Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023

HOUSE BILL NO. 1028
(Legislative Management)
(Health Care Committee)

AN ACT to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to the regulation of community health workers; to amend and reenact section 23-17.3-01 and subdivision h of subsection 1 of section 23-17.3-05 of the North Dakota Century Code, relating to the regulation of home health agencies; to provide for a community health worker task force; to provide an appropriation; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

23-17.3-01. Definitions.

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

1. "Allowed practitioner" means a physician assistant or advanced practice registered nurse.

2. "Clinical record" means a written account which covers the services the agency provides directly and those provided through arrangements with another agency which account contains pertinent past and current medical, nursing, social, and other therapeutic information, including the plan of treatment.

~~2.~~3. "Department" means the department of health and human services.

~~3.~~4. "Home health agency" means a public or private agency, organization, facility, or subdivision thereof which is engaged in providing home health services to individuals and families where they are presently residing for the purpose of preventing disease and promoting, maintaining, or restoring health or minimizing the effects of illness or disability.

~~4.~~5. "Home health aide" means an individual who renders personal related service under the supervision of a registered professional nurse.

~~5.~~6. "Home health services" means a broad range of health and social services furnished to individuals and families by a home health agency or by others under arrangements with the agency, in the places where the recipients are presently residing. Services must include the services of a currently licensed registered professional nurse and at least one other therapeutic service and may include additional support services. These services may only be provided with the approval of a licensed physician or an allowed practitioner.

~~6.~~7. "Licensed practical nurse" means one who has met all legal requirements for licensure and holds a current license to practice in North Dakota pursuant to chapter 43-12.1.

~~7.~~8. "Nursing services" means those services pertaining to the preventive, curative, and restorative aspects of nursing care that are performed by or under the supervision of a registered professional nurse.

~~8.~~9. "Person" means an individual, firm, partnership, association, corporation, limited liability company, or any other entity, whether organized for profit or not.

~~9.~~10. "Physician" means any person currently licensed pursuant to chapter 43-17.

~~10.~~11. "Registered professional nurse" means a registered nurse as defined under chapter 43-12.1.

~~11.~~12. "Skilled nursing" means professional nursing services rendered by nurses licensed under chapter 43-12.1.

~~12.~~13. "Supportive services" includes the use of medical appliances; medical supplies, other than drugs and biologicals prescribed by a physician; the collection of blood and other samples for laboratory analysis; and nutritional guidance, homemaker, or companion services.

~~13.~~14. "Therapeutic services" means services which include:

a. Skilled nursing care.

b. Medical social services.

c. Home health aide services.

d. Physical, occupational, or speech therapy.

e. Respiratory therapy.

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

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

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

Definitions.

As used in this chapter:

1. "Community health representative" means an individual trained through the Indian health service to provide community-based and medically guided health care, which may include traditional native concepts.

2. "Community health worker" means an individual certified under this chapter to provide preventative services.

3. "Department" means the department of health and human services.

4. "Preventative services" means services to prevent a disease, disability, or other health condition or the progression of a disease, disability, or other health condition which are provided to an individual:

   a. With a chronic condition;

   b. At risk for a chronic condition who is unable to self-manage the chronic condition; or

   c. With a documented barrier that affects the individual's health.

Title - Prohibition.

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

Certification.

1. The department shall establish and implement a method for certifying community health workers, including:

   a. Community health representatives; and

   b. Other qualified individuals.

2. In implementing this section, the department may:

   a. Adopt rules;

   b. Charge a fee for certification and recertification;

   c. Contract with a third party; and

   d. Require an applicant to meet education and experience requirements.

SECTION 4. COMMUNITY HEALTH WORKER TASK FORCE.

1. During the 2023-24 interim, the department of health and human services shall establish and provide staffing and administrative services to a community health worker task force.

2. The membership of the community health worker task force is comprised of:

   a. One representative of the medical services division of the department of health and human services, appointed by the department of health and human services;

   b. One representative of the public health division of the department of health and human services, appointed by the department of health and human services;

   c. One representative of the tribal nations in the state, appointed by the Indian affairs commissioner in consultation with the health director of each tribal nation placed in North Dakota;

   d. One representative of the North Dakota state university school of public health appointed by the college of health professions;

   e. One representative of the university of North Dakota school of medicine and health sciences center for rural health, appointed by the dean of the school of medicine and health sciences;

   f. One representative of the hospitals in this state, appointed by the North Dakota hospital association;

   g. One representative of the federally qualified health centers, appointed by the community healthcare association of the Dakotas; and

   h. One representative of the emergency medical services profession, appointed by the North Dakota emergency medical services association.

3. During the 2023-24 interim, the community health worker task force, in collaboration with the department of health and human services, shall:

   a. Develop a data-driven plan for community health worker scope of work, education and training, certification and regulation, medical assistance reimbursement, including reimbursement to a federally qualified health center, and a North Dakota community health worker collaborative.

b. Provide to the department of health and human services a proposal for a Medicaid state plan amendment or waiver to include community health workers.

c. Provide the department of health and human services proposed administrative rules for the community health worker scope of work, education and training, certification and regulation, medical assistance reimbursement, and a North Dakota community health worker collaborative.

d. Collaborate with existing clinical, public health, home, and community based service systems.

SECTION 5. DEPARTMENT OF HEALTH AND HUMAN SERVICES - COMMUNITY HEALTH WORKERS - MEDICAID STATE PLAN AMENDMENT. During the 2023-25 biennium, the department of health and human services shall seek a Medicaid state plan amendment to authorize the reimbursement of certified community health workers. Upon amendment of the Medicaid state plan, the commissioner of the department of health and human services shall certify this fact to the legislative management.

SECTION 6. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES - COMMUNITY HEALTH WORKER TASK FORCE. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $75,000, or so much of the sum as may be necessary, to the department of health and human services for the purpose of contracting with a third party to assist the community health worker task force with data collection, meeting facilitation, and report development for the period beginning with the effective date of this section and ending June 30, 2025.

SECTION 7. EMERGENCY. Sections 4 and 6 of this Act are declared to be an emergency measure.

Speaker of the House	President of the Senate
Chief Clerk of the House	Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1028 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 76 Nays 17 Absent 1

Speaker of the House	Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 47 Nays 0 Absent 0

President of the Senate	Secretary of the Senate

Received by the Governor at _____M. on _____, 2023.

Approved at _____M. on _____, 2023.

Governor

Filed in this office this _____day of _____, 2023,

at _____ o'clock _____M.

Secretary of State