

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1028**

Introduced by

Legislative Management
(Health Care Committee)

1 A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century
2 Code, relating to the regulation of community health workers; to amend and reenact section
3 23-17.3-01 and subdivision h of subsection 1 of section 23-17.3-05 of the North Dakota Century
4 Code, relating to the regulation of home health agencies; to provide for a community health
5 worker task force; to provide for a legislative management report; to provide an appropriation;
6 and to declare an emergency.

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

8 **SECTION 1. AMENDMENT.** Section 23-17.3-01 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **23-17.3-01. Definitions.**

11 In this chapter, unless the context and subject matter otherwise require:

- 12 1. "Allowed practitioner" means a physician assistant or advanced practice registered
13 nurse.
- 14 2. "Clinical record" means a written account which covers the services the agency
15 provides directly and those provided through arrangements with another agency which
16 account contains pertinent past and current medical, nursing, social, and other
17 therapeutic information, including the plan of treatment.
- 18 ~~2-3.~~ "Department" means the department of health and human services.
- 19 ~~3-4.~~ "Home health agency" means a public or private agency, organization, facility, or
20 subdivision thereof which is engaged in providing home health services to individuals
21 and families where they are presently residing for the purpose of preventing disease
22 and promoting, maintaining, or restoring health or minimizing the effects of illness or
23 disability.

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- 1 ~~4.5.~~ "Home health aide" means an individual who renders personal related service under
2 the supervision of a registered professional nurse.
- 3 ~~5.6.~~ "Home health services" means a broad range of health and social services furnished
4 to individuals and families by a home health agency or by others under arrangements
5 with the agency, in the places where the recipients are presently residing. Services
6 must include the services of a currently licensed registered professional nurse and at
7 least one other therapeutic service and may include additional support services. These
8 services may only be provided with the approval of a licensed physician or an allowed
9 practitioner.
- 10 ~~6.7.~~ "Licensed practical nurse" means one who has met all legal requirements for licensure
11 and holds a current license to practice in North Dakota pursuant to chapter 43-12.1.
- 12 ~~7.8.~~ "Nursing services" means those services pertaining to the preventive, curative, and
13 restorative aspects of nursing care that are performed by or under the supervision of a
14 registered professional nurse.
- 15 ~~8.9.~~ "Person" means an individual, firm, partnership, association, corporation, limited
16 liability company, or any other entity, whether organized for profit or not.
- 17 ~~9.10.~~ "Physician" means any person currently licensed pursuant to chapter 43-17.
- 18 ~~10.11.~~ "Registered professional nurse" means a registered nurse as defined under chapter
19 43-12.1.
- 20 ~~11.12.~~ "Skilled nursing" means professional nursing services rendered by nurses licensed
21 under chapter 43-12.1.
- 22 ~~12.13.~~ "Supportive services" includes the use of medical appliances; medical supplies, other
23 than drugs and biologicals prescribed by a physician; the collection of blood and other
24 samples for laboratory analysis; and nutritional guidance, homemaker, or companion
25 services.
- 26 ~~13.14.~~ "Therapeutic services" means services which include:
27 a. Skilled nursing care.
28 b. Medical social services.
29 c. Home health aide services.
30 d. Physical, occupational, or speech therapy.
31 e. Respiratory therapy.

1 **SECTION 2. AMENDMENT.** Subdivision h of subsection 1 of section 23-17.3-05 of the
2 North Dakota Century Code is amended and reenacted as follows:

3 h. The agency shall maintain clinical records on all patients to serve as
4 documentation of the medical, nursing, and therapeutic care rendered to the
5 patient and for communication between the physician or allowed practitioner and
6 the agency.

7 **SECTION 3.** A new chapter to title 43 of the North Dakota Century Code is created and
8 enacted as follows:

9 **Definitions.**

10 As used in this chapter:

- 11 1. "Community health representative" means an individual trained through the Indian
12 health service to provide community-based and medically guided health care, which
13 may include traditional native concepts.
- 14 2. "Community health worker" means an individual certified under this chapter to provide
15 preventative health services.
- 16 3. "Department" means the department of health and human services.
- 17 4. "Preventative services" means services to prevent a disease, disability, or other health
18 condition or the progression of a disease, disability, or other health condition which are
19 provided to an individual:
- 20 a. With a chronic condition;
- 21 b. At risk for a chronic condition who is unable to self-manage the chronic condition;
22 or
- 23 c. With a documented barrier that affects the individual's health.

24 **Title - Prohibition**

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

27 **Certification.**

- 28 1. The department shall establish and implement a method for certifying community
29 health workers, including:
- 30 a. Community health representatives; and
- 31 b. Other qualified individuals.

- 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 4. COMMUNITY HEALTH WORKER TASK FORCE - REPORT TO**
7 **LEGISLATIVE MANAGEMENT.**

- 8 1. During the 2023-24 interim, the department of health and human services shall
9 establish and provide staffing and administrative services to a community health
10 worker task force.
- 11 2. The membership of the community health worker task force comprised of:
 - 12 a. One representative of the medical services division of the department of health
13 and human services, appointed by the department of health and human services;
 - 14 b. One representative of the public health division of the department of health and
15 human services, appointed by the department of health and human services;
 - 16 c. One representative of the local public health units, appointed by the state
17 association of city and county health officials;
 - 18 d. One representative of the tribal nations in the state, appointed by the Indian
19 affairs commissioner;
 - 20 e. One representative of the university of North Dakota school of medicine and
21 health sciences center for rural health, appointed by the dean of the school of
22 medicine and health sciences;
 - 23 f. One representative of the hospitals in this state, appointed the North Dakota
24 hospital association;
 - 25 g. One representative of the federally qualified health care centers, appointed by
26 the community health care association of the Dakotas; and
 - 27 h. One representative of the emergency medical services profession, appointed by
28 the North Dakota emergency medical services association.
- 29 3. During the 2023-24 interim, the community health worker task force, in collaboration
30 with the department of health and human services, shall:

- 1 a. Develop a data-driven plan for community health worker scope of work,
2 education and training, certification and regulation, and medical assistance
3 reimbursement, and a North Dakota community health worker collaborative.
- 4 b. Develop a plan for a North Dakota community health worker collaborative.
- 5 c. Provide to the department of health and human services a proposal for a
6 Medicaid state plan amendment or waiver to include community health workers.
- 7 d. Provide the department of health and human services proposed administrative
8 rules for the community health worker scope of work, education and training,
9 certification and regulation, medical assistance reimbursement, and a North
10 Dakota community health worker collaborative
- 11 e. Collaborate with existing clinical, public health, home, and community based
12 service systems.

13 **SECTION 5. DEPARTMENT OF HEALTH AND HUMAN SERVICES - COMMUNITY**

14 **HEALTH WORKERS - MEDICAID STATE PLAN AMENDMENT.** During the 2023-25 biennium,
15 the department of health and human services shall seek a Medicaid state plan amendment to
16 authorize the reimbursement of certified community health workers. Upon amendment of the
17 Medicaid state plan, the commissioner of the department of health and human services shall
18 certify this fact to legislative management.

19 **SECTION 6. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES -**
20 **COMMUNITY HEALTH WORKER TASK FORCE.** There is appropriated out of any moneys in
21 the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so
22 much of the sum as may be necessary, to the department of health and human services for the
23 purpose of contracting with a third party to assist the community health worker task force with
24 data collection, meeting facilitation, and report development for the biennium beginning the
25 effective date of this Act, and ending June 30, 2025.

26 **SECTION 7. EMERGENCY.** Sections 4 and 6 of this Act are declared to be emergency
27 measures.