

Amendment to SB 403-FN

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT relative to the health care workforce.
4

5 Amend the bill by replacing all after the enacting clause with the following:
6

7 1 Purpose and Findings.

8 I. The state of New Hampshire shall address the health care workforce shortage through
9 establishing programs designed to incentivize students to seek employment in health care and
10 remain in New Hampshire upon graduation; removing career-advancement barriers for our
11 dedicated direct care providers; and equipping health care organizations with the tools necessary to
12 secure skilled clinicians. Voluntary certification of community health workers will aid in addressing
13 the health care workforce shortage.

14 II. Case managers play a critical role in helping individuals access needed medical, social,
15 educational, and other services, and case managers' ability to serve their clients must be preserved.

16 2 Commission on the Interdisciplinary Primary Care Workforce Issues; Reports. Amend RSA
17 126-T:4 to read as follows:

18 126-T:4 Reports. The commission shall make an interim report on November 1, [2020] **2026**
19 which shall focus on the status of the New Hampshire state loan repayment program and the New
20 Hampshire division of public health service's health professions survey, and a final report on
21 November 1, [2024] **2029**, including its findings and any recommendations for proposed legislation,
22 to the speaker of the house of representatives, the president of the senate, the governor, the
23 oversight committee on health and human services, and the chairpersons of the senate and house
24 executive departments and administration committees.

25 3 Commission on the Interdisciplinary Primary Care Workforce Issues Extended. Amend 2010,
26 114:4, I as amended by 2015, 238:4; 2018, 248:3; and 2020, 17:7 to read as follows:

27 I. Section 3 of this act shall take effect November 1, [2024] **2029**.

28 4 Nurse Practice Act; Certificate of Medication Administration for Licensed Nursing Assistants.
29 Amend RSA 326-B:27, I to read as follows:

30 I. The board may issue a certificate of medication administration to a current LNA who:

31 (a) Has participated in and completed a board-approved medication administration
32 education program;

1 **(b) Has been employed as a licensed nursing assistant for one full year;**
2 ~~[(b)]~~ **(c)** Has passed an examination approved by the board; and
3 ~~[(c)]~~ **(d)** Has paid the certification fee.

5 New Paragraph; Office of Professional Licensure and Certification; Definitions;
6 Establishment. Amend RSA 310:2 by inserting after paragraph (bbb) the following new paragraph:
(ccc) Community health workers under RSA 326-N.

6 New Chapter; Community Health Workers. Amend RSA by inserting after chapter 326-M the
8 following new chapter:

11 326-N:1 Definitions.

12 I. "Applicant" means an individual applying to be certified or recertified as a community
13 health worker.

14 II. "Certificate" means the document issued by the office of professional licensure and
15 certification to qualified applicants for certification as community health workers.

16 III. "Certification" means the voluntary process by which the office of professional licensure
17 and certification grants recognition and use of a credential to individuals who are eligible to practice
18 as certified community health workers.

19 IV. "Certified community health worker" means a community health worker to whom the
20 office of professional licensure and certification has issued a certificate to practice as a certified
21 community health worker.

22 V. “Commissioner” means the commissioner of the department of health and human
23 services.

24 VI. "Community health worker" means a public health worker who applies an
25 understanding of the experience, language, and culture of the populations that the individual serves
26 and who provides direct services aimed at optimizing individual and family health outcomes,
27 including:

- (a) Informal and motivational counseling and education;
- (b) Interventions to maximize social supports;
- (c) Community health integration services;
- (d) Facilitation of access to health care and social services;
- (e) Health screenings; and
- (f) Other services that the commissioner defines by rules adopted under RSA 541-A;

34 VII. "Department" means the department of health and human services.

VIII. “Executive director” means the executive director of the office of professional licensure and certification.

37 IX. "Recertification" means a renewal of certification.

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1 X. “Telemedicine” means the use of audio, video, or other electronic media for the purpose of
2 optimizing individual and family health outcomes.

3 326-N:2 Powers and Duties of the Executive Director. The powers and duties of the executive
4 director under this chapter include:

5 I. Accepting applications for certification under this chapter, and approving or denying such
6 applications.

7 II. Renewing certifications.

8 III. Suspending or revoking certification of a certified community health worker upon the
9 grounds listed in RSA 326-N:5, and conducting hearings regarding the denial, suspension, revocation
10 and renewal of certificates as provided in RSA 326-N:8.

11 IV. Accepting written complaints from the public against registrants and conducting
12 necessary investigations upon such written complaints.

13 V. Publicizing the complaint procedure.

14 VI. Adopting such rules under RSA 541-A as are necessary to carry out the purposes of this
15 chapter.

16 VII. Reporting to the governor and commissioner annually on the activities conducted under
17 this chapter.

18 326-N:3 Rulemaking.

19 I. The executive director shall, in consultation with the New Hampshire area health
20 education centers, adopt rules pursuant to RSA 541-A, relating to the following:

21 (a) Establishment and administration of a voluntary program for certification of
22 community health workers, including criteria for:

23 (1) Minimum and continuing education;

24 (2) Training;

25 (3) Experience; and

26 (4) Other qualifications that the executive director and the New Hampshire area
27 health education centers deem appropriate in accordance with the provisions of this chapter;

28 (b) Forms and procedures for the receipt, review, and action upon applications for initial
29 community health worker certification and for biennial recertification;

30 (c) Establishment of standards for continuing education and other requirements that the
31 commissioner deems appropriate for biennial recertification;

32 (d) Procedures for disciplinary action relating to applicants or certified community
33 health workers. The rules shall include guidelines for:

34 (1) Disciplinary action;

35 (2) Reprimands;

36 (3) Probation;

37 (4) The denial, suspension, or revocation of certification or recertification; and

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1 (5) Applicants' appeal rights;

2 (e) The determination, assessment, and collection of certification fees, recertification
3 fees, and disciplinary fines; and

4 (f) Other matters that the commissioner deems appropriate to carry out the provisions of
5 this chapter.

6 II. The executive director shall apply any fee it collects pursuant to this chapter to cover the
7 costs of administering the community health worker certification program established pursuant to
8 this chapter.

9 326-N:4 Application; Certification Fees; Issuance of Certification; Applicants from Other States.

10 I. Upon approval by the executive director, the executive director shall issue a certification
11 to any person who files an application for such certification within 30 days after the filing of such
12 application.

13 II. Every application for community health worker certification shall be accompanied by a
14 non-refundable registration fee.

15 III. Certification shall be renewed biannually on or before June 30 upon payment of the
16 renewal fee.

17 IV. A certified community health worker shall conspicuously display such certification in the
18 principal place of business for which the certification is issued.

19 V. The executive director may issue a certification to any applicant who is licensed or
20 certified in any other state provided the other state's requirements are substantially equivalent to or
21 more stringent than those of this state. An applicant whose state licensure or certification meets the
22 requirements set forth in this paragraph shall be deemed able to work as a certified community
23 health worker in this state not more than 60 days after the application is received by the executive
24 director pending final approval or denial for other reason by the executive director.

25 326-N:5 Suspension; Revocation or Refusal to Issue Certification. The executive director may
26 deny the application for a certified community health worker and may suspend or revoke the
27 certification issued pursuant to this chapter or refuse to issue a renewal thereof if it is determined
28 after hearing that such applicant or registrant:

29 I. Has made a material false statement or concealed a material fact in connection with his or
30 her application for certification;

31 II. Has had a certificate of registration issued under this chapter revoked or suspended
32 previously;

33 III. Has been found guilty of fraud or fraudulent practices after prosecution;

34 IV. Has failed to comply with any other provision of this chapter or any rules promulgated
35 by the executive director.

36 326-N:6 Use of Certified Community Health Worker Designation; Exemptions.

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1 I. In order to use the title "certified community health worker", the initials "CCHW", or
2 other designation indicating that the individual is a certified community health worker, an
3 individual shall be certified pursuant to the provisions of the RSA 326-N:4.

4 II. To ensure compliance with the provisions of this chapter or any rule that the executive
5 director has adopted and promulgated pursuant to this chapter, the office of professional licensure
6 and certification may issue cease-and-desist orders to persons violating the provisions of this
7 chapter.

8 III. A community health worker shall engage only in those activities authorized pursuant to
9 this chapter and by rules adopted pursuant to this chapter. While engaging in practice as a
10 community health worker, an individual shall not engage in or perform any act or service for which
11 another professional certificate, license, or other legal authority is required.

12 IV. Certification as a community health worker is voluntary. Nothing in this section shall
13 be construed as requiring community health workers to be certified for purposes of employment.
14 Nothing in this section shall be construed to prevent or restrict the practice, service, or activities of
15 any individual simultaneously certified as a community health worker and licensed, certified,
16 registered, or otherwise legally authorized in the state to engage in the practice of another profession
17 if that individual does not, while engaged in the authorized practice of another profession, use any
18 name, title, the initials "CCHW", or other designation indicating that the individual is a certified
19 community health worker.

20 326-N:7 Telemedicine. Certified community health workers shall be permitted to provide
21 services through the use of telemedicine.

22 326-N:8 Procedure for Complaints; Hearings; Judicial Review.

23 I. No certification shall be suspended or revoked until after a hearing before the executive
24 director, which shall be held in accordance with RSA 541-A, and upon written notice mailed to the
25 registrant by certified or registered mail. However, when a notice of hearing is mailed to a
26 registrant at the address shown in the records of the department and such a registrant fails to
27 attend such hearing, the executive director may suspend his or her registration without a hearing
28 pending his or her attendance at such hearing. Upon the denial of an application for a certificate of
29 registration, the executive director shall grant a hearing to an applicant upon receipt of a request for
30 a hearing made within 30 days after the applicant is notified of denial. The executive director shall
31 have the power to require the attendance of witnesses and issue subpoenas duces tecum in the
32 conduct of such hearing. If a certification is revoked or suspended or an application is denied, no
33 such certification shall be issued to such former registrant or applicant for at least 6 months, or
34 thereafter except at the discretion of the executive director. The applicant may be heard in person or
35 by counsel. The executive director shall notify the applicant of the time and place of the hearing.
36 The executive director shall have the power to subpoena any person in this state, or document,

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1 record, or other relevant evidence, and to administer an oath to and take the testimony of any such
2 person or to cause his deposition to be taken.

3 II. Appeals from an order of suspension or revocation or a denial of an application of
4 certification shall be made pursuant to the provisions of RSA 541.

5 7 Department of Health and Human Services; Division of Public Health Services; Department
6 Directives.

7 I. The department of health and human services, division of public health services, may
8 contract with community-based organizations, including community health centers and family
9 resource centers, to deploy and sustain community health workers that connect families and patients
10 with needed health and supportive services.

11 II. The department may use federal funds where available and general funds within the
12 department's existing budget upon approval of the fiscal committee to sustain the work of
13 community health workers through the fiscal year ending June 30, 2025.

14 III. The department shall develop a brief plan that articulates potential funding alternatives
15 if federal funding is no longer available.

16 IV. The department shall develop a plan to be part of its budget submission in 2025 to fund
17 community health workers at community based organizations including community health centers
18 and family resource centers.

19 8 Medicaid Reimbursement for Certified Community Health Workers; State Plan Amendment.
20 The commissioner of the department of health and human services shall submit a Title XIX
21 Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to allow
22 for reimbursement for the services provided by certified community health workers. Upon approval
23 of the state plan amendment, and as of the effective date of the state plan amendment, the
24 department shall reimburse for services provided by certified community health workers.

25 9 Effective Date.

26 I. Section 6 of this act shall take effect January 1, 2025.

27 II. The remainder of this act shall take effect upon its passage.

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2024-1004s

AMENDED ANALYSIS

This bill:

- I. Extends the deadlines of the legislative commission on the interdisciplinary primary care workforce issues.
- II. Makes clarifying amendments to the nurse practice act statute.
- III. Establishes the position of and regulation of community health workers.
- IV. Provides directives to the department of health and human services.