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

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

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

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

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

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

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

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

E. "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;

F. "community health worker" means a public health
worker who applies an understanding of the experience,
language and culture of the populations that the individual
serves and who provides direct services aimed at optimizing
individual and family health outcomes, including:
   (1) informal and motivational counseling and
       education;
   (2) interventions to maximize social
       supports;
   (3) care coordination;
   (4) facilitation of access to health care
       and social services;
   (5) health screenings; and
   (6) other services that the secretary
defines by rule;

G. "department" means the department of health;

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

I. "secretary" means the secretary of health.

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

A. The secretary shall adopt and promulgate rules
relating to the following:
(1) establishment and administration of a voluntary program for certification of community health workers, including criteria for:

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

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

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

(4) procedures for disciplinary action relating to applicants or certified community health workers.

Department rules shall include guidelines for:

(a) disciplinary action;
(b) reprimands;
(c) probation;
(d) the denial, suspension or revocation of certification or recertification; and
(e) applicants' appeal rights;

(5) the determination, assessment and
collection of certification fees, recertification fees and
disciplinary fines; and

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

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

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

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

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

(1) residents of the state;

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

(3) composed of:

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

(b) eight additional members, at least
three of whom shall be community health workers.
C. In determining the membership of the board, the secretary shall endeavor to appoint community health worker stakeholders such as health care providers, individuals from institutions of higher learning and members of the community from various geographic regions of the state.

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

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

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

   (3) minimum education, training, experience and other qualifications that a certified community health worker shall possess to qualify as a trainer in any education, training or continuing education program for community health workers;
(4) a means to acknowledge, document and assess relevant education, training and experience or other qualifications acquired by community health workers practicing in the state before the effective date of the Community Health Workers Act for purposes of certification while waiving minimum training and experience requirements established pursuant to Paragraph (1) of Subsection A of Section 3 of the Community Health Workers Act; and

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

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

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

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

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

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

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

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

C. A certified community health worker shall engage only in those activities authorized pursuant to the Community Health Workers Act and by rules adopted and promulgated pursuant to that act. While engaging in practice as a certified community health worker, an individual shall not engage in or perform any act or service for which another professional certificate, license or other legal authority is required. Nothing in this section shall be construed to prevent or restrict the practice, service or activities of any individual simultaneously certified as a community health worker and licensed, certified, registered or otherwise legally authorized in the state to engage in the practice of
another profession if that individual does not, while engaged
in the authorized practice of another profession, use any
name, title, the initials "CCHW" or other designation
indicating that the individual is a certified community
health worker.

SECTION 7. CRIMINAL HISTORY SCREENING.--

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

B. The secretary shall adopt and promulgate rules
to:

(1) require criminal background checks for
applicants;

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

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

C. The department shall comply with applicable
confidentiality requirements of the department of public
safety and the federal bureau of investigation regarding the
dissemination of criminal background check information.

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

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

F. The provisions of the Criminal Offender
Employment Act shall govern any consideration of criminal
records required or permitted by the Community Health Workers
Act.