

SENATE BILL 988

J2, J1

7lr2419
CF 7lr1386

By: **Senator Nathan–Pulliam**

Introduced and read first time: February 3, 2017

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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; specifying the term of a Board member; requiring the Governor to
6 appoint Board members with the advice and consent of the Senate of Maryland;
7 requiring the Governor to appoint a new Board member, within a certain time period,
8 if a vacancy on the Board occurs; authorizing the Governor to remove a member of
9 the Board under certain circumstances; requiring the Secretary of Health and
10 Mental Hygiene to serve as the chair of the Board; requiring the Board to elect
11 certain officers from among its members; requiring the Board to make certain
12 determinations relating to its officers; specifying that a majority of the members then
13 serving on the Board is a quorum; requiring the Board to meet with a certain
14 frequency and determine the times and places of its meetings; specifying that a
15 Board member is entitled to certain reimbursement; authorizing the Board to employ
16 staff in accordance with its budget; requiring the Board to adopt certain regulations;
17 requiring the Board to establish a process for approving certain training and
18 experience; specifying the duties of the Board; establishing the State Board of
19 Community Health Workers Fund; authorizing the Board to set reasonable fees for
20 a certain purpose; requiring the Board to pay the fees to the Comptroller and
21 requiring the Comptroller to distribute the fees to the Fund; requiring the Fund to
22 be used for certain purposes; specifying that the Fund is a continuing, nonlapsing
23 fund, not subject to a certain provision of law; prohibiting unspent portions of the
24 Fund from reverting to the General Fund; specifying that no other State money may
25 be used to support the Fund, that a designee of the Board is to administer the Fund,
26 and that money in the Fund may be used only for certain purposes; specifying that
27 a person who gives information to the Board or otherwise participates in its activities
28 has a certain immunity from liability; requiring, beginning on a certain date, certain
29 individuals to be certified by the Board before practicing as a community health
30 worker in the State; requiring an individual to meet certain requirements to qualify
31 for certification; requiring the Board to waive a certain requirement under certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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 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; 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

1 INDICATED.

2 (B) "BOARD" MEANS THE STATE BOARD OF COMMUNITY HEALTH
3 WORKERS.

4 (C) "COMMUNITY HEALTH WORKER" MEANS A FRONTLINE PUBLIC HEALTH
5 WORKER WHO:

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

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

10 (I) FACILITATE ACCESS TO SERVICES; AND

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

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

16 (I) OUTREACH;

17 (II) COMMUNITY EDUCATION;

18 (III) INFORMAL COUNSELING;

19 (IV) SOCIAL SUPPORT; AND

20 (V) ADVOCACY.

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

23 SUBTITLE 2. STATE BOARD OF COMMUNITY HEALTH WORKERS.

24 3.5–201.

25 (A) THERE IS A STATE BOARD OF COMMUNITY HEALTH WORKERS IN THE
26 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, 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.

3.5-202.

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

(2) OF THE 11 MEMBERS:

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

(II) 10 SHALL BE APPOINTED BY THE GOVERNOR.

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

(I) 5 SHALL BE COMMUNITY HEALTH WORKERS;

**(II) 1 SHALL REPRESENT A COMMUNITY HEALTH WORKER
TRAINING ORGANIZATION;**

**(III) 1 SHALL REPRESENT THE MARYLAND PUBLIC HEALTH
ASSOCIATION;**

**(IV) 1 SHALL REPRESENT A COMMUNITY-BASED EMPLOYER OF
COMMUNITY HEALTH WORKERS;**

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

**(VI) 1 SHALL REPRESENT THE MARYLAND ASSOCIATION OF
COUNTY HEALTH OFFICERS.**

**(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.

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

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

(C) THE BOARD SHALL DETERMINE:

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

(2) THE DUTIES OF EACH OFFICER.

3.5-204.

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

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

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

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

3.5-205.

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

(I) CORE COMPETENCIES FOR COMMUNITY HEALTH WORKERS;

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

(III) CONTINUING EDUCATION REQUIREMENTS FOR
MAINTAINING CERTIFICATION.

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

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

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

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

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

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

(4) KEEP A COMPLETE RECORD OF ITS PROCEEDINGS;

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

(I) A FINANCIAL STATEMENT; AND

(II) A PLAN FOR SPECIAL FUND REVENUES; AND

(6) ADOPT AN OFFICIAL SEAL.

3.5-206.

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

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

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

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

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

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

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

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

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

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

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

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

22 **3.5-207.**

23 **A PERSON SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED IN §**
24 **5-702 OF THE COURTS ARTICLE FOR GIVING INFORMATION TO THE BOARD OR**
25 **OTHERWISE PARTICIPATING IN ITS ACTIVITIES.**

26 **SUBTITLE 3. CERTIFICATION.**

27 **3.5-301.**

28 **BEGINNING OCTOBER 1, 2018, AN INDIVIDUAL SHALL BE CERTIFIED BY THE**

**BOARD BEFORE THE INDIVIDUAL MAY 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**

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

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

(1) 80 HOURS OF TRAINING; AND

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

3.5-303.

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

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

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

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

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

1 AND

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

4 (D) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-229 OF THE CRIMINAL
5 PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE
6 BOARD AND THE INDIVIDUAL THE INDIVIDUAL'S CRIMINAL HISTORY RECORD
7 INFORMATION.

8 (E) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER
9 THIS SECTION:

10 (1) IS CONFIDENTIAL;

11 (2) MAY NOT BE REDISSEMINATED; AND

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

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

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

23 3.5-304.

24 TO APPLY FOR CERTIFICATION AS A COMMUNITY HEALTH WORKER, AN
25 APPLICANT SHALL:

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

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

30 (3) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN

1 ACCORDANCE WITH § 3.5–303 OF THIS SUBTITLE.

2 **3.5–305.**

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

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

7 (1) THE FULL NAME OF THE CERTIFICATE HOLDER;

8 (2) THE DATES OF ISSUANCE AND EXPIRATION;

9 (3) A SERIAL NUMBER;

10 (4) THE BOARD SEAL; AND

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

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

14 **3.5–306.**

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

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

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

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

26 (3) THE AMOUNT OF THE RENEWAL FEE; AND

27 (4) THE HOURS OF APPROVED TRAINING REQUIRED FOR RENEWAL

1 OF CERTIFICATION.

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

5 (1) OTHERWISE IS ENTITLED TO BE CERTIFIED;

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

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

9 (4) SUBMITS TO THE BOARD PROOF THAT DURING THE PREVIOUS
10 2-YEAR PERIOD, THE CERTIFICATE HOLDER HAS COMPLETED ANY CONTINUING
11 EDUCATION REQUIRED BY THE BOARD.

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

14 (2) THE RENEWAL CERTIFICATE SHALL USE THE SAME SERIAL
15 NUMBER ASSIGNED TO THE CERTIFICATE HOLDER AT THE TIME OF THE ORIGINAL
16 CERTIFICATION.

17 (E) A CERTIFICATE HOLDER SHALL NOTIFY THE BOARD OF ANY CHANGE IN
18 THE ADDRESS OF THE CERTIFICATE HOLDER WITHIN 60 DAYS AFTER THE CHANGE
19 OCCURS.

20 3.5-307.

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

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

26 (II) PAYS TO THE BOARD THE INACTIVE STATUS FEE SET BY THE
27 BOARD.

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

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

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

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

6 (IV) THE CONSEQUENCES OF NOT REACTIVATING THE
7 CERTIFICATE BEFORE THE INACTIVE STATUS EXPIRES.

8 (3) THE BOARD SHALL REACTIVATE THE CERTIFICATE OF A
9 CERTIFIED COMMUNITY HEALTH WORKER WHO IS ON INACTIVE STATUS IF THE
10 CERTIFIED COMMUNITY HEALTH WORKER:

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

13 (II) COMPLIES WITH THE CERTIFICATE RENEWAL
14 REQUIREMENTS THAT ARE IN EFFECT WHEN THE CERTIFIED COMMUNITY HEALTH
15 WORKER APPLIES FOR REACTIVATION;

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

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

20 (B) (1) THE BOARD SHALL PLACE A CERTIFIED COMMUNITY HEALTH
21 WORKER ON NONRENEWED STATUS FOR A PERIOD NOT TO EXCEED 4 YEARS IF THE
22 CERTIFIED COMMUNITY HEALTH WORKER FAILED TO RENEW THE CERTIFICATE FOR
23 ANY REASON.

24 (2) THE BOARD SHALL PROVIDE TO A CERTIFIED COMMUNITY
25 HEALTH WORKER WHO IS PLACED ON NONRENEWED STATUS WRITTEN
26 NOTIFICATION OF:

27 (I) THE DATE THE CERTIFICATE EXPIRED;

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

30 (III) THE DATE THE CERTIFIED COMMUNITY HEALTH WORKER'S

1 NONRENEWED STATUS EXPIRES; AND

2 (IV) THE CONSEQUENCES OF NOT REACTIVATING THE
3 CERTIFICATE BEFORE THE NONRENEWED STATUS EXPIRES.

4 (3) THE BOARD SHALL REACTIVATE THE CERTIFICATE OF A
5 CERTIFIED COMMUNITY HEALTH WORKER WHO IS PLACED ON NONRENEWED
6 STATUS IF THE CERTIFIED COMMUNITY HEALTH WORKER:

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

9 (II) COMPLIES WITH THE CERTIFICATE RENEWAL
10 REQUIREMENTS THAT ARE IN EFFECT WHEN THE INDIVIDUAL APPLIES FOR
11 REACTIVATION;

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

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

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

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

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

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

26 3.5–308.

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

1 **HOLDER:**

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

5 **(2) FRAUDULENTLY OR DECEPTIVELY USES A CERTIFICATE;**

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

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

12 **(5) PROVIDES PROFESSIONAL SERVICES WHILE:**

13 **(I) UNDER THE INFLUENCE OF ALCOHOL; OR**

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

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

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

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

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

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

30 **(11) VIOLATES ANY REGULATION ADOPTED BY THE BOARD;**

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

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

5 **3.5–309.**

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

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

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

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

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

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

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

26 **3.5–310.**

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

1 **3.5–311.**

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

5 **SUBTITLE 4. PROHIBITED ACTS; PENALTIES.**

6 **3.5–401.**

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

10 **3.5–402.**

11 **A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE IS GUILTY OF A**
12 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000**
13 **OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.**

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

15 **3.5–501.**

16 **THIS TITLE MAY BE CITED AS THE MARYLAND COMMUNITY HEALTH WORKER**
17 **ACT.**

18 **3.5–502.**

19 **SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE**
20 **PROGRAM EVALUATION ACT, THE PROVISIONS OF THIS TITLE AND OF ANY RULE OR**
21 **REGULATION ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO**
22 **EFFECT AFTER JULY 1, 2027.**

23 **Article – State Government**

24 **8–403.**

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

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

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

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

(13) COMMUNITY HEALTH WORKERS, STATE BOARD OF (§ 3.5–201 OF 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 this Act shall take effect October 1, 2017.