

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1275

5 By: Representatives Richey, V. Flowers, Murdock
6

For An Act To Be Entitled

8 AN ACT TO CREATE THE COMMUNITY HEALTH WORKER ACT; AND
9 FOR OTHER PURPOSES.

Subtitle

10 TO CREATE THE COMMUNITY HEALTH WORKER
11 ACT.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code Title 20, Chapter 6, is amended to add an
20 additional subchapter to read as follows:

21 Subchapter 4 – Community Health Worker Act
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23 20-6-401. Title.

24 This act shall be known and may be cited as the “Community Health
25 Worker Act”.
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27 20-6-402. Definitions.

28 As used in this subchapter:

29 (1)(A) "Community-based organization" means an organization that
30 provide healthcare services and is:

31 (A) An organized or institutionalized entity;

32 (B) A non-profit distributing organization;

33 (C) Self-governing; and

34 (D) A voluntary organization.

35 (B) "Community-based organization" does not include a
36 government entity;



1 (2) "Community health worker" means an individual who:

2 (A) Is:

3 (i) Not a licensed healthcare professional or a
 4 healthcare provider;

5 (ii) Eighteen (18) years of age or older; and

6 (iii) Certified under this subchapter; and

7 (B) Provides services to:

8 (i) Patients under a patient care plan as directed
 9 by:

10 (a) A treating physician; or

11 (b) A pharmacist for medication adherence or
 12 chronic disease management; or

13 (ii) Discharged hospital patients who do not qualify
 14 for or have refused home health services, unless the individual providing the
 15 services is working as an employee or agent of a home health agency;

16 (3) "Health benefit plan" means an individual, blanket, or any
 17 group plan, policy, or contract for healthcare services issued or delivered
 18 in this state by a healthcare insurer, health maintenance organization,
 19 hospital medical service corporation, or self-insured governmental or church
 20 plan in this state;

21 (4) "Healthcare professional" means a person who is licensed,
 22 certified, or otherwise authorized by the laws of this state to administer
 23 health care in the ordinary course of the practice of his or her profession;

24 (5) "Healthcare provider" means a hospital, an ambulatory
 25 surgical center, a primary care center, an outpatient psychiatric center, a
 26 home healthcare agency, a skilled nursing facility, or an individual licensed
 27 to render covered healthcare services; and

28 (6) "Treating physician" means a physician who is directly or
 29 indirectly involved in providing health care to the patient.

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 31 20-6-403. Community health worker – Certification.

32 (a) To be eligible for certification by the Department of Health as a
 33 community health worker, an individual shall:

34 (1) Not be licensed as a healthcare professional under Arkansas
 35 Code Title 17, Subtitle 3;

36 (2) Either:

1 (A) Successfully complete a community health worker
 2 training program from a school or training program approved by the
 3 department; or

4 (B) Have worked as a community health worker for the past
 5 one (1) year; and

6 (3) Submit an application with an application fee as determined
 7 by the department.

8 (b) For the purposes of relicensure, a community health worker shall:

9 (1) Complete fifteen (15) hours of training;

10 (2) Submit a renewal application with a renewal application fee
 11 as determined by the department, in consultation with the Arkansas Community
 12 Health Worker Association; and

13 (3) Be active in performing the skills of a community health
 14 worker.

15 (c) The department shall create and maintain a registry of approved
 16 community health worker training programs to be made available to the public.

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 18 20-6-404. Services of a community health worker.

19 Services provided by a community health worker are limited to:

20 (1) Health literacy services;

21 (2) Health education and community research activities;

22 (3) Basic home environmental assessments;

23 (4) Basic health screening and tests;

24 (5) Basic healthcare services that do not require a professional
 25 license under Arkansas Code Title 17, Subtitle 3, or specialized training
 26 under § 20-77-2301 et seq., in order to be performed, such as first aid and
 27 diabetic foot checks;

28 (6) Basic needs that are not met by personal care attendants;

29 (7) Community services;

30 (8) Medication compliance under a patient care plan, as directed
 31 by a treating physician;

32 (9) Chronic disease monitoring and education; and

33 (10) Appropriate referrals to community providers, healthcare
 34 providers, or healthcare professionals.

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 36 20-6-405. Patient data and information.

1 (a) Patient and personal data and information accessed or attained by
 2 a community health worker shall be confidential and privileged as required
 3 under state and federal law.

4 (b) If a community health worker does not maintain the confidential
 5 and privileged nature of the data or information, the community health worker
 6 shall be subject to any penalty under state and federal law for a breach of
 7 confidential data or information.

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 9 20-6-406. Compensation to a community health worker.

10 A community health worker certified under this subchapter may receive
 11 compensation for services provided from:

- 12 (1) Medicare;
- 13 (2) The Arkansas Medicaid Program;
- 14 (3) A private insurance policy or plan;
- 15 (4) A health benefit plan;
- 16 (5) A healthcare provider or healthcare professional; or
- 17 (6) A community-based organization.

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 19 20-6-407. Immunity.

20 (a) A person or entity that employs a certified community health
 21 worker shall not be liable for the actions or omissions of a certified
 22 community health worker.

23 (b) The following shall not be liable in any way for the actions or
 24 omissions of a certified community health worker:

- 25 (1) A healthcare provider or an employee or authorized agent of
 26 a healthcare provider;
- 27 (2) A contractor leaving a contractual relationship with a
 28 healthcare provider; and
- 29 (3) A healthcare professional or an employee or authorized agent
 30 of a healthcare professional.

31 (c) A certified community health worker acting in good faith in
 32 accordance with training and experience received shall not be liable for an
 33 act or omission.

34
 35 20-6-408. Construction.

36 This subchapter does not:

1 (1) Confer any authority on a community health worker to make
2 healthcare decisions on behalf of a patient or a healthcare professional;

3 (2) Create a private right of action against:

4 (A) A healthcare provider or an authorized agent of a
5 healthcare provider; or

6 (B) A healthcare professional or an authorized agent of a
7 healthcare professional;

8 (3) Remove the obligation of a third-party payer to cover a
9 healthcare item or service that the third-party payer is obligated to provide
10 to a patient under the terms of a valid agreement, insurance policy, plan, or
11 certification of coverage or health maintenance organization contract;

12 (4) Alter existing state laws or rules governing the scope of
13 practice of a healthcare professional; or

14 (5) Authorize, encourage, or promote drug-induced, chemical, or
15 surgical abortions.

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