



HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE
The Honorable Aaron Ling Johanson, Chair
The Honorable Lisa Kitagawa, Vice Chair

**S.C.R. NO. 70, S.D. 1, REQUESTING THE AUDITOR TO CONDUCT A SUNRISE
ANALYSIS ON LICENSING AND/OR CERTIFICATION OF COMMUNITY HEALTH
WORKERS**

Hearing: Thursday, April 15, 2021, 2:00 p.m.

The Office of the Auditor appreciates the opportunity to testify on S.C.R. No. 70, S.D. 1, requesting the auditor conduct a “Sunrise Analysis” on licensing and/or certification of community health workers, and offers the following comments.

The concurrent resolution does not identify “a specific legislative bill to be analyzed,” as Section 26H-6, HRS, requires. Without specific information about the proposed new regulatory measures being considered, we will not be able to meaningfully address and satisfy the requirements of Section 26H-6, HRS, which include determining the probable effects of proposed regulatory measures and whether such measures would be consistent with the policies set forth in Section 26H-2, HRS.

The resolution also asks us to include recommendations for a training program for community health workers to help address the social determinants of poor health that disproportionately affect low-income, minority populations. Our office may not have the industry expertise that would be required to evaluate and suggest appropriate training for those working in this area and therefore may require assistance from a consultant. We suggest there may be another agency better suited to develop the requested recommendations utilizing staff who are subject matter experts in this field.

Thank you for considering our testimony related to S.C.R. No. 70, S.D. 1.



**Testimony to the House Committee on Consumer Protection and Commerce
Thursday, April 15, 2021; 2:00 p.m.
State Capitol, Conference Room 329
Via Videoconference**

RE: SENATE CONCURRENT RESOLUTION NO. 070, SENATE DRAFT 1, REQUESTING THE AUDITOR TO CONDUCT A SUNRISE ANALYSIS ON LICENSING AND/OR CERTIFICATION OF COMMUNITY HEALTH WORKERS.

Chair Johanson, Vice Chair Kitagawa, and Members of the Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS** Senate Concurrent Resolution No. 070, Senate Draft 1.

The Resolutions request the Auditor to conduct a sunrise analysis of the licensing of and/or a certification of community health care workers, including a recommendation on a training program for community health workers to help address the social determinants of poor health that disproportionately affect low-income, minority populations, which are magnified during times of crisis.

In addition, the Resolution asks the Auditor to set forth the probable effects of implementing a certification and/or training program and to assess whether the program is consistent with the policies set forth in Section 26H-2, Hawaii Revised Statutes (HRS), and whether there are alternative appropriate forms of certification and training.

By way of background, the HPCA represents Hawaii Federally-Qualified Health Centers (FQHCs). FQHCs provide desperately needed medical services at the frontlines in rural and underserved communities. Long considered champions for creating a more sustainable, integrated, and wellness-oriented system of health, FQHCs provide a more efficient, more effective and more comprehensive system of healthcare.

Community Health Workers (CHWs) have long been active health care providers in rural and underprivileged communities throughout the State. However, because this profession is not licensed by the Department of Commerce and Consumer Affairs, in accordance with Section 26H-6, Hawaii Revised Statutes, among others, their services are not reimbursable under private nor public insurance. This has greatly diminished the services that they can provide, especially in areas that are experiencing a critical lack of health care professionals to provide basic services for our citizens.

Testimony on Senate Concurrent Resolution No. 070, Senate Draft 1
Thursday, April 15, 2021; 2:00 p.m.
Page 2

The HPCA asserts that CHWs are well skilled professionals that can perform an array of essential services. However, because these health care professionals are currently not regulated, the qualifications, training, and experiences of CHWs are not uniform. This places a greater reliance on health care facilities such as FQHCs to train CHWs for the tasks that they are so desperately needed.

We further note that the law requiring a sunrise analysis before any new legislation that would regulate and unregulated profession or vocation to licensing or other regulatory controls is found in Section 26H-6, HRS. However, that law specifically provides that:

*" . . . Referral shall be by concurrent resolution that **identifies a specific legislative bill to be analyzed.** . . ." [Emphasis added.]*

Because the Concurrent Resolution does not identify a specific bill proposing professional or vocational licensing as authorized under Chapter 26H, HRS, it is unclear whether the Concurrent Resolution, as it is presently drafted, would adequately satisfy the requirements of Section 26H-6, HRS.

In our cursory survey of legislation introduced during the 2021 Regular Session, we could not find any specific bill that proposed professional or vocational licensing of CHWs pursuant to Chapter 26H, HRS.

In light of this, the HPCA suggests that this Committee consider amending the Concurrent Resolution to eliminate references to a sunrise analysis and instead, request the Auditor to study the need for a training program for community health workers to help address the social determinants of poor health that disproportionately affect low-income, minority populations, which are magnified during times of crisis, and to set forth the probable effects of implementing a certification and/or training program and to assess whether the program would be consistent with the policies set forth in Section 26H-2, HRS.

Thank you for the opportunity to testify. Should you have any questions, please do not hesitate to contact Public Affairs and Policy Director Erik K. Abe at 536-8442, or eabe@hawaiiipca.net.



SCR70 SD1

**REQUESTING THE AUDITOR TO CONDUCT A SUNRISE ANALYSIS ON LICENSING
AND/OR CERTIFICATION OF COMMUNITY HEALTH WORKERS**

Ke Kōmike Hale o ka Ho‘omalū Mea Kemu a me ka ‘Oihana Kālepa
House Committee on Consumer Protection & Commerce

‘Apelila 15, 2021

2:00 p.m.

Lumi 329

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on SCR70 SD1, which would request the auditor to conduct a sunrise analysis on the licensing and/or certification of community health workers (CHWs). As the COVID-19 pandemic has underscored, CHWs have been, and continue to be, a critical component to Hawai‘i’s COVID-19 response and recovery efforts.

OHA’s strategic plan includes a strategic direction of Maui Ola (Health), which represents our longstanding and continued commitment to improve the quality of life of Native Hawaiians. In furtherance of this priority, and in line with the Hawai‘i State Planning Act’s priorities under Hawai‘i Revised Statutes § 226-20, OHA has supported a “social determinants of health” approach to health policy, which takes a holistic and systemic view in assessing and addressing health in Hawai‘i’s communities. HRS § 226-20 requires all state agencies to strive for the elimination of the health disparities of Native Hawaiians, Pacific Islanders, Filipinos, and other disproportionately affected demographics, by identifying and addressing their social determinants of health. Native Hawaiians, Pacific Islanders, and Filipinos are the very communities that have been disparately impacted by COVID-19 across multiple social determinants of health.

While OHA appreciates the intent of this measure, OHA notes that the prior version of this measure provided additional clarity with regards to the various entities to be consulted as part of the proposed task force. Should the Committee choose to move this measure forward, OHA urges the Committee to ensure that the requests made to the Auditor include needed and equitable representation from our CHW community, the neighbor islands, and particularly from groups who have been disparately impacted, including, but not limited to, Native Hawaiians, Pacific Islanders, and Filipinos. Representation from these communities will be critical for a community-informed, effective sunrise analysis on licensing and/or certification of CHWs to address our public health needs.

Mahalo for the opportunity to testify.



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Garret Sugai

Date: April 14, 2021

To: Representative Aaron Ling Johanson, Chair
Representative Lisa Kitagawa, Vice Chair
Members of the House Committee on Consumer Protection &
Commerce

Re: Comments for SCR 70, SD1

Hrg: April 15, 2021 at 2:00 PM via Videoconference

The Hawai'i Public Health Instituteⁱ (HIPHI) provides **Comments on SCR 70, SD1** which requests the auditor to conduct a sunrise analysis on licensing and/or certification of community health workers, provide a recommendation on a training program for community health workers, and submit findings of the analysis the legislature prior to the 2022 legislative session.

Since 2018, HIPHI has convened a network of community health workers (CHW) from across the state and a network of CHW allies dedicated to supporting CHWs. The long-term goal of most CHWs is to have services provided by CHWs to be reimbursable. This would likely provide for more job stability and better pay for CHWs. However, it is of utmost importance that CHWs are provided the opportunity to weigh in on a certification process prior to its establishment.

We appreciate the Legislature's commitment to community health workers, however, the state auditor likely does not have the expertise to provide recommendations on CHW licensing, certification and training needed. In addition, this resolution may not be necessary, as CHW allies and the CHW network plan to pursue this as a priority this year.

Mahalo for the opportunity to provide comments on **SCR 70, SD1**.

Mahalo,

A handwritten signature in black ink that reads 'Jessica Yamauchi'.

Jessica Yamauchi
Executive Director

ⁱ Hawai'i Public Health Institute is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.

LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

To: State Representative Aaron Ling Johanson, Consumer Protection Committee Chair
State Representative Lisa Kitagawa, Consumer Protection Committee Co-Chair
RE: Support for SCR70 S.D.1 "Requesting the Auditor to conduct a Sunrise Analysis on Licensing and/or Certification of Community Health Workers".

I am a Community Health Worker and Executive Director of Kau Rural Health Community Association, Inc., a community based 501 C (3) non profit organization.

The Association of State & Territorial Health Officials (ASTHO July12, 2018) published an article entitled "State Approaches to Community Health Worker Certification", of which is relative to SCR70 SD1 "Requesting the auditor to conduct the Sunrise Analysis on Licensing and /or Certification".

ASTHO article focused on a growing body of evidence supporting the effectiveness of CHWs, policymakers exploring ways to leverage the role of CHWs for improving health and wellbeing. Some policy decision focused on issues of reimbursement and funding for CHWs, as well as the scope of practice for CHWs. Another key policy issue for CHWs that continued to evolve is certification. Certification programs are often used to standardize the education and training requirements for a profession.

In 2018 Arizona and Maryland addressed CHW Certification in legislative session; HB2324 was enacted and directed the department of health services to implement a CHW certification program. It gave the department authority to define the scope of CHW services, core competencies and criteria for granting, denying, suspending and revoking certification. The new law established a CHW advisory council, the majority of whom must be CHWs, to advise the department about the certification program and provide recommendations.

In Maryland, the governor signed SB163 into law. The new Maryland law authorized the state department of health to adopt initial regulations for CHW certification, specifying what the initial regulations may cover and allowed for additional regulations at the recommendation of a state community health worker advisory committee. This committee also consisted of a majority of CHW members and included other key stakeholders who provide clinical care, social services and employ CHWs.

Under the law, the department of health was charged with developing regulations and procedures for accrediting CHW training programs in consultation with the advisory council. The accreditation regulations outlined the procedure for reviewing applications, including timelines, curriculum requirements, as well as criteria and due process requirements to revoke an accreditation. The new Maryland law directed the department to adopt a process through which a person working as a CHW may be exempt from the certification's training and education requirements.

Improving health outcomes for individuals and communities requires collaboration and alignment between clinical healthcare delivery and population-level public health interventions. CHWs can serve to bridge these two disciplines to address both medical care needs and social determinants of health.

I sincerely believe both Arizona and Maryland legislative actions are excellent examples for Hawaii to move forward in establishing CHWs Certification / licensure policy.

Mahalo for providing me this opportunity to share my mana'o.

To: State Representative Aaron Ling Johanson, Consumer Protection Committee Chair
State Representatie Lisa Kitagawa, Consumer Protection Committee Vice Chair
Re: Support for SCR70 SD1 “ Requesting the Auditor to conduct a Sunrise Analysis on Licensing and/or Certification of Community Health Workers”

I am a graduate of Kau Rural Health Academy “Community Health Workers” Program and president of Kau Rural Health Community Association Inc., and support SCR70 SD1 because it will explore key policy issues for CHWs Certification. The Certification programs are used to standardize the education and training requirements for a profession.

The Association of State & Territorial Health Officials (ASTHO article 7/2018) recognized the growing support of CHWs effectiveness, and explored ways to leverage the role of CHWs and Certification policy. In 2018 Arizona and Maryland addressed CHW Certification in legislative session HB2324, enacted and directed the department of health services to implement a CHW Certification program.

Replication of Arizona and Maryland’s CHW Certification legislation and collaboration with ASTHO Workforce Committee appear to be in alignment with SCR70 SD1 intent of conducting an analysis on Licensing and/or Certification of Community Health Workers. Therefore, consideration and passage of SCR70 SD1 would be greatly appreciated.

Mahalo for providing me this opportunity to share my support.

LATE

To: State Representative Aaron Ling Johanson, CPC Chair
State Representative Lisa Kitagawa, CPC Co-Chair
RE: Support for SCR 70 SD1 "Requesting the Auditor to conduct a Sunrise Analysis on Licensing and / or Certification of Community Health Workers.

According to the Association of State and Territorial Health Officials (ASTHO), notes that since CHWs are not a provider of clinical care Licensing is probably not applicable and should not be confused with Certification.

ASTHO states that "certification is a declaration by an issuing authority that an individual CHW has certain qualifications. In enacting legislation related to certification, the state exerts its authority to regulate the profession, though not necessarily to its practice". The University of Texas Health stated the issuing authority does not have to be the State, it could be educational, association or employer based.

As a student enrolled in the UH Kapiolani Community College "CHW Certificate Program", and a graduate of Kau Rural Health Academy "CHW Program", I possess certain skills/knowledge qualifications related to the core competencies of CHWs and support SCR 70 SD1 focus on Certification of Community Health Workers.

Thank you for this opportunity to share my support.

SCR-70-SD-1

Submitted on: 4/14/2021 12:00:53 PM

Testimony for CPC on 4/15/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
C. Kimo Alameda, PhD	Individual	Support	No

Comments:

I support the Auditor setting forth the probable effects of implementing a certification and/or training program and to assess whether the program is consistent with the policies set forth in section 26H—2, Hawaii Revised Statutes, and whether there are alternative appropriate forms of certification and training; and that the Auditor submit findings of the program analysis to the Legislature no later than twenty days prior to the convening of the Regular Session of 2022.

Mahalo,

Kimo Alameda, CEO

Bay Clinic Inc

**TESTIMONY IN FAVOR OF SCR70 SD1– REQUESTING THE QUDITOR TO
CONDUCT A SUNRISE ANALYSIS ON LICENSING AND/OR CERTIFICATION OF
COMMUNITY HEALTH WORKERS**

Mabuhay,

Having been a pediatrician and medical director at 3 different community health centers in Hawaii, I have worked with community health workers for my entire 40-year career. They are our “*interface*” between our patients and the providers. Community health workers are able to get to know the people, places, resources, needs and threats in a way that no other health care worker can assess.

I have relied on community health workers to enable the homeless, track down non-compliant patients, check on the elderly and intervene during family emergencies. I teach my pre-med students that the most important thing you need to have with a patient is “trust”. Only with trust will the patient feel free enough to tell the truth and only with trust will the patient be fully compliant with the treatment. Many times, the community health workers act as a bridge to build that trust between the patients and myself.

With immense sadness, we lost one of our dedicated Chuukese community health workers to the Covid-19 virus. His impact to my health center, our patients and the Pacific Islander community at large was deeply felt.

I fully support SCR 70. Please do not hesitate to contact me if you have any questions.

Salamat,

Dr. Ric

Ricardo C. Custodio, M.D., M.P.H.

Tenured Associate Professor of Health Science, UH West O'ahu

Co-Lead / Co-Faculty, DOH-UH Community Contact Tracer Training Program

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April 14, 2021

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Re: SUPPORT OF SCR70 SD1

Aloha e CPC Committee,

Kula no na Po'e Hawaii o Papakolea, Kewalo, Kalawahine supports SRC70 SD1. There is a need to establish a process to recognize the importance of community-based Community Health Workers (CHWs) in the State of Hawaii. KULA has worked to have eight CHWs participate in certification training offered by Kapiolani Community College of which seven were born and raised in the Hawaiian Homestead communities that they serve. Their ability to serve to address the health and wellbeing of their 'ohana, neighbors, and friends allows them a unique opportunity to impact the social determinants of health.

We support the task force to be assembled and ask that amendments are included to ensure the Department of Health and Human Services bring representative from community-based organizations to the table that understand the unique challenges we face when addressing the Native Hawaiian and Pacific Islander communities to have input of the certification process most relevant to our needs on the ground.

CHWs will be key to our recovery efforts from the impact of COVID-19 as we understand the vulnerability of our community due to the health statistics that make our population more susceptible to COVID19. SRC70 is vital for our professional growth and recognition of CHWs contributions.

On behalf of all of us serving Papakolea, we support the work of CHWs and the need to acknowledge their role in healthcare of our communities. Mahalo

E Malama Pono,

Dr. Adrienne Dillard, PhD., MSW, LSW

Executive Director

Kula no na Po'e Hawaii o Papakolea, Kewalo, Kalawahine