

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: H3/21/97 S3/31/97

A Bill

HOUSE BILL 1633

4
5 By: Representative Wren

For An Act To Be Entitled

9 "AN ACT TO PROVIDE FOR THE DEFINITION, EXAMINATION AND
10 CERTIFICATION OF HEALTH EDUCATORS; TO CREATE THE STATE
11 BOARD OF HEALTH EDUCATION; TO DEFINE THE DUTIES AND POWERS
12 OF THE STATE BOARD OF HEALTH EDUCATION; TO PROVIDE A
13 PENALTY FOR THE VIOLATION OF THIS ACT; AND FOR OTHER
14 PURPOSES."

Subtitle

16
17 "THE HEALTH EDUCATOR PRACTICE ACT."

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20
21 SECTION 1. This act shall be known and may be cited as the "Health
22 Educator Practice Act."

23
24 SECTION 2. It is the purpose of this act to protect the health, safety
25 and welfare of the public by providing for the certification and regulation of
26 persons engaged in the practice of health education who hold themselves under
27 the title of Certified Health Education Specialist or Certified Professional
28 Health Educator.

29
30 SECTION 3. As used in this act:

31 (1) "Board" means the Arkansas Board of Health Education;

32 (2) "Degree" means a baccalaureate or post-baccalaureate degree from a
33 U.S. college or university that was accredited at the time the degree was
34 conferred;

35 (3) "Certified Health Education Specialist" or "CHES" means a person
36 certified by the National Commission for Health Education Credentialing, Inc.,

1 and concurrently certified under this act to engage in the practice of health
2 education in this state;

3 (4) "Certified Professional Health Educator" or "CPHE" means a person
4 certified under this act to engage in the practice of health education in this
5 state;

6 (5) "Provisionally Certified Health Educator" means a person
7 provisionally certified under this act to engage in the practice of health
8 education in this state;

9 (6) "Practice of Health Education" means the integration and
10 application of principles derived from the sciences of biology and physiology,
11 psychology, sociology, and other behavioral sciences and education to enable
12 people, as individuals and as members of social structures, to voluntarily
13 make decisions, modify behaviors, and change social conditions in ways which
14 are health enhancing in any of the following ways:

15 (A) Assessing individual and community needs for health
16 education;

17 (B) Planning effective health education programs;

18 (C) Implementing health education programs;

19 (D) Evaluating the effectiveness of health education programs;

20 (E) Coordinating health education services;

21 (F) Providing resources to health education programs and
22 practices; and

23 (G) Communicating health and health education needs, concerns,
24 and resources; and

25 (7) "Health Educator" means a person engaged in the practice of health
26 education.

27

28 SECTION 4. (a) This article shall not be construed to limit the
29 professional pursuits of:

30 (1) A health educator serving in the armed forces or the Public
31 Health Service of the United States or employed by the Veterans Administration
32 provided that the persons practice of health education is related to the
33 persons service or employment;

34 (2) A licensed physician, pharmacist, nurse, social worker,
35 psychologist, psychological examiner, licensed professional counselor,
36 dietician, dental hygienist, physical therapist, or occupational therapist if

1 the persons practice of health education is incidental to the practice of his
2 or her profession, providing that such persons do not hold themselves out
3 under the title of certified health education specialist, certified
4 professional health educator, or health educator, unless so certified;

5 (3) Any person who has received a doctoral degree from an
6 accredited U. S. college or university in or with a concentration in health
7 education;

8 (4) A nonresident health educator practicing health education in
9 this state if:

10 (A) the health education practice is limited to no more
11 than one hundred eighty (180) consecutive working days; and

12 (B)(1) the health educator is certified under the laws of
13 another state which has certification requirements at least as stringent as
14 the requirements of this state, as determined by the Board; or

15 (2) the health educator has met qualifications as
16 specified in this act for the practice of health education;

17 (5) A teacher of health education in an elementary or secondary
18 school who meets the certification requirements as set forth by the Arkansas
19 Department of Education;

20 (6) A health educator who engages in the practice of health
21 education in a hospital licensed by the State of Arkansas;

22 (7) Any occupational safety and health professional, such as an
23 industrial hygienist, providing that such persons do not hold themselves out
24 under the title of certified health education specialist, certified
25 professional health educator, or health educator, unless so certified; and

26 (8) Employees who work under the guidance of a licensed
27 physician, providing that such persons do not hold themselves out under the
28 title of certified health education specialist, certified professional health
29 educator, or health educator, unless so certified.

30 (b) Students may engage in the practice of health education provided
31 that such practice is performed under the supervision of a Certified Health
32 Education Specialist or a Certified Professional Health Educator and is part
33 of the academic requirements leading to a degree in or with a concentration in
34 health education.

35 (c) Volunteers, staff, or agents working under the direction of a
36 charitable organization registered with the Office of Attorney General or a

1 non-profit corporation may conduct health education related activities,
2 provided that such persons do not hold themselves out under the title of
3 certified health education specialist, certified professional health educator,
4 or health educator, unless so certified.

5 (d) Employees of nursing homes may conduct health education related
6 activities, provided that such persons do not hold themselves out under the
7 title of certified health education specialist, certified professional health
8 educator, or health educator unless so certified.

9 (e) Community volunteers may conduct health education related
10 activities, provided that such persons do not hold themselves out under the
11 title of certified health education specialist, certified professional health
12 educator, or health educator unless so certified.

13 (f) When invited by school officials, parents or volunteers may
14 conduct health education related activities in private or public school
15 classrooms or assemblies, provided that such persons do not hold themselves
16 out under the title of certified health education specialist, certified
17 professional health educator or health educator unless so certified.

18 (g) This act is not intended to apply to foundations, state agencies,
19 any other groups, and other professional boards and associations and their
20 continuing education efforts.

21

22 SECTION 5. (a) There is created the Arkansas Board of Health
23 Education, which shall consist of seven (7) persons, all of whom are Arkansas
24 residents, with the following qualifications:

25 (1) five (5) members who are Certified Health Education
26 Specialists or Certified Professional Health Educators;

27 (2) two (2) members who are representatives of the public at
28 large.

29 (b) The members of the board shall be appointed by the Governor,
30 subject to confirmation by the Senate.

31 (c)(1) The Governor shall designate the terms of the initial appointees
32 so that three (3) members, including two (2) health educators and one (1)
33 member who represents the public at large shall serve three (3) year terms;
34 two (2) members, including one (1) health educator and one (1) member who
35 represents the public at large shall serve two (2) year terms; and two (2)
36 members who represent health educators shall serve one (1) year terms.

1 (2) Successor members shall serve three (3) year terms, except
2 that a person appointed to fill a vacancy resulting in an unexpired term shall
3 only serve for the remainder of that unexpired term. Any vacancy on the board
4 shall be filled by the Governor in the same manner as other appointments. No
5 member shall serve more than two (2) consecutive terms.

6 (d)(1) Initial members, who are representatives of the health education
7 profession, shall be selected from a list of persons, who have been practicing
8 health education for at least three (3) years, submitted to the Governor by
9 the Division of Health Education and Promotion of the Department of Health in
10 conjunction with the National Commission on Health Education Credentialing.

11 (2) Successor members, who are representatives of the health
12 education profession, shall be selected from a list of Certified Health
13 Education Specialists or Certified Professional Health Educators submitted to
14 the Governor by the Arkansas Board of Health Education. Each of these board
15 members shall have been practicing health education for at least three (3)
16 years preceding their appointment and be listed as a person certified under
17 this act.

18 (e) Upon recommendation of the board, made after notice and hearing,
19 the Governor may remove any member of the board for incompetence, neglect of
20 duty or malfeasance in office.

21

22 SECTION 6. (a) The Governor shall call the first board meeting within
23 thirty (30) days after its members are first appointed for the purpose of
24 organization. The board shall elect at its first regularly scheduled meeting
25 of each calendar year a chairperson and vice-chairperson. The board shall
26 meet as frequently as it deems necessary, at such times and places as the
27 board designates. Additional meetings may be held upon call of the
28 chairperson or upon written request of four (4) members of the board.

29 (b) A quorum of the Board shall consist of four (4) members.

30 (c) The members shall not be entitled to compensation for their service
31 but may receive expense reimbursement in accordance with A.C.A. § 25-16-902.
32 All reimbursements for expenses authorized by this act shall be paid from the
33 Health Education Practice Certification Fund.

34 (d) All proceedings of the board shall be conducted in accordance with
35 the Arkansas Administrative Procedure Act, A.C.A. §§ 25-15-201, et seq.

36

1 SECTION 7. (a)(1) The secretary of the board shall receive and account
2 for all money derived under the provisions of this act, and shall deposit the
3 same weekly into financial institutions other than the State Treasury.

4 (2) These monies shall be known as the Health Education Practice
5 Certification Fund.

6 (b) There shall be audits of the Fund as required by law.

7 (c) The secretary of the board shall give a surety bond for the
8 faithful performance of his or her duties in the sum of ten thousand dollars
9 (\$10,000) or an amount recommended by the State Auditor. The premium for this
10 bond shall be paid out of the Health Education Practice Certification Fund.

11 (d) The board may make expenditures from the Health Education Practice
12 Certification Fund for any purpose which is reasonable and necessary to carry
13 out the provisions of this act.

14

15 SECTION 8. The board shall have the following powers and duties:

16 (1) establish an examination requirement if deemed necessary;

17 (2) certify and renew the certification of qualified applicants;

18 (3) establish certification reciprocity agreements with other states;

19 (4) establish and collect fees relating to examination, certification,
20 provisional certification, certification renewal and other reasonable services
21 as defined by the board;

22 (5) promulgate rules and regulations necessary to implement this act;

23 (6) compile an annual report to be filed with the Governor and the
24 Legislative Council by September 1 of each year;

25 (7) define unprofessional conduct by publishing Standards of
26 Professional Responsibility for Health Educators and publish such standards
27 for practice within twelve (12) months after the first board meeting;

28 (8) conduct disciplinary proceedings as provided for in this act; and

29 (9) establish continuing education requirements consistent with those
30 of the National Commission for Health Education credentialing as a means to
31 maintain professional competency.

32

33 SECTION 9. (a) The board shall issue a state concurrent certification
34 to a Certified Health Education Specialist who:

35 (1) files an application with the board;

36 (2) provides evidence of current certification as a Certified

1 Health Education Specialist from the National Commission for Health Education
2 Credentialing; and

3 (3) passes an examination if required by the board.

4 (b) The state concurrent certification of a Certified Health Education
5 Specialist shall be effective upon issuance by the board and shall be valid
6 for one (1) year after the date of issuance.

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8 SECTION 10. For one (1) year after the effective date of this act, the
9 board shall issue certification as a Certified Professional Health Educator to
10 any person who:

11 (1) files an application with the board;

12 (2) provides evidence of having earned a degree from a U. S. college or
13 university that was accredited at the time the degree was conferred;

14 (3) provides evidence of employment in the practice of health education
15 for at least three (3) of the last ten (10) years preceding the effective date
16 of this act; and

17 (4) passes an examination within two (2) years.

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19 SECTION 11. (a) Provisional certification to practice as a health
20 educator may be issued by the board upon the filing of an application and
21 submission of evidence of successful completion of educational requirements as
22 determined by the board.

23 (b) A provisional certification shall expire eighteen (18) months from
24 the date of issuance. Provisional certification may be renewed once upon
25 submission to the board of a satisfactory explanation for the applicants
26 failure to become certified within the original eighteen (18) month period.

27 (c) A provisional certification shall permit the holder to practice
28 only under the supervision of a Certified Health Education Specialist or
29 Certified Professional Health Educator.

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31 SECTION 12. Reciprocity shall be provided for certified health
32 educators from other states provided that the standards for certification in
33 that state are not less than those provided for in this act as determined by
34 the board.

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36 SECTION 13. The following acts shall constitute violations of this act:

1 (1) Representing oneself to be a Certified Health Education Specialist
2 or a Certified Professional Health Educator or use the letters CHES or CPHE or
3 any facsimile thereof, or under such title or descriptions offering to give or
4 giving health education services to individuals, groups, agencies or
5 corporations unless certified under this act;

6 (2) Attempting to engage in the practice of health education without
7 having first been certified or otherwise permitted to engage in health
8 education activities under the provisions of this act;

9 (3) Obtaining or attempting to obtain certification or certification
10 renewal by bribery or fraudulent representation; and

11 (4) Knowingly making a false statement on any form promulgated by the
12 board in accordance with this act.

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14 SECTION 14. The board may refuse to issue or renew a certification or
15 may revoke or suspend a certification issued under this act for any of the
16 following:

17 (1) violating a provision of this act;

18 (2) engaging in unprofessional conduct or gross incompetence as defined
19 by the regulations of the board;

20 (3) violating the Standards of Professional Responsibility for Health
21 Educators;

22 (4) being found guilty or pleading guilty or nolo contendere to a
23 criminal offense in this or any other state when such offense is a felony in
24 this state;

25 (5) being found guilty of or pleading guilty or nolo contendere to a
26 felony in a federal court.

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28 SECTION 15. Any person who violates this act shall be deemed guilty of
29 a Class A misdemeanor.

30

31 SECTION 16. All provisions of this act of a general and permanent
32 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
33 Code Revision Commission shall incorporate the same in the Code.

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35 SECTION 17. If any provision of this act or the application thereof to
36 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of the act which can be given effect without
2 the invalid provision or application, and to this end the provisions of this
3 act are declared to be severable.

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5 SECTION 18. All laws and parts of laws in conflict with this act are
6 hereby repealed.

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/s/Rep. Wren

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