
A BILL FOR AN ACT

RELATING TO COMMUNITY HEALTH WORKERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that for more than twenty
2 years, community health workers have improved the quality of
3 life for residents in the State by providing a critical service
4 to connect disadvantaged populations with culturally appropriate
5 health care resources. With over two thousand community health
6 workers actively engaging with local communities through
7 community-based organizations, local health care facilities,
8 clinics, or hospitals, there is an imminent need to recognize
9 the work and contributions of community health workers in the
10 State.

11 The legislature further finds that a certification program
12 administered by the department of commerce and consumer affairs
13 is needed to sustain community health workers as a professional
14 health care career path in Hawaii. In rural, isolated
15 communities throughout the State, community health workers are
16 invaluable, as residents rely on community health workers to
17 drive long distances through difficult terrain to provide health



1 care resources. The legislature further finds that by
2 establishing a certification program for community health
3 workers, the State will improve the quality of care and access
4 to health care, create a stronger and larger health care
5 workforce, and build an effective health care system for all
6 residents in the State.

7 Therefore, the purpose of this Act is to establish the
8 community health worker certification program within the
9 department of commerce and consumer affairs.

10 SECTION 2. The Hawaii Revised Statutes is amended by
11 adding a new chapter to be appropriately designated and to read
12 as follows:

13 "CHAPTER

14 COMMUNITY HEALTH WORKERS

15 § -1 Definitions. As used in this chapter:

16 "Community health worker" means a person certified under
17 this chapter and who:

- 18 (1) Has expertise or experience in public health;
19 (2) Works in an urban or rural community, either for pay
20 or as a volunteer, in association with a local health
21 care system, clinic, facility, or hospital;



(3) To the extent practicable, provides cultural mediation among individuals, communities, and health and social service programs;

(4) Provides culturally appropriate health education and information;

(5) Advocates for individuals and communities;

(6) Assists members of the community to improve their health and increases the capacity of the community to meet the health care needs of its residents and achieve wellness;

(7) Provides care coordination, case management, and system navigation assistance;

(8) Implements individual and community assessments;

(9) Conducts outreach and participates in evaluations and research;

(10) May give coaching, social support, peer counseling, and guidance on health behaviors; and

(11) May provide direct services such as first aid or blood pressure screening.

"Department" means the department of commerce and consumer affairs.



1 "Director" means the director of commerce and consumer
2 affairs.

3 "Practice of community health work" means those services as
4 provided in the definition of "community health worker" and any
5 other services as determined by the director.

6 "Traditional health worker" means a:

- 7 (1) Community health worker;
8 (2) Personal health navigator;
9 (3) Certified peer specialist; or
10 (4) Doula.

11 § -2 Community health worker certification program.

12 There is established a community health worker certification
13 program within the department to be administered by the
14 director.

15 § -3 Certification; application; renewal. (a) To be

16 certified as a community health worker, an applicant shall
17 provide satisfactory evidence to the director that the applicant
18 has:

- 19 (1) Successfully completed a community health worker
20 program at the University of Hawaii or the community
21 college system; or



(2) Worked or volunteered as a supervised traditional health worker for at least three thousand hours in the State from January 1, 2005, to June 30, 2020;

(b) Beginning July 1, 2023, no person shall practice as a community health worker or use the title "certified community health worker" or "community health worker" without a valid certification issued pursuant to this chapter.

§ -4 Association with community-based organization, local health care system, facility, clinic, or hospital required. No person shall practice community health work under this chapter except under the direct order of, or in association with, a community-based organization, local health care system, facility, clinic, or hospital.

§ -5 Powers and duties of the director. In addition to any other powers and duties authorized by law, the director shall have the powers and duties to:

(1) Grant, deny, renew, refuse to renew, restore, terminate, reinstate, condition, restrict, suspend, or revoke a certification issued pursuant to this chapter;



(2) Grant permission to a person to practice community health work and to use the title "certified community health worker" or "community health worker", or a description indicating that the person is a certified community health worker in this State; and

(3) Adopt, amend, or repeal rules pursuant to chapter 91 as the director finds necessary to carry out the purposes of this chapter.

§ -6 Fees; disposition. (a) Upon issuance of a new certificate and at each certificate renewal period, each community health worker shall pay a fee of \$ that shall be deposited into the special subaccount of the compliance resolution fund established pursuant to section 26-9(o).

(b) Application fees paid pursuant to this chapter shall not be refundable. Pursuant to section 26-9(1), the director may establish examination, reexamination, certificate, renewal, restoration, penalty, and other fees relating to the administration of this chapter by rule.

(c) Fees assessed pursuant to this chapter shall be used to defray costs incurred by the department in implementing this chapter.



1 § -7 **Exemptions.** This chapter is not intended to
2 restrict the practice of other certified or credentialed health
3 care practitioners practicing within their own recognized scopes
4 of practice and shall not apply to:

5 (1) A person working within the scope of practice or
6 duties of another certified or licensed profession
7 that overlaps with the practice of community health
8 work; provided that the person does not purport to be
9 a community health worker;

10 (2) A person enrolled as a student in an accredited
11 community health worker program where the performance
12 of duties that are regulated by this chapter is an
13 integral part of the student's program of study;

14 (3) A person rendering services in the case of an
15 emergency or in the domestic administration of family
16 remedies; or

17 (4) A person employed by a federal, state, or county
18 government agency in a community health worker
19 position, but only in the course of carrying out the
20 duties and responsibilities of government employment.



1 § -8 Certification by endorsement. The director may
2 issue a certification by endorsement to an applicant who holds a
3 current and unencumbered certification as a community health
4 worker in another state; provided that the requirements for a
5 certification in that state are deemed by the director to be
6 equivalent to or higher than the current requirements for
7 certification in this State.

8 § -9 Renewal of certificate. Certificates issued
9 pursuant to this chapter shall be valid for three years and
10 shall be renewed upon the payment of a renewal fee within sixty
11 days before the expiration of the certificate. Failure to renew
12 a certificate shall result in forfeiture of that certificate.
13 Certificates that have been forfeited may be restored within one
14 year of the forfeiture date upon payment of renewal and
15 restoration fees. Failure to restore a forfeited certificate
16 within one year shall result in the automatic termination of the
17 certificate. A person whose certificate has been terminated
18 pursuant to this section shall be required to reapply for a new
19 certificate as a new applicant.

20 § -10 Grounds for refusal to renew, reinstate, or
21 restore a certificate and for denial, revocation, suspension, or



1 condition of a certificate. (a) In addition to any other acts
2 or conditions provided by law, the director may refuse to renew,
3 reinstate, or restore and may deny, revoke, suspend, or
4 condition in any manner any certificate for any one or more of
5 the following acts or conditions on the part of a certificate
6 holder or certificate applicant:

7 (1) Failure to meet or to maintain the conditions and
8 requirements necessary to qualify for the granting of
9 a certificate;

10 (2) Engaging in false, fraudulent, or deceptive
11 advertising, or making untruthful or improbable
12 statements in advertising;

13 (3) Engaging in the practice of community health work
14 while impaired by alcohol, drugs, physical disability,
15 or mental instability;

16 (4) Procuring through fraud, misrepresentation, or deceit
17 a certificate to engage in community health work;

18 (5) Aiding and abetting an uncertified person to directly
19 or indirectly perform activities requiring a
20 certificate for community health work;



- 1 (6) Engaging in professional misconduct, incompetence,
2 gross negligence, or manifest incapacity in community
3 health work;
- 4 (7) Violating any condition or limitation imposed by the
5 director on a certificate to practice community health
6 work;
- 7 (8) Engaging in community health work in a manner that
8 causes injury to one or more members of the public;
- 9 (9) Failing to comply with, observe, or adhere to any law
10 in a manner that causes the director to determine that
11 the applicant or holder is unfit to hold a
12 certificate;
- 13 (10) Having a certificate revoked or suspended, or other
14 disciplinary action by any state or federal agency,
15 for any reason that is provided by the applicable
16 certification or licensing laws or by this section;
- 17 (11) Having been convicted or pleaded nolo contendere to a
18 crime directly related to the qualifications,
19 functions, or duties of community health work;
- 20 (12) Failing to report in writing to the director any
21 disciplinary decision issued against the certificate



holder or applicant in another jurisdiction within
thirty days of the disciplinary decision;

(13) Employing, whether gratuitously or for pay, any person
not certificated pursuant to this chapter to perform
the functions or duties of community health work; or

(14) Violating this chapter, chapter 436B, or any rule or
order of the director.

(b) Any certificate holder or applicant who violates this
section may also be fined not more than \$1,000 per violation.

§ -11 Community health worker certification special
subaccount. (a) All moneys collected pursuant to section -6
shall be deposited into the community health worker
certification special subaccount of the compliance resolution
fund established pursuant to section 26-9(o).

(b) Any law to the contrary notwithstanding, the moneys in
the special subaccount shall be used to fund the operations of
the department to carry out its duties under this chapter. Any
law to the contrary notwithstanding, the director may use the
moneys in the special subaccount to employ personnel to carry
out the department's duties under this chapter. The moneys in
the special subaccount may be used to train personnel as the



1 director deems necessary and for any other activity related to
2 this chapter."

3 SECTION 3. Section 26-9, Hawaii Revised Statutes, is
4 amended by amending subsection (o) to read as follows:

5 "(o) Every person licensed under any chapter within the
6 jurisdiction of the department of commerce and consumer affairs
7 and every person licensed subject to chapter 485A or registered
8 under chapter 467B shall pay upon issuance of a license, permit,
9 certificate, or registration a fee and a subsequent annual fee
10 to be determined by the director and adjusted from time to time
11 to ensure that the proceeds, together with all other fines,
12 income, and penalties collected under this section, do not
13 surpass the annual operating costs of conducting compliance
14 resolution activities required under this section. The fees may
15 be collected biennially or pursuant to rules adopted under
16 chapter 91, and shall be deposited into the special fund
17 established under this subsection. Every filing pursuant to
18 chapter 514E or section 485A-202(a)(26) shall be assessed, upon
19 initial filing and at each renewal period in which a renewal is
20 required, a fee that shall be prescribed by rules adopted under
21 chapter 91, and that shall be deposited into the special fund



1 established under this subsection. Any unpaid fee shall be paid
2 by the licensed person, upon application for renewal,
3 restoration, reactivation, or reinstatement of a license, and by
4 the person responsible for the renewal, restoration,
5 reactivation, or reinstatement of a license, upon the
6 application for renewal, restoration, reactivation, or
7 reinstatement of the license. If the fees are not paid, the
8 director may deny renewal, restoration, reactivation, or
9 reinstatement of the license. The director may establish,
10 increase, decrease, or repeal the fees when necessary pursuant
11 to rules adopted under chapter 91. The director may also
12 increase or decrease the fees pursuant to section 92-28.

13 There is created in the state treasury a special fund to be
14 known as the compliance resolution fund to be expended by the
15 director's designated representatives as provided by this
16 subsection. Notwithstanding any law to the contrary, all
17 revenues, fees, and fines collected by the department shall be
18 deposited into the compliance resolution fund. Unencumbered
19 balances existing on June 30, 1999, in the cable television fund
20 under chapter 440G, the division of consumer advocacy fund under
21 chapter 269, the financial institution examiners' revolving



1 fund, section 412:2-109, the special handling fund, section
2 414-13, and unencumbered balances existing on June 30, 2002, in
3 the insurance regulation fund, section 431:2-215, shall be
4 deposited into the compliance resolution fund. This provision
5 shall not apply to the drivers education fund underwriters fee,
6 sections 431:10C-115 and 431:10G-107, insurance premium taxes
7 and revenues, revenues of the workers' compensation special
8 compensation fund, section 386-151, the captive insurance
9 administrative fund, section 431:19-101.8, the insurance
10 commissioner's education and training fund, section 431:2-214,
11 the medical malpractice patients' compensation fund as
12 administered under section 5 of Act 232, Session Laws of Hawaii
13 1984, and fees collected for deposit in the office of consumer
14 protection restitution fund, section 487-14, the real estate
15 appraisers fund, section 466K-1, the real estate recovery fund,
16 section 467-16, the real estate education fund, section 467-19,
17 the contractors recovery fund, section 444-26, the contractors
18 education fund, section 444-29, the condominium education trust
19 fund, section 514B-71, and the mortgage foreclosure dispute
20 resolution special fund, section 667-86. Any law to the
21 contrary notwithstanding, the director may use the moneys in the



1 fund to employ, without regard to chapter 76, hearings officers
2 and attorneys. All other employees may be employed in
3 accordance with chapter 76. Any law to the contrary
4 notwithstanding, the moneys in the fund shall be used to fund
5 the operations of the department. The moneys in the fund may be
6 used to train personnel as the director deems necessary and for
7 any other activity related to compliance resolution.

8 A separate special subaccount of the compliance resolution
9 fund, to be known as the post-secondary education authorization
10 special subaccount, shall be established for fees collected by
11 the department of commerce and consumer affairs pursuant to
12 chapter 305J. The special subaccount shall be governed by
13 section 305J-19.

14 A separate special subaccount of the compliance resolution
15 fund, to be known as the community health workers certification
16 special subaccount, shall be established for fees collected by
17 the department of commerce and consumer affairs pursuant to
18 chapter . The special subaccount shall be governed by
19 section -11.

20 As used in this subsection, unless otherwise required by
21 the context, "compliance resolution" means a determination of



1 whether:

2 (1) Any licensee or applicant under any chapter subject to
3 the jurisdiction of the department of commerce and
4 consumer affairs has complied with that chapter;

5 (2) Any person subject to chapter 485A has complied with
6 that chapter;

7 (3) Any person submitting any filing required by chapter
8 514E or section 485A-202(a)(26) has complied with
9 chapter 514E or section 485A-202(a)(26);

10 (4) Any person has complied with the prohibitions against
11 unfair and deceptive acts or practices in trade or
12 commerce; or

13 (5) Any person subject to chapter 467B has complied with
14 that chapter;

15 and includes work involved in or supporting the above functions,
16 licensing, or registration of individuals or companies regulated
17 by the department, consumer protection, and other activities of
18 the department.

19 The director shall prepare and submit an annual report to
20 the governor and the legislature on the use of the compliance



1 resolution fund. The report shall describe expenditures made
2 from the fund including non-payroll operating expenses."

3 SECTION 4. Section 26H-4, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§26H-4 Repeal dates for newly enacted professional and
6 vocational regulatory programs. (a) Any professional or
7 vocational regulatory program enacted after January 1, 1994, and
8 listed in this section shall be repealed as specified in this
9 section. The auditor shall perform an evaluation of the
10 program, pursuant to section 26H-5, prior to its repeal date.

11 (b) Chapter 466L (appraisal management companies) shall be
12 repealed on June 30, 2023.

13 (c) Chapter 457J (midwives) shall be repealed on June 30,
14 2025.

15 (d) Chapter (community health workers) shall be
16 repealed on June 30, 2029."

17 SECTION 5. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$ or so
19 much thereof as may be necessary for fiscal year 2022-2023 to be
20 deposited into the compliance resolution fund.



1 SECTION 6. There is appropriated out of the compliance
2 resolution fund the sum of \$ or so much thereof as may
3 be necessary for fiscal year 2022-2023 to implement the
4 certification of community health workers as required by this
5 Act.

6 The sum appropriated shall be expended by the department of
7 commerce and consumer affairs for the purposes of this Act.

8 SECTION 7. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so
10 much thereof as may be necessary for fiscal year 2022-2023 to
11 administer the community health worker certification program,
12 including information technology upgrades and support and
13 additional operational and personnel costs.

14 The sum appropriated shall be expended by the department of
15 commerce and consumer affairs for the purposes of this Act.

16 SECTION 8. New statutory material is underscored.

17 SECTION 9. This Act shall take effect on January 1, 2050.



Report Title:

Community Health Workers; Certification; Department of Commerce and Consumer Affairs; Professional and Vocational Regulatory Programs; Rules; Appropriation

Description:

Establishes the Community Health Worker Certification Program within the Department of Commerce and Consumer Affairs.

Establishes the Community Health Worker Certification Special Subaccount of the Compliance Resolution Fund. Effective 1/1/2050. (SD2)

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