

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

**Section 1.** 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 ~~certified~~ 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 ~~health~~ services ~~to a community~~.
3. “Department” means the department of health and human services.
4. “Preventive services” means services to prevent disease, disability, or other health condition or their progression for an individual with a chronic condition or at risk for a chronic condition who is unable to self-manage the chronic condition for an individual with a documented barrier that affects the individual’s health.

**Title.**

An individual may not use the title of ~~either “community health representative” or “community health worker”~~ unless that person is certified ~~as such~~ in accordance with this chapter.

**Scope of Practice — Community Health Worker.**

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

~~pharmacy, or psychology. Services provided by a community health worker are eligible for reimbursement.~~

**Scope of Practice—Community Health Representative.**

~~A community health representative provides a broad range of services to increase the health knowledge and access of communities, such as outreach, community education, social support, or health advocacy. Services provided by a community health representative are eligible for reimbursement.~~

**Certification.**

1. ~~The department shall establish a method of reviewing recognizing Indian Health Service certification for an applicant seeking certification as a training for a community health representative seeking certification.~~
2. ~~The department shall establish certification standards for an applicant seeking certification as a community health worker. for certifying community health workers including:~~
  - a. Community health representatives trained by the Indian Health Service; and
  - b. Other qualified individuals.
3. 2. In implementing this section, the department may:
  - a. Adopt rules;
  - b. Charge a fee for certification or recertification;
  - c. Contract with a third party; and
  - d. Require an applicant to meet education and experience requirements.

**SECTION 2. AMENDMENT.** Section 23-17.3 of the North Dakota Century Code is amended and reenacted as follows:

**23-17.3-05. Definitions.**

1. “Allowed practitioner” means a physician assistant (PA), nurse practitioner (NP), or advanced practice registered nurse (APRN).
2. “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 on other therapeutic services and may include additional support services. These services may only be provided with the approval of a licensed physician or an allowed practitioner.

### **SECTION 3. COMMUNITY HEALTH WORKER TASK FORCE – REPORT TO LEGISLATIVE MANAGEMENT.**

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 community health worker task force shall consist of:
  - a. One member representing the Medical Services division of the department, appointed by the department of health and human services;
  - b. One member representing the Public Health Division of the department, appointed by the state health officer;
  - c. One member representing local public health units, appointed by the state association of city and county health officials;
  - d. One member representing tribal nations in the state, appointed by the Indian affairs commissioner.
  - e. One member representing hospitals in this state, appointed by a statewide association representing hospitals;
  - f. One member representing the University of North Dakota school of medicine and health sciences center for rural health;
  - g. One member representing federally qualified health care centers, appointed by a statewide association representing federally qualified health care centers; and
  - h. One member representing emergency medical services, appointed by a statewide association representing emergency medical services.



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 to a federally qualified health center, and a North Dakota community health worker collaborative;
  - b. ~~Develop a plan for a North Dakota community health worker collaborative;~~
  - e. b. Provide to the department of health and human services a proposal for a Medicaid state plan amendment or waiver to include certified community health workers ~~and community health representatives~~;
  - d. 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; and
  - e. d. Collaborate with existing clinical, public health, home, and community-based service systems.

**SECTION 34. 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 ~~and community health representatives~~. Upon amendment of the Medicaid state plan, the ~~executive director~~ (commissioner?) of the department of health and human services shall certify this fact to the legislative council (council or management??).

**SECTION #5. 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 \$100,000, 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 biennium beginning July 1, 2023, and ending June 30, 2025.

**SECTION #. CONTINGENT EFFECTIVE DATE.** Section # of this Act becomes effective ninety days after upon the the date the executive commissioner of the department of health and human services reports the certification of certifies to legislative council that a Medicaid state plan amendment to authorize the authorizing reimbursement of community health workers and community health representatives to legislative management has been approved by the Centers for Medicare and Medicaid.