

Department of Legislative Services
 Maryland General Assembly
 2018 Session

FISCAL AND POLICY NOTE
 Third Reader - Revised

Senate Bill 163
 Finance

(Senator Nathan-Pulliam, *et al.*)

Health and Government Operations

Public Health – Community Health Workers – Advisory Committee and Certification

This bill establishes the State Community Health Worker Advisory Committee within the Maryland Department of Health (MDH) and requires MDH to adopt specified regulations related to the training and certification of community health workers in the State. The bill also establishes the State Community Health Workers Fund.

Uncodified language specifies that it is the intent of the General Assembly that general funds be used to support MDH and the advisory committee in fiscal 2019. When special funds become available, the general fund must be reimbursed for start-up costs.

Fiscal Summary

State Effect: General fund expenditures increase by at least \$67,500 in FY 2019; expenditures increase in FY 2020 for additional personnel and to reflect annualization. Special fund revenues and expenditures increase by an indeterminate amount beginning in FY 2020.

(in dollars)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
SF Revenue	\$0	-	-	-	-
GF Expenditure	\$67,500	\$140,300	\$139,400	\$144,400	\$149,600
SF Expenditure	\$0	-	-	-	-
Net Effect	(\$67,500)	(\$140,300)	(\$139,400)	(\$144,400)	(\$149,600)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill is not anticipated to impact local government finances or operations.

Small Business Effect: Minimal.

Analysis

Bill Summary: “Community health worker” (CHW) means a frontline public health worker who (1) is a trusted member of, or has an unusually close understanding of, the community served; (2) serves as a liaison, link, or intermediary between health and social services and the community to facilitate access to services and improve the quality and cultural competence of service delivery; and (3) builds individual and community capacity by increasing health knowledge and self-sufficiency through a range of activities, including outreach, community education, the provision of information to support individuals in the community, social support, and advocacy.

State Community Health Worker Advisory Committee

The advisory committee consists of 19 members, including the Secretary of Health (or the Secretary’s designee) who must serve as the chair. The remaining 18 members, including 9 CHWs, are appointed by the Governor with the advice and consent of the Senate. Committee members serve staggered four-year terms and are entitled to reimbursement for expenses under the standard State travel regulations. MDH must provide staff support and technical assistance for the advisory committee. Written materials used to conduct the business of the advisory committee must be provided in the preferred language of advisory committee members, as necessary. Training or educational opportunities must be made available to advisory committee members on the formal and informal processes that will be used to conduct the business of the advisory committee.

The advisory committee must hold its first meeting within 30 days after the Governor has appointed the last of the initial appointed members, and must meet at least twice annually to make recommendations regarding:

- CHW training programs, including tiers of training;
- fees for the issuance and renewal of certificates and other services;
- grandfathering provisions;
- criteria for the denial of a certification application, reprimand of a certificate holder, placing a certificate holder on probation, or suspension or revocation of a certificate;
- hearing and appeal procedures;
- criteria for the reinstatement of a suspended or revoked certificate;
- penalties for violations; and
- the appropriate term of a certificate and renewal procedures.

In developing the recommendations, the advisory committee must consult multiple entities, including the Department of Labor, Licensing, and Regulation (DLLR), the Maryland Higher Education Commission, specified professional associations and employers, and

institutions of postsecondary education with programs in nursing, social work, and dietetics.

Required Regulations

MDH, working in collaboration with the advisory committee, must adopt *initial* regulations for the certification of CHWs. The regulations must (1) establish that any individual who completes a CHW training program accredited by MDH is a qualified applicant, and (2) set an initial fee of up to \$75 for the certification of CHWs, which must be adjusted as advised by the advisory committee.

MDH must also (1) keep a current record of all certified CHWs; (2) collect and account for fees; (3) pay all necessary expenses associated with certifying CHWs; (4) keep a complete record of proceedings relating to certified CHWs; and (5) maintain a list of certified CHWs on the MDH website to allow employers and consumers to verify the certification status of CHWs.

MDH may adopt regulations on the procedures for (1) denying a certification application; (2) suspending and revoking certificates; (3) renewing certificates; and (4) otherwise regulating the certification of CHWs. MDH may adopt any additional regulations recommended by the advisory committee for the certification of CHWs.

Certification of Community Health Workers

MDH *may* certify an individual to practice as a CHW in the State. However, certification is not required to work as a CHW. To qualify for certification, an applicant must (1) have completed a CHW training program accredited by MDH and meet any other requirements established by MDH or (2) be exempted by MDH from the training. To apply for certification, an applicant must submit an application to MDH, pay any fee, and submit any additional materials. MDH must issue a certificate to any applicant who meets these requirements.

MDH must establish a deadline after which an individual must be certified to make representations to the public that the individual is a *certified* CHW. After the deadline, unless certified as a CHW, an individual may not represent to the public that the individual is *certified* as a CHW. An individual who violates this prohibition is subject to a penalty determined and collected by MDH.

Accreditation of Certified Community Health Worker Training Programs

Generally, a *certified* CHW training program must be accredited by MDH before operating in the State. However, accreditation is not required to operate a CHW training program

that does not ultimately qualify a trainee to receive certified CHW status. A training program in operation on October 1, 2018, may continue to operate until a deadline established by MDH before which MDH will make a decision regarding applications for accreditation of training programs. An apprenticeship program registered with DLLR may be accredited by MDH as a certified CHW training program.

MDH, working in collaboration with the advisory committee, must adopt regulations establishing a procedure for accrediting CHW training programs. The regulations must include (1) a deadline before which certified CHW training programs in operation on October 1, 2018 must apply for accreditation and (2) a deadline before which MDH will make a decision regarding accreditation applications. MDH must consult with CHW training programs in establishing the time frames required under the bill. The regulations must also include:

- a procedure for reviewing a certified CHW training program's application;
- curriculum requirements;
- a process through which an individual working as a CHW on October 1, 2018, and who already possesses the knowledge taught in a CHW training program may be exempted from specified training requirements;
- requirements for periodic review of an accredited certified CHW training program;
- a process by which MDH must notify a certified CHW training program in operation on October 1, 2018, of any changes needed to comply with MDH accreditation requirements;
- a reasonable deadline before which a certified CHW training program in operation on October 1, 2018, is required to comply with MDH accreditation requirements; and
- a process by which MDH may revoke a certified CHW training program's accreditation that allows for an adequate hearing and chance for appeal.

State Community Health Workers Fund

The fund is a special, nonlapsing fund that must be used to cover MDH's actual direct and indirect costs relating to CHWs. The fund comprises fees collected by MDH, and no other State money may be used to support the fund. MDH may set reasonable fees to cover its expenses relating to the certification of CHWs, as advised by the advisory committee.

Current Law/Background: As required by Chapters 181 and 259 of 2014, MDH and the Maryland Insurance Administration established the Workgroup on Workforce Development for CHWs. The workgroup comprised practicing CHWs and professionals with knowledge of and experience in the provision of CHW services.

The workgroup's June 2015 [final report](#) advised that the CHW is a critical component of health systems, especially where highly trained physicians and nurses are in short supply. The report noted that Maryland already has many CHW programs in place, with an estimated 1,430 CHWs working in the State in 2013; however, there has been a lack of standardization for training. The workgroup defined and described the roles of a CHW in terms that closely track the language in the bill and recommended that certification be considered to meet future professional validation. The workgroup also recommended establishing an oversight body to provide input to the legislature and oversee CHWs, and suggested that the body approve CHW curriculums and training programs. The workgroup advised that grandfathering should be permitted for individuals with 80 hours of training and 4,000 hours of CHW experience, as in the bill, but should end two years after the establishment of a State certification program.

According to data aggregated by the Association of State and Territorial Health Officials, approximately 16 states currently have a CHW training or certification program, laws or regulations establishing CHW certification program requirements, or a licensure requirement for CHW businesses.

State Fiscal Effect: Although the bill does not specify a date by which MDH must begin to issue certifications, this analysis assumes that expenditures begin October 1, 2018, concurrent with the bill's effective date, and that MDH begins issuing certifications on July 1, 2019, pursuant to regulations recommended by the advisory committee. Per the bill, general funds are intended to be used to cover expenses in fiscal 2019, with special fund expenditures beginning in fiscal 2020. Although MDH is required to reimburse the general fund for these start-up costs once special funds are available, this estimate does not include a specific repayment timeline and advises that special fund revenues are likely insufficient to support repayment for the foreseeable future.

An estimated 1,430 CHWs were working in Maryland in 2013. However, the bill does not require an individual to be certified by MDH in order to *work* as a CHW in the State, only to *use the title* of certified CHW. As a result, it is unclear whether a significant number of individuals will seek certification. Thus, this analysis does not include an estimate of special fund revenues. Additionally, as the bill sets the initial application fee for certification at \$75, to be adjusted on the recommendation of the advisory committee, special fund revenues alone are assumed to be insufficient to support certification activities. *For illustrative purposes only*, if 1,000 individuals seek certification in fiscal 2020, special fund revenues increase by \$75,000. This assumes that the \$75 application fee established in the bill is the only fee to become certified, and that no other fees are assessed.

General fund expenditures are estimated to increase by \$67,516 in fiscal 2019 to allow MDH to establish the advisory committee and to prepare for certification the following year. This estimate includes the cost for one full-time program manager to provide staff

support and technical assistance to the advisory committee, assist with the development of initial recommendations and regulations, and to oversee the certification process.

Certification is assumed to begin July 1, 2019. Thus, expenditures increase by approximately \$140,297 in fiscal 2020 to reflect the cost of hiring one additional full-time administrative specialist to assist with data entry, issuance of certificates, and management of documents and records. Fiscal 2020 expenditures are assumed to be a combination of general and special funds as special fund revenues are insufficient to cover the anticipated expenses.

	General Funds	General/Special Funds
	<u>FY 2019</u>	<u>FY 2020</u>
New Permanent Positions	1	1
Salaries and Fringe Benefits	\$58,782	\$133,657
Repayment of General Funds	N/A	-
One-time Start-up Costs	7,890	4,890
Other Operating Expenses	<u>844</u>	<u>1,750</u>
Total Expenditures	\$67,516	\$140,297

Future year expenditures reflect full salaries with annual increases and employee turnover and ongoing operating expenses. To the extent certification activity is low, the additional administrative specialist may not be required, and expenditures may be reduced. If certification activity is high, general fund expenditures may increase to hire additional personnel, as it is unlikely that special fund revenues will be sufficient to support such activities.

Under the bill, MDH is required to adopt regulations establishing an initial fee for certification, which must be adjusted as advised by the advisory committee. Additionally, funds to cover the expenses of MDH related to the certification of CHWs *must be generated by fees* established under the bill. *For illustrative purposes only*, based on the assumption that 1,000 individuals will seek CHW certification, certification fees need to be approximately \$150 *per year*. Should MDH, on the recommendation of the advisory committee, establish a two-year term for certification, the fee would need to be \$300 to cover the expenditures of MDH.

Additional Comment: Senate Bill 988 of 2017, which would have established a new health occupations board to govern the certification of CHWs, passed the Senate with amendments and was referred to the House Health and Government Operations Committee, but no further action was taken. Its cross file, House Bill 1113, passed the House with amendments, received a favorable report with amendments from the Senate Education, Health, and Environmental Affairs Committee, but was subsequently recommitted to committee and no further action was taken.

Additional Information

Prior Introductions: None.

Cross File: HB 490 (Delegate Lam, *et al.*) - Health and Government Operations.

Information Source(s): Maryland Department of Health; Maryland Association of County Health Officers; Association of State and Territorial Health Officials; Department of Legislative Services

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Analysis by: Nathan W. McCurdy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510