

**ARTICLE 33-XX
COMMUNITY HEALTH WORKER**

Chapter
33-XX-01 Community Health Worker

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33-XX-01-01. Definitions.

1. "Abuse" includes mental, physical, sexual, and verbal abuse. "Mental abuse" includes humiliation, harassment, threats of punishment, or deprivation. "Physical abuse" includes hitting, slapping, pinching, kicking, and controlling behavior through corporal punishment. "Sexual abuse" includes sexual harassment, sexual coercion, sexual contact, or sexual assault. "Verbal abuse" includes any use of oral, written, or gestured language that includes disparaging and derogatory terms to clients or their families, or within their hearing distance, to describe clients, regardless of their age, ability to comprehend, or disability.
2. "Certified community health worker" means an individual certified under this chapter to provide preventative services.
3. Chronic condition means a condition that lasts twelve months or longer and requires ongoing medical attention and/or limits a member's activities of daily living.
4. "Competence" means the application and integration of knowledge, skills, ability, and judgment necessary to meet standards.
5. "Deny" means the department's refusal to issue a certification or recertification.
6. "Department" means the state department of health and human services.
7. "Preventative services" means services to prevent a disease, disability, or other health condition or the progression of a disease, disability, or other health

condition which are provided to an individual:

- a. With a chronic condition;
 - b. At risk for a chronic condition who is unable to self-manage the chronic condition; or
 - c. With a documented barrier that affects the individual's health.
8. "Revoke" means the withdrawal by the department of the community health worker certification of an individual for a specified period of time of no less than one year. If no specified period of time is identified by the department, revocation is permanent.
 9. "Supervision" means maintaining accountability to determine whether services provided by a community health worker are adequate and delivered appropriately.
 10. "Suspend" means the temporary withdrawal by the department of the certification of a community health worker for a specified or indefinite period of time not to exceed one year.

History: Effective _____.

General Authority: NDCC 43-66-XX

Law Implemented: NDCC 43-66-XX

33-XX-01-02. Scope of Practice.

1. A community health worker is a frontline public health worker who is certified by the department to provide preventative services.
2. Community health workers may not perform services which require licensure or training outside what is required for community health worker certification.

History: Effective _____.

General Authority: NDCC 43-66-03

Law Implemented: NDCC 43-66-03

33-XX-01-03 Community health worker competencies

A community health worker or community health representative must have the following competencies:

1. Roles, advocacy, and outreach
2. Organization and resources
3. Teaching and capacity building

4. Legal and ethical responsibilities
5. Coordination and documentation
6. Communication and cultural competency
7. Health promotion

History: Effective _____.

General Authority: NDCC 43-66-03

Law Implemented: NDCC 43-66-03

33-XX-01-04. Community health worker certification.

An applicant for community health worker certification shall file an application on forms provided by the department showing to the department's satisfaction that the applicant has satisfied all the requirements of N.D.C.C. chapter 43-66 and these administrative rules, including:

1. Successful completion of one of the following:
 - a. Community health worker training program and internship. An applicant's training program must include the following components and the associated competencies identified in 33-XX-01-03:
 - 1) Understanding the scope;
 - 2) How to find local health systems and resources;
 - 3) Coaching, reinforcing health education;
 - 4) Confidentiality, mandatory reporting, conflict of interest, and ethical practice;
 - 5) Working with a care team and under a care plan, service documentation;
 - 6) Motivational interviewing, active listening, trauma informed care, knowledge of cultural practices in the community; and
 - 7) Health promotion and disease prevention.
 - 8) Two hundred hour or more internship. The internship may include supervised work or be exclusively supervised work.

Community health worker students may function within the scope of practice for community health worker while in class and during the internship while under direct supervision of an instructor or other appropriate individual.

- b. Community health representative trained by the Indian health service to

provide community-based and medically-guided health care, which may include traditional native concepts; or

- c. The applicant had functioned within the scope of practice of a community health worker under supervision.

- a. The supervised work experience must:

- (1) Equal or exceed one thousand hours; and

- (2) Have occurred within three years prior to the date of application.

- b. The applicant's supervisor must provide a letter of recommendation attesting to the applicant's knowledge and abilities while functioning within the scope of practice of a community health worker.

2. The applicant must be eighteen years of age or older;
3. The applicant has submitted the required initial certification fee.
4. The application must be accompanied by the documents, affidavits, and certificates necessary to establish that the applicant has satisfied the requirements of this section.

History: Effective _____.

General Authority: NDCC 43-66-03

Law Implemented: NDCC 43-66-03

33-XX-01-05. Community health worker certification by reciprocity.

An application for community health worker certification by reciprocity shall be considered by the department if the applicant has filed an application on forms provided by the department and the following requirements are met:

1. The applicant holds a current valid license or certification in good standing to practice as a community health worker or community health representative in another state or jurisdiction. Official written verification of licensure or certification status must be received by the department from the other state or jurisdiction.
2. The licensure or certification requirements of the other state or jurisdiction are substantially similar at the time the application for reciprocal certification is submitted as in North Dakota; and
3. The applicant has submitted the required initial certification fee.

History: Effective _____.

General Authority: NDCC 43-66-03

Law Implemented: NDCC 43-66-03

33-XX-01-06. Recertification.

1. Community health worker certifications expire on December 31 of even-numbered years.
2. Certifications may be renewed by December thirty-first of even-numbered years by filing a recertification application on forms provided by the department and a recertification fee if the community health worker's certification is current and in good standing with the department or grounds for denial under section 33-XX-12 do not exist.
3. The applicant who has been certified by the department as a community health worker for less than 6 months is not required to recertify.
4. The applicant must complete 12 hours of department-approved virtual or in-person continuing education in topics related to the scope of practice of a community health worker, including two hours of legal and ethical responsibilities.
5. If the recertification application and recertification fee are not received by December thirty-first, the certification expires, and the community health worker may not practice.
6. If an individual with an expired community health worker certification is identified as continuing to practice, the department will notify the individual and the individual's employer, if known, that the individual must immediately cease practicing until the recertification process is completed and the individual's certification status becomes current.
7. For thirty days after expiration, an expired license may be renewed by submitted the recertification fee.
8. If an expired license is not renewed within thirty days after expiration, an expired license may not be renewed, and an applicant must apply for initial certification.

History: Effective _____.

General Authority: NDCC 43-66-03

Law Implemented: NDCC 43-66-03

33-XX-01-07. Denial of certification or recertification.

1. The department shall deny an application for the issuance of a certification or recertification made by an applicant:
 - a. Who failed to comply with certification or recertification statutes or rules.

- b. Who has been convicted of a crime determined by the department to be substantially related to the qualifications, functions, or duties of a community health worker.
 - c. Who has knowingly provided false information to the department to obtain or attempt to obtain certification or recertification.
 - d. Who is currently under certification or license suspension or discipline in any jurisdiction for any type of professional licensure related to health care.
 - e. Who has previously had a community health worker certification revoked; or
 - f. Who has otherwise violated the laws or rules regarding community health workers.
2. If a certification application is denied by the department, an applicant may request a hearing pursuant to chapter 28-32, in writing, within thirty days of notification of the denial.

History: Effective _____.

General Authority: NDCC 43-66-03

Law Implemented: NDCC 43-66-03

33-XX-01-098. Disciplinary actions.

1. The department may suspend, revoke, or take other such action as provided in this section regarding the certification of a community health worker who:
 - a. Has obtained or attempted to obtain certification as a community health worker by fraud, deceit, or intentional misrepresentation.
 - b. Has been convicted of a crime determined by the department to be substantially related to the qualifications, functions, or duties of a community health worker.
 - c. Has impersonated a licensed health care provider.
 - d. Has operated as a community health worker without a current certification from the department.
 - e. Has intentionally or negligently engaged in conduct that has been determined by the department to have resulted in a significant risk to the health or safety of a client or in injury to a client;
 - f. Used alcohol or drugs to such a degree as to interfere with the community health worker's ability to safely operate.
 - g. Has a physical or mental disability materially affecting the ability of the

community health worker to perform the duties of the profession in a competent manner;

- h. Violates this chapter or North Dakota Century Code chapter 43-66;
 - i. Has failed to cooperate with an investigation or disciplinary action by the department;
 - j. Is incapable of working with reasonable skill, competence, and safety for the public; or
 - k. Has misappropriated the property of, abused, or neglected a client.
2. Any person may file a complaint against a community health worker with the department. The complaint must be signed and state the claims on a document approved by the department. The complaint may include supporting documentation. Put a qualifier such as a complaint form
 3. Upon receiving the complaint, the department shall serve a copy of the complaint and any supporting documentation on the community health worker in the manner prescribed by the North Dakota Rules of Civil Procedure.
 4. The community health worker has twenty days from the date the individual receives the complaint within which to file a response with the department. The response may include supporting documentation.
 5. If the community health worker files a timely response, the department shall consider the complaint, response, and any documentation submitted by the parties, and based on this information, the department may:
 - a. Dismiss the complaint as unfounded; or
 - (1) Determine if there is a reasonable basis to believe the claims or charges are true and subject to action by the board under this chapter;
 - (2) File a formal complaint against the individual in accordance with chapter 28-32; and
 - (3) Schedule and hold a public hearing on the complaint in accordance with chapter 28-32.
 6. If the department determines to initiate formal disciplinary action against the community health worker, the department shall prepare a complaint and serve the complaint, along with a notice of hearing, on the community health worker and thereafter proceed with the matter under chapter 28-32. If the matter is unable to be informally resolved and a hearing is held under chapter 28-32, all hearings must be held in Bismarck unless the department and the community health worker agree otherwise.
 7. If the employer continues to use the individual during the disciplinary action

process, the employer must take reasonable steps to prevent further harm to clients.

History: Effective _____.

General Authority: NDCC 43-66-03

Law Implemented: NDCC 43-66-03