

# HOUSE BILL 1113

J2, J1

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CF SB 988

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By: ~~Delegates Lam, Barve, Brooks, Hill, Jones, Krimm, Patterson, Turner, and K. Young~~ K. Young, Pendergrass, Bromwell, Angel, Cullison, Hayes, Kelly, Kipke, Metzgar, Morales, Pena-Melnyk, Platt, Rosenberg, Sample-Hughes, and West

Introduced and read first time: February 9, 2017  
Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 15, 2017

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## 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; 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

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### 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.



1 fund, not subject to a certain provision of law; prohibiting unspent portions of the  
2 Fund from reverting to the General Fund; specifying that no other State money may  
3 be used to support the Fund, that a designee of the Board is to administer the Fund,  
4 and that money in the Fund may be used only for certain purposes; specifying that  
5 a person who gives information to the Board or otherwise participates in its activities  
6 has a certain immunity from liability; ~~requiring, beginning on a certain date,~~  
7 authorizing certain individuals to be certified by the Board ~~before practicing to~~  
8 practice as a community health worker in the State; providing for the application of  
9 a certain provision of this Act; requiring an individual to meet certain requirements  
10 to qualify for certification; requiring the Board to waive a certain requirement under  
11 certain circumstances; requiring an applicant to apply to the Criminal Justice  
12 Information System Central Repository for a State and national criminal history  
13 records check; establishing certain procedures to apply for a criminal history records  
14 check; requiring the Central Repository to forward criminal history record  
15 information to the Board and to the individual; requiring the Central Repository to  
16 provide revised criminal history record information under certain circumstances;  
17 providing that certain information is confidential, may not be redisseminated, and  
18 may be used only for certain purposes; authorizing an individual who is the subject  
19 of a criminal history records check under this Act to contest the contents of certain  
20 criminal history record information; requiring an applicant for certification to submit  
21 an application to the Board, pay a certain fee, and submit to a criminal history  
22 records check; requiring the Board to consider certain factors in determining  
23 whether to grant a certification on receipt of the criminal history record information;  
24 providing that a renewal applicant is not required to complete a criminal history  
25 records check under certain circumstances; authorizing the Board to waive certain  
26 qualifications for a certain certification for an applicant who pays a certain fee, holds  
27 a certain certification or similar credential in another state under certain  
28 circumstances, and submits to a criminal history records check; requiring the Board  
29 to issue a certificate to any applicant who meets the requirements of certain  
30 provisions of this Act; requiring the Board to include certain information on each  
31 certificate; ~~providing that certification authorizes an individual to practice as a~~  
32 ~~community health worker;~~ specifying the term of a certificate; providing for the  
33 renewal of a certificate; requiring the Board to renew a certificate of a certificate  
34 holder who meets certain requirements; requiring a certificate holder to notify the  
35 Board of a certain change; requiring the Board to place a certificate holder on  
36 inactive status for a certain time period, under certain circumstances; requiring the  
37 Board to provide certain written notification to certain community health workers;  
38 requiring the Board to reactivate the certificate of a certified community health  
39 worker who is on inactive status under certain circumstances; requiring the Board  
40 to place a certified community health worker on nonrenewed status, for a certain  
41 time period under certain circumstances; requiring the Board to reactivate the  
42 certificate of a certified community health worker who is placed on nonrenewed  
43 status under certain circumstances; requiring the Board to reactivate the certificate  
44 of a certificate holder who was placed on inactive or nonrenewed status under certain  
45 circumstances; authorizing the Board to take certain disciplinary action against an  
46 applicant or a certificate holder for certain reasons; requiring the Board to give a  
47 certain individual an opportunity for a hearing before the Board and to give certain

1 notice and hold the hearing in accordance with certain provisions of law; authorizing  
2 the Board to issue subpoenas and administer oaths under certain circumstances;  
3 authorizing a certain court to take certain action against an individual who disobeys  
4 a subpoena from the Board or a certain order by the Board; authorizing the Board to  
5 hear and determine a matter, under certain circumstances; authorizing a person  
6 aggrieved by a decision of the Board to take certain action under certain  
7 circumstances; authorizing the Board to reinstate the certificate of an individual  
8 whose certificate has been revoked; ~~prohibiting an individual from practicing as a~~  
9 ~~community health worker in the State without a certificate~~; establishing certain  
10 penalties for violations of this Act; establishing a certain short title; providing for the  
11 termination of this Act under certain circumstances; providing for a certain  
12 evaluation of the Board; providing for the terms of the initial appointed Board  
13 members; requiring the Board to hold its first Board meeting within a certain time  
14 period after the Governor has appointed the initial Board members; declaring the  
15 intent of the General Assembly regarding the initial funding of the Board and  
16 reimbursement of the General Fund under certain circumstances; requiring that the  
17 fee for an application for a certain initial certification be a certain amount for a  
18 certain period of time; requiring the Board to set a certain application fee on or after  
19 a certain date; defining certain terms; and generally relating to the establishment of  
20 the State Board of Community Health Workers and the certification of community  
21 health workers.

22 BY renumbering

23 Article – State Government  
24 Section 8–403(b)(13) through (58), respectively  
25 to be Section 8–403(b)(14) through (59), respectively  
26 Annotated Code of Maryland  
27 (2014 Replacement Volume and 2016 Supplement)

28 BY adding to

29 Article – Health Occupations  
30 Section 3.5–101 through 3.5–502 to be under the new title “Title 3.5. Community  
31 Health Workers”  
32 Annotated Code of Maryland  
33 (2014 Replacement Volume and 2016 Supplement)

34 BY repealing and reenacting, without amendments,

35 Article – State Government  
36 Section 8–403(a)  
37 Annotated Code of Maryland  
38 (2014 Replacement Volume and 2016 Supplement)

39 BY adding to

40 Article – State Government  
41 Section 8–403(b)(13)  
42 Annotated Code of Maryland  
43 (2014 Replacement Volume and 2016 Supplement)

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

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

7 **Article – Health Occupations**

8 **TITLE 3.5. COMMUNITY HEALTH WORKERS.**

9 **SUBTITLE 1. GENERAL PROVISIONS.**

10 **3.5–101.**

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

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

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

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

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

21 (I) FACILITATE ACCESS TO SERVICES; AND

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

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

27 (I) OUTREACH;

28 (II) COMMUNITY EDUCATION;

1 (III) INFORMAL COUNSELING;

2 (IV) SOCIAL SUPPORT; AND

3 (V) ADVOCACY.

4 (D) "FUND" MEANS THE STATE BOARD OF COMMUNITY HEALTH WORKERS  
5 FUND ESTABLISHED UNDER § 3.5-206 OF THIS TITLE.

6 SUBTITLE 2. STATE BOARD OF COMMUNITY HEALTH WORKERS.

7 3.5-201.

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

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

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

14 (2) PROVIDING EVIDENCE-BASED HEALTH GUIDANCE AND SOCIAL  
15 ASSISTANCE TO COMMUNITY RESIDENTS;

16 (3) ENHANCING COMMUNITY RESIDENTS' ABILITY TO EFFECTIVELY  
17 COMMUNICATE WITH HEALTH CARE PROVIDERS;

18 (4) PROVIDING CULTURALLY AND LINGUISTICALLY APPROPRIATE  
19 HEALTH EDUCATION;

20 (5) ADVOCATING FOR INDIVIDUAL AND COMMUNITY HEALTH EQUITY;

21 (6) PROVIDING CARE, SUPPORT, FOLLOW-UP, AND EDUCATION IN  
22 COMMUNITY SETTINGS, INCLUDING HOMES AND NEIGHBORHOODS;

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

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

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

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

3 **3.5-202.**

4           (A) (1) THE BOARD CONSISTS OF ~~14~~ 15 MEMBERS.

5                   (2) OF THE ~~14~~ 15 MEMBERS:

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

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

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

10                           (I) ~~5~~ SEVEN SHALL BE COMMUNITY HEALTH WORKERS;

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

13                           (III) ONE SHALL BE A LICENSED SOCIAL WORKER;

14                           ~~(III)~~ (IV) ~~1~~ ONE SHALL REPRESENT A COMMUNITY HEALTH  
15 WORKER TRAINING ORGANIZATION;

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

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

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

22                           ~~(VI)~~ (VIII) ~~1~~ ONE SHALL REPRESENT THE MARYLAND  
23 ASSOCIATION OF COUNTY HEALTH OFFICERS.

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

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

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

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

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

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

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

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

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

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

17 **3.5-203.**

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

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

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

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

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

26 **3.5-204.**

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

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

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

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

8 **3.5-205.**

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

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

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

15                           **(III) CONTINUING EDUCATION REQUIREMENTS FOR**  
16 **MAINTAINING CERTIFICATION.**

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

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

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

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

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

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



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

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

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

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

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

7 **3.5-206.**

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

13           **(D) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-229 OF THE CRIMINAL**  
14 **PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE**  
15 **BOARD AND THE INDIVIDUAL THE INDIVIDUAL'S CRIMINAL HISTORY RECORD**  
16 **INFORMATION.**

17           **(E) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER**  
18 **THIS SECTION:**

19                 **(1) IS CONFIDENTIAL;**

20                 **(2) MAY NOT BE REDISSEMINATED; AND**

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

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

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

32 **3.5-304.**

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

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

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

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

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

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

14                           **(II)** THE NATURE OF THE CRIME;

15                           **(III)** THE CIRCUMSTANCES SURROUNDING THE CRIME;

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

17                           **(V)** SUBSEQUENT WORK HISTORY;

18                           **(VI)** EMPLOYMENT AND CHARACTER REFERENCES; AND

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

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

26 **3.5-305.**

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

1           **(1) PAYS THE APPLICATION FEE REQUIRED BY THE BOARD UNDER §**  
2 **3.5-206 OF THIS TITLE;**

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

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

11 ~~**3.5-305.**~~ **3.5-306.**

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

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

16                   **(1) THE FULL NAME OF THE CERTIFICATE HOLDER;**

17                   **(2) THE DATES OF ISSUANCE AND EXPIRATION;**

18                   **(3) A SERIAL NUMBER;**

19                   **(4) THE BOARD SEAL; AND**

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

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

23 ~~**3.5-306.**~~ **3.5-307.**

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

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

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

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

5           (3)    **THE AMOUNT OF THE RENEWAL FEE; AND**

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

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

11           (1)    **OTHERWISE IS ENTITLED TO BE CERTIFIED;**

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

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

15           (4)    **SUBMITS TO THE BOARD PROOF THAT DURING THE PREVIOUS**  
16 **2-YEAR PERIOD, THE CERTIFICATE HOLDER HAS COMPLETED ANY CONTINUING**  
17 **EDUCATION REQUIRED BY THE BOARD.**

18           (D)    (1)   **THE BOARD SHALL RENEW THE CERTIFICATE OF EACH**  
19 **CERTIFICATE HOLDER WHO MEETS THE REQUIREMENTS OF THIS SECTION.**

20           (2)    **THE RENEWAL CERTIFICATE SHALL USE THE SAME SERIAL**  
21 **NUMBER ASSIGNED TO THE CERTIFICATE HOLDER AT THE TIME OF THE ORIGINAL**  
22 **CERTIFICATION.**

23           (E)    **A CERTIFICATE HOLDER SHALL NOTIFY THE BOARD OF ANY CHANGE IN**  
24 **THE ADDRESS OF THE CERTIFICATE HOLDER WITHIN 60 DAYS AFTER THE CHANGE**  
25 **OCCURS.**

26 ~~3.5-307.~~ 3.5-308.

27           (A)    (1)   **THE BOARD SHALL PLACE A CERTIFIED COMMUNITY HEALTH**  
28 **WORKER ON INACTIVE STATUS FOR A PERIOD NOT TO EXCEED 4 YEARS IF THE**  
29 **CERTIFIED COMMUNITY HEALTH WORKER:**

1                   **(I) SUBMITS TO THE BOARD A WRITTEN APPLICATION FOR**  
2 **INACTIVE STATUS ON A FORM THE BOARD REQUIRES; AND**

3                   **(II) PAYS TO THE BOARD THE INACTIVE STATUS FEE SET BY THE**  
4 **BOARD.**

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

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

8                   **(II) THE DATE THE CERTIFIED COMMUNITY HEALTH WORKER'S**  
9 **INACTIVE STATUS BECAME EFFECTIVE;**

10                   **(III) THE DATE THE CERTIFIED COMMUNITY HEALTH WORKER'S**  
11 **INACTIVE STATUS EXPIRES; AND**

12                   **(IV) THE CONSEQUENCES OF NOT REACTIVATING THE**  
13 **CERTIFICATE BEFORE THE INACTIVE STATUS EXPIRES.**

14                   **(3) THE BOARD SHALL REACTIVATE THE CERTIFICATE OF A**  
15 **CERTIFIED COMMUNITY HEALTH WORKER WHO IS ON INACTIVE STATUS IF THE**  
16 **CERTIFIED COMMUNITY HEALTH WORKER:**

17                   **(I) APPLIES TO THE BOARD FOR REACTIVATION OF THE**  
18 **CERTIFICATE BEFORE THE INACTIVE STATUS EXPIRES;**

19                   **(II) COMPLIES WITH THE CERTIFICATE RENEWAL**  
20 **REQUIREMENTS THAT ARE IN EFFECT WHEN THE CERTIFIED COMMUNITY HEALTH**  
21 **WORKER APPLIES FOR REACTIVATION;**

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

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

26                   **(B) (1) THE BOARD SHALL PLACE A CERTIFIED COMMUNITY HEALTH**  
27 **WORKER ON NONRENEWED STATUS FOR A PERIOD NOT TO EXCEED 4 YEARS IF THE**  
28 **CERTIFIED COMMUNITY HEALTH WORKER FAILED TO RENEW THE CERTIFICATE FOR**  
29 **ANY REASON.**

1           **(2) THE BOARD SHALL PROVIDE TO A CERTIFIED COMMUNITY**  
2 **HEALTH WORKER WHO IS PLACED ON NONRENEWED STATUS WRITTEN**  
3 **NOTIFICATION OF:**

4                   **(I) THE DATE THE CERTIFICATE EXPIRED;**

5                   **(II) THE DATE THE CERTIFIED COMMUNITY HEALTH WORKER'S**  
6 **NONRENEWED STATUS BECAME EFFECTIVE;**

7                   **(III) THE DATE THE CERTIFIED COMMUNITY HEALTH WORKER'S**  
8 **NONRENEWED STATUS EXPIRES; AND**

9                   **(IV) THE CONSEQUENCES OF NOT REACTIVATING THE**  
10 **CERTIFICATE BEFORE THE NONRENEWED STATUS EXPIRES.**

11           **(3) THE BOARD SHALL REACTIVATE THE CERTIFICATE OF A**  
12 **CERTIFIED COMMUNITY HEALTH WORKER WHO IS PLACED ON NONRENEWED**  
13 **STATUS IF THE CERTIFIED COMMUNITY HEALTH WORKER:**

14                   **(I) APPLIES TO THE BOARD FOR REACTIVATION OF THE**  
15 **CERTIFICATE BEFORE THE NONRENEWED STATUS EXPIRES;**

16                   **(II) COMPLIES WITH THE CERTIFICATE RENEWAL**  
17 **REQUIREMENTS THAT ARE IN EFFECT WHEN THE INDIVIDUAL APPLIES FOR**  
18 **REACTIVATION;**

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

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

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

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

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



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

3 ~~3.5-308. 3.5-309.~~

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

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

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

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

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

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

21           **(i) UNDER THE INFLUENCE OF ALCOHOL; OR**

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

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

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

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

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

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

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

8           **(12) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;**  
9 **OR**

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

12 ~~**3.5-309.**~~ **3.5-310.**

13           **(A) (1) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE**  
14 **PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § ~~3.5-308~~**  
15 **3.5-309 OF THIS SUBTITLE, THE BOARD SHALL GIVE THE INDIVIDUAL AGAINST**  
16 **WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE**  
17 **THE BOARD.**

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

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

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

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

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

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

4 ~~3.5-310.~~ 3.5-311.

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

9 ~~3.5-311.~~ 3.5-312.

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

#### 13 SUBTITLE 4. PROHIBITED ACTS; PENALTIES.

14 ~~3.5-401.~~

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

18 ~~3.5-402.~~ 3.5-401.

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

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

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

#### 26 SUBTITLE 5. SHORT TITLE; TERMINATION OF TITLE.

27 3.5-501.

28 THIS TITLE MAY BE CITED AS THE MARYLAND COMMUNITY HEALTH WORKER  
29 ACT.

1 **3.5-502.**

2 **SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE**  
3 **PROGRAM EVALUATION ACT, THE PROVISIONS OF THIS TITLE AND OF ANY RULE OR**  
4 **REGULATION ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO**  
5 **EFFECT AFTER JULY 1, 2027.**

6 **Article – State Government**

7 8-403.

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

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

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

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

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

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

21 (1) three members in 2019;

22 (2) three members in 2020; and

23 (3) four members in 2021.

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

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

1        SECTION 6. AND BE IT FURTHER ENACTED, That:

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

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.