

**NOTE - Draft potential amendments are in red.**

**Please send all comments to: MDH.CHW@maryland.gov**

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# **Title 10 MARYLAND DEPARTMENT OF HEALTH**

## **Subtitle 68 COMMUNITY HEALTH WORKERS**

### **Chapter 01 Certification of Community Health Workers**

**Authority: Health-General Article, §13-3705, Annotated Code of Maryland**

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## **.1 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Accreditation” means the approval a community health worker certification training program receives when it has met all the requirements of this chapter.

(2) “Accredited community health worker certification training program” means a community health worker certification training program that has been accredited by the Maryland Department of Health.

(3) “Applicant” means an individual who applies to the Maryland Department of Health to obtain a community health worker certificate.

(4) “Certificate” means a certificate issued by the Department to authorize an individual who meets the requirements of this chapter to represent to the public as a certified community health worker in the State.

(5) “Certified community health worker (CCHW)” means an individual who has successfully met the requirements stated in this chapter.

(6) “Community health worker (CHW)” has the meaning set forth in Health-General Article, §13-3701, Annotated Code of Maryland.

(7) “Core competencies” means:

- (a) Advocacy and community capacity building skills;
- (b) Effective oral and written communication skills;
- (c) Cultural competency;
- (d) Understanding of ethics and confidentiality issues;
- (e) Knowledge of local resources and system navigation;
- (f) Care coordination support skills;
- (g) Teaching skills to promote healthy behavior change;
- (h) Outreach methods and strategies; and
- (i) Understanding of public health concepts and health literacy.

(8) “Department” means the Maryland Department of Health.

(9) “Professional development activities” means knowledge and skill building opportunities related to the core competencies of community health workers or health principles that may include:

- (a) Courses;
- (b) Webinars;
- (c) Conferences;
- (d) Workshops;
- (e) Trainings; or

(f) Lectures.

(10) “Secretary” means the Secretary of the Maryland Department of Health.

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## .2 Application Procedures.

A. Qualified Community Health Worker Applicant. A qualified community health worker applicant is an individual who:

- (1) Has successfully completed a CHW certification training program that is accredited by the Department; or
- (2) Is eligible to be exempt from the training requirements as set forth in Regulation .03C of this chapter.

B. To obtain a community health worker certification, the applicant shall submit to the Department:

- (1) A completed application on a form provided by the Department;
- (2) An initial application fee set by the Department in regulation; and
- (3) Documentation of:
  - (a) Training **within 2 years of completing an accredited CHW certification training program;** or
  - (b) Training exemption requirements set forth in this chapter.

C. Incomplete Applications.

- (1) An application is not complete until the Department has received all the materials required under this chapter.
- (2) If an incomplete application is submitted to the Department, the Department shall:
  - (a) Notify the applicant within 30 calendar days after receipt of the incomplete application; and
  - (b) Specify the materials required to be submitted to complete the application.
- (3) If the applicant fails to provide the required documentation within 120 calendar days of notification, the Department may:
  - (a) Administratively close the application; or
  - (b) Deny the application, pursuant to the requirements set forth in this chapter.
- (4) The Department may not refund a fee if an application is administratively closed or denied.
- (5) An applicant whose application is administratively closed or denied may reapply and submit with the new application documentation in compliance with the requirements of this chapter.

### **.3 Applicant Age, Training, and Experience Requirements.**

A. Age Requirement. An individual seeking community health worker certification shall be 18 years old or older.

B. Certification by Completion of a CHW Certification Training Program Accredited by the Department. An applicant for community health worker certification shall:

(1) Provide documentation of successful completion of an accredited CHW certification training program as set forth in this chapter; and

(2) Possess a high school diploma or GED equivalent.

C. Exemption from Training Program Requirements.

(1) The Department may exempt an individual occupied as a CHW on October 1, 2018, from the training program requirements set forth in this chapter if the applicant provides documentation of:

(a) The completion of a minimum of 2,000 hours of CHW paid or volunteer experience 5 years prior to:

(i) October 1, 2018; or

(ii) The application date;

(b) A minimum of two letters of validation, on a form that the Department requires, from a current or former CHW employer, supervisor, or agency representative that recommend the individual for certification and validate the minimum of 2,000 hours of required experience; and

(c) Proficiency in core competencies to be detailed by the applicant and verified in writing by a CHW employer, supervisor, or agency representative.

(2) The deadline for submission of an application for exemption from the training program requirements under this section is March 31, 2020.

(3) An applicant may request an extension to submit an application, not to exceed 60 days, if:

(a) The applicant submits documentation of good cause for an extension; and

(b) The Department determines that an extension is reasonable under the circumstances.

## **.4 Action on Application.**

A. Upon review of a completed application, the Department shall:

- (1) Approve the issuance of a certificate to the applicant if the applicant meets the requirements specified in this chapter;
- (2) Request additional information to make a determination; or
- (3) Deny the issuance of a certificate to the applicant.

B. Approval for Certification and Issuance of Certificate.

(1) If the Department approves the issuance of a certificate to an applicant, the Department shall:

- (a) Send the applicant a written notice that the applicant is qualified for a certificate; and
- (b) Issue a certificate to the applicant.

(2) The Department shall include on each certificate:

- (a) The full name of the certificate holder;
- (b) The dates of issuance and expiration;
- (c) A serial number; and
- (d) The signature of the Department representative.

C. Denial of Issuance of Certificate.

(1) The Department may deny the issuance of a certificate if it determines the applicant has:

- (a) Not met the age, training, or experience requirements as set forth in this chapter;
- (b) Failed to remit a fee; or
- (c) Failed to complete the application form.

(2) If the Department denies the issuance of a certificate, the Department shall:

(a) Send the applicant written notice of the Department's denial of the issuance of a certificate, including specification of deficiencies; and

(b) Notify the applicant of the right to appeal the denial and to request a formal hearing.

(3) An applicant who has been denied the issuance of a certificate by the Department may reapply and submit new application documentation in compliance with the requirements of this chapter.

(4) **Appealing a Decision to Deny Issuance of a Certificate.** An applicant may appeal the decision to deny issuance of a certificate by submitting a request in writing to the Department within 30 calendar days of the date on the notice of denial of certification.

(5) If an applicant submits an appeal, the Department, within 60 calendar days, shall:

(a) Sustain or reverse the decision on the application; and

(b) Provide written notice to the applicant:

- (i) Indicating whether the decision on the application has been sustained or reversed; and

(ii) Providing an explanation of the decision.

(6) The Department may not refund a fee if the certification is denied.

D. An applicant may request a hearing within 10 calendar days after the date of written notice of the Department's denial of the issuance of a certificate. When the Department receives the request, it will follow hearing procedures in accordance with COMAR 10.01.03.

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## **.5 Certification Representation.**

An individual shall be certified by the Department before the individual may represent to the public that the individual is a certified community health worker.

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**.6 Requirement to Update Contact Information.**

An individual certified by the Department shall inform the Department, within a reasonable time period, of any changes to the certificate holder's name and contact information.

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## **.7 Expiration and Renewal.**

A. Unless the Department suspends or revokes the certificate, the certificate:

- (1) Is effective for 2 years from the date issued; and
- (2) Authorizes the individual to represent to the public that the individual is a certified community health worker.

B. At least 90 calendar days before the certificate expires, the Department shall send to the certified community health worker, by electronic or first-class mail to the last known electronic or physical address, a renewal notice that states:

- (1) The date on which the current certificate expires;
- (2) Any required renewal submission requirements;
- (3) The date by which the renewal application shall be received by the Department for the renewal to be issued; and
- (4) The amount of a renewal fee.

C. The certificate holder shall notify the Department if a renewal notice is not received within 60 calendar days before the required renewal date.

D. The Department shall renew the certificate of a certified community health worker who:

- (1) Is eligible to obtain a certificate;
- (2) Pays to the Department a renewal fee set by the Department in regulation; and
- (3) Submits to the Department:
  - (a) A renewal application on the form required by the Department; and
  - (b) Satisfactory documentation of completion of 20 hours of a broad range of professional development activities that include a written explanation of acquired knowledge and/or skill application of duties on a form that the Department requires.

E. Renewal applications shall be received 30 calendar days prior to the expiration date.

## **.8 Reinstatement of Certificate Due to Nonrenewal.**

A. The Department shall reinstate the certificate of a community health worker who has failed to renew the certificate, if the individual:

- (1) Has not had the certificate suspended or revoked;
- (2) Submits to the Department documentation of:
  - (a) Completion of 20 hours of a broad range of professional development activities; and
  - (b) A written explanation of acquired knowledge and/or skill application of duties within the 2-year period immediately preceding the date of renewal;
- (3) Applies to the Department for reinstatement of the certificate before 2 years after the certificate expires;
- (4) Pays to the Department a renewal fee set by the Department in regulation; and
- (5) Meets the requirements for certification set forth by the Department.

B. If a CHW is not eligible for reinstatement of a certificate under this chapter, the community health worker may be eligible for the issuance of a certificate by meeting the current requirements for obtaining a new certificate under this chapter.

## **.9 Suspension or Revocation of a Certificate.**

A. The Department may suspend or revoke the certificate of a community health worker who no longer meets the requirements established under this chapter.

B. Subject to the hearing provisions of COMAR 10.01.03, the Department may suspend or revoke a certificate if the individual:

- (1) Fraudulently or deceptively obtains or attempts to obtain a certificate for a community health worker or for another individual;
- (2) Fraudulently or deceptively uses a certificate;
- (3) Otherwise fails to meet substantially the standards for certification adopted under this chapter;
- (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) Performs the duties of a community health worker while:
  - (a) Under the influence of alcohol; or
  - (b) Using any narcotic or controlled dangerous substance, as defined in Criminal Law Article, §5–101, Annotated Code of Maryland, or other drug that is in excess of therapeutic amounts or without valid medical indication;
- (6) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state, territory, or country for an act that would be grounds for suspension or revocation action under this title;
- (7) Performs the duties of a certified community health worker with an unauthorized person or supervises or aids an unauthorized person in performing the duties of a certified community health worker;
- (8) Willfully makes or files a false report or record while performing the duties of a certified community health worker;
- (9) Willfully fails to file or record any report as required under law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;
- (10) Commits an act of unprofessional conduct in performing the duties of a community health worker;
- (11) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the individual is certified and qualified to render because of the individual's race, sex, creed, color, national origin, marital status, sexual orientation, age, gender identity, or disability; or
- (12) Fails to maintain on file with the Department a current resident address or employment address or notify the Department when the residency or place of employment changes.

C. The Department shall proceed with the suspension or revocation in accordance with the provisions in COMAR 10.01.03.

D. The Department shall send written notice of intent to suspend or revoke a certificate to the individual and identify the specific deficiencies.

E. Within 30 calendar days after receipt of written notice, the individual may submit to the Department:

- (1) A written plan by the individual to meet the applicable deficiencies; or
- (2) A written response setting forth documentation that the individual is meeting and maintaining each of the applicable requirements as set forth in this chapter.

F. Based on deficiencies and the individual's response, if any, the Department may suspend, revoke, or reinstate a certificate.

G. Appealing the Decision to Suspend or Revoke a Certificate.

(1) An individual may appeal the decision to suspend or revoke a certificate by submitting a request in writing to the Department within 30 calendar days of the date on the notice of suspension or revocation of a certificate.

(2) If an individual submits an appeal, the Department, within 60 calendar days, shall:

(a) Grant or deny the appeal; and

(b) Send individual written notice:

(i) Indicating whether the appeal has been granted or denied; and

(ii) Providing an explanation of the decision.

(3) The Department may not refund a fee if a certification is suspended or revoked.

H. An individual may request a hearing within 10 calendar days after receipt of written notice.

I. When the Department receives the request, it will follow hearing procedures in accordance with COMAR 10.01.03.

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### **Administrative History**

**Effective date: December 30, 2019 (46:26 Md. R. 1166)**

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