

## **CHAPTER 33-03-38 COMMUNITY HEALTH WORKERS**

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### **33-03-38-01. Definitions.**

1. "Abuse" means mental, physical, sexual, or verbal abuse.
2. "Chronic condition" means a condition that lasts twelve months or longer and requires ongoing medical attention or limits a member's activities of daily living.
3. "Competence" means the application and integration of knowledge, skills, ability, and judgment necessary to meet standards.
4. "Deny" means the department's refusal to issue a certification or recertification.
5. "Mental abuse" includes humiliation, harassment, threats of punishment, or deprivation.
6. "Physical abuse" includes hitting, slapping, pinching, kicking, or controlling behavior through corporal punishment.
7. "Revoke" means the withdrawal by the department of the community health worker certification for a specified period of time of no less than one year. If no specified period of time is identified by the department, revocation is permanent.
8. "Sexual abuse" includes sexual harassment, sexual coercion, sexual contact, or sexual assault.
9. "Supervision" means maintaining accountability to determine whether services provided by a community health worker are adequate and delivered appropriately.
10. "Suspend" means the temporary withholding by the department of the ability to practice as a community health worker for a specified or indefinite period of time not to exceed one year.
11. "Verbal abuse" includes any use of oral, written, or gestured language that includes disparaging and derogatory terms to or within hearing distance of a client or the client's family to describe a client's ability to comprehend or disability, regardless of the client's age.

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**General Authority:** NDCC 43-66-01, 43-66-03

**Law Implemented:** NDCC 43-66-01, 43-66-03

### **33-03-38-02. Scope of practice.**

1. A community health worker is a frontline public health worker who is certified by the department to provide preventative services.

2. A community health worker may not perform services that require licensure or training outside what is required for community health worker certification.

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**General Authority:** NDCC 43-66-03

**Law Implemented:** NDCC 43-66-03

### **33-03-38-03. Competencies.**

An applicant for community health worker certification, community health worker, or community health representative shall have competencies in the following areas:

1. Roles, advocacy, and outreach;
2. Organization and resources;
3. Teaching and capacity building;
4. Legal and ethical responsibilities and conduct;
5. Coordination and documentation;
6. Communication and cultural competency; and
7. Health promotion.

**History:** Effective October 1, 2025.

**General Authority:** NDCC 43-66-03

**Law Implemented:** NDCC 43-66-03

### **33-03-38-04. Community health worker certification requirements.**

An applicant for community health worker certification shall file an application on forms provided by the department showing to the department's satisfaction that the applicant has satisfied all the requirements of North Dakota Century Code chapter 43-66 and under this chapter, including:

1. The applicant shall successfully complete one of the following:
  - a. Community health worker training program approved by the department and internship. An applicant's training program must include the following components and the associated competencies identified in section 33-03-38-03:
    - (1) Understanding the scope;
    - (2) How to find local health systems and resources;
    - (3) Coaching and reinforcing health education;
    - (4) Confidentiality, mandatory reporting, conflict of interest, and ethical practice;
    - (5) Working with a care team under a care plan and service documentation;
    - (6) Motivational interviewing, active listening, trauma informed care, and knowledge of cultural practices in the community;
    - (7) Health promotion and disease prevention; and
    - (8) An internship of two hundred hours or more. The internship may include supervised work or be exclusively supervised work.

- b. Community health representative training by the Indian health service to provide community-based and medically guided health care, which may include traditional native concepts.
- c. Functioning within the scope of practice of a community health worker under supervision.
  - (1) The supervised work experience must:
    - (a) Equal or exceed one thousand hours; and
    - (b) Have occurred within three years prior to the date of application.
  - (2) The applicant's supervisor shall provide a letter of recommendation attesting to the applicant's knowledge and abilities while functioning within the scope of practice of a community health worker.
- 2. The applicant shall be eighteen years of age or older.
- 3. The applicant shall submit the required initial certification fee of thirty dollars.
- 4. The application must be accompanied by the documents, affidavits, and certificates necessary to establish that the applicant has satisfied the requirements of this chapter.

**History:** Effective October 1, 2025.

**General Authority:** NDCC 43-66-03

**Law Implemented:** NDCC 43-66-03

### **33-03-38-05. Student and intern supervision.**

- 1. A student and an intern each may function within a community health worker scope of practice while directly supervised by a qualified supervisor or community health worker.
- 2. A qualified supervisor must be one of the following:
  - a. A community health worker certified in good standing with the department;
  - b. A community health worker training program instructor;
  - c. A physician;
  - d. A registered nurse; or
  - e. A licensed social worker.

**History:** Effective October 1, 2025.

**General Authority:** NDCC 43-66-03

**Law Implemented:** NDCC 43-66-03

### **33-03-38-06. Community health worker certification of reciprocity.**

An application for community health worker certification by reciprocity must be considered by the department if the applicant has filed an application on forms provided by the department and the following requirements are met:

- 1. The applicant holds a current valid license or certification in good standing to practice as a community health worker or community health representative in another state or jurisdiction. Official written verification of licensure or certification status must be received by the department from the other state or jurisdiction;

2. The licensure or certification requirements of the other state or jurisdiction are substantially similar as in North Dakota at the time the application for reciprocal certification is submitted; and
3. The applicant has submitted the required initial certification fee.

**History:** Effective October 1, 2025.

**General Authority:** NDCC 43-66-03

**Law Implemented:** NDCC 43-66-03

### **33-03-38-07. Recertification.**

1. A community health worker certification expires on December thirty-first of even-numbered years.
2. A certification may be renewed by December thirty-first of even-numbered years by filing a recertification application on forms provided by the department and a recertification fee of thirty dollars if the community health worker's certification is current and in good standing with the department and grounds for denial under section 33-03-38-08 do not exist.
3. For an applicant who receives initial certification after July first of an even-numbered year, the certification is automatically recertified on December thirty-first for one additional certification period without payment of an additional recertification fee or submission of a recertification application.
4. The applicant shall complete twelve hours of department-approved virtual or in-person continuing education in topics related to the scope of practice of a community health worker, including two hours of legal and ethical responsibilities.
5. If the recertification application and recertification fee are not received by December thirty-first, the certification expires, and the community health worker may not practice as a community health worker.
6. If an individual with an expired community health worker certification is identified as continuing to practice, the department shall notify the individual and the individual's employer, if known, that the individual immediately shall cease practicing as a community health worker until the recertification process is completed and the individual's certification status becomes current.
7. For thirty days after expiration, an expired license may be renewed by complying with subsections 2 and 4, notwithstanding the deadline under subsection 2.
8. If an expired certification is not renewed within thirty days after expiration, an expired certification may not be renewed, and an applicant shall apply for initial certification.

**History:** Effective October 1, 2025.

**General Authority:** NDCC 43-66-03

**Law Implemented:** NDCC 43-66-03

### **33-03-38-08. Denial of certification or recertification.**

1. The department may deny an application for the issuance of a certification or recertification made by an applicant who:
  - a. Failed to comply with North Dakota Century Code chapter 43-66 or this chapter;
  - b. Has been convicted of a crime determined by the department to be substantially related to the qualifications, functions, or duties of a community health worker;

- c. Has knowingly provided false information to the department to obtain or attempt to obtain certification or recertification;
  - d. Is currently under certification or license suspension or discipline in any jurisdiction for any type of professional licensure related to health care;
  - e. Has previously had a community health worker or community health representative certification or license revoked in any jurisdiction;
  - f. Has otherwise violated the laws or rules regarding community health workers; or
  - g. Has operated as a community health worker without a current certification from the department.
2. If a certification or recertification application is denied by the department, an applicant may request a hearing pursuant to North Dakota Century Code chapter 28-32, in writing, within thirty days of notification of the denial.

**History:** Effective October 1, 2025.

**General Authority:** NDCC 43-66-03

**Law Implemented:** NDCC 43-66-03

### **33-03-38-09. Disciplinary actions.**

1. The department may suspend, revoke, or take other action provided in this section regarding the certification of a community health worker who:
  - a. Has obtained or attempted to obtain certification or recertification as a community health worker by fraud, deceit, or intentional misrepresentation;
  - b. Has been convicted of a crime determined by the department to be substantially related to the qualifications, functions, or duties of a community health worker;
  - c. Has impersonated a licensed health care provider;
  - d. Has operated as a community health worker without a certification from the department;
  - e. Has intentionally or negligently engaged in conduct that has been determined by the department to have resulted in a significant risk to the health or safety of a client or in injury to a client;
  - f. Used alcohol or drugs to such a degree as to interfere with the community health worker's ability to safely operate;
  - g. Has a physical or mental disability materially affecting the ability of the community health worker to perform the duties of the profession in a competent manner;
  - h. Has violated this chapter or North Dakota Century Code chapter 43-66;
  - i. Has failed to cooperate with an investigation or disciplinary action by the department;
  - j. Is incapable of working with reasonable skill, competence, or safety for the public; or
  - k. Has misappropriated the property of, abused, or neglected a client.
2. A person may file a complaint against a community health worker with the department. The complaint must be signed and state the claims on a form provided by the department. The complaint may include supporting documentation.

3. Upon receiving the complaint, the department shall provide a copy of the complaint and any supporting documentation to the community health worker.
4. The community health worker has twenty days from the date the individual receives the complaint within which to file a response with the department. The response may include supporting documentation.
5. If the community health worker files a timely response, the department shall consider the complaint, response, and any documentation submitted by the parties, and based on this information, the department may:
  - a. Dismiss the complaint as unfounded; or
  - b. Determine there is a reasonable basis to believe the claims are true and subject to disciplinary action by the department.
6. If the department determines formal disciplinary action against the community health worker is proper, the department shall prepare a complaint and serve the complaint, along with a notice of hearing, on the community health worker and then proceed with the matter under North Dakota Century Code chapter 28-32. If the matter is unable to be informally resolved and a hearing is held under North Dakota Century Code chapter 28-32, all hearings must be held in Bismarck unless the department and the community health worker agree otherwise.
7. If the community health worker's employer continues to use the individual during the disciplinary action process, the employer shall take reasonable steps to prevent further harm to clients.

**History:** Effective October 1, 2025.

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