

Introduced by

Senator Anderson

1 A BILL for an Act to create and enact a new chapter to title 43 and a new section to chapter  
2 50-24.1 of the North Dakota Century Code, relating to regulation of community health workers  
3 and Medicaid reimbursement for community health worker services; and to provide a contingent  
4 effective date.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new chapter to title 43 of the North Dakota Century Code is created and  
7 enacted as follows:

8 **Definitions.**

9 As used in this chapter:

- 10 1. "Community health worker" means an individual certified under this chapter.  
11 2. "Department" means the department of health and human services.

12 **Title.**

13 An individual may not use the title "community health worker" unless that individual is  
14 certified as a community health worker under this chapter.

15 **Scope of practice.**

16 A community health worker provides preventative health services to prevent disease,  
17 disability, or other health condition or their progression for an individual with a chronic condition  
18 or at risk for a chronic condition who is unable to self-manage the chronic condition or for an  
19 individual with a documented barrier that affects the individual's health. This section does not  
20 authorize a community health worker to practice within the scope of practice of another  
21 regulated profession, such as nursing, medicine, dentistry, or psychology.

22 **Certification.**

- 23 1. The department shall establish certification standards for an applicant seeking  
24 certification as a community health worker.

- 1       2. In implementing this section, the department may:
- 2           a. Adopt rules;
- 3           b. Charge a fee for certification and recertification;
- 4           c. Contract with a third-party; and
- 5           d. Require an applicant to meet education and experience requirements.

6       **SECTION 2.** A new section to chapter 50-24.1 of the North Dakota Century Code is created  
7 and enacted as follows:

8       **Community health workers - Scope of coverage.**

- 9       1. Medical assistance coverage, including Medicaid expansion, must include payment for  
10       services provided by a community health worker certified under section 1 of this Act  
11       who is providing services within the scope of practice for a community health worker.
- 12       2. Services covered under this section must be under a care plan ordered by a licensed  
13       physician, physician assistant, registered nurse, advanced practice registered nurse,  
14       dentist, or psychologist.
- 15       3. Covered services include care coordination, health system navigation, resource  
16       coordination, health promotion and coaching, and health education.
- 17       4. Noncovered services include advocacy on behalf of the recipient, case or care  
18       management, child care, chore services, companion services, employment services,  
19       helping a recipient enroll in a government program or insurance, interpreter services,  
20       medication or medical equipment delivery, personal care services, respite care,  
21       services outside the scope of the ordered care plan, socialization, transporting the  
22       recipient, and travel time.
- 23       5. The department shall adopt rules to implement this section. The rules may include  
24       identification of qualifying chronic conditions for a receipt of community health worker  
25       services, identification of barriers that affect a recipient's health, and covered and  
26       noncovered services.

27       **SECTION 3. DEPARTMENT OF HEALTH AND HUMAN SERVICES - COMMUNITY**

28       **HEALTH WORKERS - MEDICAID STATE PLAN AMENDMENT.** During the 2023-25 biennium  
29 the department of health and human services shall seek a Medicaid state plan amendment to  
30 authorize the reimbursement of certified community health workers. Upon amendment of the

1 Medicaid state plan, the executive director of the department of health and human services  
2 shall certify this fact to the legislative council.

3       **SECTION 4. CONTINGENT EFFECTIVE DATE.** Section 2 of this Act becomes effective  
4 ninety days after the date the executive director of the department of health and human  
5 services certifies to the legislative council the state has been granted a Medicaid state plan  
6 amendment that authorizes the reimbursement of certified community health workers.