

**PROPOSED REGULATION OF THE DIVISION OF PUBLIC AND  
BEHAVIORAL HEALTH OF THE DEPARTMENT OF HEALTH AND  
HUMAN SERVICES  
LCB File No. R133-15**

A REGULATION to establish licensure requirements for Community Health Worker Pools in the state of Nevada pursuant to Senate Bill 498 of the 78<sup>th</sup> Session of the Nevada Legislature.

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

**Section 1.** *“Certificate of training completion” defined. “Certificate of training completion” means the document recognized by the Division to qualify individuals who have successfully completed the training process to practice as a community health worker.*

**Sec. 2.** *“Client” defined. “Client” means a person who receives the provision of community health worker services.*

**Sec. 3.** *“Community health worker services” defined. “Community health worker services” means outreach, community education, informal counseling, social support, advocacy, and improvement of social determinants of health.*

**Sec. 4.** *“Continuing education” defined. “Continuing education” means courses or training designed to develop and enhance knowledge, skills, and professional development to ensure that community health workers receive information about current practices in the provision of community health services.*

**Sec. 5.** *“Core competencies” defined. “Core competencies” means a combination of qualities, practical skills and knowledge, recognized by the Division and being consistent with guidelines of the American Public Health Association or an equivalent association, recognized as essential to the provision of services by community health workers,.*

**Sec. 6.** *“Representative of the client” defined. “Representative of the client” means the spouse of a client, a parent or stepparent of a client who is a minor, the legal guardian of a client and any other person required by law to provide medical support to a client.*

**Sec. 7.** *“Scope of practice” defined. “Scope of practice” means the roles and related tasks performed by community health workers in the provision of services.*

**Sec. 8.** *“Service plan” defined. “Service plan” means a plan which includes a written description of the needs of a client for community health worker services and which specifies the tasks that community health worker is authorized to provide for the client.*

**Sec. 9.** *“Work station” defined. “Work station” means a satellite office of an agency that is established for the sole purposes of providing a location where copies of records may be sent to an agency and providing a location from which a community health worker may work to serve a geographic area outside the geographic area in which the community health worker normally works.*

**Sec. 10.** *1. Except as otherwise provided in this subsection, each license issued to operate a community health worker pool is separate and distinct and is issued to the specific entity designated on the license to operate the pool at a specific location. An entity may operate a pool at multiple work stations if the pool maintains the records for the clients, community health workers, other members of the staff of the pool and operations of the pool at the specific location designated on the license.*

*2. The name of the administrator who is designated as responsible for the conduct of the community health worker pool must appear on the face of the license.*

*3. Each community health worker pool must retain proof that it is adequately covered against liabilities resulting from claims incurred in the course of operation.*

*4. The proof of liability coverage and compliance with state statutes required by subsection 3 must be verified at the time the community health worker pool submits its initial application to the Division for a license and upon request by the Division.*

**Sec. 11.** *1. The administrator of a community health worker pool must:*

*(a) Be at least 18 years of age;*

*(b) Have a high school diploma or its equivalent;*

*(c) Be responsible and mature and have the personal qualities which will enable the administrator to understand problems relating to chronic disease prevention and management, social determinants of health, behavioral health and community services;*

*(d) Understand the provisions of this chapter and chapter 449 of NRS; and*

*(e) Demonstrate the ability to read, write, speak and understand the English language.*

*2. The administrator of a community health worker pool shall represent the licensee in the daily operation of the pool and shall appoint a person to exercise his or her authority in the administrator's absence. The responsibilities of an administrator include, without limitation:*

*(a) Employing qualified personnel and arranging for their training;*

*(b) Ensuring that only trained community health workers are providing services to a client of the community health worker pool and that such services are provided in accordance with the functional assessment of the client, the service plan established for the client and the policies and procedures of the pool;*

*(c) Developing and implementing an accounting and reporting system that reflects the fiscal experience and current financial position of the community health worker pool;*

*(d) Negotiating for services provided by contract in accordance with legal requirements and established policies of the community health worker pool;*

*(e) Providing oversight and direction for community health workers and other members of the staff of the pool as necessary to ensure that the clients of the pool receive needed services;*

*(f) Developing and implementing policies and procedures for the community health worker pool, including, without limitation, policies and procedures concerning terminating the community health worker services provided to a client;*

*(g) Designating one or more employees of the community health worker pool to be in charge of the pool during those times when the administrator is absent; and*

*(h) Demonstrating to the Division upon request that the community health worker pool has sufficient resources and the capability to satisfy the requests of each client of the pool related to the provision of the community health worker services described in the service plan to the client.*

*(i) Provision of an annual report as prescribed by the Division on a form prescribed by the Division, submitted January 1, each year after initial licensure.*

*3. Except as otherwise provided in this subsection, an employee designated to be in charge of the agency when the administrator is absent must have access to all records kept at the agency. Confidential information may be removed from a file to which an employee designated to be in charge of the community health worker pool has access if the confidential information is maintained separately by the administrator.*

*4. The administrator of a community health worker pool shall ensure that:*

*(a) The clients of the agency are not abused, neglected or exploited by a community health worker or another member of the staff of the pool, or by any person who is visiting the client when a community health worker or another member of the staff of the pool is present; and*

*(b) Suspected cases of abuse, neglect or exploitation of a client are reported in the manner prescribed in NRS 200.5093 and 200.50935.*

**Sec. 12.** *A community health worker pool shall maintain written policies and procedures concerning the qualifications, responsibilities and conditions of employment for each community health worker. The written policies and procedures must be reviewed and revised as needed. The written policies and procedures must be made available to the community health workers and other members of the staff of the pool upon hire and whenever revisions are made to those policies and procedures. At a minimum, the policies and procedures must:*

*1. Provide descriptions of the duties and responsibilities of community health workers;*

*2. Provide descriptions of any activities that community health workers are prohibited from engaging in, including, without limitation:*

*(a) Making a long distance telephone call that is personal in nature:*

*(1) On a telephone owned by or provided by a client; or*

*(2) While on duty providing community health worker services to a client;*

*(b) Loaning, borrowing or accepting gifts of money or personal items from a client;*

*(c) Accepting or retaining money or gratuities from a client, other than money needed for the purchase of groceries or medication for the client; and*

*(d) Becoming the legal guardian of a client or being named as an attorney-in-fact in a power of attorney executed by the client;*

*3. Set forth the rights of clients;*

*4. Set forth any requirements relating to ethics governing community health workers and other members of the staff of the community health worker pool, including, without limitation, any requirements concerning the confidentiality of client information;*

*5. Provide for outreach, community education, informal counseling, social support, advocacy, and improvement of social determinants of health;*

*6. Provide a description of the community health worker services that are provided by the pool to clients;*

7. *Provide a description of the manner in which the community health worker pool assigns community health workers to provide community health worker services to clients and any supervision of those services that will be provided by the pool;*
8. *Provide for documentation of the needs of each client and the community health worker services that are provided to the client;*
9. *Set forth the emergency responses of the community health worker pool to both medical and nonmedical situations;*
10. *Set forth the roles of the community health worker pool and any coordination that the pool will provide with services provided by other community service agencies;*
11. *Provide for periodic evaluations of the performance of community health workers and other members of the staff of the pool;*
12. *Provide for the maintenance of current personnel records which confirm that the policies and procedures are being followed; and*
13. *Set forth any other specific information that is necessary based on the needs of any special populations served by the community health worker pool.*

**Sec. 13.** *Each community health worker of a community health worker pool must:*

1. *Be at least 18 years of age;*
2. *Demonstrate ability to provide outreach, community education, informal counseling, social support, advocacy, and improvement of social determinants of health;*
3. *Understand the provisions of this chapter and chapter 449 of NRS;*
4. *Demonstrate the ability to read, write, speak and communicate effectively with the clients of the community health worker pool;*
5. *Attend an initial training of no less than 72 hours minimum related to providing for the needs of the clients of the community health worker pool as approved by the Division and keep a record of the certificate of training completion, or be certified by an accrediting body approved by the Division;*
6. *Demonstrate the ability to meet the needs of the clients of the community health worker pool; and*
7. *Receive annually not less than 20 hours of continuing education training related to providing for the needs of the clients of the community health worker pool.*

**Sec. 14. 1.** *A separate personnel file must be kept for each community health worker of a community health worker pool and must include, without limitation:*

- (a) *The name, address and telephone number of the community health worker;*
- (b) *The date on which the community health worker began working for the pool;*
- (c) *Documentation that the community health worker has had the tests or obtained the certificates required by NAC 441A.375 and approved by the Division;*
- (d) *Evidence of compliance with NRS 449.123 by the administrator of the community health worker pool or the person licensed to operate the pool with respect to the community health worker;*
- (e) *Proof that, within 6 months after the community health worker began working for the pool, the community health worker obtained a certificate in first aid and cardiopulmonary resuscitation issued by the American National Red Cross or an equivalent certificate approved by the Division and these certifications must be maintained current;*
- (f) *Proof that the community health worker is at least 18 years of age;*

- (g) Proof of possession by the community health worker of at least the minimum liability insurance coverage required by state law if the community health worker will be providing transportation to a client in a motor vehicle; and*
- (h) Documentation of all training attended by and performance evaluations of the community health worker.*

*2. The documentation described in paragraph (i) of subsection 1 must include, without limitation, for each training course attended by the community health worker:*

- (a) The name of the training course;*
- (b) The date on which the training course was attended;*
- (c) The number of hours of the training course;*
- (d) The name of the instructor of the training course; and*
- (e) A certificate indicating that the training course was successfully completed by the community health worker.*

**Sec. 15. 1. Each community health worker of a pool shall:**

- (a) Obtain a working knowledge of the provisions of this chapter which govern the licensing of community health worker pools before providing community health worker services to the clients of the pool. The community health worker pool must provide a copy of those provisions to a community health worker before the community health worker may provide community health worker services to the clients of the pool.*
- (b) Participate in and complete a training program before independently providing community health worker services to the clients of the pool. The training program must include an opportunity for the community health worker to receive on-the-job instruction provided to clients of the pool, as long as the administrator of the agency or the administrator's designee provides supervision during this instruction to determine whether the community health worker is able to provide community health worker services successfully and independently to the client.*
- (c) Receive training:*
  - (1) In the written documentation of:*
    - (i) Community health worker services provided to the clients of the pool; and*
    - (ii) Verification of time records.*
  - (2) In the core competencies, roles, values, scope of practice and ethics of a community health worker as prescribed by the Division, and being consistent with guidelines of the American Public Health Association or an equivalent association.*
  - (3) In the rights of clients, including, without limitation, training in methods to protect client confidentiality pursuant to state and federal regulations.*
  - (4) Related to outreach, community education, informal counseling, social support, advocacy, and improvement of social determinants of health.*
  - (5) Related to communication skills, including, without limitation, active listening, problem solving, conflict resolution and techniques for communicating through alternative modes with persons with communication or sensory impairments.*
  - (6) That is specifically related to the community health worker services provided by the pool, including, as applicable, training in the following topics; duties and responsibilities of community health workers, including core competencies and ethics, for providing community health worker services as prescribed by the Division.*

- 2. Each community health worker of a pool must be evaluated and determined to be competent by the pool in the required areas of training set forth in paragraph (c) of subsection 1.*
- 3. Each community health worker of a pool must have evidence of successful completion of a training program that includes the areas of training set forth in paragraph (c) of subsection 1 preceding the date on which the community health worker first begins providing care to a client.*

**Sec. 16. 1.** *The administrator of a community health worker pool shall ensure that a client is not prohibited from speaking to any person who advocates for the rights of the clients of the pool.*

*2. The administrator of a community health worker pool shall establish and enforce a procedure to respond to grievances, incidents and complaints concerning the pool in accordance with the written policies and procedures of the pool. The procedure established and enforced by the administrator must include a method for ensuring that the administrator or the administrator's designee is notified of each grievance, incident or complaint. The administrator or his or her designee shall personally investigate the matter in a timely manner. A client who files a grievance or complaint or reports an incident concerning the pool must be notified of the action taken in response to the grievance, complaint or report or must be given a reason why no action was taken.*

*3. The administrator of a community health worker pool shall ensure that the pool is in compliance with NRS 449.700 to 449.730, inclusive.*

*4. The community health worker pool shall develop a written description of the rights of clients and provide a copy to each client or a representative of the client upon initiation of the service plan established for the client. A signed and dated copy of the receipt of this information by the client or a representative of the client must be maintained in the record of the client.*

*5. The written description of the rights of clients developed pursuant to subsection 4 must include, without limitation, a statement that each client has the right:*

- (a) To receive considerate and respectful care that recognizes the inherent worth and dignity of each client;*
- (b) To participate in the development of the service plan established for the client and to receive an explanation of the community health worker services provided pursuant to the service plan and a copy of the service plan;*
- (c) To receive the telephone number of the Bureau which may be contacted for complaints;*
- (d) To receive notification of any authority of the Division to examine the records of the client as related to the regulation and evaluation of the community health worker pool by the Division; and*
- (e) To receive from the community health worker pool, within the limits set by the service plan established for the client and within the program criteria, responses to reasonable requests for assistance.*



**Sec. 17** NAC 449.013 is hereby amended to read as follows:

1. Except as otherwise provided in NAC 449.0168, an applicant for a license to operate any of the following facilities, programs of hospice care or agencies must pay to the Division the following nonrefundable fees:

(a) An ambulatory surgical center.....	\$9,784
(b) A home office or subunit agency of a home health agency.....	5,168
(c) A branch office of a home health agency.....	5,358
(d) A rural clinic.....	4,058
(e) An obstetric center.....	1,564
(f) A program of hospice care.....	7,054
(g) An independent center for emergency medical care.....	4,060
(h) A nursing pool.....	4,602
(i) A facility for treatment with narcotics.....	5,046
(j) A medication unit.....	1,200
(k) A referral agency.....	2,708
(l) A facility for refractive surgery.....	6,700
(m) A mobile unit.....	2,090
(n) An agency to provide personal care services in the home.....	1,374
<i>(o) A community health worker pool.....</i>	<i>1,000</i>

2. An applicant for the renewal of such a license must pay to the Division the following nonrefundable fees:

(a) An ambulatory surgical center.....	\$4,892
(b) A home office or subunit agency of a home health agency.....	2,584
(c) A branch office of a home health agency.....	2,679
(d) A rural clinic.....	2,029
(e) An obstetric center.....	782

center.....	
(f) A program of hospice	
care.....	3,527
(g) An independent center for emergency medical	
care.....	2,030
(h) A nursing	
pool.....	2,301
(i) A facility for treatment with	
narcotics.....	2,523
(j) A medication	
unit.....	600
(k) A referral	
agency.....	1,354
(l) A facility for refractive	
surgery.....	3,350
(m) A mobile	
unit.....	1,045
(n) An agency to provide personal care services in the	
home.....	687
(o) <i>A community health worker pool.....</i>	<i>500</i>

3. An application for a license is valid for 1 year after the date on which the application is submitted. If an applicant does not meet the requirements for licensure imposed by chapter 449 of NRS or the regulations adopted pursuant thereto within 1 year after the date on which the applicant submits his or her application, the applicant must submit a new application and pay the required fee to be considered for licensure.