

CHAPTER 86**(HB 525)**

AN ACT relating to community health workers.

WHEREAS, community health workers are frontline health workers with a uniquely close relationship to and understanding of the community they serve; and

WHEREAS, community health workers serve as a liaison between patients, their healthcare providers, social service providers, and the community; and

WHEREAS, community health workers facilitate improved communication between patients and their healthcare providers, help patients learn to effectively comply with medical care instructions, improve the quality and cultural competency of service delivery, and educate patients to improve healthy behaviors; and

WHEREAS, the Association of State and Territorial Health Officials has recognized the effectiveness of community health workers in improving health outcomes, reducing healthcare costs, and closing the health disparities gap across multiple settings and health issues; and

WHEREAS, according to the Kentucky Homeplace Program ROI Study, Rural Health Information Hub, between July 2001 and June 2021 community health workers served 177,777 clients in Eastern Kentucky, provided medication and services valued at over \$363,709,647, and achieved a return on investment of \$11.32 saved for every \$1 invested in community health worker services; and

WHEREAS, community health worker certification offers a path to college credit for healthcare workers who are interested in pursuing a college degree in the healthcare field and is thereby a necessary step towards addressing the ongoing and well-documented healthcare worker shortage; and

WHEREAS, the Department for Medicaid Services is currently considering the coverage and reimbursement of community health workers in the Kentucky Medicaid program to improve the health status of those it serves in a manner that is cost-effective, directed to areas and populations most in need, and ensures program integrity; and

WHEREAS, Medicaid Managed Care Organizations and some providers are employing community health workers to coordinate care, reduce costs, and meet quality measures required by value-based purchasing or supplemental payment programs that drive outcomes; and

WHEREAS, providers are to provide quality services using evidence-based practices to improve health outcomes of individuals in the Medicaid program and play a role in increasing the number and aptitude of the community health worker workforce to meet the needs of providers in the communities they serve;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "certified community health worker" has the same meaning as in Section 2 of this Act.*
- (2) (a) *By January 1, 2023, the Department for Medicaid Services shall seek approval from the federal Centers for Medicare and Medicaid Services for a state plan amendment, waiver, or alternative payment model, including public-private partnerships, for services delivered by certified community health workers.*
- (b) *Any state plan amendment, waiver, or alternative payment sought by the Department for Medicaid Services pursuant to paragraph (a) of this subsection shall provide reimbursement for services described in subsection (3) of this section when provided by a certified community health worker who is employed and supervised by a Medicaid participating provider who is employed by:*
1. *An alcohol and other drug treatment entity;*
 2. *A behavioral health services organization;*
 3. *A community mental health center;*
 4. *A federally qualified health center or a federally qualified health center look-alike;*

5. *A health system consisting of either at least one (1) hospital and at least one (1) group of physicians or more than one (1) group of physicians;*
 6. *A hospital;*
 7. *A local health department;*
 8. *A primary care clinic;*
 9. *A rural health clinic; or*
 10. *Another Medicaid participating provider approved by the Department for Medicaid Services.*
- (3) *A certified community health worker may provide the following services:*
- (a) *Direct preventative services or services designed to slow the progression of chronic diseases, including screenings for basic human needs and referrals to appropriate services and agencies to meet those needs;*
 - (b) *Health promotion education to prevent illness or disease, including the promotion of healthy behaviors to increase awareness and prevent the development of illness or disease;*
 - (c) *Facilitation between a beneficiary and a provider when cultural factors, such as language, socioeconomic status, or health literacy, become a barrier to properly understanding treatment options or treatment plans;*
 - (d) *Diagnosis-related patient education regarding self-management of physical, dental, or mental health; and*
 - (e) *Any other service approved by the Department for Medicaid Services.*
- (4) *Certified community health workers shall not enroll as independent Medicaid participating providers.*
- (5) *If a Medicaid managed care organization contracted by the Department for Medicaid Services for the delivery of Medicaid services employs a certified community health worker, the services provided by that certified community health worker shall not be considered to be duplicative of services, and shall not provide a basis to deny services or reimbursement for services, provided by a certified community health worker employed by an entity described in subsection (2)(b) of this section.*
- (6) *The Department for Medicaid Services shall, in accordance with KRS Chapter 13A, promulgate administrative regulations necessary to carry out the provisions of this section and obtain all necessary approvals from the federal Centers for Medicare and Medicaid Services.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 309 IS CREATED TO READ AS FOLLOWS:

For the purposes of Sections 2 to 4 of this Act:

- (1) *"Department" means the Kentucky Department for Public Health as established in KRS 194A.030;*
- (2) *"Certified community health worker" means an individual who has been certified, in accordance with Sections 3 and 4 of this Act, by the department as a community health worker; and*
- (3) *"Core competencies" means the knowledge and skills a certified community health worker is expected to demonstrate in order to carry out the mission and goals of the profession as defined by the department through the promulgation of administrative regulations in accordance with KRS Chapter 13A.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 309 IS CREATED TO READ AS FOLLOWS:

- (1) *Effective January 1, 2023, no person shall represent himself or herself as a community health worker unless he or she is certified as such in accordance with the provisions of Sections 2 to 4 of this Act.*
- (2) *In order to be eligible to apply for community health worker certification, an individual shall:*
 - (a) *Be a legal United States resident;*
 - (b) *1. Be a resident of Kentucky; or*
2. Be employed as a community health worker in the state of Kentucky;
 - (c) *Be at least eighteen (18) years of age; and*

- (d) 1. *Complete a competency-based community health worker training and mentorship program offered by an organization approved by the department to provide community health worker training and mentorship; or*
- 2. *Meet requirements established by the department through the promulgation of administrative regulations, in accordance with KRS Chapter 13A, for certification based on relevant and verifiable past community health worker related work experience.*
- (3) *Community health worker certifications shall be renewed annually and shall expire on October 31 of the year following the date of certification or recertification.*
- (4) *In order to be eligible for recertification, a certified community health worker shall annually complete continuing education, as required by the department through the promulgation of administrative regulations in accordance with KRS Chapter 13A, related to the core competencies of community health work provided by an organization approved by the department to provide continuing education for certified community health workers. Administrative regulations promulgated pursuant to this subsection shall include requirements for continuing education related to oral health care, infant and maternal health care, and geriatric health care.*
- (5) *Notwithstanding any other provision of law to the contrary, an individual shall be eligible to earn college course credit for training, mentorship, and continuing education completed pursuant to subsections (2) and (4) of this section.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 309 IS CREATED TO READ AS FOLLOWS:

The department shall:

- (1) *Promulgate administrative regulations, in accordance with KRS Chapter 13A, necessary to carry out the provisions of Section 3 of this Act, including establishing:*
 - (a) *The core competencies of community health work;*
 - (b) *The community health worker certification application and renewal process, including training, mentorship, and continuing education requirements;*
 - (c) *A certification application and renewal fee;*
 - (d) *Procedures for certification denial, suspension, and revocation; and*
 - (e) *The scope of practice for certified community health workers;*
- (2) *Approve competency-based training programs and training providers, which shall include the Kentucky Community and Technical College System;*
- (3) *Approve organizations to provide continuing education for certified community health workers; and*
- (4) *Work with the Kentucky Council on Postsecondary Education and the Kentucky Community and Technical College System to ensure that appropriate college course credits are awarded to individuals who complete certified community health worker training, mentorship, and continuing education provided by competency-based providers approved by the department.*

➔Section 5. KRS 205.6497 is amended to read as follows:

- (1) *As permitted by federal law, in any plan submitted for federal Title XXI approval of a children's health insurance program for Kentucky, the cabinet shall include provisions for a preventive health insurance program for children with no copayment, deductible, coinsurance, or premium.*
- (2) *The plan referred to in subsection (1) of this section shall include:*
 - (a) *Preventive dental services, tooth extraction, and emergency dental services; and*
 - (b) *Coverage for certain services rendered by certified community health workers, as defined in Section 2 of this Act, equivalent to the coverage requirements established in Section 1 of this Act.*

Signed by Governor April 7, 2022.