

SENATE BILL 988

J2, J1

7lr2419
CF HB 1113

By: ~~Senator Nathan Pulliam~~ Senators Nathan Pulliam, Ferguson, Guzzone, Kelley, Manno, McFadden, Ramirez, and Smith

Introduced and read first time: February 3, 2017

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 25, 2017

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations – Maryland Community Health Worker Act**

3 FOR the purpose of establishing the State Board of Community Health Workers in the
4 Department of Health and Mental Hygiene; specifying the purpose and composition
5 of the Board; providing that the role of community health workers does not include
6 providing clinical services; specifying the term of a Board member; requiring the
7 Governor to appoint Board members with the advice and consent of the Senate of
8 Maryland; requiring the Governor to appoint a new Board member, within a certain
9 time period, if a vacancy on the Board occurs; authorizing the Governor to remove a
10 member of the Board under certain circumstances; requiring the Secretary of Health
11 and Mental Hygiene to serve as the chair of the Board; requiring the Board to elect
12 certain officers from among its members; requiring the Board to make certain
13 determinations relating to its officers; specifying that a majority of the members then
14 serving on the Board is a quorum; requiring the Board to meet with a certain
15 frequency and determine the times and places of its meetings; specifying that a
16 Board member is entitled to certain reimbursement; authorizing the Board to employ
17 staff in accordance with its budget; requiring the Board to adopt certain regulations;
18 requiring the Board to establish a process for approving certain training and
19 experience; specifying the duties of the Board; establishing the State Board of
20 Community Health Workers Fund; authorizing the Board to set reasonable fees for
21 a certain purpose; requiring the Board to pay the fees to the Comptroller and
22 requiring the Comptroller to distribute the fees to the Fund; requiring the Fund to
23 be used for certain purposes; specifying that the Fund is a continuing, nonlapsing
24 fund, not subject to a certain provision of law; prohibiting unspent portions of the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Fund from reverting to the General Fund; specifying that no other State money may be used to support the Fund, that a designee of the Board is to administer the Fund, and that money in the Fund may be used only for certain purposes; specifying that a person who gives information to the Board or otherwise participates in its activities has a certain immunity from liability; ~~requiring, beginning on a certain date,~~ authorizing certain individuals to be certified by the Board ~~before practicing to practice~~ as a community health worker in the State; providing for the application of a certain provision of this Act; requiring an individual to meet certain requirements to qualify for certification; requiring the Board to waive a certain requirement under certain circumstances; requiring an applicant to apply to the Criminal Justice Information System Central Repository for a State and national criminal history records check; establishing certain procedures to apply for a criminal history records check; requiring the Central Repository to forward criminal history record information to the Board and to the individual; requiring the Central Repository to provide revised criminal history record information under certain circumstances; providing that certain information is confidential, may not be redisseminated, and may be used only for certain purposes; authorizing an individual who is the subject of a criminal history records check under this Act to contest the contents of certain criminal history record information; requiring an applicant for certification to submit an application to the Board, pay a certain fee, and submit to a criminal history records check; requiring the Board to consider certain factors in determining whether to grant a certification on receipt of the criminal history record information; providing that a renewal applicant is not required to complete a criminal history records check under certain circumstances; authorizing the Board to waive certain qualifications for a certain certification for an applicant who pays a certain fee, holds a certain certification or similar credential in another state under certain circumstances, and submits to a criminal history records check; requiring the Board to issue a certificate to any applicant who meets the requirements of certain provisions of this Act; requiring the Board to include certain information on each certificate; ~~providing that certification authorizes an individual to practice as a community health worker~~; specifying the term of a certificate; providing for the renewal of a certificate; requiring the Board to renew a certificate of a certificate holder who meets certain requirements; requiring a certificate holder to notify the Board of a certain change; requiring the Board to place a certificate holder on inactive status for a certain time period, under certain circumstances; requiring the Board to provide certain written notification to certain community health workers; requiring the Board to reactivate the certificate of a certified community health worker who is on inactive status under certain circumstances; requiring the Board to place a certified community health worker on nonrenewed status, for a certain time period under certain circumstances; requiring the Board to reactivate the certificate of a certified community health worker who is placed on nonrenewed status under certain circumstances; requiring the Board to reactivate the certificate of a certificate holder who was placed on inactive or nonrenewed status under certain circumstances; authorizing the Board to take certain disciplinary action against an applicant or a certificate holder for certain reasons; requiring the Board to give a certain individual an opportunity for a hearing before the Board and to give certain notice and hold the hearing in accordance with certain provisions of law; authorizing

the Board to issue subpoenas and administer oaths under certain circumstances; authorizing a certain court to take certain action against an individual who disobeys a subpoena from the Board or a certain order by the Board; authorizing the Board to hear and determine a matter, under certain circumstances; authorizing a person aggrieved by a decision of the Board to take certain action under certain circumstances; authorizing the Board to reinstate the certificate of an individual whose certificate has been revoked; ~~prohibiting an individual from practicing as a community health worker in the State without a certificate~~; establishing certain penalties for violations of this Act; establishing a certain short title; providing for the termination of this Act under certain circumstances; providing for a certain evaluation of the Board; providing for the terms of the initial appointed Board members; requiring the Board to hold its first Board meeting within a certain time period after the Governor has appointed the initial Board members; declaring the intent of the General Assembly regarding the initial funding of the Board and reimbursement of the General Fund under certain circumstances; requiring that the fee for an application for a certain initial certification be a certain amount for a certain period of time; requiring the Board to set a certain application fee on or after a certain date; defining certain terms; and generally relating to the establishment of the State Board of Community Health Workers and the certification of community health workers.

BY renumbering

Article – State Government
Section 8–403(b)(13) through (58), respectively
to be Section 8–403(b)(14) through (59), respectively
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY adding to

Article – Health Occupations
Section 3.5–101 through 3.5–502 to be under the new title “Title 3.5. Community Health Workers”
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY adding to

Article – State Government
Section 8–403(b)(13)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8–403(b)(13) through (58), respectively, of Article – State Government of the Annotated Code of Maryland be renumbered to be Section(s) 8–403(b)(14) through (59), respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Health Occupations

TITLE 3.5. COMMUNITY HEALTH WORKERS.

SUBTITLE 1. GENERAL PROVISIONS.

3.5–101.

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “BOARD” MEANS THE STATE BOARD OF COMMUNITY HEALTH WORKERS.

(C) “COMMUNITY HEALTH WORKER” MEANS A FRONTLINE PUBLIC HEALTH WORKER WHO:

(1) IS A TRUSTED MEMBER OF, OR HAS AN UNUSUALLY CLOSE UNDERSTANDING OF THE COMMUNITY SERVED;

(2) SERVES AS A LIAISON, LINK, OR INTERMEDIARY BETWEEN HEALTH AND SOCIAL SERVICES AND THE COMMUNITY TO:

(I) FACILITATE ACCESS TO SERVICES; AND

(II) IMPROVE THE QUALITY AND CULTURAL COMPETENCE OF SERVICE DELIVERY; ~~AND~~

(3) BUILDS INDIVIDUAL AND COMMUNITY CAPACITY BY INCREASING HEALTH KNOWLEDGE AND SELF-SUFFICIENCY THROUGH A RANGE OF ACTIVITIES, INCLUDING:

(I) OUTREACH;

(II) COMMUNITY EDUCATION;

(III) INFORMAL COUNSELING;

(IV) SOCIAL SUPPORT; AND

(V) ADVOCACY; AND

(4) IS PART OF A HEALTH CARE TEAM THAT MAY INCLUDE PHYSICIANS, NURSES, PSYCHIATRISTS, SOCIAL WORKERS, AND OTHER HEALTH CARE PROFESSIONALS WHO WORK CLOSELY WITH A COMMUNITY HEALTH WORKER TO PROVIDE COMPREHENSIVE AND COORDINATED CARE TO AN INDIVIDUAL.

(D) “FUND” MEANS THE STATE BOARD OF COMMUNITY HEALTH WORKERS FUND ESTABLISHED UNDER § 3.5–206 OF THIS TITLE.

SUBTITLE 2. STATE BOARD OF COMMUNITY HEALTH WORKERS.

3.5–201.

(A) THERE IS A STATE BOARD OF COMMUNITY HEALTH WORKERS IN THE DEPARTMENT.

(B) THE PURPOSE OF THE BOARD IS TO PROMOTE AND OVERSEE COMMUNITY HEALTH WORKERS IN CARRYING OUT THEIR ROLES, WHICH INCLUDE:

(1) SERVING AS A LIAISON BETWEEN COMMUNITIES, INDIVIDUALS, AND COORDINATED HEALTH CARE ORGANIZATIONS;

(2) PROVIDING EVIDENCE–BASED HEALTH GUIDANCE AND SOCIAL ASSISTANCE TO COMMUNITY RESIDENTS;

(3) ENHANCING COMMUNITY RESIDENTS’ ABILITY TO EFFECTIVELY COMMUNICATE WITH HEALTH CARE PROVIDERS;

(4) PROVIDING CULTURALLY AND LINGUISTICALLY APPROPRIATE HEALTH EDUCATION;

(5) ADVOCATING FOR INDIVIDUAL AND COMMUNITY HEALTH EQUITY;

(6) PROVIDING ~~CARE,~~ NONCLINICAL SUPPORT, FOLLOW–UP, AND EDUCATION IN COMMUNITY SETTINGS, INCLUDING HOMES AND NEIGHBORHOODS;

(7) IDENTIFYING AND ADDRESSING ISSUES THAT CREATE BARRIERS TO CARE FOR SPECIFIC INDIVIDUALS;

(8) PROVIDING REFERRAL AND FOLLOW–UP SERVICES OR OTHER COORDINATION OF HUMAN SERVICES OPTIONS;

(9) PROACTIVELY IDENTIFYING AND REFERRING INDIVIDUALS IN
FEDERAL, STATE, PRIVATE, OR NONPROFIT HEALTH AND HUMAN SERVICES
PROGRAMS; AND

(10) INTEGRATING WITH A PATIENT'S CARE TEAM TO SUPPORT
PROGRESS IN THE PATIENT'S CARE PLAN AND OVERALL PATIENT WELLNESS.

(C) THE ROLE OF COMMUNITY HEALTH WORKERS DOES NOT INCLUDE
PROVIDING CLINICAL SERVICES, INCLUDING:

(1) DIAGNOSING HEALTH CARE CONDITIONS;

(2) PROVIDING HEALTH CARE TREATMENT SERVICES; AND

(3) MAKING REFERRALS TO HEALTH CARE PROVIDERS OUTSIDE OF A
COMMUNITY HEALTH WORKER'S HEALTH CARE TEAM AND WITHOUT THE
SUPERVISION OF A LICENSED HEALTH CARE PROVIDER.

3.5-202.

(A) (1) THE BOARD CONSISTS OF ~~11~~ 15 MEMBERS.

(2) OF THE ~~11~~ 15 MEMBERS:

(I) ~~1~~ ONE SHALL BE THE SECRETARY OF HEALTH AND MENTAL
HYGIENE, OR THE SECRETARY'S DESIGNEE; AND

(II) ~~10~~ 14 SHALL BE APPOINTED BY THE GOVERNOR.

(3) OF THE ~~10~~ 14 MEMBERS APPOINTED BY THE GOVERNOR:

(I) ~~5~~ SIX SHALL BE COMMUNITY HEALTH WORKERS;

(II) ONE SHALL BE A REGISTERED NURSE WITH EXPERIENCE IN
COMMUNITY HEALTH;

(III) ONE SHALL BE A LICENSED SOCIAL WORKER;

~~(II)~~ (IV) ~~1~~ ONE SHALL REPRESENT A COMMUNITY HEALTH
WORKER TRAINING ORGANIZATION;

~~(III)~~ (V) ~~1~~ ONE SHALL REPRESENT THE MARYLAND PUBLIC
HEALTH ASSOCIATION;

~~(IV)~~ (VI) ~~1~~ ONE SHALL REPRESENT A COMMUNITY-BASED EMPLOYER OF COMMUNITY HEALTH WORKERS;

~~(V)~~ (VII) ~~1~~ ONE SHALL BE A MEMBER OF THE PUBLIC WHO IS FAMILIAR WITH THE SERVICES OF COMMUNITY HEALTH WORKER SERVICES; ~~AND~~

~~(VI)~~ (VIII) ~~1~~ ONE SHALL REPRESENT THE MARYLAND ASSOCIATION OF COUNTY HEALTH OFFICERS; AND

(IX) ONE SHALL REPRESENT THE COMMUNITY BEHAVIORAL HEALTH ASSOCIATION OF MARYLAND.

(B) THE GOVERNOR SHALL APPOINT BOARD MEMBERS WITH THE ADVICE AND CONSENT OF THE SENATE.

(C) EACH BOARD MEMBER SHALL BE A RESIDENT OF THE STATE.

(D) (1) THE TERM OF AN APPOINTED MEMBER IS 4 YEARS.

(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2017.

(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(5) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL TERMS.

(6) TO THE EXTENT PRACTICABLE, THE GOVERNOR SHALL FILL ANY VACANCY ON THE BOARD WITHIN 60 DAYS AFTER THE DATE OF THE VACANCY.

(E) (1) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE, MISCONDUCT, INCAPACITY, OR NEGLECT OF DUTY.

(2) ON THE RECOMMENDATION OF THE SECRETARY, THE GOVERNOR MAY REMOVE A MEMBER WHOM THE SECRETARY FINDS TO HAVE BEEN ABSENT FROM TWO SUCCESSIVE BOARD MEETINGS WITHOUT ADEQUATE REASON.

3.5-203.

1 **(A) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE**
2 **SECRETARY'S DESIGNEE, SHALL SERVE AS THE CHAIR OF THE BOARD.**

3 **(B) FROM AMONG ITS REMAINING MEMBERS, THE BOARD ANNUALLY SHALL**
4 **ELECT A VICE CHAIR AND A SECRETARY.**

5 **(C) THE BOARD SHALL DETERMINE:**

6 **(1) THE MANNER OF ELECTION OF THE VICE CHAIR AND THE**
7 **SECRETARY; AND**

8 **(2) THE DUTIES OF EACH OFFICER.**

9 **3.5-204.**

10 **(A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE BOARD IS A**
11 **QUORUM.**

12 **(B) THE BOARD SHALL MEET AT LEAST TWICE A YEAR, AT THE TIMES AND**
13 **PLACES THAT THE BOARD DETERMINES.**

14 **(C) A MEMBER OF THE BOARD IS ENTITLED TO REIMBURSEMENT FOR**
15 **EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN**
16 **THE STATE BUDGET.**

17 **(D) THE BOARD MAY EMPLOY STAFF IN ACCORDANCE WITH THE BUDGET OF**
18 **THE BOARD.**

19 **3.5-205.**

20 **(A) (1) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
21 **TITLE, INCLUDING REGULATIONS THAT ESTABLISH:**

22 **(I) CORE COMPETENCIES FOR COMMUNITY HEALTH WORKERS;**

23 **(II) STANDARDS AND REQUIREMENTS FOR APPROVAL OF**
24 **COMMUNITY HEALTH WORKER EXPERIENCE AND TRAINING, INCLUDING THE**
25 **CURRICULUM FOR THE REQUIRED TRAINING; AND**

26 **(III) CONTINUING EDUCATION REQUIREMENTS FOR**
27 **MAINTAINING CERTIFICATION.**

1 **(2) THE STANDARDS AND REQUIREMENTS FOR APPROVAL OF**
2 **COMMUNITY HEALTH WORKER TRAINING AND EXPERIENCE SHALL BE CONSISTENT**
3 **WITH THE CORE COMPETENCIES FOR COMMUNITY HEALTH WORKERS.**

4 **(B) THE BOARD SHALL ESTABLISH A PROCESS FOR APPROVING**
5 **COMMUNITY HEALTH WORKER TRAINING AND EXPERIENCE THAT MEET THE**
6 **STANDARDS AND REQUIREMENTS ESTABLISHED IN REGULATIONS.**

7 **(C) IN ADDITION TO THE DUTIES SET FORTH ELSEWHERE IN THIS TITLE,**
8 **THE BOARD SHALL:**

9 **(1) KEEP A CURRENT RECORD OF ALL CERTIFIED COMMUNITY**
10 **HEALTH WORKERS;**

11 **(2) COLLECT AND ACCOUNT FOR FEES PROVIDED FOR UNDER THIS**
12 **TITLE;**

13 **(3) PAY ALL NECESSARY EXPENSES OF THE BOARD IN ACCORDANCE**
14 **WITH THE STATE BUDGET;**

15 **(4) KEEP A COMPLETE RECORD OF ITS PROCEEDINGS;**

16 **(5) FILE AN ANNUAL REPORT OF ITS ACTIVITIES WITH THE**
17 **GOVERNOR AND THE SECRETARY THAT INCLUDES:**

18 **(I) A FINANCIAL STATEMENT; AND**

19 **(II) A PLAN FOR SPECIAL FUND REVENUES; AND**

20 **(6) ADOPT AN OFFICIAL SEAL.**

21 **3.5-206.**

22 **(A) THERE IS A STATE BOARD OF COMMUNITY HEALTH WORKERS FUND.**

23 **(B) (1) THE BOARD MAY SET REASONABLE FEES FOR THE ISSUANCE AND**
24 **RENEWAL OF CERTIFICATES AND ITS OTHER SERVICES.**

25 **(2) THE FEES CHARGED SHALL BE SET TO APPROXIMATE THE COST**
26 **OF MAINTAINING THE BOARD.**

27 **(3) FUNDS TO COVER THE EXPENSES OF THE BOARD MEMBERS SHALL**
28 **BE GENERATED BY FEES SET UNDER THIS SUBSECTION.**

(C) (1) THE BOARD SHALL REMIT ALL FEES COLLECTED UNDER THIS TITLE TO THE COMPTROLLER.

(2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE FUND.

(D) (1) THE FUND SHALL BE USED TO COVER THE ACTUAL DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY DUTIES OF THE BOARD AS PROVIDED UNDER THIS ARTICLE.

(2) THE FUND IS A CONTINUING, NONLAPSING FUND AND IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(3) ANY UNSPENT PORTIONS OF THE FUND MAY NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND, BUT SHALL REMAIN IN THE FUND TO BE USED FOR THE PURPOSES SPECIFIED IN THIS ARTICLE.

(4) NO OTHER STATE MONEY MAY BE USED TO SUPPORT THE FUND.

(E) (1) A DESIGNEE OF THE BOARD SHALL ADMINISTER THE FUND.

(2) MONEY IN THE FUND MAY BE EXPENDED ONLY FOR ANY LAWFUL PURPOSE AUTHORIZED UNDER THIS ARTICLE.

3.5-207.

A PERSON SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED IN § 5-702 OF THE COURTS ARTICLE FOR GIVING INFORMATION TO THE BOARD OR OTHERWISE PARTICIPATING IN ITS ACTIVITIES.

SUBTITLE 3. CERTIFICATION.

3.5-301.

~~BEGINNING OCTOBER 1, 2018, AN~~ AN INDIVIDUAL ~~SHALL~~ MAY BE CERTIFIED BY THE BOARD ~~BEFORE THE INDIVIDUAL MAY~~ TO PRACTICE AS A COMMUNITY HEALTH WORKER IN THE STATE.

3.5-302.

(A) TO QUALIFY FOR CERTIFICATION, AN APPLICANT SHALL:

(1) BE OF GOOD MORAL CHARACTER;

(2) HAVE SUCCESSFULLY COMPLETED 160 HOURS OF TRAINING, INCLUDING TRAINING IN THE CLASSROOM AND THROUGH A PRACTICUM; AND

1 **(3) MEET ANY OTHER REQUIREMENTS ESTABLISHED BY THE BOARD.**

2 **(B) THE BOARD SHALL WAIVE THE TRAINING REQUIREMENT UNDER**
3 **SUBSECTION (A) OF THIS SECTION IF, ON OR BEFORE SEPTEMBER 30, ~~2018~~ 2019, AN**
4 **APPLICANT DEMONSTRATES TO THE SATISFACTION OF THE BOARD SUCCESSFUL**
5 **COMPLETION, WITHIN THE 4-YEAR PERIOD IMMEDIATELY PRECEDING THE**
6 **APPLICATION DATE, OF:**

7 **(1) 80 HOURS OF TRAINING; AND**

8 **(2) 4,000 HOURS OF PAID OR UNPAID COMMUNITY HEALTH WORKER**
9 **EXPERIENCE.**

10 **3.5-303.**

11 **(A) IN THIS SECTION, “CENTRAL REPOSITORY” MEANS THE CRIMINAL**
12 **JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF**
13 **PUBLIC SAFETY AND CORRECTIONAL SERVICES.**

14 **(B) AN APPLICANT SHALL APPLY TO THE CENTRAL REPOSITORY FOR A**
15 **STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

16 **(C) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS**
17 **CHECK, AN INDIVIDUAL SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

18 **(1) A COMPLETE SET OF LEGIBLE FINGERPRINTS TAKEN IN A FORMAT**
19 **APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR**
20 **OF THE FEDERAL BUREAU OF INVESTIGATION;**

21 **(2) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL**
22 **PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS;**
23 **AND**

24 **(3) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL**
25 **BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

26 **(D) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-229 OF THE CRIMINAL**
27 **PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE**
28 **BOARD AND THE INDIVIDUAL THE INDIVIDUAL’S CRIMINAL HISTORY RECORD**
29 **INFORMATION.**

30 **(E) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER**
31 **THIS SECTION:**

(1) IS CONFIDENTIAL;

(2) MAY NOT BE REDISSEMINATED; AND

(3) MAY BE USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED
BY THIS TITLE.

(F) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS
SECTION MAY CONTEST THE CONTENTS OF THE CRIMINAL HISTORY RECORD
INFORMATION ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF
THE CRIMINAL PROCEDURE ARTICLE.

(G) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE
CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY
RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE BOARD AND
THE INDIVIDUAL REVISED CRIMINAL HISTORY RECORD INFORMATION FOR THE
INDIVIDUAL.

3.5-304.

(A) TO APPLY FOR CERTIFICATION AS A COMMUNITY HEALTH WORKER, AN
APPLICANT SHALL:

(1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE
BOARD REQUIRES;

(2) PAY TO THE BOARD THE APPLICATION FEE SET BY THE BOARD;
AND

(3) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN
ACCORDANCE WITH § 3.5-303 OF THIS SUBTITLE.

(B) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION
OF AN APPLICANT FOR CERTIFICATION FORWARDED TO THE BOARD IN
ACCORDANCE WITH § 3.5-303 OF THIS SUBTITLE, IN DETERMINING WHETHER TO
GRANT A CERTIFICATION, THE BOARD SHALL CONSIDER:

(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

(II) THE NATURE OF THE CRIME;

(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;

(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

(V) SUBSEQUENT WORK HISTORY;

(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

(VII) ANY OTHER EVIDENCE THAT DEMONSTRATES WHETHER
THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

(2) UNLESS OTHERWISE REQUIRED, A RENEWAL APPLICANT WHO
PREVIOUSLY HAS COMPLETED THE CRIMINAL HISTORY RECORDS CHECK AS
REQUIRED FOR THE BOARD'S APPLICATION PROCESS DOES NOT HAVE TO SUBMIT
TO A SUBSEQUENT CRIMINAL HISTORY RECORDS CHECK FOR RENEWAL OF A
CERTIFICATION.

3.5-305.

THE BOARD MAY WAIVE ANY OF THE QUALIFICATIONS FOR A CERTIFICATION
TO PRACTICE AS A COMMUNITY HEALTH WORKER UNDER THIS TITLE FOR AN
APPLICANT WHO:

(1) PAYS THE APPLICATION FEE REQUIRED BY THE BOARD UNDER §
3.5-206 OF THIS TITLE;

(2) HOLDS A CURRENT CERTIFICATION OR SIMILAR CREDENTIAL TO
PRACTICE AS A COMMUNITY HEALTH WORKER IN ANOTHER STATE IF THE BOARD
DETERMINES THAT THE STATE HAS REQUIREMENTS FOR CERTIFICATION OR A
SIMILAR CREDENTIAL THAT ARE AT LEAST EQUIVALENT TO THE REQUIREMENTS OF
THIS STATE AND MEET THE PRACTICE REQUIREMENTS ESTABLISHED UNDER
REGULATIONS ADOPTED BY THE BOARD; AND

(3) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN
ACCORDANCE WITH § 3.5-303 OF THIS SUBTITLE.

~~3.5-305.~~ 3.5-306.

(A) THE BOARD SHALL ISSUE A CERTIFICATE TO ANY APPLICANT WHO
MEETS THE REQUIREMENTS OF THIS TITLE.

(B) THE BOARD SHALL INCLUDE ON EACH CERTIFICATE THAT THE BOARD
ISSUES:

(1) THE FULL NAME OF THE CERTIFICATE HOLDER;

(2) THE DATES OF ISSUANCE AND EXPIRATION;

(3) A SERIAL NUMBER;

(4) THE BOARD SEAL; AND

(5) THE SIGNATURE OF THE BOARD'S REPRESENTATIVE.

~~(C) CERTIFICATION AUTHORIZES AN INDIVIDUAL TO PRACTICE AS A
COMMUNITY HEALTH WORKER WHILE THE CERTIFICATION IS IN EFFECT.~~

~~3.5-306. 3.5-307.~~

(A) A CERTIFICATE EXPIRES ON THE DATE SPECIFIED ON THE CERTIFICATE, UNLESS IT IS RENEWED FOR A 2-YEAR TERM AS PROVIDED IN THIS SECTION.

(B) AT LEAST 1 MONTH BEFORE THE CERTIFICATE EXPIRES, THE BOARD SHALL SEND TO THE CERTIFICATE HOLDER, BY FIRST-CLASS MAIL OR ELECTRONIC MEANS TO THE LAST KNOWN ADDRESS OR E-MAIL ADDRESS OF THE CERTIFICATE HOLDER, A RENEWAL NOTICE THAT STATES:

(1) THE DATE ON WHICH THE CURRENT CERTIFICATE EXPIRES;

(2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE CERTIFICATE EXPIRES;

(3) THE AMOUNT OF THE RENEWAL FEE; AND

(4) THE HOURS OF APPROVED TRAINING REQUIRED FOR RENEWAL OF CERTIFICATION.

(C) BEFORE THE CERTIFICATE EXPIRES, THE CERTIFICATE HOLDER MAY RENEW THE CERTIFICATE FOR AN ADDITIONAL 2-YEAR TERM, IF THE CERTIFICATE HOLDER:

(1) OTHERWISE IS ENTITLED TO BE CERTIFIED;

(2) PAYS TO THE BOARD THE RENEWAL FEE SET BY THE BOARD;

(3) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE FORM THAT THE BOARD REQUIRES; AND

1 (4) SUBMITS TO THE BOARD PROOF THAT DURING THE PREVIOUS
2 2-YEAR PERIOD, THE CERTIFICATE HOLDER HAS COMPLETED ANY CONTINUING
3 EDUCATION REQUIRED BY THE BOARD.

4 (D) (1) THE BOARD SHALL RENEW THE CERTIFICATE OF EACH
5 CERTIFICATE HOLDER WHO MEETS THE REQUIREMENTS OF THIS SECTION.

6 (2) THE RENEWAL CERTIFICATE SHALL USE THE SAME SERIAL
7 NUMBER ASSIGNED TO THE CERTIFICATE HOLDER AT THE TIME OF THE ORIGINAL
8 CERTIFICATION.

9 (E) A CERTIFICATE HOLDER SHALL NOTIFY THE BOARD OF ANY CHANGE IN
10 THE ADDRESS OF THE CERTIFICATE HOLDER WITHIN 60 DAYS AFTER THE CHANGE
11 OCCURS.

12 ~~3.5-307.~~ 3.5-308.

13 (A) (1) THE BOARD SHALL PLACE A CERTIFIED COMMUNITY HEALTH
14 WORKER ON INACTIVE STATUS FOR A PERIOD NOT TO EXCEED 4 YEARS IF THE
15 CERTIFIED COMMUNITY HEALTH WORKER:

16 (I) SUBMITS TO THE BOARD A WRITTEN APPLICATION FOR
17 INACTIVE STATUS ON A FORM THE BOARD REQUIRES; AND

18 (II) PAYS TO THE BOARD THE INACTIVE STATUS FEE SET BY THE
19 BOARD.

20 (2) THE BOARD SHALL PROVIDE TO A CERTIFIED COMMUNITY
21 HEALTH WORKER WHO IS PLACED ON INACTIVE STATUS WRITTEN NOTIFICATION OF:

22 (I) THE DATE THE CERTIFICATE HAS EXPIRED OR WILL EXPIRE;

23 (II) THE DATE THE CERTIFIED COMMUNITY HEALTH WORKER'S
24 INACTIVE STATUS BECAME EFFECTIVE;

25 (III) THE DATE THE CERTIFIED COMMUNITY HEALTH WORKER'S
26 INACTIVE STATUS EXPIRES; AND

27 (IV) THE CONSEQUENCES OF NOT REACTIVATING THE
28 CERTIFICATE BEFORE THE INACTIVE STATUS EXPIRES.

29 (3) THE BOARD SHALL REACTIVATE THE CERTIFICATE OF A
30 CERTIFIED COMMUNITY HEALTH WORKER WHO IS ON INACTIVE STATUS IF THE
31 CERTIFIED COMMUNITY HEALTH WORKER:

1 (I) APPLIES TO THE BOARD FOR REACTIVATION OF THE
2 CERTIFICATE BEFORE THE INACTIVE STATUS EXPIRES;

3 (II) COMPLIES WITH THE CERTIFICATE RENEWAL
4 REQUIREMENTS THAT ARE IN EFFECT WHEN THE CERTIFIED COMMUNITY HEALTH
5 WORKER APPLIES FOR REACTIVATION;

6 (III) HAS COMPLETED THE NUMBER OF CREDIT HOURS OF
7 APPROVED CONTINUING EDUCATION SET BY THE BOARD; AND

8 (IV) PAYS TO THE BOARD THE REACTIVATION PROCESSING FEE
9 SET BY THE BOARD.

10 (B) (1) THE BOARD SHALL PLACE A CERTIFIED COMMUNITY HEALTH
11 WORKER ON NONRENEWED STATUS FOR A PERIOD NOT TO EXCEED 4 YEARS IF THE
12 CERTIFIED COMMUNITY HEALTH WORKER FAILED TO RENEW THE CERTIFICATE FOR
13 ANY REASON.

14 (2) THE BOARD SHALL PROVIDE TO A CERTIFIED COMMUNITY
15 HEALTH WORKER WHO IS PLACED ON NONRENEWED STATUS WRITTEN
16 NOTIFICATION OF:

17 (I) THE DATE THE CERTIFICATE EXPIRED;

18 (II) THE DATE THE CERTIFIED COMMUNITY HEALTH WORKER'S
19 NONRENEWED STATUS BECAME EFFECTIVE;

20 (III) THE DATE THE CERTIFIED COMMUNITY HEALTH WORKER'S
21 NONRENEWED STATUS EXPIRES; AND

22 (IV) THE CONSEQUENCES OF NOT REACTIVATING THE
23 CERTIFICATE BEFORE THE NONRENEWED STATUS EXPIRES.

24 (3) THE BOARD SHALL REACTIVATE THE CERTIFICATE OF A
25 CERTIFIED COMMUNITY HEALTH WORKER WHO IS PLACED ON NONRENEWED
26 STATUS IF THE CERTIFIED COMMUNITY HEALTH WORKER:

27 (I) APPLIES TO THE BOARD FOR REACTIVATION OF THE
28 CERTIFICATE BEFORE THE NONRENEWED STATUS EXPIRES;

29 (II) COMPLIES WITH THE CERTIFICATE RENEWAL
30 REQUIREMENTS THAT ARE IN EFFECT WHEN THE INDIVIDUAL APPLIES FOR
31 REACTIVATION;

(III) HAS COMPLETED THE NUMBER OF CREDIT HOURS OF APPROVED CONTINUING EDUCATION SET BY THE BOARD; AND

(IV) PAYS TO THE BOARD THE REACTIVATION PROCESSING FEE SET BY THE BOARD.

(C) NOTWITHSTANDING SUBSECTION (A) OR (B) OF THIS SECTION, THE BOARD SHALL REACTIVATE THE CERTIFICATE OF A CERTIFIED COMMUNITY HEALTH WORKER WHO WAS PLACED ON INACTIVE OR NONRENEWED STATUS IF THE CERTIFIED COMMUNITY HEALTH WORKER:

(1) APPLIES TO THE BOARD FOR REACTIVATION AFTER THE INACTIVE OR NONRENEWED STATUS EXPIRED;

(2) PAYS TO THE BOARD THE REACTIVATION PROCESSING FEE SET BY THE BOARD AND ANY OTHER FEES REQUIRED BY THE BOARD; AND

(3) PROVIDES ANY DOCUMENTATION REQUIRED BY THE BOARD ON THE FORM THE BOARD REQUIRES.

~~3.5-308.~~ 3.5-309.

SUBJECT TO THE HEARING PROVISIONS OF § ~~3.5-309~~ 3.5-310 OF THIS SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS FULL AUTHORIZED MEMBERSHIP, MAY DENY ANY APPLICANT CERTIFICATION, REPRIMAND ANY CERTIFICATE HOLDER, PLACE ANY INDIVIDUAL WHO IS CERTIFIED ON PROBATION, OR SUSPEND OR REVOKE A CERTIFICATE, IF THE APPLICANT OR CERTIFICATE HOLDER:

(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A CERTIFICATE FOR THE APPLICANT OR CERTIFICATE HOLDER OR ANOTHER;

(2) FRAUDULENTLY OR DECEPTIVELY USES A CERTIFICATE;

(3) KNOWINGLY VIOLATES ANY PROVISION OF THIS TITLE, OR ANY REGULATION ADOPTED UNDER THIS TITLE;

(4) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO A FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA SET ASIDE;

(5) PROVIDES PROFESSIONAL SERVICES WHILE:

(I) UNDER THE INFLUENCE OF ALCOHOL; OR

(II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, OR OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL INDICATION;

(6) IS DISCIPLINED BY A LICENSING, CERTIFYING, OR DISCIPLINARY AUTHORITY OF ANY OTHER STATE OR COUNTRY OR CONVICTED OR DISCIPLINED BY A COURT OF ANY OTHER STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES;

(7) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD WHILE PERFORMING THE DUTIES OF A COMMUNITY HEALTH WORKER;

(8) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS REQUIRED BY LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF THE REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD THE REPORT;

(9) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;

(10) COMMITS AN ACT OF UNPROFESSIONAL CONDUCT IN PERFORMING THE DUTIES OF A COMMUNITY HEALTH WORKER;

(11) VIOLATES ANY REGULATION ADOPTED BY THE BOARD;

(12) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;
OR

(13) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED BY THE BOARD.

~~**3.5-309.**~~ **3.5-310.**

(A) (1) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § ~~3.5-308~~ 3.5-309 OF THIS SUBTITLE, THE BOARD SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

(2) A HEARING SHALL BE HELD WITHIN A REASONABLE TIME NOT TO EXCEED 6 MONTHS AFTER CHARGES HAVE BEEN BROUGHT.

(B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

(C) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

(D) OVER THE SIGNATURE OF AN OFFICER OR THE ADMINISTRATOR OF THE BOARD, THE BOARD MAY ISSUE SUBPOENAS AND ADMINISTER OATHS IN CONNECTION WITH ANY INVESTIGATION UNDER THIS TITLE AND ANY HEARINGS OR PROCEEDINGS BEFORE THE BOARD.

(E) ON PETITION OF THE BOARD, A COURT OF COMPETENT JURISDICTION MAY PUNISH A PERSON FOR CONTEMPT OF COURT, IF THE PERSON, WITHOUT LAWFUL EXCUSE, DISOBEYS A SUBPOENA FROM THE BOARD OR AN ORDER BY THE BOARD TO TAKE AN OATH, TESTIFY, OR ANSWER A QUESTION.

(F) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD MAY HEAR AND DETERMINE THE MATTER.

~~3.5-310.~~ 3.5-311.

ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A CONTESTED CASE, AS DEFINED IN § 10-202 OF THE STATE GOVERNMENT ARTICLE, MAY TAKE AN APPEAL AS ALLOWED IN §§ 10-222 AND 10-223 OF THE STATE GOVERNMENT ARTICLE.

~~3.5-311.~~ 3.5-312.

THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS FULL APPOINTED MEMBERSHIP, MAY REINSTATE THE CERTIFICATE OF AN INDIVIDUAL WHOSE CERTIFICATE HAS BEEN REVOKED.

SUBTITLE 4. PROHIBITED ACTS; PENALTIES.

~~3.5-401.~~

~~EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, UNLESS A PERSON IS CERTIFIED UNDER THIS TITLE, A PERSON MAY NOT PRACTICE IN THE STATE AS A COMMUNITY HEALTH WORKER.~~

~~3.5-402.~~ 3.5-401.

1 A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE IS GUILTY OF A
2 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO ~~A FINE NOT EXCEEDING \$5,000~~
3 ~~OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH;~~

4 (1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$2,000 OR
5 IMPRISONMENT NOT EXCEEDING 6 MONTHS; OR

6 (2) FOR A SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$6,000 OR
7 IMPRISONMENT NOT EXCEEDING 1 YEAR.

8 **SUBTITLE 5. SHORT TITLE; TERMINATION OF TITLE.**

9 **3.5-501.**

10 THIS TITLE MAY BE CITED AS THE MARYLAND COMMUNITY HEALTH WORKER
11 ACT.

12 **3.5-502.**

13 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE
14 PROGRAM EVALUATION ACT, THE PROVISIONS OF THIS TITLE AND OF ANY RULE OR
15 REGULATION ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO
16 EFFECT AFTER JULY 1, 2027.

17 **Article – State Government**

18 8-403.

19 (a) On or before December 15 of the evaluation year specified, the Department
20 shall:

21 (1) conduct a preliminary evaluation of each governmental activity or unit
22 to be evaluated under this section; and

23 (2) prepare a report on each preliminary evaluation conducted.

24 (b) Each of the following governmental activities or units and the statutes and
25 regulations that relate to the governmental activities or units are subject to preliminary
26 evaluation in the evaluation year specified:

27 **(13) COMMUNITY HEALTH WORKERS, STATE BOARD OF (§ 3.5-201 OF**
28 **THE HEALTH OCCUPATIONS ARTICLE: 2024);**

SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial appointed members of the State Board of Community Health Workers shall expire as follows:

(1) three members in 2019;

(2) three members in 2020; and

(3) four members in 2021.

SECTION 4. AND BE IT FURTHER ENACTED, That the State Board of Community Health Workers shall hold its first board meeting within 30 days after the Governor has appointed the initial members of the Board.

SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Governor provide funds in the fiscal year 2018 budget at a level sufficient to allow the State Board of Community Health Workers to begin operating as a regulatory board, and that when special funds become available for the regulation of community health workers, the special funds be used to reimburse the General Fund for the cost of starting up the Board.

SECTION 6. AND BE IT FURTHER ENACTED, That:

(a) The fee for an application for an initial certification to practice as a community health worker shall be \$75 beginning on October 1, 2017, through December 31, 2019.

(b) On or after January 1, 2020, the State Board of Community Health Workers shall set the fee for an application for certification in accordance with § 3.5-206(b) of the Health Occupations Article as enacted by Section 2 of this Act.

~~SECTION 6.~~ SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.