Secretary of State

NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form.

Oregon Health Authority	410
Agency and Division	Administrative Rules Chapter Number

Sandy Cafourek	500 summer St NE, sale, OR 97301	503-945-6527
Rules Coordinator	Address	Telephone

RULE CAPTION

Traditional Health Worker Certification and Registry Application and Renewal Process and Background Check Requirements

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

December 18, 2013	10:00 a.m.	Portland State Office Building ~~800~~ 827 NE Oregon St. Suite 250 Portland, OR	STAFF
Hearing Date	Time	Location	Hearings Officer

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT: OAR 410-180-0325 and 410-180-0326

Stat. Auth. : **ORS 413.042, 414.635 & 414.665**

Other Auth.: **Oregon Laws 2011, chapter 602 and Oregon Laws 2012, chapter 8**

Stats. Implemented: **ORS 181.437, 414.635 & 414.665**

RULE SUMMARY

House Bill 3650, passed during the 2011 legislative session, mandates that members enrolled in Oregon's Coordinated Care Organizations (CCOs) have access to Traditional Health Workers (THWs) to facilitate culturally and linguistically appropriate care. THWs include community health workers, personal health navigators, peer wellness specialists and other health care workers who are not regulated or certified by this state, including birth doulas. The Authority needs to adopt these rules which establish the application and renewal process for THW certification and registry enrollment. These rules also set forth the THW background check requirements, which THWs must pass before being certified, enrolled on the Authority's registry and to be eligible for Medicaid reimbursement for their services.

The Authority needs to adopt these to ensure the full engagement and utilization of THWs in Oregon's Integrated and Coordinated Healthcare System to ensure quality healthcare for its clients.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.
Comments may be submitted to

December 20, 2013 5:00 p.m..
Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

Signature	April Johnson	11-18-13
	Printed name	Date

*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

Secretary of State

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Health Authority	410
Agency and Division	Administrative Rules Chapter Number

In the Matter of: **The adoption of OAR 410-180-0325 and 410-180-0326**

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)
Traditional Health Worker Certification and Registry Application and Renewal Process and Background Check Requirements

Statutory Authority: **ORS 413.042, 414.635 & 414.665**

Other Authority: **Oregon Laws 2011, chapter 602 and Oregon Laws 2012, chapter 8**

Stats. Implemented: **ORS 181.437, 414.635 & 414.665**

Need for the Rule(s):
House Bill 3650, passed during the 2011 legislative session, mandates that members enrolled in Oregon's Coordinated Care Organizations (CCOs) have access to Traditional Health Workers (THWs) to facilitate culturally and linguistically appropriate care. THWs include community health workers, personal health navigators, peer wellness specialists and other health care workers who are not regulated or certified by this state, including birth doulas. The Authority needs to adopt these rules which establish the application and renewal process for THW certification and registry enrollment. These rules also set forth the THW background check requirements, which THWs must pass before being certified, enrolled on the Authority's registry and to be eligible for Medicaid reimbursement for their services.

The Authority needs to adopt these to ensure the full engagement and utilization of THWs in Oregon's Integrated and Coordinated Healthcare System to ensure quality healthcare for its clients.

Documents Relied Upon, and where they are available:
- HB 3650: http://www.leg.state.or.us/11reg/measpdf/hb3600.dir/hb3650.en.pdf
- SB 1580: http://www.leg.state.or.us/12reg/measpdf/sb1500.dir/sb1580.en.pdf

Fiscal and Economic Impact:
There will be a potential fee for individuals seeking training and certification without financial support from employers to do so. The Authority cannot estimate the number of individuals who might be so impacted, because the Authority does not know how many individuals will apply for certification and registry enrollment.

There will be a financial impact to Peer Support Specialists who elect to use an outside entity for background checks. The The Authority cannot estimate the cost because it unknown how many entities will contract with the Authority or what fee will be charged for conducting the checks. The Authority cannot estimate the cost to PSS's because the Authority does not know how many Peer Support Specialists will elect to have the entity conduct the check. If the PSS elects to have the outside contracting entity conduct a background check there will be a fiscal impact to the PSS, because they will be required to pay for the background checks. The Authority does not charge individuals for conducting background checks.

Statement of Cost of Compliance:
1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): **There is no fiscal impact on other state agencies, local government, or clients.**
2. Cost of compliance effect on small business (ORS 183.336):
   a.Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: **These rules implement no specific compliance mandates for small businesses.**
   b. Projected reporting, record keeping and other administrative activities required for compliance, including costs of professional services: **None**
   c. Equipment, supplies, labor and increased administration required for compliance: **None**

How were small businesses involved in the development of this rule? **Community based service organizations, training programs and individual contractors were included in the development of the rules, including participation on the Rules Advisory Committee.**
Administrative Rule Advisory Committee consulted?: **Yes**

If not, why?:

Signature	Printed name	Date
	April Johnson	11-15-13

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007

410-180-0325
Application and Renewal Process for THW Certification and Registry Enrollment

(1) Individuals seeking THW certification and registry enrollment must:

(a) Be at least 18 years of age;

(b) Not be listed on the Medicaid provider exclusion list;

(c) Have successfully completed all training requirements for certification pursuant to these rules; and

(d) Submit to the Authority all required documentation and a completed application on an Authority prescribed form.

(2) Individuals seeking THW certification and registry enrollment as a grandfathered community health worker, peer wellness specialists, personal health navigator, or peer support specialist must:

(a) Be at least 18 years of age;

(b) Not be listed on the Medicaid provider exclusion list;

(c) Submit to the Authority all required documentation and a completed application on an Authority prescribed form.

(d) Submit a minimum of one letter of recommendation and competency evaluation on an Authority prescribed form from any previous employer for whom THW services have been provided from January 1, 2004 to June 30, 2014; and

(e) Except for peer support specialists, all THW's must submit verifiable evidence of working or volunteering in the capacity of a community health worker, peer wellness specialist or personal health navigator for at least 3000 hours from January 1, 2004 to June 30, 2014;

(f) Peer support specialists must submit verifiable evidence of working or volunteering in the capacity of a peer support specialist for at least 2000 hours from January 1, 2004 to June 30, 2014;

(g) Verifiable evidence may include but is not limited to pay statement, services contract, student practicum, or volunteer time log.

(3) Applications are available on the THW program webpage or a paper copy may be obtained upon request to the Oregon Health Authority Office of Equity and Inclusion.

(4) Applicants may withdraw from the process at any time by submitting written notification to the Authority.

(5) Applicants who complete a training program after August 2, 2013 must apply for certification within three years of program completion.

(6) Applicants who have completed a training program more than three years prior to application for certification shall be denied certification. If the Authority denies certification, the applicant may file an appeal with the Authority for an exemption.

(7) If the Authority determines that an applicant has met all certification requirements, the Authority shall notify the applicant in writing granting the individual certification as a THW and add the individual to the registry.

(8) Certification is valid for 36 months from the date of certification.

(9) A THW seeking certification renewal must:

(a) Submit a completed renewal application on an Authority prescribed form; and

(b) Provide written verification indicating the certificate holder has met the applicable requirements for continuing education set forth in OAR 410-180-0320.

(10) Renewal applications must be submitted to the Authority no less than 30 days prior to the expiration of the current certification period.

(11) The Authority shall remove a THW from the registry if the THW fails to renew certification within the renewal period.

(12) THWs who have been removed from the registry following certification expiration shall be denied renewal unless they file an appeal with the Authority and are granted an exemption.

Stat. Auth.: ORS 413.042, 414.635 & 414.665
Stats. Implemented: ORS 414.635 & 414.665

410-180-0326
Background Check Requirements

(1) All individuals seeking certification and registry enrollment as a community health worker, peer wellness specialist, birth doula, peer support specialist as defined in OAR 410-180-0305 (13) (a) and (d), or personal health navigator must have a background check conducted by the Authority in accordance with OAR 943-007-0010 through 0501 specifically incorporating and limited to OAR 407-

007-0200 to 407-007-0250, and 407-007-0280 to 407-007-0325, and 407-007-0340 to 407-007-0370 and expressly not incorporating OAR 407-007-0275 (Disqualifying Convictions Under ORS 443.004 for Aging and People with Disabilities Programs) and 407-007-0277 (Disqualifying Convictions under ORS 443.004 for Mental Health or Alcohol and Drug Programs). The Authority may deny certification to a new or renewal applicant based on a fitness determination applying a weighing test for potentially disqualifying convictions or conditions.

(2) To be certified, enrolled on the registry, and eligible for reimbursement under Medicaid peer support specialists as defined in OAR 410-180-0305(13)(b) c) must pass a background check. The background check may be conducted by the Authority or an entity with a contract with the Authority to provide background checks.

(a) If the Authority conducts the background check, the Authority's fitness determination shall comply with the provision of section (1) and shall include the application of a weighing test for potentially disqualifying convictions or conditions, or if otherwise excluded from participation in the medical assistance program.

(b) If the contracting entity conducts the background check the provisions of 407-007-0277(Disqualifying Convictions under ORS 443.004 for Mental Health or Alcohol and Drug Programs) shall apply.

(c) Peer support specialists described in section (2) may determine which entity shall conduct the background check.

(3) Individuals seeking certification who are excluded from participating in the medical assistance program shall be denied certification and registry enrollment. the Authority shall consult with the Office of the Inspector General to determine if the applicant is excluded from participation.

Stat. Auth.: ORS 413.042, 414.635 & 414.665
Stats. Implemented: ORS 181.537, 414.635 & 414.665