

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Division of Prevention and Quality Improvement
(Amended at ARRS Committee)

902 KAR 21:040. Community health worker certification.

RELATES TO: KRS13B.080-160, 211.090, 211.180

STATUTORY AUTHORITY: KRS 194A.050, 2022 Ky Acts ch. 86

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of Kentucky citizens and to operate programs and fulfill the responsibilities vested in the cabinet. Ky Acts ch. 86 authorizes the Department for Public Health to promulgate administrative regulations for the certification of community health workers. This administrative regulation establishes the certification requirements for a community health worker.

Section 1. Definitions.

- (1) "Applicant" means an individual applying to be certified or recertified as a community health worker.
- (2) "Certification" means the voluntary process by which the department grants recognition and use of a credential to individuals who are eligible to practice as certified community health workers.
- (3) "Certified community health worker" or "CCHW" is defined by Ky Acts ch. 86.
- (4) "Code of ethics" means the commonly understood principles and practices that all health and social service professionals are subject to. The Community Health Worker (CHW) code of ethics is maintained by the Kentucky Office of Community Health Workers and is available at <https://chfs.ky.gov/agencies/dph/dpqi/cdpb/Pages/chwp.aspx>.
- (5) "Core competencies" means the knowledge and skills gained through education and experience, and includes:
 - (a) Communication;
 - (b) Use of public health concepts and approaches;
 - (c) Organizational and community outreach;
 - (d) Advocacy and community capacity building;
 - (e) Care coordination and system navigation;
 - (f) Health coaching;
 - (g) Documentation, reporting, and outcome management; and
 - (h) Legal, ethical, and professional conduct.
- (6) "Department" means the Kentucky Department for Public Health.
- (7) "Program" means the Kentucky Office of Community Health Workers (KOCHW) in the Department for Public Health.
- (8) "Verifiable employment" means employment that can be confirmed by the department and that demonstrates achievement of a minimum standard of proficiency in the core competencies.

Section 2. Application for Initial Certification.

- (1) An applicant for initial certification as a certified community health worker shall meet the qualifications listed in Ky Acts ch. 86.
- (2) Applications shall be submitted to the program for review and approval.
- (3) All applications shall include a color photograph of the applicant.

- (4) A nonrefundable application fee of fifty (50) dollars by check or money order made payable to the Kentucky State Treasurer shall be submitted to the program.
- (5) The application shall not be considered complete and shall not be processed until all information and any subsequent documentation requested by the program is provided.
- (6) If an application is denied, the applicant shall be notified in writing of the decision and given the opportunity to reapply or appeal the denial decision.
- (7) Once an application is approved, a certificate with a certificate number shall be issued.

Section 3. Certified Community Health Worker Eligibility.

- (1) An applicant for certification as a community health worker may be eligible based on training or verifiable employment.
- (2) To be eligible based on training, the applicant shall submit:
 - (a) Documentation of successful completion of a competency-based training program by a KOCHW approved organization. Training shall be completed within three (3) years prior to application; and
 - (b) Documentation of successful completion of a minimum of forty (40) hours of verifiable mentorship completed within three (3) years prior to application.
- (3) To be eligible based on experience the applicant shall have a minimum of 2,500 hours of verifiable employment as a community health worker within three (3) years prior to application.

Section 4. Renewal of a Current Certificate.

- (1) All certificates for CCHWs shall be renewed annually by October 31.
- (2) A CCHW who holds a current certificate and has completed the continuing education requirements for renewal in Section 6 of this administrative regulation may apply to renew their certificate by:
 - (a) Submitting a complete application; and
 - (b) Payment of the twenty-five (25) dollar renewal application fee by check or money order made payable to the Kentucky State Treasurer.

Section 5. Extension for Renewal.

- (1) A CCHW may submit a written request for an extension to submit the renewal paperwork. This written request shall:
 - (a) Be received by the program on or before October 31; and
 - (b) Provide justification for the request.
- (2) The program may grant an extension beyond the October 31 deadline based on extenuating circumstances beyond the control of the CCHW.
- (3) The CCHW shall be notified in writing of the program's decision to grant or deny the extension.
- (4) Failure to submit the renewal or request an extension by the October 31 deadline shall result in expiration of the certificate.

Section 6. Continuing Education Requirements.

- (1) Continuing education requirements for renewal shall be fulfilled during each annual renewal period.
- (2) A CCHW shall complete a minimum of ten (10) contact hours of continuing education related to the core competencies each annual renewal period.
- (3) Credit for semester hours taken at a college or university shall be:
 - (a) Consistent with the community health worker core competencies; and
 - (b) Approved at three (3) credits for each semester hour.
- (4) Continuing education courses may be:
 - (a) Completed in person before a live presenter;
 - (b) Through home or self-study; or

- (c) Delivered through electronic media or technology including distance learning, online, or teleconference.
- (5) Effective October 31, 2023, all CCHWs shall complete a KOCHW approved training in oral healthcare, infant and maternal healthcare, and geriatric healthcare.
 - (a) CHWs who hold a current certification shall complete the training by October 2023 for renewal.
 - (b) CHWs who become newly certified shall complete the training within twelve (12) months of certification.
 - (c) These are one-time requirements and shall not need to be repeated.
- (6) The program shall maintain a record of all approved community health worker training providers on the program's website.
- (7) Providers of approved curricula shall notify the program within twenty (20) business days of a trainee's successful completion of a community health worker training.

Section 7. Certified Community Health Worker Scope of Practice. A certified community health worker may:

- (1) Provide cultural mediation among individuals, communities, and health and social service systems;
- (2) Provide culturally appropriate health education and information;
- (3) Provide care coordination, case management, and system navigation services;
- (4) Provide coaching and social support;
- (5) Advocate for individuals and communities;
- (6) Build individual and community capacity;
- (7) Provide direct services;
- (8) Implement individual and community assessments;
- (9) Conduct outreach; or
- (10) Participate in evaluation and research.

Section 8. Complaint Procedures.

- (1) Any organization or individual may file a signed written complaint.
- (2) The complaint shall be sent to the Kentucky Office of Community Health Workers, 275 East Main Street, HS2W-E, Frankfort, Kentucky 40621 or by email at chw.certification@ky.gov, subject line "Community Health Worker Complaint".
- (3) The complaint shall include:
 - (a) A statement that the CCHW has violated the requirements of this administrative regulation or the CHW code of ethics;
 - (b) The facts on which the complaint is based; and
 - (c) The signature and contact information for the complainant.
- (4) The program shall provide notice to the CCHW named in the complaint that a complaint has been filed and provide the CCHW an opportunity to respond to the complaint, including a proposal to resolve the complaint.
- (5) The alleged violation shall have occurred not more than one (1) year before the date that the complaint is received by the program.
- (6) Within sixty (60) calendar days after a complaint is filed, the program shall:
 - (a) Carry out an independent investigation, if the program determines that an investigation is necessary;
 - (b) Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
 - (c) Review all relevant information and make a determination as to whether the CCHW has violated the requirements of this administrative regulation or the code of ethics; and
 - (d) Issue a written decision to the complainant that addresses each allegation in the complaint and contains the reasons for the program's final decision.

Section 9. Denial, Suspension, and Revocation of a Certificate.

- (1) The program reserves the right to:
 - (a) Deny an application for certification or renewal; and
 - (b) Conduct an audit of a CCHW.
 - (2) Written notice of the denial of an application for certification or renewal shall be provided to the applicant and include:
 - (a) The applicant's opportunity to reapply; or
 - (b) Right to appeal.
 - (3) A request to appeal the denial of a certificate shall be submitted to the department within ten (10) days from the date listed on the written notice issued pursuant to subsection (2) of this section and provide evidence that the denial was in error.
 - (4) The department shall re-evaluate the evidence and issue a final notice to the applicant within ten (10) days.
 - (5) An applicant whose application is denied following the appeal shall be ineligible to apply for a period of one (1) year following the final notice of denial.
 - (6) A certificate may be suspended if:
 - (a) Audit findings show the CCHW has violated the requirements of the program; or
 - (b) The CCHW is found in violation of the CHW code of ethics.
 - (7) Written notice of the suspension shall be provided to the CCHW and include the right to appeal.
 - (8) A request to appeal the suspension shall be submitted to the program within ten (10) days of the notice and include evidence that the suspension is in error or the reason for the suspension has been corrected.
 - (9) Failure to submit a request to appeal the suspension within ten (10) days shall result in permanent suspension of the certificate.
 - (10) A certificate that has been suspended for one (1) year shall be considered revoked.
 - (11) During the period of suspension, the CCHW shall return the certification and identification card to the program and shall not engage in the practice of community health work until the suspension is lifted or further disciplinary action is taken.
 - (12) A certificate shall be revoked for repeated violations of the requirements of this administrative regulation or the CHW code of ethics.
 - (13) Written notice of the revocation shall be provided to the CCHW and include the right to request a hearing in accordance with KRS Chapter 13B.
- (49 Ky.R. 506, 1096; eff. 11-15-2022.)

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