

1 AN ACT relating to community health workers.

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

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

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

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

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

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

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

27 WHEREAS, Medicaid Managed Care Organizations and some providers are

1 employing community health workers to coordinate care, reduce costs, and meet quality
2 measures required by value-based purchasing or supplemental payment programs that
3 drive outcomes; and

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

8 NOW, THEREFORE,

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

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

12 *(1) As used in this section, "certified community health worker" has the same*
13 *meaning as in Section 2 of this Act.*

14 *(2) (a) By January 1, 2023, the Department for Medicaid Services shall seek*
15 *approval from the federal Centers for Medicare and Medicaid Services for a*
16 *state plan amendment, waiver, or alternative payment model, including*
17 *public-private partnerships, for services delivered by certified community*
18 *health workers.*

19 *(b) Any state plan amendment, waiver, or alternative payment sought by the*
20 *Department for Medicaid Services pursuant to paragraph (a) of this*
21 *subsection shall provide reimbursement for services described in subsection*
22 *(3) of this section when provided by a certified community health worker*
23 *who is employed and supervised by a Medicaid participating provider who is*
24 *employed by:*

25 *1. An alcohol and other drug treatment entity;*

26 *2. A behavioral health services organization;*

27 *3. A community mental health center;*

- 1 4. A federally qualified health center or a federally qualified health
2 center look-alike;
- 3 5. A health system consisting of either at least one (1) hospital and at
4 least one (1) group of physicians or more than one (1) group of
5 physicians;
- 6 6. A hospital;
- 7 7. A local health department;
- 8 8. A primary care clinic;
- 9 9. A rural health clinic; or
- 10 10. Another Medicaid participating provider approved by the Department
11 for Medicaid Services.
- 12 (3) A certified community health worker may provide the following services:
- 13 (a) Direct preventative services or services designed to slow the progression of
14 chronic diseases including screenings for basic human needs and referrals
15 to appropriate services and agencies to meet those needs;
- 16 (b) Health promotion education to prevent illness or disease including the
17 promotion of healthy behaviors to increase awareness and prevent the
18 development of illness or disease;
- 19 (c) Facilitation between a beneficiary and a provider when cultural factors,
20 such as language, socioeconomic status, or health literacy, become a
21 barrier to properly understanding treatment options or treatment plans;
- 22 (d) Diagnosis-related patient education regarding self-management of physical,
23 dental, or mental health; and
- 24 (e) Any other service approved by the Department for Medicaid Services.
- 25 (4) Certified community health workers shall not enroll as independent Medicaid
26 participating providers.
- 27 (5) If a Medicaid managed care organization contracted by the Department for

1 Medicaid Services for the delivery of Medicaid services employs a certified
2 community health worker:

3 (a) The services provided by that certified community health worker shall not
4 be considered to be duplicative of services, and shall not provide a basis to
5 deny services or reimbursement for services, provided by a certified
6 community health worker employed by an entity described in subsection
7 (2)(b) of this section; and

8 (b) The cost incurred by a managed care organization to employ a certified
9 community health worker shall not be considered a Medicaid benefit related
10 expense but shall instead be considered an administrative expense for the
11 managed care organization, unless otherwise specified by federal law.

12 (6) The Department for Medicaid Services shall, in accordance with KRS Chapter
13 13A, promulgate administrative regulations necessary to carry out the provisions
14 of this section and obtain all necessary approvals from the federal Centers for
15 Medicare and Medicaid Services.

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

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

19 (1) "Department" means the Kentucky Department for Public Health as established
20 in KRS 194A.030;

21 (2) "Certified community health worker" means an individual who has been
22 certified, in accordance with Sections 3 and 4 of this Act, by the department as a
23 community health worker; and

24 (3) "Core competencies" means the knowledge and skills a certified community
25 health worker is expected to demonstrate in order to carry out the mission and
26 goals of the profession as defined by the department through the promulgation of
27 administrative regulations in accordance with KRS Chapter 13A.

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

3 (1) Effective January 1, 2023, no person shall represent himself or herself as a
4 community health worker unless he or she is certified as such in accordance with
5 the provisions of Sections 2 to 4 of this Act.

6 (2) In order to be eligible to apply for community health worker certification, an
7 individual shall:

8 (a) Be a legal United States resident;

9 (b) 1. Be a resident of Kentucky; or

10 2. Be employed as a community health worker in the state of Kentucky;

11 (c) Be at least eighteen (18) years of age; and

12 (d) 1. Complete a competency-based community health worker training and
13 mentorship program offered by an organization approved by the
14 department to provide community health worker training and
15 mentorship; or

16 2. Meet requirements established by the department through the
17 promulgation of administrative regulations, in accordance with KRS
18 Chapter 13A, for certification based on relevant and verifiable past
19 community health worker related work experience.

20 (3) Community health worker certifications shall be renewed annually and shall
21 expire on October 31 of the year following the date of certification or
22 recertification.

23 (4) In order to be eligible for recertification, a certified community health worker
24 shall annually complete continuing education, as required by the department
25 through the promulgation of administrative regulations in accordance with KRS
26 Chapter 13A, related to the core competencies of community health work
27 provided by an organization approved by the department to provide continuing

1 education for certified community health workers. Administrative regulations
2 promulgated pursuant to this subsection shall include requirements for
3 continuing education related to oral health care, infant and maternal health care,
4 and geriatric health care.

5 (5) Notwithstanding any other provision of law to the contrary, an individual shall be
6 eligible to earn college course credit for training, mentorship, and continuing
7 education completed pursuant to subsections (2) and (4) of this section.

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

10 The department shall:

11 (1) Promulgate administrative regulations, in accordance with KRS Chapter 13A,
12 necessary to carry out the provisions of Section 3 of this Act, including
13 establishing:

14 (a) The core competencies of community health work;

15 (b) The community health worker certification application and renewal
16 process, including training, mentorship, and continuing education
17 requirements;

18 (c) A certification application and renewal fee;

19 (d) Procedures for certification denial, suspension, and revocation; and

20 (e) The scope of practice for certified community health workers;

21 (2) Approve competency-based training programs and training providers, which
22 shall include the Kentucky Community and Technical College System;

23 (3) Approve organizations to provide continuing education for certified community
24 health workers; and

25 (4) Work with the Kentucky Council on Postsecondary Education and the Kentucky
26 Community and Technical College System to ensure that appropriate college
27 course credits are awarded to individuals who complete certified community

1 *health worker training, mentorship, and continuing education provided by*
2 *competency-based providers approved by the department.*

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

4 (1) As permitted by federal law, in any plan submitted for federal Title XXI approval of
5 a children's health insurance program for Kentucky, the cabinet shall include
6 provisions for a preventive health insurance program for children with no
7 copayment, deductible, coinsurance, or premium.

8 (2) The plan referred to in subsection (1) of this section shall include:

9 (a) Preventive dental services, tooth extraction, and emergency dental services;

10 and

11 (b) Coverage for certain services rendered by certified community health
12 workers, as defined in Section 2 of this Act, equivalent to the coverage
13 requirements established in Section 1 of this Act.