

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1257

By: Representatives Richey, V. Flowers, Murdock

For An Act To Be Entitled

AN ACT TO CREATE THE COMMUNITY HEALTH WORKER ACT; AND
FOR OTHER PURPOSES.

Subtitle

TO CREATE THE COMMUNITY HEALTH WORKER
ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 20, Chapter 6, is amended to add an additional subchapter to read as follows:

Subchapter 2 – Community Health Worker Act

20-6-201. Title.

This act shall be known and may be cited as the “Community Health Worker Act”.

20-6-202. Definitions.

As used in this subchapter:

(1)(A) "Community-based organization" means an organization that provide healthcare services and is:

(A) An organized or institutionalized entity;

(B) A non-profit distributing organization;

(C) Self-governing; and

(D) A voluntary organization.

(B) "Community-based organization" does not include a government entity;



(2) "Community health worker" means an individual who:

(A) Is:

(i) Not a licensed healthcare professional or a healthcare provider;

(ii) Eighteen (18) years of age or older; and

(iii) Certified under this subchapter; and

(B) Provides services to:

(i) Patients under a patient care plan as directed by:

(a) A treating physician; or

(b) A pharmacist for medication adherence or chronic disease management; or

(ii) Discharged hospital patients who do not qualify for or have refused home health services, unless the individual providing the services is working as an employee or agent of a home health agency;

(3) "Health benefit plan" means an individual, blanket, or any group plan, policy, or contract for healthcare services issued or delivered in this state by a healthcare insurer, health maintenance organization, hospital medical service corporation, or self-insured governmental or church plan in this state;

(4) "Healthcare professional" means a person who is licensed, certified, or otherwise authorized by the laws of this state to administer health care in the ordinary course of the practice of his or her profession;

(5) "Healthcare provider" means a hospital, an ambulatory surgical center, a primary care center, an outpatient psychiatric center, a home healthcare agency, a skilled nursing facility, or an individual licensed to render covered healthcare services; and

(6) "Treating physician" means a physician who is directly or indirectly involved in providing health care to the patient.

20-6-203. Community health worker – Certification.

(a) To be eligible for certification by the Department of Health as a community health worker, an individual shall:

(1) Not be licensed as a healthcare professional under Arkansas Code Title 17, Subtitle 3;

(2) Either:

(A) Successfully complete a community health worker training program from a school or training program approved by the department; or

(B) Have worked as a community health worker for the past one (1) year; and

(3) Submit an application with an application fee as determined by the department.

(b) For the purposes of relicensure, a community health worker shall:

(1) Complete fifteen (15) hours of training;

(2) Submit a renewal application with a renewal application fee as determined by the department, in consultation with the Arkansas Community Health Worker Association; and

(3) Be active in performing the skills of a community health worker.

(c) The department shall create and maintain a registry of approved community health worker training programs to be made available to the public.

20-6-204. Services of a community health worker.

Services provided by a community health worker are limited to:

(1) Health literacy services;

(2) Health education and community research activities;

(3) Basic home environmental assessments;

(4) Basic health screening and tests;

(5) Basic healthcare services that do not require a professional license under Arkansas Code Title 17, Subtitle 3, or specialized training under § 20-77-2301 et seq., in order to be performed, such as first aid and diabetic foot checks;

(6) Basic needs that are not met by personal care attendants;

(7) Community services;

(8) Medication compliance under a patient care plan, as directed by a treating physician;

(9) Chronic disease monitoring and education; and

(10) Appropriate referrals to community providers, healthcare providers, or healthcare professionals.

20-6-205. Patient data and information.

(a) Patient and personal data and information accessed or attained by a community health worker shall be confidential and privileged as required under state and federal law.

(b) If a community health worker does not maintain the confidential and privileged nature of the data or information, the community health worker shall be subject to any penalty under state and federal law for a breach of confidential data or information.

20-6-206. Compensation to a community health worker.

A community health worker certified under this subchapter may receive compensation for services provided from:

- (1) Medicare;
- (2) The Arkansas Medicaid Program;
- (3) A private insurance policy or plan;
- (4) A health benefit plan;
- (5) A healthcare provider or healthcare professional; or
- (6) A community-based organization.

20-6-207. Immunity.

(a) A person or entity that employs a certified community health worker shall not be liable for the actions or omissions of a certified community health worker.

(b) The following shall not be liable in any way for the actions or omissions of a certified community health worker:

- (1) A healthcare provider or an employee or authorized agent of a healthcare provider;
- (2) A contractor leaving a contractual relationship with a healthcare provider; and
- (3) A healthcare professional or an employee or authorized agent of a healthcare professional.

(c) A certified community health worker acting in good faith in accordance with training and experience received shall not be liable for an act or omission.

20-6-208. Construction.

This subchapter does not:

(1) Confer any authority on a community health worker to make healthcare decisions on behalf of a patient or a healthcare professional;

(2) Create a private right of action against:

(A) A healthcare provider or an authorized agent of a healthcare provider; or

(B) A healthcare professional or an authorized agent of a healthcare professional;

(3) Remove the obligation of a third-party payer to cover a healthcare item or service that the third-party payer is obligated to provide to a patient under the terms of a valid agreement, insurance policy, plan, or certification of coverage or health maintenance organization contract;

(4) Alter existing state laws or rules governing the scope of practice of a healthcare professional; or

(5) Authorize, encourage, or promote drug-induced, chemical, or surgical abortions.