

## COMMUNITY HEALTH WORKER POOLS

**NAC 449.39565 Definitions. (NRS 449.0302)** As used in [NAC 449.39565](#) to [449.39591](#), inclusive, unless the context otherwise requires, the words and terms defined in [NAC 449.39567](#) to [449.39575](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Bd. of Health by R133-15, eff. 12-19-2017)

**NAC 449.39567 “Client” defined. (NRS 449.0302)** “Client” means a person who receives the services of a community health worker.

(Added to NAC by Bd. of Health by R133-15, eff. 12-19-2017)

**NAC 449.39569 “Continuing education” defined. (NRS 449.0302)** “Continuing education” means a course of study or training that is designed to develop and enhance the knowledge, skills and competency of a community health worker with regard to providing the services of a community health worker to a client.

(Added to NAC by Bd. of Health by R133-15, eff. 12-19-2017)

**NAC 449.39571 “Representative of the client” defined. (NRS 449.0302)** “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.

(Added to NAC by Bd. of Health by R133-15, eff. 12-19-2017)

**NAC 449.39573 “Service plan” defined. (NRS 449.0302)** “Service plan” means a plan which includes a written description of the needs of a client for the services of a community health worker and which specifies the tasks that a community health worker is authorized to provide for the client. (Per CMS state plan, CHWs do not need to be authorized to give services. With CHW Pools, having the Pool write a ‘Service Plan’ may cause confusion when the CHW should be providing services without one, and when it exists, assisting the client with achieving a plan written by a licensed provider. The CHW Pool Administer may not have a state license “specified types of providers of health care” NRS 422.2722 and should not be required to assess every client before services.)

(Added to NAC by Bd. of Health by R133-15, eff. 12-19-2017)

**NAC 449.39575 “Services of a community health worker” defined. (NRS 449.0302)** “Services of a community health worker” means the services provided by a community health worker at the direction of a community health worker pool which may include, without limitation, outreach, community education, informal counseling, social support,

advocacy and improvement of the social determinants of health. (Not all of these items are billable so additional clarification could help CHW teams to deploy their resources)

(Added to NAC by Bd. of Health by R133-15, eff. 12-19-2017)

**NAC 449.39577 Location to which license applies; name of administrator to appear on license; liability coverage. ([NRS 449.0302](#))**

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 a specific person, who is designated on the license, to operate the community health worker pool at a specific location. The person may operate a community health worker pool at multiple work stations if the community health worker pool maintains the records for the clients, community health workers, other members of the staff of the community health worker pool and operations of the community health worker pool at the specific location designated on the license. (There is a market for this business process in Nevada now but no way to register a CHW Pool)

2. The name of the administrator 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 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. (Is this capability being added to the new enrollment process?)

5. As used in this section, “work station” means a satellite office of a community health worker pool that is established for the sole purposes of providing a location where copies of records may be sent to a community health worker pool 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.

(Added to NAC by Bd. of Health by R133-15, eff. 12-19-2017)

**NAC 449.39579 Qualifications and duties of administrator; access to records in absence of administrator. ([NRS 449.0302](#))**

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 the problems relating to the prevention and management of chronic disease, the social determinants of health, the field of 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 community health worker 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 the services of a community health worker 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 community health worker 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 community health worker pool as necessary to ensure that the clients of the community health worker 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 services of a community health worker provided to a client;

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

(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

community health worker pool related to the provision of the services of a community health worker described in the service plan to the client; and

(i) Providing an annual report to the Division, on a form prescribed by the Division, on or before January 1 of each year after the initial licensure of the community health worker pool. (Is this a calendar year? January 1<sup>st</sup> would be a challenging time to produce a report for January 1 to December 31)

3. Except as otherwise provided in this subsection, an employee designated to be in charge of the community health worker pool when the administrator is absent must have access to all records kept at the community health worker pool. 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 community health worker pool are not abused, neglected, exploited, isolated or abandoned by a community health worker or another member of the staff of the community health worker pool, or by any person who is visiting the client when a community health worker or another member of the staff of the community health worker pool is present; and

(b) Suspected cases of abuse, neglect, exploitation, isolation or abandonment of a client are reported in the manner prescribed in [NRS 200.5093](#), [200.50935](#) and [632.472](#).

(Added to NAC by Bd. of Health by R133-15, eff. 12-19-2017)

**NAC 449.39581 Written policies and procedures. ([NRS 449.0302](#))** A community health worker pool shall maintain written policies and procedures concerning the qualifications, responsibilities and conditions of employment for each community health worker and other members of the staff of the community health worker pool. 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 community health worker 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 the services of a community health worker 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;

(How detailed should the ethics be in NAC? Is there value to developing these further?)

3. Set forth the rights of clients;

(orgs with CHWs should all have client rights documented)

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;

(Each CHW Pool should not have a unique set of ethics. There is a Nevada CHW Ethics document that certified CHWs sign and may be a good requirement for all the training programs. This document has not been updated in a long time. Here is a copy <https://nvchwa.org/wp-content/uploads/2021/09/nv-code-of-ethics.pdf> )

5. Provide a description of the services of a community health worker that are provided to clients;

6. Provide a description of the manner in which the community health worker pool assigns community health workers to provide the services of a community health worker to clients and any supervision of those services that will be provided by the community health worker pool;

(This requirement may help alleviate confusion on paraprofessional job duties. Each pool could define the types of services they provide based on billable activities, community/client needs, and settings)

7. Provide for documentation of the needs of each client and the services of a community health worker that are provided to the client;

(Establishing CHW Pools may be a catalyst to overcome the barriers to client needs and services tracking. CHW Pools may be able to share missing data with Medicaid and the state)

8. Set forth the emergency responses of the community health worker pool to both medical and nonmedical situations;

9. Set forth the roles of the community health worker pool and any coordination that the community health worker pool will provide with services provided by other community service agencies;

(Such as contracted relationships with MCOs, Hospitals, Licensed Providers, and other public health infrastructure to improve team based care)

10. Provide for periodic evaluations of the performance of the community health workers and other members of the staff of the community health worker pool;

11. Provide for the maintenance of current personnel records which confirm that the policies and procedures are being followed; and

12. Set forth any other specific information that is necessary based on the needs of any special populations served by the community health worker pool.

(allows for market and community customization to best serve and network medical systems with underserved populations)

(Added to NAC by Bd. of Health by R133-15, eff. 12-19-2017)

**NAC 449.39583 Qualifications of community health worker. ([NRS 449.0302](#))**

Each community health worker employed or retained pursuant to a contract by a community health worker pool must: (One contract with the Pool. Then one contract with each biller)

1. Be at least 18 years of age;
2. Demonstrate the ability to provide the services of a community health worker;
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. Provide to the community health worker pool and maintain documentation of either:
  - (a) A certificate of completion evidencing the successful completion of an initial training course for community health workers which is not less than 30 hours and is approved by the Division; or
  - (b) Certification as a community health worker by an accrediting body approved by the Division;

(2 paths to billing based on education or certification. Is this something CMS recognizes? Are there situations where not all CHWs must be certified and still bill Medicaid and soon Medicare?)

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 related to providing for the needs of the clients of the community health worker pool.

(The current certification requires 20 hours every 2 years and does not match this bullet for CHW Pools)

(Added to NAC by Bd. of Health by R133-15, eff. 12-19-2017)

**NAC 449.39585 Personnel files for community health workers. ([NRS 449.0302](#))**

1. A separate personnel file must be kept for each community health worker employed or retained pursuant to a contract by 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 community health worker pool;

(c) Documentation satisfactory to the Division that the community health worker has been screened for communicable diseases as described in [NAC 441A.375](#);

(d) Evidence of compliance with [NRS 449.123](#) by the administrator of the community health worker pool or the person licensed to operate the community health worker pool with respect to the community health worker;

(These background checks for the Pool Administer and CHWs serving certain populations may be needed but may be an unnecessary burden for CHWs serving in other settings. For example, a CHW with a substance use conviction 5 years ago may be able to provide CHW services safely at the discretion of the employers policies.)

(e) Proof that, within 6 months after the community health worker began working for the community health worker 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 proof that such certification has been 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;

(h) Documentation of each initial training course and continuing education attended by the community health worker; and

(i) Documentation of the performance evaluations of the community health worker.

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

(a) The name of the training course or continuing education;

(b) The date on which the training course or continuing education was attended;

(c) The number of hours of the training course or continuing education;

(d) The name of the instructor of the training course or continuing education; and

(Not all programs put the instructor name)

(e) A certificate of completion or another certificate indicating that the training course or continuing education was successfully completed by the community health worker.

(Is this sufficient for CMS and is Medicaid pursuing this alternate path for CHWs working with MCOs and other settings that do not require certification?)

(Added to NAC by Bd. of Health by R133-15, eff. 12-19-2017)

**NAC 449.39587 Training and evaluation of community health workers. ([NRS 449.0302](#))**

1. Each community health worker employed or retained pursuant to a contract by a community health worker pool shall:

(a) Obtain a working knowledge of the provisions of this chapter which govern the licensing of community health worker pools before providing the services of a community health worker to the clients of the community health worker 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 the services of a community health worker to the clients of the community health worker pool.

(b) Participate in and complete a training program before independently providing the services of a community health worker to the clients of the community health worker pool.



The training program must include an opportunity for the community health worker to receive on-the-job instruction provided to clients of the community health worker pool, as long as the administrator of the community health worker pool or the administrator's designee provides supervision during this instruction to determine whether the community health worker is able to provide the services of a community health worker successfully and independently to the client.

(Nevada's training programs do not require on-the-job training for all students before issuing the foundational CHW training Credential.)

(c) Receive training:

(1) In the written documentation of:

(I) The services provided by the community health worker to the clients of the community health worker pool; and

(II) Verification of time records.

(2) In the core competencies, roles, values, scope of practice and ethics of a community health worker that are consistent with guidelines of the American Public Health Association or an equivalent association approved by the Division.

(The federal government mostly uses the American Public Health Association definition of a Community Health Worker and this 31 page document [7ec423\\_2b0893bcc93a422396c744be8c1d54d1.pdf \(c3project.org\)](https://www.c3project.org/7ec423_2b0893bcc93a422396c744be8c1d54d1.pdf)).

(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 the social determinants of health.

(Some activities can be necessary and in job descriptions without being billable so this makes sense to include. 'Informal counseling' is an unfortunate term but all over the literature so not something Nevada can change)

(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.

2. Each community health worker of a community health worker pool must:

(a) Be evaluated and determined to be competent by the community health worker pool in the required areas of training set forth in paragraph (c) of subsection 1.

(b) Have evidence of successful completion of a training program that includes the areas of training set forth in paragraph (c) of subsection 1 which precedes the date on which the community health worker first begins providing the services of a community health worker to a client.

(Added to NAC by Bd. of Health by R133-15, eff. 12-19-2017)

**NAC 449.39589 Rights of clients: Duties of administrator; provision of written description to clients. ([NRS 449.0302](#))**

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 community health worker 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 community health worker pool in accordance with the written policies and procedures of the community health worker 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 community health worker 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.

(This provides a very clear escalation chain for efficient corrective action plans. And a paper trail for any administrators who may not be meeting standards should the problems escalate to certification board or state investigators)

3. The administrator of a community health worker pool shall ensure that the community health worker pool is in compliance with [NRS 449A.100](#) to [449A.118](#), inclusive.

(This is very good to ensure the client is receiving the appropriate level of care and not kept in a program that matches the acuity of their case)

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.

(CHW services are more flexible and keeping a signed copy of a 'service plan' does not feel like an appropriate requirement. If a Case Plan is required, that should be handled by a

licensed professional. The 'rights of clients' should be part of initial assessment and intake but not a custom written plan.)

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 services of a community health worker that will be provided pursuant to the service plan and a copy of the service plan;

(this could be rewritten without the formal 'service plan' as shared above)

(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 relating 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.

(Each Pool could have a list of available services and referrals that they specialize in and define the limits of those services so the client can seek unmet needs from other sources)

(Added to NAC by Bd. of Health by R133-15, eff. 12-19-2017)

**NAC 449.39591 Initial screening of client. ([NRS 449.0302](#))** The administrator of a community health worker pool or the administrator's designee shall conduct an initial screening to evaluate each prospective client's requests for the services of a community health worker and to develop a service plan for the client or to accept a service plan established for the client.

(The administrator should develop the appropriate screening and intake procedure but not be required to meet with every client. High need clients and those who are not following through with services should receive the administrator's attention to help problem solve and improve organizational effectiveness.)

(Added to NAC by Bd. of Health by R133-15, eff. 12-19-2017)