

- is there away to get pt. now  
- only 20 of current patients. CHW served patients. qualify under 1915i

- clarify work + end time of task force  
- task force vs. collaborative

23.0069.01001

Sixty-eighth  
Legislative Assembly  
of North Dakota

# HOUSE BILL NO. 1028

- Reorg bill to be in work order

qa. 449

Introduced by

Legislative Management

(Health Care Committee)

1 A BILL for an Act to create and enact a new chapter to title 43, a new section to chapter 50-06,  
2 and a new section to chapter 50-24.1 of the North Dakota Century Code, relating to the  
3 regulation of community health workers, a community health worker collaborative, and medical  
4 assistance reimbursement for community health worker services; to provide for a community  
5 health worker task force; to provide a statement of legislative intent; to provide for a legislative  
6 management report; and to provide for a report to the legislative assembly; to provide an  
7 appropriation; and to provide an effective date.

## 8 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

### 11 Definitions.

12 As used in this chapter:

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

### 15 Title - Prohibition.

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

18 up Scope of practice. The department shall establish

19 A community health worker may provide preventative health services to prevent disease,  
20 disability, or other health condition or their progression for an individual with a chronic condition  
21 or at risk for a chronic condition who is unable to self-manage the chronic condition or for an  
22 individual with a documented barrier that affects the individual's health. A community health  
23 worker may not practice within the scope of practice of another regulated profession, such as  
24 nursing, medicine, dentistry, pharmacy, or psychology.



**Certification.**

1. The department shall establish certification standards for an applicant seeking certification as a community health worker.
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 2.** ~~A new section to chapter 50-06 of the North Dakota Century Code is created and enacted as follows:~~

**Community health worker collaborative.**

1. ~~The community health worker collaborative is composed of the following individuals appointed by the executive director of the department, who, except for the initial appointments, shall serve three-year terms:~~
  - a. ~~A health system community health worker;~~
  - b. ~~An emergency medical services community health worker;~~
  - c. ~~A community-based community health worker;~~
  - d. ~~A health system program manager;~~
  - e. ~~A community health worker training program representative;~~
  - f. ~~A medical assistance program representative;~~
  - g. ~~A behavioral health or substance use disorder representative;~~
  - h. ~~An emergency medical services program supervisor;~~
  - i. ~~A federally qualified health care center community health worker;~~
  - j. ~~A community health representative from the Turtle Mountain Band of Chippewa Indians;~~
  - k. ~~A community health representative from the Spirit Lake Tribe;~~
  - l. ~~A community health representative from the Three Affiliated Tribes of the Fort Berthold Reservation;~~
  - m. ~~A community health representative from the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation;~~
  - n. ~~A community health representative from the Standing Rock Sioux Tribe;~~



- 1 ~~o. A department representative, who shall serve as the presiding officer; and~~
- 2 ~~p. A department representative, who shall provide staffing services to the~~
- 3 ~~collaborative, who shall serve as a nonvoting member~~
- 4 ~~2. The <sup>collaborative</sup> commission shall advise the department on community health worker education~~
- 5 ~~and training, certification and regulation, and medical assistance reimbursement,~~
- 6 ~~including:~~
- 7 ~~a. The qualifications required to be a community health worker;~~
- 8 ~~b. A workforce development and retention plan for community health workers;~~
- 9 ~~c. The role of community health workers;~~
- 10 ~~d. The community health worker core competencies; and~~
- 11 ~~e. Affordable training pathways for community health workers.~~
- 12 ~~3. Each member of the collaborative is entitled to reimbursement of mileage and~~
- 13 ~~expenses incurred in performing official duties as provided by law for state officers and~~
- 14 ~~employees to be paid by the department.~~

15 **SECTION 3.** A new section to chapter 50-24.1 of the North Dakota Century Code is created  
16 and enacted as follows:

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

- 18 ~~1. Medical assistance coverage, including Medicaid expansion, must include payment for~~
- 19 ~~services provided by a community health worker certified under section 1 of this Act~~
- 20 ~~who is providing services within the scope of practice for a community health worker.~~
- 21 ~~2. Services covered under this section must be under a care plan ordered by a licensed~~
- 22 ~~physician, physician assistant, registered nurse, advanced practice registered nurse,~~
- 23 ~~dentist, pharmacist, or psychologist.~~
- 24 ~~3. Covered services include care coordination, health system navigation, resource~~
- 25 ~~coordination, health promotion and coaching, and health education.~~
- 26 ~~4. Noncovered services include advocacy on behalf of the recipient, case or care~~
- 27 ~~management, child care, chore services, companion services, employment services,~~
- 28 ~~helping a recipient enroll in a government program or insurance, interpreter services,~~
- 29 ~~medication or medical equipment delivery, personal care services, respite care,~~
- 30 ~~services outside the scope of the ordered care plan, socialization, transporting the~~
- 31 ~~recipient, and travel.~~



~~5. The department shall adopt rules to implement this section. The rules may include identification of qualifying chronic conditions for a receipt of community health worker services, identification of barriers that affect a recipient's health, and covered and noncovered services.~~

#### SECTION 4. 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 membership of the community health worker task force appointed by the department of health and human services must include representatives of the:

a. Department of health and human services, including the division of health equity and division of aging services;

~~b. Department of career and technical education;~~ *Keep*

~~c. Department of public instruction;~~

d. State board of higher education;

e. Insurance department;

~~f. University of North Dakota school of medicine and health sciences center for rural health;~~

~~f.g. University of North Dakota and North Dakota state university schools of public health;~~

~~g. Health insurance sector;~~

h. Private health insurers operating in the state;

~~i. Health care sector, including qualified service providers, community health workers, and community health representatives; and~~

~~i.i. Tribal nations in the state.~~

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, ~~and~~ medical assistance reimbursement, *and a ND community health worker collaborative.*



- 1 ~~b. Provide periodic status reports to the legislative management.~~
- 2 c. ~~Prepare a bill draft to implement the community health worker plan~~ Provide to the
- 3 department of health and human services a proposal for a Medicaid state plan
- 4 amendment or waiver to include community health workers in preventative
- 5 services.
- 6 d. Provide to the department of health and human services proposed administrative
- 7 rules for the community health worker scope of work, education and training,
- 8 certification and regulation, and medical assistance reimbursement, and a
- 9 ~~Identify potential members to serve on the community health worker~~ ND community health worker collaborative.
- 10 collaborative. f. ~~work in collaboration with existing~~ collaborate
- 11 ~~4. The department of health and human services shall request introduction of the~~ clinical and public health and home and
- 12 community health worker task force bill draft to the sixty-ninth legislative assembly. based
- 13 service
- 14 systems

**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 ~~\$150,000~~ \$75,000, or so

much of the sum as may be necessary, to the department of health and human services for the ~~50,000~~ 50,000

purpose of contracting with a third party to assist the community health worker task force with

data collection, and meeting facilitation, and report development for the ~~biennium~~ period beginning July 1, 2023, and

ending June 30, ~~2025~~ 2024. The department is authorized one full-time equivalent position for

~~the purpose of assisting the community health worker task force and staffing the community~~

~~health worker collaborative.~~

**SECTION 6. REPORT TO THE LEGISLATIVE ASSEMBLY - STATEMENT OF**

**LEGISLATIVE INTENT.** It is the intent of the sixty-eighth legislative assembly that the

department of health and human services include in its 2023-25 biennium budget request

submitted to the sixty-ninth legislative assembly the costs of funding the community health

worker activities, including the costs of funding the regulation of community health workers and

the costs of funding the community health worker collaborative. The executive director of the

department of health and human services shall report to the human services standing

committees of the sixty-ninth legislative assembly on the status of the Medicaid waiver or state

plan amendment for reimbursement of community health worker services.

**SECTION 7. EFFECTIVE DATE.** Section 2 of this Act becomes effective on July 1, 2024.