

SB 86-FN - AS INTRODUCED

2023 SESSION

23-1000

05/04

SENATE BILL

86-FN

AN ACT relative to health care workforce development and making appropriations therefor.

SPONSORS: Sen. Rosenwald, Dist 13

COMMITTEE: Health and Human Services

ANALYSIS

This bill:

I. Directs the department of health and human services to increase Medicaid provider rates and makes an appropriation for this purpose.

II. Establishes a community health worker certification program in the office of professional licensure and certification and makes an appropriation to the office for this purpose.

III. Directs the department of health and human services to issue an RFP to expand access to health services in rural and underserved areas of the state and makes appropriations to the department for this purpose.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to health care workforce development and making appropriations therefor.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Short Title. This act shall be known as the Health Care Workforce Development Act of 2023.

2 2 Purpose and Findings. The general court finds that:

3 I. New Hampshire's health care workforce is the foundation of our health care safety net,
4 and the foundation is in crisis due to a lack of consistent investments prior to the pandemic and the
5 COVID-19 compounded the structural deficits. As a result, residents of New Hampshire will go
6 without care until the cracks in the foundation are repaired. Recently, the state worked to stabilize
7 the system using federal funds including direct aid to hospitals, community providers, and long-term
8 care facilities; however, there remains a strong need to invest in programs to foster a future health
9 care workforce within the Granite State.

10 II. The state of New Hampshire shall address the health care workforce shortage through
11 programs designed to incentivize students to seek employment in health care and remain in New
12 Hampshire upon graduation; remove career-advancement barriers for our dedicated direct care
13 providers; and equip health care organizations with the tools necessary to secure skilled clinicians.

14 3 Department of Health and Human Services; Medicaid Rate Increases.

15 I. The commissioner of the department of health and human services shall increase
16 Medicaid provider rates, including all state plan services and waiver programs, in a manner which
17 will address provider workforce needs to improve patient access to care. The commissioner shall
18 apply the rate increases to the Medicaid fee-for-service fee schedule for the purpose of determining
19 payments for all services not delivered through managed care, and shall require the department's
20 actuary to incorporate the rate increases into the capitation payment for all services provided in the
21 care management program. Nothing in this section shall be construed to alter the traditional
22 method of establishing the county contribution for the Medicaid federal medical assistance
23 percentage.

24 II. The department of health and human services shall, beginning on October 1, 2023 and
25 every 3 months thereafter, provide a report to the fiscal committee of the general court on the status
26 of the rate increases described in paragraph I. Such reports shall include, but not be limited to,
27 year-to-date expenditures compiled by funding source and provider type.

28 4 New Subparagraph; Office of Professional Licensure and Certification; Division of Licensing
29 and Board Administration; Community Health Workers. Amend RSA 310-A:1-a, I by inserting after
30 subparagraph (tt) the following new subparagraph:

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(uu) Community health workers under RSA 326-M.

5 New Chapter; Community Health Workers Act. Amend RSA by inserting after chapter 326-L the following new chapter:

CHAPTER 326-M

COMMUNITY HEALTH WORKERS ACT

326-M:1 Definitions. In this chapter:

I. "Applicant" means an individual applying to be certified or recertified as a community health worker.

II. "Certificate" means the document issued by the office of professional licensure and certification to qualified applicants for certification as community health workers.

III. "Certification" means the voluntary process by which the office of professional licensure and certification grants recognition and use of a credential to individuals who are eligible to practice as certified community health workers.

IV. "Certified community health worker" means a community health worker to whom the office of professional licensure and certification has issued a certificate to practice as a certified community health worker.

V. "Commissioner" means the commissioner of the department of health and human services.

VI. "Community health worker" means a public health worker who applies an understanding of the experience, language, and culture of the populations that the individual serves and who provides direct services aimed at optimizing individual and family health outcomes, including:

- (a) Informal and motivational counseling and education;
- (b) Interventions to maximize social supports;
- (c) Care coordination;
- (d) Facilitation of access to health care and social services;
- (e) Health screenings; and
- (f) Other services that the commissioner defines by rule.

VII. "Department" means the department of health and human services.

VIII. "Executive director" means the executive director of the office of professional licensure and certification.

IX. "Recertification" means a renewal of certification.

X. "Telemedicine" means the use of audio, video, or other electronic media for the purpose of optimizing individual and family health outcomes.

326-M:2 Powers and Duties of the Executive Director. The powers and duties of the executive director under this chapter include:

1 I. Accepting applications for certification under this chapter, and approving or denying such
2 applications.

3 II. Renewing certifications.

4 III. Suspending or revoking certification of a certified community health worker upon the
5 grounds listed in RSA 326-M:5, and conducting hearings regarding the denial, suspension,
6 revocation and renewal of certificates as provided in RSA 326-M:8.

7 IV. Accepting written complaints from the public against registrants and conducting
8 necessary investigations upon such written complaints.

9 V. Publicizing the complaint procedure.

10 VI. Adopting such rules under RSA 541-A as are necessary to carry out the purposes of this
11 chapter.

12 VII. Reporting to the governor and commissioner annually on the activities conducted under
13 this chapter.

14 326-M:3 Rulemaking.

15 I. The executive director shall, in consultation with the New Hampshire area health
16 education centers, adopt rules pursuant to RSA 541-A, related to the following:

17 (a) Establishment and administration of a voluntary program for certification of
18 community health workers, including criteria for:

19 (1) Minimum education;

20 (2) Training;

21 (3) Experience; and

22 (4) Other qualifications that the executive director and the New Hampshire area
23 health education centers deem appropriate in accordance with the provisions of this chapter.

24 (b) Forms and procedures for the receipt, review, and action upon applications for initial
25 community health worker certification and for biennial recertification.

26 (c) Establishment of standards for continuing education and other requirements that the
27 secretary deems appropriate for biennial recertification.

28 (d) Procedures for disciplinary action relating to applicants or certified community
29 health workers. The rules shall include guidelines for:

30 (1) Disciplinary action;

31 (2) Reprimands;

32 (3) Probation;

33 (4) The denial, suspension or revocation of certification or recertification; and

34 (5) Applicants' appeal rights.

35 (e) The determination, assessment and collection of certification fees, recertification fees,
36 and disciplinary fines.

1 (f) Other matters that the secretary deems appropriate to carry out the provisions of this
2 chapter.

3 II. The executive director shall apply any fee it collects under this chapter to cover the costs
4 of administering the community health worker certification program.

5 326-M:4 Application; Certification Fees; Issuance of Certification; Applicants from Other States.

6 I. Upon approval by the executive director, the executive director shall issue a certification
7 to any person who files an application for such certification within 30 days after the filing of such
8 application.

9 II. Every application for community health worker certification shall be accompanied by a
10 non-refundable registration fee.

11 III. Certification shall be renewed biannually on or before June 30 upon payment of the
12 renewal fee.

13 IV. A certified community health worker shall conspicuously display such certification in the
14 principal place of business for which the certification is issued.

15 V. The executive director may issue a certification to any applicant who is licensed or
16 certified in any other state provided the other state's requirements are substantially equivalent to or
17 more stringent than those of this state. Such applicant shall be deemed able to work as a certified
18 community health worker in this state not more than 60 days after the application is received by the
19 executive director pending final approval or denial for other reason by the executive director.

20 326-M:5 Suspension; Revocation or Refusal to Issue Certification. The executive director may
21 deny the application for certified community health worker and may suspend or revoke the
22 certification issued pursuant to this chapter or refuse to issue a renewal thereof if it is determined
23 after hearing that such applicant or registrant:

24 I. Has made a material false statement or concealed a material fact in connection with their
25 application for certification;

26 II. Has had a certificate of registration issued under this chapter revoked or suspended
27 previously;

28 III. Has been found guilty of fraud or fraudulent practices after prosecution by the attorney
29 general; or

30 IV. Has failed to comply with any other provision of this chapter or any rules promulgated
31 by the executive director.

32 326-M:6 Use of Certified Community Health Worker Designation; Exemptions.

33 I. In order to use the title "certified community health worker", the initials "CCHW" or other
34 designation indicating that the individual is a certified community health worker, an individual
35 shall be certified pursuant to the provisions of the RSA 326-M:4.

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1 II. To ensure compliance with the provisions of this chapter or any rule that the executive
2 director has adopted under RSA 326-M:3, the office of professional licensure and certification may
3 issue cease-and-desist orders to persons violating the provisions of this chapter.

4 III. A certified community health worker shall engage only in those activities authorized
5 pursuant to this chapter and by rules adopted under this chapter. While engaging in practice as a
6 certified community health worker, an individual shall not engage in or perform any act or service
7 for which another professional certificate, license or other legal authority is required.

8 IV. Certification as a community health worker is voluntary. Nothing in this section shall
9 be construed as requiring community health workers be certified for purposes of employment.
10 Nothing in this section shall be construed to prevent or restrict the practice, service or activities of
11 any individual simultaneously certified as a community health worker and licensed, certified,
12 registered or otherwise legally authorized in the state to engage in the practice of another profession
13 if that individual does not, while engaged in the authorized practice of another profession, use any
14 name, title, the initials "CCHW" or other designation indicating that the individual is a certified
15 community health worker.

16 326-M:7 Telemedicine. Certified community health workers shall be permitted to provide
17 services through the use of telemedicine.

18 326-M:8 Procedure for Complaints; Hearings; Judicial Review.

19 I. No certification shall be suspended or revoked until after a hearing before the executive
20 director, which shall be held in accordance with RSA 541-A, and upon written notice mailed to the
21 registrant by certified or registered mail. However, when a notice of hearing is mailed to a
22 registrant at the address shown in the records of the department and such a registrant fails to
23 attend such hearing, the executive director may suspend the registration without a hearing pending
24 the individual's attendance at such hearing. Upon the denial of an application for a certificate of
25 registration, the executive director shall grant a hearing to an applicant therefor upon receipt of a
26 request for a hearing made within 30 days after the applicant is notified of denial. The executive
27 director shall have the power to require the attendance of witnesses and issue subpoenas duces
28 tecum in the conduct of such hearing. If a certification is revoked or suspended or an application is
29 denied, no such certification shall be issued to such former registrant or applicant for at least 6
30 months, or thereafter, except in the discretion of the executive director. The applicant may be heard
31 in person or by counsel. The executive director shall notify the applicant of the time and place of the
32 hearing. The executive director shall have the power to subpoena any person in this state, or
33 document, record or other relevant evidence, and administer an oath to and take the testimony of
34 any such person or cause their deposition to be taken.

35 II. Appeals from an order of suspension or revocation or a denial of an application of
36 certification shall be made under RSA 541.

37 6 Department of Health and Human Services; Division of Public Health Services

1 I. The department of health and human services, division of public health services, rural
2 health and primary care section shall, within 90 days of the effective date of this section, issue a
3 request for proposals to contract with an organization to increase the number of entry-level clinical
4 staff through investments in programs designed to improve care and access to care, particularly in
5 rural and underserved areas of this state, and to enhance the health and public health workforce in
6 New Hampshire. Such programs may include engaging under-represented populations in the health
7 care professions in middle school and high school, offering health professions students opportunities
8 to experience learning in rural or medically underserved regions of New Hampshire designed to
9 encourage participants to settle and work in these regions, and enriching the standard health
10 curriculum by providing health professions students training in aspects of health care such as
11 integration of behavioral health and primary care, social determinants of health, cultural
12 competency, interprofessional team-based care, and addressing the challenges associated with
13 substance misuse.

14 II. The department of health and human services, division of public health services, rural
15 health and primary care section shall contract with organizations located within the state for the
16 purpose of creating and expanding community-based advanced training which shall include, but is
17 not limited to, nurse practitioner fellowship programs, formal mentoring and precepting programs,
18 and training in community-based ambulatory care settings such as community health centers. Each
19 program shall be accredited or eligible for accreditation by a nationally-recognized accreditation
20 agency and officially affiliated with a postsecondary educational institution.

21 III. The department of health and human services, division of public health services,
22 maternal and child health section shall contract with community-based organizations including
23 community health centers and family resource centers to connect individuals and families to proper
24 supports to manage health care and the social determinants of health that impact quality of life
25 outcomes through the deployment of community health workers.

26 7 Department of Health and Human Services; Rural Health and Primary Care Section;
27 Appropriation.

28 I. Area Health Education Centers. The sum of \$9,650,000 for the biennium ending June 30,
29 2025 is hereby appropriated to the department of health and human services, division of public
30 health services, rural health and primary care section for the purpose set forth in paragraph I of
31 section 6 of this act. The governor is authorized to draw a warrant for said sum out of any money in
32 the treasury not otherwise appropriated.

33 II. Advanced Training Program. The sum of \$2,000,000 for the biennium ending June 30,
34 2025 is hereby appropriated to the department of health and human services, division of public
35 health services, rural health and primary care section for the purposes established in paragraph II of
36 section 6 of this act. The governor is authorized to draw a warrant for said sum out of any money in
37 the treasury not otherwise appropriated.

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1 III. Rural Residency Training at a Teaching Health Center Program. The sum of \$1,000,000
2 for the biennium ending June 30, 2025 is hereby appropriated to the department of health and
3 human services, division of public health services, rural health and primary care section for the
4 purposes of supporting a rural residency program for family medicine physicians. The governor is
5 authorized to draw a warrant for said sum out of any money in the treasury not otherwise
6 appropriated.

7 IV. Deployment of Community Health Workers. The sum of \$1,500,000 for the fiscal year
8 ending June 30, 2024 and the sum of \$1,500,000 for the fiscal year ending June 30, 2025 are hereby
9 appropriated to the department of health and human services, division of public health services,
10 maternal and child health section, for the purpose of funding community health workers at
11 community health centers and other safety-net organizations to connect with individuals and
12 families to ensure they have the proper supports to manage their health and the social determinants
13 of health that impact quality of life. The governor is authorized to draw a warrant for said sum out
14 of any money in the treasury not otherwise appropriated.

15 8 Department of Health and Human Services; Medicaid Rate Increase; Appropriation.

16 I. The sum of \$145,000,000 for the biennium ending June 30, 2025 is hereby appropriated to
17 the department of health and human services for the purpose of increasing the Medicaid provider
18 rate as provided in section 3 of this act. The governor is authorized to draw a warrant for said sum
19 out of any money in the treasury not otherwise appropriated.

20 II. Notwithstanding RSA 14:30-a, VI, in addition to the amounts appropriated in paragraph
21 I, the department of health and human services may accept and expend any matching federal funds
22 available for the purposes of this section without the prior approval of the fiscal committee of the
23 general court.

24 9 Office of Professional Licensure and Certification; Certification of Community Health
25 Workers; Appropriation. The sum of \$500,000 for the fiscal year ending June 30, 2024 is
26 appropriated to the office of professional licensure and certification for the purpose of establishing
27 the community health worker certification program. The governor is authorized to draw a warrant
28 for said sum out of any money in the treasury not otherwise appropriated.

29 10 Effective Date. This act shall take effect July 1, 2023.

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1/17/23

**SB 86-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to health care workforce development and making appropriations therefor.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, **as introduced**, at this time. When completed, the fiscal note will be forwarded to the Senate Clerk's Office.

AGENCIES CONTACTED:

Department of Health and Human Services and Office of Professional Licensure and Certification