

INTERIM STUDY PROPOSAL 2023-141

State of Arkansas
94th General Assembly

A Bill

JMB/jta
HOUSE BILL

By: Representative L. Johnson

Filed with: House Committee on Public Health, Welfare, and Labor
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO CREATE THE COMMUNITY HEALTH WORKER ACT; TO
ESTABLISH A STATEWIDE CERTIFICATION FOR COMMUNITY
HEALTH WORKERS; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE COMMUNITY HEALTH WORKER
ACT; AND TO ESTABLISH A STATEWIDE
CERTIFICATION FOR COMMUNITY HEALTH
WORKERS.

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

SECTION 1. Arkansas Code Title 17, is amended to add an additional
chapter to read as follows:

CHAPTER 46

COMMUNITY HEALTH WORKER ACT

Subchapter 1 - General Provisions

17-46-101. Title.

This chapter shall be known and may be cited as the "Community Health
Worker Act".

1 17-46-102. Definitions.

2 As used in this chapter:

3 (1) "Community health worker" means an individual who is a
4 trusted member of or has an unusually close understanding of the community
5 that he or she is serving as a liaison, link, or intermediary between health
6 services or social services and the community to facilitate access to health
7 services or social services and to improve the quality and cultural
8 competence of the services delivered;

9 (2) "Health benefit plan" means an individual, blanket, or any
10 group plan, policy, or contract for healthcare services issued or delivered
11 in this state by a healthcare insurer, health maintenance organization,
12 hospital medical service corporation, or self-insured governmental or church
13 plan in this state;

14 (3) "Healthcare professional" means a person who is licensed,
15 certified, or otherwise authorized by the laws of this state to administer
16 health care in the ordinary course of the practice of his or her profession;
17 and

18 (4) "Healthcare provider" means:

19 (A) A hospital;

20 (B) An ambulatory surgical center;

21 (C) A primary care center;

22 (D) An outpatient psychiatric center;

23 (E) A home healthcare agency;

24 (F) A skilled nursing facility; or

25 (G) An individual licensed to render covered healthcare
26 services.

27
28 Subchapter 2 - Certifications

29
30 17-46-201. Community health worker – Certification.

31 (a) The Department of Health shall issue a certification to be a
32 community health worker to an individual who:

33 (1) Is eighteen (18) years of age or older;

34 (2) Meets one (1) of the following requirements:

35 (A) He or she has a certificate as a community health
36 worker by the Arkansas Community Health Worker Association issued on or

1 before January 1, 2026;

2 (B) He or she successfully completes a community health
3 worker training program consisting of one hundred twenty (120) hours of core
4 competency, including eighty (80) hours of didactic training and forty (40)
5 hours of guided field practice from a school or training program approved by
6 the department;

7 (C) He or she has worked as a community health worker for
8 one (1) year within this state and has:

9 (i) Successfully completed eighty (80) hours of
10 supplemental training that supports core competency and professional
11 development;

12 (ii) Been assigned a mentor who is a certified
13 community health worker in this state or is eligible for certification and
14 regularly accessed and communicated with the mentor at least two (2) times
15 per month during the first three (3) months of the mentorship and monthly
16 thereafter; and

17 (iii) Been assigned a supervisor who has completed
18 community health worker supervisor training and regularly accessed and
19 communicated with the supervisor at least two (2) times per week during the
20 first three (3) months of supervision and weekly thereafter; or

21 (D) He or she has four (4) years of experience that
22 provides evidence of proficiency in the core competencies, with two (2) years
23 of experience being in this state; and

24 (3) Submits an application with an application fee of fifty
25 dollars (\$50.00).

26 (c)(1) A certification is valid for one (1) year after the date of
27 issuance.

28 (2) To renew a certification, a community health worker shall:

29 (A) Complete ten (10) hours of professional developmental
30 and training related to core competencies of a community health worker; and

31 (B) Submit a renewal application with a renewal
32 application fee as determined by the department, in consultation with the
33 Arkansas Community Health Worker Association.

34 (d) The department, in conjunction with the Division of Higher
35 Education, shall create and maintain a registry of approved community health
36 worker training programs to be made available to the public.

1
2 17-46-202. Suspension, revocation, nonissuance, or nonrenewal.

3 (a) The Department of Health may suspend, revoke, or refuse to issue
4 or renew the certification of a community health worker for:

5 (1) Securing a certification under this chapter through fraud or
6 deceit;

7 (2) Unethical conduct, gross ignorance, or inefficiency in the
8 conduct of his or her practice;

9 (3) Using a false name or an alias in his or her practice;

10 (4) Violating any provision of this chapter; or

11 (5) Failing to comply with any of the requirements for issuance
12 of the certification.

13 (b) Proceedings under this section shall comply with the Arkansas
14 Administrative Procedure Act, § 25-15-201 et seq.

15
16 Subchapter 3 - Miscellaneous Provisions

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18 17-46-301. Scope of practice.

19 A community health worker shall perform only the following types of
20 services:

21 (1) Providing:

22 (A) Cultural mediation among individuals, communities, and
23 health service systems or social services systems, or both;

24 (B) Culturally appropriate health education and
25 information;

26 (C) Care coordination, including without limitation
27 medication compliance under a patient care plan as directed by a healthcare
28 provider or healthcare professional;

29 (D) Case management;

30 (E) Health service system navigation or social services
31 system navigation, or both;

32 (F) Coaching and social support; and

33 (G) Direct services that:

34 (i) In order to be performed, do not require a
35 professional license under subtitle 3 of this title or specialized training
36 under § 20-77-2301 et seq., such as first aid and diabetic foot checks; or

- 1 (ii) Are not met by a personal care attendant;
2 (2) Advocating for individuals and communities;
3 (3) Building individual and community capacity;
4 (4) Implementing individual and community assessments, including
5 without limitation:
6 (A) Basic home environmental assessments; and
7 (B) Basic health screening and tests;
8 (5) Conducting outreach, such as health literacy services; and
9 (6) Participating in evaluation and research, including without
10 limitation health education and community research activities.

11
12 17-46-302. Patient and personal data and information.

13 (a) Patient and personal data and information accessed or attained by
14 a community health worker is exempt from disclosure under the Freedom of
15 Information Act of 1967, § 25-19-101 et seq., and is confidential and
16 privileged as otherwise required by federal law.

17 (b) If a community health worker does not maintain the confidential
18 and privileged nature of the patient data or information, the community
19 health worker shall be subject to any penalty under state and federal law for
20 a breach of confidential patient data or information.

21
22 17-46-303. Community health worker compensation.

23 A community health worker certified under this chapter shall receive
24 compensation for services provided from:

- 25 (1) The Arkansas Medicaid Program; or
26 (2) A health benefit plan.

27
28 17-46-304. Rules.

29 The Department of Health shall promulgate rules relating to the
30 certification and regulation of community health workers under this
31 subchapter.

32
33 SECTION 2. DO NOT CODIFY. Rules.

34 (a) When adopting the initial rules required under this act, the
35 Department of Health shall file the final rules with the Secretary of State
36 for adoption under § 25-15-204(f):

1 (1) On or before January 1, 2026; or
2 (2) If approval under § 10-3-309 has not occurred by January 1,
3 2026, as soon as practicable after approval under § 10-3-309.

4 (b) The department shall file the proposed rules with the Legislative
5 Council under § 10-3-309(c) sufficiently in advance of January 1, 2026, so
6 that the Legislative Council may consider the rules for approval before
7 January 1, 2026.

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10 Referred by Representative L. Johnson

11 Prepared by: JMB/JMB

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