with this chapter and which properly documents applicant eligibility, unless the application is disapproved under the provisions of subsection (d) of this section.

(d) Disapproved applications.

(1) The department may disapprove the application if the applicant:

(A) has not met the eligibility and application requirements set out in this chapter;

(B) has failed or refused to properly complete or submit any required information or has knowingly presented false or misleading information in the application process;

(C) has engaged in unethical conduct as defined in §146.7 of this chapter (relating to Professional and Ethical Standards);

(D) has been convicted of a felony or misdemeanor directly related to the duties and responsibilities of a promotor(a) or community health worker or instructor as set out in §146.8 of this chapter (relating to Enforcement); or

(E) has developed an incapacity, which in accordance with the Americans with Disabilities Act prevents the person from practicing with reasonable skill, competence, and safety to the public as the result of:

(i) an illness;

(ii) drug or alcohol dependency; or

(iii) another physical or mental condition or illness.

(2) If the department determines that the application should not be approved because it is incomplete, the department gives the applicant written notice of the reason for the disapproval and the opportunity for re-application.

(3) If the department determines that the application should not be approved because experience requirements are not met, the department gives the applicant written notice of the reason for the disapproval and the opportunity for re-application after sufficient experience is obtained.

(4) An applicant whose application has been disapproved for a reason other than paragraph (2) or (3) of this subsection, may appeal the disapproval under the fair hearing procedures found in Chapter 1, Subchapter C of this title (relating to Fair Hearing Procedures).

(e) Changes of name and address.

(1) The department changes the status of a certification to inactive upon receipt of notification that the certificate holder no longer lives in Texas.

(2) Notification of name changes must be submitted to the department and include a copy of a marriage certificate, court decree evidencing such change, Texas driver's license or identification card, or a social security card reflecting the new name before a certificate or identification card is issued by the department.

(f) Certificate.

(1) The department issues the promotor(a) or community health worker a certificate with an expiration date and a certificate number. An identification card shall be included for a promotor(a) or community health worker.

(2) The department replaces a lost, damaged, or destroyed certificate or identification card upon written request.

(g) Certificate renewal.

(1) A promotor(a) or community health worker shall renew the certificate every two years in accordance with policy. Failure to receive notification from the department before the expiration date will not excuse failure to file for renewal.

(2) A promotor(a) or community health worker must complete at least 20 contact hours of continuing education acceptable to the department and related to the core competencies during each certification period.

(3) Before certificate expiration, a promotor(a) or community health worker may request one 90-day extension to complete the continuing education requirement and apply for certificate renewal.

(h) Late renewals.

(1) A person whose certificate has expired for not more than one year may renew the certificate by submitting to the department the completed renewal application. A promotor(a) or community health worker must also submit proof of compliance with continuing education requirements for renewal as set out in this section before the late renewal is effective. A certificate issued under this subsection shall expire two years from the date the previous certificate expired.

(2) A person whose certification has been expired for more than one year must meet the requirements under subsection (a) of this section and apply for a new certificate.

§146.7. Professional and Ethical Standards.

(a) A certified training program, instructor, and promotor(a) or community health worker shall observe and comply with the professional and ethical standards of practice set forth in this subchapter. A violation of the professional and ethical standards constitutes unethical conduct or conduct that discredits or tends to discredit the profession of promotores or community health workers or instructors and is grounds for disciplinary action.

(1) Professional representation and responsibilities.

(A) An instructor or promotor(a) or community health worker shall not misrepresent any professional qualifications or credentials or provide any information that is false, deceptive, or misleading.

(B) An instructor or promotor(a) or community health worker shall not engage in conduct that is prohibited by state, federal, or local law, including those laws prohibiting the use, possession, or distribution of drugs or alcohol.

(C) An instructor or promotor(a) or community health worker shall not discriminate based on race, creed, gender, sexual orientation, religion, national origin, age, physical disability, or economic status in the performance of community health work services or training.

(D) An instructor or promotor(a) or community health worker shall maintain knowledge and skills for continuing professional competence by participating in continuing education programs and activities as set out in §146.5(h)(2) of this chapter (relating to Eligibility Requirements and Application Procedures for Community Health Worker Instructors) and §146.6(g)(2) of this chapter (relating to Eligibility Requirements and Application Procedures for Promotores or Community Health Workers), concerning continuing education requirements.

(E) An instructor or promotor(a) or community health worker shall refrain from providing services that are outside the scope of the profession and shall refer a client for those services that the instructor or promotor(a) or community health worker is unable to meet.

(F) An instructor or promotor(a) or community health worker shall be responsible for competent and efficient performance of the instructor or

promotor(a) or community health worker assigned duties and shall report to the department incompetence and illegal or unethical conduct of members of the profession.

(G) An instructor or promotor(a) or community health worker shall not retaliate against any person who reported in good faith to the department alleged incompetence; misrepresentation; or illegal, unethical, or negligent conduct of any instructor or promotor(a) or community health worker.

(H) An instructor or promotor(a) or community health worker shall notify the department of changes in preferred mailing address and telephone number, and email address, if applicable.

(I) A training program shall not make any misleading, deceptive, or false representation in connection with offering or obtaining approval of a certified curriculum.

(J) A training program of a certified curriculum shall not discriminate in decisions regarding student recruitment, selection of applicants, training, or instruction based on race, creed, gender, sexual orientation, religion, national origin, age, physical disability, or economic status.

(2) Relationships with clients.

(A) An instructor or promotor(a) or community health worker shall not accept gratuities for preferential consideration of the client. The instructor or promotor(a) or community health worker shall guard against conflicts of interest.

(B) An instructor or promotor(a) or community health worker shall not violate any provision of any federal or state statute or regulation relating to confidentiality of client communication and records.

§146.8. Enforcement.

(a) The department may disapprove, suspend, or revoke a certification if the applicant or certification holder:

(1) has a criminal conviction that relates to the duties and responsibilities of a training program, instructor, or promotor(a) or community health worker, based on:

(A) the nature and seriousness of the crime;

(B) the length of time since the crime occurred;

(C) how the certification may have facilitated the crime; and

(D) the extent to which certification could create an opportunity to engage in further criminal activity of a similar nature;

(2) falsely represents oneself as a certified training program, instructor, or promotor(a) or community health worker without a certification issued under this

chapter;

(3) obtains or attempts to obtain a certification under this chapter using false information or through bribery;

(4) violates §146.7 of this chapter (relating to Professional and Ethical Standards); or

(5) has a certification in another jurisdiction denied, revoked, suspended, or otherwise subjected to adverse action.

(b) In determining enforcement under this section, the department considers:

(1) the pattern of behavior and severity of the violation;

(2) the length of time since the violation occurred;

(3) any potential harm to the public; and

(4) any previous violation by the applicant or certification holder.

(c) If the department disapproves, suspends, or revokes a certification under this section, the department gives the person written notice of the reason or reasons for the decision and the opportunity to request a fair hearing conducted under Chapter 1, Subchapter C of this title (relating to Fair Hearing Procedures).

(d) A person whose certificate is disapproved or revoked under this section is ineligible for a certificate under this chapter for two years from the date of the disapproval or revocation. Upon disapproval, suspension, or revocation, the certificate holder shall return a certificate or an identification card to the department.

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REPEAL

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§146.8. Violations, Complaints and Subsequent Actions.