

## 272 CMR: BOARD OF CERTIFICATION OF COMMUNITY HEALTH WORKERS

### 272 CMR 2.00: PURPOSE, AUTHORITY, SEVERABILITY, DEFINITIONS

#### Section

- 2.01: Purpose
- 2.02: Authority
- 2.03: Definitions
- 2.04: Severability

#### 2.01: Purpose

272 CMR 2.00 *et seq.* governs the certification and practice of Certified Community Health Workers in Massachusetts by establishing the scope of practice and standards of conduct for all community health workers certified by the Board of Certification of Community Health Workers, the standards and requirements for community health worker education and training programs in Massachusetts, and the eligibility requirements and administrative procedures for the issuance of certificates to qualified applicants and the renewal of such certificates.

#### 2.02: Authority:

The Board of Certification of Community Health Workers adopts 272 CMR 2.00 *et seq.* under authority of Chapter 322 of the Acts of 2010, as codified at M.G.L. c. 13, §§ 106 through 108, M.G.L. c. 112, §§ 259 through 262, and pursuant to M.G.L. c. 30A, § 3.

#### 2.03: Definitions

The following terms as used in 272 CMR 2.00 *et seq.* shall have the following meanings, unless the context requires otherwise:

Address of Record means the address corresponding to a location where a Certified Community Health Worker receives official correspondence as most recently specified:

- (1) on the Certified Community Health Worker's application form, or
- (2) in written notice to the Board pursuant to section 3.05;

Applicant means the individual who has submitted an application to the Board and seeks certification on his or her own behalf;

Board means the Board of Certification of Community Health Workers;

Certificate means the document issued by the Board to qualified applicants pursuant to M.G.L. ch. 112, §§ 260;

Certification means the process by which the Board grants recognition and use of a credential to individuals who have met predetermined and standardized requirements;

## 272 CMR: BOARD OF CERTIFICATION OF COMMUNITY HEALTH WORKERS

Certified Community Health Worker means an individual who holds a certificate as a Community Health Worker issued by the Board;

Certified Community Health Worker Trainer means an individual who holds a certificate as a Community Health Worker Trainer issued by the Board;

CMR means Code of Massachusetts Regulations;

Community Health Worker means a public health worker who applies his or her unique understanding of the experience, language and culture of the populations he or she serves in order to carry out one or more of the following roles:

- (1) providing culturally appropriate health education, information and outreach in community-based settings such as homes, schools, hospitals, clinics, shelters, local businesses and community centers;
- (2) bridging or culturally mediating between individuals, families, communities and health and human services, including actively building individual and community capacity;
- (3) assuring that community members access the health and human services they need;
- (4) providing direct services, such as informal counseling on access to health and human services, social support, care coordination and health screenings;
- (5) advocating for individual, family and community needs pertaining to access to health and human services; and
- (6) additional roles as may be identified by the Board that may emerge in the development of Community Health Worker practice;

Community Health Worker Education and Training Program means a stand-alone program of instruction, training and experience that is designed specifically to provide the knowledge and skills that are essential to community health work.

Complete application means a signed application form with no omissions and accompanied by all documentation specified in the form. An application that does not meet this definition is an incomplete application.

Core competencies means the overlapping and mutually reinforcing skills and knowledge essential for effective community health work in core areas, as specified in section 5.04(2)(a).

Family member means a parent, step-parent, sibling, step-sibling, child, step-child, grandparent, grandchild, aunt, uncle, niece, nephew or first cousin.

Good moral character means those virtues of an individual which are generally recognized as beneficial to the public health, safety and welfare.

Health and human services means a category of services that includes:

- (1) health insurance programs and coverage;

## 272 CMR: BOARD OF CERTIFICATION OF COMMUNITY HEALTH WORKERS

- (2) programs and services offered through government agencies including but not limited to offices and departments of local government, the Massachusetts Executive Office of Health and Human Services and corresponding federal agencies; and
- (3) policies, programs and services that are reasonably related to the promotion and protection of human health.

Healthcare related practice means the delivery of healthcare services which requires authorization, licensure, certification or registration by a governmental licensing or authorizing body, including but not limited to services performed by a nurse, certified nursing assistant, pharmacist, pharmacy technician, pharmacy intern, dentist, dental hygienist, dental intern, dental assistant, physician or physician assistant.

M.G.L. means Massachusetts General Laws.

Parent Institution means an entity or organization that provides or arranges for the resources and personnel necessary to offer and operate a Community Health Worker Education and Training Program.

### 2.04: Severability

If any provision of 272 CMR 2.00 *et seq.*, or the application of any such provision to any person or circumstances, is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of 272 CMR 2.00 *et seq.* that can be given effect without the invalid provision or application. To this end, the provisions of 272 CMR 2.00 *et seq.* are declared to be severable.

### REGULATORY AUTHORITY:

272 CMR 2.00: M.G.L. c. 13, §§ 106 through 108, M.G.L. c. 112, §§ 259 through 262, and M.G.L. c. 30A, § 3.

## 272 CMR: BOARD OF REGISTRATION OF COMMUNITY HEALTH WORKERS

### 272 CMR 3.00: PRIVILEGES, SCOPE OF PRACTICE AND RESPONSIBILITIES OF A CERTIFIED COMMUNITY HEALTH WORKER

#### Section

- 3.01: Privileges conferred by Certification
- 3.02: Scope of Practice of Certified Community Health Workers
- 3.03: Compliance with Statutes and Regulations Governing Practice as a Certified Community Health Worker
- 3.04: Documentation of Certification as a Community Health Worker
- 3.05: Responsibilities of a Certified Community Health Worker to the Board

#### 3.01: Privileges Conferred by Certification

Certification as a Community Health Worker pursuant to 272 CMR entitles the certificate holder to represent himself or herself to use such title, letters or abbreviations as the Board may approve for a Certified Community Health Worker. Except as otherwise provided by law, no individual shall represent himself or herself to be a Certified Community Health Worker or use any words, letters, abbreviations, or insignia indicating or implying the he or she holds a Community Health Worker certificate unless such person holds a current certificate issued by the Board pursuant to 272 CMR 4.00.

#### 3.02: Scope of Practice for a Certified Community Health Worker

- (1) The scope of practice for a Certified Community Health Worker includes:
  - (a) providing culturally appropriate health education, information and outreach in community-based settings including but not limited to homes, schools, hospitals, clinics, shelters, local businesses and community centers;
  - (b) bridging or culturally mediating between individuals, families, communities and health and human services, including actively building individual and community capacity;
  - (c) assisting community members to access the health and human services they need;
  - (d) providing direct services, including but not limited to informal counseling on access to health and human services, social support, care coordination and health screenings;
  - (e) advocating for individual, family and community needs pertaining to access to health and human services; and
  - (f) additional roles as may be identified by the Board that may emerge in the development of Community Health Worker practice.
- (2) The scope of practice for Community Health Workers does not include any act or service for which a license or registration issued by a professional licensing board is required.

## **272 CMR: BOARD OF REGISTRATION OF COMMUNITY HEALTH WORKERS**

### **3.03: Compliance with Statutes and Regulations Governing Practice as a Certified Community Health Worker**

A Certified Community Health Worker shall comply with M.G.L. ch. 112, §§ 259 through 262, 272 CMR, and all rules, advisories and policies of the Board.

### **3.04: Documentation of Certification as a Community Health Worker**

A Certified Community Health Worker shall make documentation of his or her current certificate available for inspection upon request in connection with his or her practice as a Certified Community Health Worker.

### **3.05: Responsibilities of Certified Community Health Workers to the Board**

(1) **Change of Personal Data:** A Certified Community Health Worker shall provide written notice to the Board, in a form and manner prescribed by the Board, within 30 days of any changes to his or her:

- (a) name;
- (b) address of record; or
- (c) social security number.

(2) **Responses to Board Requests for Information.** Except as otherwise provided by law, a Certified Community Health Worker shall provide timely responses to Board requests for information relating to:

- (a) any application he or she has filed with the Board; or
- (b) any investigation or formal complaint pending before the Board pursuant to 272 CMR 9.02

(3) **Reporting Actions by Other Licensing Authority.** A Certified Community Health Worker shall provide written notice to the Board within 30 days of any action taken by a licensing or authorizing agency, within or outside the Commonwealth, against any certificate, registration or license which he or she may hold that authorizes healthcare related practice.

#### **REGULATORY AUTHORITY:**

272 CMR 3.00: M.G.L. c. 112, § 108(g); and M.G.L. c. 112, § 260

## 272 CMR: BOARD OF CERTIFICATION OF COMMUNITY HEALTH WORKERS

### 272 CMR 4.00: CERTIFICATION AS A COMMUNITY HEALTH WORKER

#### Section

- 4.01: Purpose
- 4.02: Certified Community Health Worker Qualifications
- 4.03 Initial Certification as a Community Health Worker
- 4.04: Renewal of Certificates
- 4.05: Retirement of Certificates

#### 4.01 Purpose

The purpose of 272 CMR 4.00 is to specify the qualifications for Certified Community Health Workers and the process for obtaining and renewing such certification.

#### 4.02: Certified Community Health Worker Qualifications

To qualify for a certificate as a Community Health Worker, an individual must meet the following criteria:

- (1) The individual must be at least 18 years of age;
- (2) The individual must be of good moral character; and
- (3) The individual must satisfy the following criteria for training and work experience.
  - (a) Successful completion of a Board-approved Community Health Worker Education and Training Program, and accumulation of 2000 hours of professional work experience as a Community Health Worker whose documented job duties include each of the 10 core competencies during in the 10 years immediately prior to his or her application; or
  - (b) For a three year period, starting on XX-XX-2015 and ending on XX-XX-2018, accumulation of 4000 hours of professional work experience as a Community Health Worker whose documented job duties include each of the 10 core competencies during in the 10 years immediately prior to his or her application.
- (4) The individual must be deemed competent in each of the 10 core competencies, by at least three individuals who agree to submit professional references directly to the Board and meet the following criteria:
  - (a) At least three professional references must be provided by individuals who have direct knowledge of the applicant's work experience as a community health worker;

## 272 CMR: BOARD OF CERTIFICATION OF COMMUNITY HEALTH WORKERS

- (b) At least one professional reference must be provided by an individual who is a current or former supervisor of the applicant while the applicant was working as a community health worker at a setting within the United States;
- (c) At least two professional references must be based on work experience in the United States; and
- (d) Professional references may not be provided by an individual who is a family member of the applicant or current or former client of the applicant in the applicant's capacity as a community health worker.

### 4.03: Initial Certification as a Community Health Worker

- (1) The Board will consider an application for certification as a Community Health Worker, provided that the applicant has submitted a complete application on a form specified by the Board, and provided that the Board has also received:
  - (a) A certificate of completion from a Board-approved Community Health Worker Education and Training Program, unless the applicant has submitted an application prior to XX-XX-2018 and meets the criteria at Section 4.02(3)(b);
  - (b) At least three professional references prepared on a form specified by the Board for this purpose, that must be completed with no omissions, signed and submitted directly to the Board by persons who satisfy the criteria at section 4.02(4)
    - (i) Each reference form must include a rating other than "not-applicable" for at least eight of the 10 core competencies; and
    - (ii) The combination of all three reference forms must include a rating other than "not-applicable" for all 10 core-competencies.
  - (c) An attestation that the applicant has read and understands the Board's regulations at 272 CMR 8.00: Professional and Ethical Standards of Conduct for Certified Community Health Workers;
  - (d) A passport size color photograph of the applicant;
  - (e) Documentation as may be necessary pursuant to 803 CMR 2.00 to authorize the Board's receipt of criminal offender record information to the extent allowed by law;
  - (f) Payment of a non-refundable application fee in the amount set by the Executive Office of Administration and Finance; unless waived in accordance with M.G.L.c. 112 § 1B; and
  - (g) Other documentation as the Board may require to determine whether the applicant qualifies for certification.
- (2) Processing of applications
  - (a) The Board will not review any materials intended to support an application for certification as a Community Health Worker unless the applicant has submitted a complete application.
  - (b) The Board may refuse to act on an incomplete application.
  - (c) Incomplete application forms shall expire one year from the date of the Board's receipt of the form. The Board may refuse to act on an expired application and may require that the applicant submit a new application.

## 272 CMR: BOARD OF CERTIFICATION OF COMMUNITY HEALTH WORKERS

- (d) Applicants are responsible for ensuring that all information in the application is accurate and up to date and shall notify the Board of any material changes in the information previously submitted; and
  - (e) The Board may require the applicant to submit additional documentation, or appear before it, or both, in order to determine whether the applicant meets all qualifications and is of good moral character.
- (3) The Board may issue a certification to the applicant provided that the Board determines that the applicant is at least 18 years of age, of good moral character and meets all qualifications set forth in M.G.L. ch. 112, § 260 and 272 CMR. The Board may deny certification to an applicant on one or more of the following grounds:
- (a) The Board cannot verify to its satisfaction that the applicant meets all qualifications for certification;
  - (b) The Board cannot verify to its satisfaction, based on the professional references submitted, that the applicant's work experience includes successful application of each of the 10 core competencies;
  - (c) The Board determines that the applicant is not of good moral character;
  - (d) The applicant has not complied with the Board's request(s) for additional information, or that the applicant appear before it, or both;
  - (e) The application contains factual inaccuracies that are material in nature;
  - (f) The applicant has not submitted valid payment of the application fee; or
  - (g) Other grounds as permitted by law.

### 4.04: Renewal of Certificates

- (1) Renewal Cycle and Expiration. A certificate issued pursuant to section 4.03 shall be valid for a two year period commencing with the date of initial issuance. Unless renewed in accordance with this section, an initial certificate shall expire on the second anniversary of the date of initial issuance. Thereafter, a renewed certificate shall expire on the anniversary of the date of initial issuance, in an even-numbered year if the date of initial issuance was during an even-numbered year, or in an odd-numbered year if the date of initial issuance was during an odd-numbered year.
- (2) Renewal of a current certificate. A Certified Community Health Worker who holds a current certificate and has completed all continuing education requirements for renewal of certificates pursuant to 272 CMR 7.02 may apply to renew such certificate by submitting a complete application on a form specified by the Board, and the following items:
- (a) Documentation as may be required pursuant to 803 CMR 2.00 to authorize the Board's receipt of criminal offender record information to the extent allowed by law; and
  - (b) Payment of a non-refundable renewal fee in the amount set by the Executive Office of Administration and Finance; unless waived in accordance with M.G.L.c. 112 § 1B.



## 272 CMR: BOARD OF CERTIFICATION OF COMMUNITY HEALTH WORKERS

- (3) Renewal of an expired certificate. A Certified Community Health Worker who holds an expired certificate and has completed all continuing education requirements for renewal of certificates pursuant to 272 CMR 7.02 may apply to renew such certificate by submitting a complete application on a form specified by the Board, and the following items:
- (a) Documentation as may be required pursuant to 803 CMR 2.00 to authorize the Board's receipt of criminal offender record information to the extent allowed by law;
  - (b) Copies of certificates of completion or equivalent documentation acceptable to the Board demonstrating compliance with 272 CMR 7.02 (1)(b), if applicable;
  - (c) Payment of a non-refundable renewal fee in the amount set by the Executive Office of Administration and Finance unless waived in accordance with M.G.L.c. 112 § 1B; and
  - (d) Payment of a non-refundable late fee in the amount set by the board, and the Executive Office of Administration and Finance unless waived in accordance with M.G.L.c. 112 § 1B.
- (4) The Board may require a renewal applicant to submit additional documentation, or appear before it, or both, in order to determine whether the applicant meets all qualifications and is of good moral character.
- (5) The Board may deny certificate renewal on the following grounds:
- (a) The Board cannot verify to its satisfaction that the applicant meets all qualifications for renewal;
  - (b) The Board determines that the applicant is not of good moral character;
  - (c) The applicant has not complied with the Board's request(s) for additional information, or that the applicant appear before it, or both;
  - (d) The application contains factual inaccuracies that are material in nature;
  - (e) The applicant has not submitted valid payment of the renewal fee, or, where applicable, the late fee, or both; or
  - (f) Other grounds as permitted by law.
- (6) The Board will not act upon incomplete renewal application forms.
- (7) Nothing in this section shall supersede the effect of Board action against a certificate pursuant to 272 CMR 9.00.

### 4.05: Retirement of Certificate

- (1) A Certified Community Health Worker who meets the eligibility requirements in 4.05(2) may submit a petition to the Board to request that his or her certificate be placed on retired status. A retired status is a nondisciplinary certificate status. The Board may decline to review any petition for reinstatement or return to current status from any Certified Community Health Worker whose status has been changed to retired status.

## **272 CMR: BOARD OF CERTIFICATION OF COMMUNITY HEALTH WORKERS**

- (2) A Certified Community Health Worker will be eligible to submit a petition for retired status, if her or she:
  - (a) Has a certificate that is not surrendered, suspended or revoked at the time of the petition;
  - (b) Demonstrates, to the Board's satisfaction, that he or she intends to permanently retire from active practice as a Certified Community Health Worker;
- (3) A Certified Community Health Worker with a retired status may not represent himself or herself as a Certified Community Health Worker.
- (4) Nothing in this section shall prevent the Board from initiating, pursuing or taking a disciplinary action against a Certified Community Health Worker whose certificate is in retired status, including an action that imposes discipline or changes the certificate status from retired to revoked or suspended, if the Board determines that such action is in the best interests of public health, safety or welfare.

REGULATORY AUTHORITY: M.G.L. c. 112, § 108; M.G.L. c. 112, § 260 - 261

## 272 CMR: BOARD OF REGISTRATION OF COMMUNITY HEALTH WORKERS

### 272 CMR 5.00: COMMUNITY HEALTH WORKER EDUCATION AND TRAINING PROGRAMS

#### Section

- 5.01: Purpose
- 5.02: Approval Requirement, Approval Status and Publication
- 5.03: Minimum Standards for Provisional Approval
- 5.04: Minimum Standards for Full Approval
- 5.05: Obtaining and Maintaining Board Approval
- 5.06: Board Withdrawal of Program Approval

#### 5.01: Purpose

The purpose of 272 CMR 5.00 is to establish minimum standards for Board approval of Community Health Worker Education and Training Programs and to establish the procedure for obtaining approved status.

#### 5.02: Approval Requirement, Approval Status and Publication

- (1) Program Approval Requirement. In order to qualify for certification pursuant to 272 CMR 4.02(1), an applicant must have successfully completed a Community Health Worker Education and Training Program that has been approved by the Board pursuant to this chapter.
- (2) Approval status. The Board shall assign an approval status to all Community Health Worker Education and Training Programs recognized in accordance with section 5.05. The Board shall send notice to the program administrator of the assigned approval status and status effective date.
  - (a) Pending application: This status may be applied to all programs for which the Board has received a fully completed and signed application form for provisional approval or full approval. Pending application status shall apply from the effective date until either the date that the Board assigns a different status in accordance with this section, or the date the application expires, whichever occurs sooner. Upon the expiration of an incomplete application for a program with pending application status, the status shall be updated to pending application – application expired. A program with pending application status does not qualify as a Board approved Community Health Worker Education and Training Program that satisfies the certification requirement at section 4.02(3)(a), nor does a program with pending application – application expired status.
  - (b) Provisional approval: This status may be applied to a program if the Board determines, after evaluation in accordance with section 5.05(2)(f), that the program has demonstrated the capacity to meet the minimum standards for provisional approval as specified in 272 CMR 5.03. Provisional approval status may not exceed 18 months in duration. A program with provisional approval status qualifies as a Board approved Community Health Worker Education and

Training Program that satisfies the certification requirement at 272 CMR 4.02(1)(a).

(c) Full approval: This status may be applied to a program if the Board determines, after evaluation in accordance with 272 CMR 5.05(2), that the program meets all minimum standards for full approval as specified in 272 CMR 5.04. Full approval status may be of unlimited duration and shall apply from the effective date until the effective date that the Board assigns a different status in accordance with a program with full approval status qualifies as a Board approved Community Health Worker Education and Training Program that would satisfy the certification requirement at section 4.02(1)(a).

(d) Approval denied. This status may be applied to a program in any of the circumstances specified in section 5.05(3). A program with approval denied status does not qualify as a Board approved Community Health Worker Education and Training Program that satisfies the certification requirement at section 4.02(1)(a).

(e) Approval with warning: This status may be applied to a previously approved program if the Board determines, after review of the Annual Report submitted in accordance with 272 CMR 5.05(7), that the program does not meet one or more of the minimum standards for full approval as specified in 272 CMR 5.04. This status may also be applied to a previously approved program if the Board determines that the program has failed to submit a fully complete and signed Annual Report, without cause and without the Board's deferral pursuant to 272 CMR 5.05(5)(b). Approval with warning status shall be of a duration determined by the Board, but may not exceed one year in duration. A program with approval with warning status qualifies as a Board approved Community Health Worker Education and Training Program that would satisfy the certification requirement at 272 CMR 4.02(1)(a).

(f) Approval withdrawn. This status may be applied to a program in any of the circumstances specified in section 5.06. The Board's notice shall include, in addition to the status and status effective date, that a program with approval withdrawn status does not qualify as a board approved Community Health Worker Education and Training Program that satisfies the certification requirement at 272 CMR 4.02(1)(a).

(3) The Board shall maintain and publish a list of all Community Health Worker Education and Training Programs that have submitted a Notice of Intent pursuant to 272 CMR 5.05(1) or an application pursuant to 272 CMR 5.05(2) and shall specify the approval status that the Board assigned to the program and the status effective date.

#### 5.03: Minimum Standards for Provisional Approval

The Board may apply provisional approval status to a Community Health Worker Education and Training Program provided that the Board determines that the program meets the minimum standards for full approval at 272 CMR 5.04(1)(a) – (f) and the following additional qualifications:

## 272 CMR: BOARD OF REGISTRATION OF COMMUNITY HEALTH WORKERS

- (1) The parent institution has submitted a fully signed and completed application for program approval on or before December 31, 2016.
- (2) The parent institution offered a Community Health Worker Education and Training Program within the four years immediately preceding [Effective Date of Regulations].
- (3) Curriculum. The Community Health Worker Education and Training Program consists of at least 48 hours of instruction.
  - (a) At least 38 hours of instruction shall focus on the cultivation of knowledge and skills related to the core competencies for community health workers as specified in 272 CMR 5.04(2)(a); and
  - (b) At least 10 hours of instruction shall focus on the cultivation of knowledge and skills incorporating one or more specific health topics set forth in 272 CMR 5.04(2)(b).
- (4) Faculty. The Community Health Worker Education and Training Program has arranged to have the curriculum delivered by instructors who possess the knowledge, skills and competence to effectively teach a curriculum which meets the requirements of 272 CMR 5.03(3).

### 5.04: Minimum Standards for Full Approval

The Board may grant full approval status to a Community Health Worker Education and Training Program provided that the Board determines that the program meets the following minimum standards:

- (1) Program Mission and Governance
  - (a) The Community Health Worker Education and Training Program shall have and operate in accordance with a mission statement that recognizes and supports the history and purpose of the community health worker workforce.
  - (b) The Community Health Worker Education and Training Program shall be organized independently of any other education and training program offered by the parent institution.
  - (c) The Community Health Worker Education and Training Program shall employ practices and methodologies that are:
    1. inclusive and accessible to individuals with different learning styles, educational backgrounds and student needs, including but not limited to disability;
    2. consistent with the diversity principles and cultural competency that drives community health work.
  - (d) The Community Health Worker Education and Training Program shall be affiliated with a parent institution. The parent institution shall appoint a competent administrator and shall provide the administrator with adequate resources to effectively administer the program. The resources shall be sufficient to allow the program to:

272 CMR: BOARD OF REGISTRATION OF COMMUNITY HEALTH WORKERS

1. offer a curriculum that meets the requirements at section 5.04(2);
2. maintain an adequate number of instructors who meet the faculty requirements at 272 CMR 5.04(3); and
3. maintain ongoing fiscal health to ensure that the program will not be discontinued before a cohort of students who have commenced the curriculum have had adequate time to complete it.

(e) The Community Health Worker Education and Training Program shall award a certificate of completion to students who successfully complete the program.

(f) The Community Health Worker Education and Training Program shall publish current policies which describe the specific, non-discriminatory criteria for the following:

1. Admission into the program; credit transfer; attendance; withdrawal from the program, termination from the program, and re-admission into the program;
2. Documentation and record maintenance with respect to matriculation, attendance, faculty appointments, student performance and participation, and program completion by students; and
3. Student rights and grievances.

(g) The Community Health Worker Education and Training Program shall maintain written policies for conducting the following:

1. Internal assessments designed to evaluate the program; and
2. Systematic and objective evaluation of students' acquisition of the knowledge and skills related to the 10 core competencies for Community Health Workers specified in 272 CMR 5.04(2)(a) and specific health topics offered in the program's curriculum in accordance with 272 CMR 5.04(2)(b).

(2) Curriculum. The Community Health Worker Education and Training Programs shall consist of at least 80 hours of instruction.

(a) At least 64 hours of instruction shall focus on the cultivation of knowledge and skills related to the following ten core competencies for community health workers:

1. Outreach Methods and Strategies;
2. Individual and Community Assessment;
3. Effective Communication;
4. Cultural Responsiveness and Mediation;
5. Education to Promote Healthy Behavior Change;
6. Care Coordination and System Navigation;
7. Use of Public Health Concepts and Approaches;
8. Advocacy and Community Capacity Building;
9. Documentation; and
10. Professional Skills and Conduct.

(b) At least 16 hours of instruction shall focus on the cultivation of knowledge and skills related to one or more specific health topics relevant to community health work.

(3) Faculty. The Community Health Worker Education and Training Programs shall arrange to have the curriculum delivered by a faculty consisting of instructors who possess the knowledge, skills and competence to effectively teach a curriculum which meets the requirements of section 5.04(2). At least 40% of the hours of instruction shall be taught or co-taught by faculty who are Community Health Workers or Community Health Worker Trainers.

5.05: Obtaining and Maintaining Board Approval

(1) Notice of Intent.

(a) Prior to submitting an application for provisional approval or for full approval a parent institution seeking Board approval of a Community Health Worker Education and Training Program shall submit a Notice of Intent. The Notice of Intent shall be prepared and signed by the individual appointed as administrator for the Community Health Worker Education and Training Program and shall be accompanied by the following documentation:

1. The program's mission statement;
2. The program's teaching philosophy;
3. A description of the program's curriculum;
4. A statement indicating whether the parent institution has previously offered any Community Health Worker Education and Training Programs during the four years preceding [Effective date of regulations], that includes the following information for any such programs offered:
  - i. the date when the parent institution first began offering the program;
  - ii. the number of times the parent institution has offered the program to a cohort of students who completed the program; and
  - iii. the date(s) when each cohort of students completed the program;

(b) The Board shall evaluate the Notice of Intent and determine whether the program has demonstrated the capacity to meet the minimum requirements for either provisional approval or full approval.

1. If the Board determines the program has demonstrated the capacity to meet the minimum requirements for either provisional approval or full approval, the Board shall send written notice recommending the type of application that the program administrator should submit (provisional approval or full approval).
2. If the Board determines the program has not demonstrated the capacity to meet the minimum requirements for either provisional approval or full approval, the Board shall send written notice of that specifies the standard(s) which the Board determined that the program has not shown the capacity to meet.

## 272 CMR: BOARD OF REGISTRATION OF COMMUNITY HEALTH WORKERS

- (2) Application and Evaluation for Full Approval or Provisional Approval
- (a) A parent institution that has submitted a Notice of Intent may apply for full approval or provisional approval, using an application form specified by the Board for that purpose. The form shall be completed and signed by the individual appointed as administrator for the Community Health Worker Education and Training Program and shall be accompanied by all documentation specified in the application form
- (b) The Board shall recognize the Community Health Worker Education and Training Program that is the subject of a fully complete and signed application for full approval or provisional approval by granting “pending application” status. The Board’s recognition, by itself, does not qualify the program as a Board approved Community Health Worker Education and Training Program that would satisfy the certification requirement at 272 CMR 4.02(1)(a). The Board may refuse to recognize a program that is the subject of an application that contains omissions or that is not signed.
- (c) An application form that is submitted without all items required in 272 CMR 5.02(2) is incomplete. The Board may refuse to evaluate an incomplete application. Incomplete application forms shall expire one year from the date of the Board’s receipt of the form. The Board may refuse to act on an expired application and may require that the parent institution submit a new application.
- (d) The Board shall direct notices, correspondence and inquiries relating to the application and items submitted with the application to the program administrator identified in the application. The program administrator shall be responsible for responding to Board inquiries and requests for information on behalf of the parent institution and the program. The program administrator shall notify the Board of any material changes in the information previously reported or submitted.
- (e) When the Board determines that it has received a fully complete and signed application for provisional approval that includes all required items, the Board shall evaluate the Community Health Worker Education and Training Program to determine whether it meets the minimum standards specified in 272 CMR 5.03. In addition, the Board shall evaluate whether, and to what extent, any Community Health Worker Education and Training Program previously offered by the parent institution applying for approval meets the minimum standards for provisional approval. The Board may request that representative(s) of the parent institution, the program administrator, or both appear before the Board to answer Board member inquiries as part of the Board’s evaluation. The Board may also request that representative(s) of the parent institution, the program administrator, or both provide additional documentation relevant to the program’s capacity to meet minimum standards.
- (f) When the Board determines that it has received a fully complete and signed application for full approval that includes all required items, the Board shall evaluate the Community Health Worker Education and Training Program to determine whether it meets the minimum standards specified in 272 CMR 5.04. The Board may request that representative(s) of the parent institution, the program administrator, or both appear before the Board to answer Board member inquiries



## 272 CMR: BOARD OF REGISTRATION OF COMMUNITY HEALTH WORKERS

as part of the Board's evaluation. The Board may also request that representative(s) of the parent institution, the program administrator, or both provide additional documentation relevant to the program's capacity to meet minimum standards.

(3) Approval Denied. The Board shall assign approval denied status to a Community Health Worker Education and Training Program if the Board determines, after evaluation in accordance with section 5.05(2)(e) or 5.05(2)(f), that a program has not demonstrated the capacity to meet the minimum standards for either provisional approval or full approval. The Board's notice shall include, in addition to the status and status effective date, the standard(s) which the Board determined that the program did not meet.

(4) Provisional Approval and Re-evaluation.

(a) If the Board determines, after evaluation in accordance with 272 CMR 5.05(2)(e), that a program has demonstrated the capacity to meet the minimum standards for provisional approval specified in 272 CMR 5.03, the Board shall assign provisional approval status. The Board may assign a retroactive approval effective date where the Board has determined that a parent institution's previously offered Community Health Worker Education and Training Program met the standards specified in section 5.03. The Board's notice shall include, in addition to the status and status effective date, a date range during which the program administrator must submit an application for full approval. The Board's notice may also request additional items that must accompany the application for full approval as the Board may determine to be useful to a re-evaluation of the program. The Board's notice may further specify whether or not the Board approves the program's continuing education activities to satisfy the continuing education requirements at 272 CMR 7.02(1).

(b) After the final date specified for submitting the application for full approval, the Board shall re-evaluate the Community Health Worker Education and Training Program to determine whether it meets the minimum standards for full approval specified in 272 CMR 5.04. The Board may request that representative(s) of the parent institution, the program administrator, or both appear before the board to answer Board member inquiries as part of the Board's re-evaluation. The Board may also request that representative(s) of the parent institution, the program administrator, or both provide additional documentation relevant to the program's capacity to meet minimum standards.

(5) Full Approval and Annual Reporting.

(a) If the Board determines, after evaluation in accordance with section 5.05(2)(f), that a Community Health Worker Education and Training Program has demonstrated the capacity to meet the minimum standards for full approval specified in 272 CMR 5.04, the Board shall assign full approval status to that program. The Board's notice shall include, in addition to the status and status effective date, the date that the program administrator must submit the program's first annual report.

(b) Annual Report Requirement and Deferral. A Community Health Worker Education and Training Program with full approval status shall submit a fully completed and signed Annual Report, on a form specified by the Board for that purpose, on an annual basis. The report must be filed between September 1<sup>st</sup> and October 1<sup>st</sup> of each calendar year. The Board may choose to defer the Annual Report for a calendar year for a program that has been assigned full approval status during that calendar year. Upon written request by the program administrator and for good cause shown, the Board may defer a program's Annual Report deadline for up to one year, provided that the Board has not granted a deferral to the program at any time during the preceding 24 months.

(c) If the Annual Report indicates that the program has undergone material changes since the Board assigned full approval and those changes are of a nature that may impair the program's capacity to meet the minimum standards for full approval specified in 272 CMR 5.04, the Board may re-evaluate the program's approval status. As part of the re-evaluation, the Board may request that representative(s) of the parent institution, the program administrator, or both appear before the board to answer Board member inquiries. The Board may also request that representative(s) of the parent institution, the program administrator, or both provide additional documentation relevant to the program's capacity to meet minimum standards.

(6) Board Re-evaluation of Programs based on Information Received. In the event that the Board receives information indicating that an approved program does not in fact meet one or more minimum standards, or that grounds exist for the Board's withdrawal of approval pursuant to 272 CMR 5.06, the Board may re-evaluate the program's approval status. As part of the re-evaluation, the Board may request that representative(s) of the parent institution, the program administrator, or both appear before the board to answer Board member inquiries. The Board may also request that representative(s) of the parent institution, the program administrator, or both provide additional documentation relevant to the program's capacity to meet minimum standards or the existence of grounds for withdrawal of approval.

(7) Approval with Warning Status and Re-evaluation.

(a) Failure to Submit Annual Report. If the program administrator fails to submit a fully complete and signed Annual Report by October 1<sup>st</sup>, without cause and without the Board's deferral pursuant to 272 CMR 5.05(5)(b), the Board may assign approval with warning status. The Board's notice shall include, in addition to the status and status effective date, the date by which the program administrator must submit a fully complete and signed Annual Report in order to avoid the Board's withdrawal of approval. The Board's notice may further specify whether or not the Board approves the program's continuing education activities to satisfy the continuing education requirements at 272 CMR 7.02(1).

(b) Failure to Meet Minimum Standards.

1. If the Board determines, after re-evaluation in accordance with 272 CMR 5.05(5)(c) or 5.05(6), that a Community Health Worker Education and Training Program can no longer demonstrate the capacity to meet the

minimum standards for full approval specified in 272 CMR 5.04, the Board shall assign approval with warning status. The Board's notice shall include, in addition to the status and status effective date, the standard(s) which the Board determined that the program did not meet, the date by which the program administrator must submit a plan of correction that addresses the unmet standard(s) and a deadline by which the program must demonstrate the capacity to meet all minimum standards. The Board may, at the Board's discretion, request that the program administrator appear before it to answer inquiries about the plan of correction.

2. After the deadline specified, the Board shall re-evaluate the Community Health Worker Education and Training Program to determine whether it meets the minimum standards for full approval specified in 272 CMR 5.04. The Board may request that representative(s) of the parent institution, the program administrator, or both appear before the board to answer Board member inquiries as part of the Board's re-evaluation. The Board may also request that representative(s) of the parent institution, the program administrator, or both provide additional documentation relevant to the program's capacity to meet minimum standards.

5.06: Board Withdrawal of Program Approval

(1) The Board may assign approval withdrawn status to a Community Health Worker Education and Training Program in any of the following circumstances:

- (a) The Board assigned provisional approval status to the program effective more than 18 months earlier, and, after further evaluation in accordance with 272 CMR 5.05(4), the Board determines that the program does not meet all minimum standards for full approval;
- (b) The Board assigned approval with warning status to the program effective more than one year earlier, and, after further evaluation in accordance with 272 CMR 5.05(6), the Board determines that the program does not meet all minimum standards for full approval; or
- (c) The Board requests that the program administrator appear before the Board and the program administrator fails, without cause, to do so;
- (d) The Board requests that the program administrator provide information to the Board and the program administrator fails, without cause, to do so;
- (e) The Board determines that information submitted on behalf of the program for the purpose of obtaining or maintaining approval contains factual inaccuracies that are material in nature;
- (f) The program or the program administrator was found to have engaged in fraudulent or discriminatory activity by a court of competent jurisdiction or by a state agency with authority to oversee and adjudicate allegations of such activity; or
- (g) Other grounds as permitted by law.

(2) The Board's notice shall include, in addition to the status and status effective date, the basis for the Board's withdrawal of its approval.

272 CMR: BOARD OF REGISTRATION OF COMMUNITY HEALTH WORKERS

REGULATORY AUTHORITY:

272 CMR 5.00: M.G.L. c. 112, § 108(b); M.G.L. c. 112, § 108(g); M.G.L. c. 112, § 260

## 272 CMR: BOARD OF REGISTRATION OF COMMUNITY HEALTH WORKERS

### 272 CMR 7.00: CONTINUING EDUCATION

#### Section

7.01: Purpose

7.02: Continuing Education Requirements for Renewal of Certificates

7.03: Acceptable Continuing Education Activities

#### 7.01: Purpose

The purpose of 272 CMR 7.00 is to specify the continuing education requirements for Certified Community Health Workers.

#### 7.02 Continuing Education Requirements for Renewal of Certificates

(1) Each Certified Community Health Worker shall complete 15 contact hours of qualified continuing education activities that meets the criteria at 272 CMR 7.03 as a condition of renewal of his or her certificate as a Certified Community Health Worker. To meet this requirement, the continuing education activities must have been completed during the 24 months immediately preceding the certificate expiration date.

(2) Each Certified Community Health Worker shall maintain a record of all continuing education activities completed in the preceding six years, including but not limited to documentation verifying completion of a continuing education activity, and shall provide a copy of the same upon request by the Board.

#### 7.03 Qualified Continuing Education Activities

(1) Content. Continuing education activities must focus on one of the following topics:

- (a) the scope of practice for Certified Community Health Workers, as specified in 272 CMR 3.00;
- (b) one or more of the 10 core competencies specified in 272 CMR 5.04(2)(a);
- (c) special health topics; or
- (d) M.G.L., c. 112, §§ 259-262, 272 CMR, or any rule, advisory or policy adopted by the Board.

(2) Board approved continuing education providers. To satisfy the renewal requirement at 272 CMR 7.02(1), continuing education activities must be offered or sponsored by, or co-sponsored with, one of the following:

- (a) A Community Health Worker Education and Training Program with full approval status at the time the continuing education activity takes place;
- (b) A Community Health Worker Education and Training Program with provisional approval status at the time the continuing education activity takes place, provided that the Board has specified in its notice pursuant to 272 CMR

## 272 CMR: BOARD OF REGISTRATION OF COMMUNITY HEALTH WORKERS

5.05(4)(a) that the program's continuing education activities have been approved to satisfy the continuing education requirements at 272 CMR 7.02;

(c) A Community Health Worker Education and Training Program with approval with warning status at the time that the continuing education activity takes place, provided that the Board has specified in its notice pursuant to 272 CMR 5.05(7)(a) that its continuing education activities have been approved to satisfy the continuing education requirements at 272 CMR 7.02;

(d) A continuing education provider that has obtained the Board's approval to offer a specific continuing education activity pursuant to 272 CMR 7.03(3); or

(e) A continuing education provider that has been approved by the Board as identified on a list that the Board shall maintain and publish.

(3) Any person or entity that seeks the Board's approval of a continuing education activity may submit an application on a form specified by the Board for that purpose. The Board may, at its discretion and upon receipt of a fully completed and signed application form, review the proposed continuing education activity. Upon completion of its review, which may be conducted in consultation with the Office of Community Health Workers within the Department of Public Health, the Board shall provide a written response specifying whether the Board grants or denies approval. The Board may deny approval on the following grounds:

(a) The Board is not satisfied that the continuing education activity offers instruction sufficiently focused on any of the topics specified in this section;

(b) The Board is not satisfied that the instructor(s) for the continuing education activity possess the knowledge, skills or competence to effectively instruct Certified Community Health Workers on the proposed topic;

(c) The Board is not satisfied that the outline, materials and information that form the basis of the continuing education activity accurately reflect the subject matter of the proposed topic.

### REGULATORY AUTHORITY:

272 CMR 7.00: M.G.L. c. 112, § 108(c); M.G.L. c. 112, § 108(f); M.G.L. c. 112, § 108(g); and M.G.L. c. 112, § 260

## 272 CMR: BOARD OF REGISTRATION OF COMMUNITY HEALTH WORKERS

### 272 CMR 8.00: PROFESSIONAL AND ETHICAL STANDARDS OF CONDUCT FOR CERTIFIED COMMUNITY HEALTH WORKERS

#### Section

8.01: Purpose

8.02: Standards of Conduct for Certified Community Health Workers

#### 8.01: Purpose

272 CMR 8.00 defines the standards of conduct for all Certified Community Health Workers certified by the Board of Certification of Community Health Workers.

#### 8.02: Standards of Conduct for Certified Community Health Workers

The Standards of Conduct for Certified Community Health Workers include:

- (1) Use of Title. A Certified Community Health Worker shall only identify himself or herself as a Certified Community Health Worker while in the possession of a current certificate;
- (2) Misrepresentation of Credentials. A Certified Community Health Worker shall not misrepresent his or her credentials related to the practice of community health work including, but not limited to, those indicating education, type of community health worker certification, professional experience, or any other credential related to his or her work as a community health worker.
- (3) Practice Under a False or Different Name. A Certified Community Health Worker shall engage in the practice of community health work only under the name in which such certification has been issued.
- (4) Acts within Scope of Practice. A Certified Community Health Worker shall only perform acts within the scope of community health worker practice as defined in M.G.L. c. 112, § 259 and 272 CMR 3.02.
- (5) Competency. A Certified Community Health Worker shall only assume those duties and responsibilities within his or her scope of practice and for which he or she has acquired and maintained necessary knowledge, skills, and abilities.
- (6) Responsibility and Accountability. A Certified Community Health Worker shall be responsible and accountable for his or her judgments, actions, and competency in the course of performing his or her duties as a Certified Community Health Worker.
- (7) Documentation. A Certified Community Health Worker shall make complete, accurate, and legible entries in all records required by federal, state and local laws and regulations.

- (8) Falsification of Information. A Certified Community Health Worker shall not knowingly falsify, or attempt to falsify, any documentation or information related to any aspect of certification as a community health worker, the practice of community health work, or the delivery of community health worker services.
- (9) Alteration or Destruction of Records. A Certified Community Health Worker shall not inappropriately destroy or alter any record related to his or her work as a Certified Community Health Worker.
- (10) Discrimination. A Certified Community Health Worker shall not withhold or deny care or services based on age, ancestry, marital status, sex, sexual orientation, gender identity, race, color, religious creed, national origin, diagnosis, or mental or physical disability.
- (11) Client Abuse, Neglect, Mistreatment, or Other Harm. A Certified Community Health Worker shall not abuse, neglect, mistreat, or otherwise harm a client.
- (12) Infection Control. A Certified Community Health Worker shall not place a client, himself or herself, or others at undue risk for the transmission of infectious diseases.
- (13) Client Dignity and Privacy. A Certified Community Health Worker shall safeguard a client's dignity and right to privacy.
- (14) Client Confidential Information. A Certified Community Health Worker shall safeguard client information from any person or entity, or both, not entitled to such information. A Certified Community Health Worker shall share appropriate information only as required by law or authorized by the client for the well-being or protection of the client.
- (15) Sexual Contact. A Certified Community Health Worker shall not have sexual contact with any client with whom he or she has a current community health worker/client relationship or with any former client who may be vulnerable by virtue of disability, age, illness, or cognitive ability.
- (16) Professional Boundaries. A Certified Community Health Worker shall establish and observe professional boundaries with respect to any client with whom he or she has a current community health worker/client relationship. A Certified Community Health Worker shall continue to observe professional boundaries with his or her former clients who may be vulnerable by virtue of disability, age, illness, or cognitive ability.
- (17) Exercise of Undue Influence. A Certified Community Health Worker shall not exercise undue influence on a client, including the promotion or sale of services, goods, appliances or drugs, in such a manner as to exploit the client for financial gain of the Certified Community Health Worker or third party.



272 CMR: BOARD OF REGISTRATION OF COMMUNITY HEALTH WORKERS

- (18) Borrowing from Clients. A Certified Community Health Worker shall not borrow money, materials, or other property from any client.
- (19) Undue Benefit or Gain. A Certified Community Health Worker shall interact with clients without undue benefit or gain to the Certified Community Health Worker or third party.
- (20) Relationship Affecting Professional Judgment. A Certified Community Health Worker shall not initiate or maintain a community health worker/client relationship that is likely to adversely affect the community health worker's professional judgment.
- (21) Advertising. A Certified Community Health Worker shall not engage in false, deceptive, or misleading advertising related to community health work.
- (22) Fraudulent Practices. A Certified Community Health Worker shall not engage in any fraudulent practice including, but not limited to, billing for services not rendered or submitting false claims for reimbursement.
- (23) Impersonation. A Certified Community Health Worker shall not impersonate another community health worker or other health care provider, or knowingly allow or enable another person to impersonate him or her.
- (24) Aiding Unlawful Activity. A Certified Community Health Worker shall not aid any person in performing any act prohibited by law or regulation.
- (25) Circumvention of Law. A Certified Community Health Worker shall not receive from, or offer, give, or promise anything of value or benefit to, any official to circumvent any federal, state and local laws and regulations.
- (26) Practice While Impaired. A Certified Community Health Worker shall not act as a community health worker while impaired.
- (27) Unlawful Acquisition and Possession of Controlled Substances. A Certified Community Health Worker shall not unlawfully obtain or possess controlled substances.
- (28) Duty to Report to the Board. A Certified Community Health Worker who directly observes another community health worker or health care professional engaged in any of the following shall report that individual to the Board:
- (a) abuse of a client;
  - (b) practice of community health work while impaired by substance use;
  - (c) diversion of controlled substances.
- (29) Violence. A Certified Community Health Worker shall not endanger the safety of the public, clients, or coworkers by making actual or implied threats of violence, or carrying out an act of violence.

272 CMR: BOARD OF REGISTRATION OF COMMUNITY HEALTH WORKERS

(30) Compliance with Agreements and Orders. A Certified Community Health Worker shall comply with all provisions contained:

- (a) in any agreement he or she has entered into with the Board; or
- (b) in any order issued to him or her by the Board.

REGULATORY AUTHORITY:

272 CMR 8.00: M.G.L. c. 112, §§ 108, 260

## 272 CMR: BOARD OF REGISTRATION OF COMMUNITY HEALTH WORKERS

### 272 CMR 9.00: INVESTIGATIONS, COMPLAINTS AND BOARD ACTIONS

#### Section

- 9.01: Purpose
- 9.02: Investigation and Initiation of Formal Complaints
- 9.03: Grounds for Board Action
- 9.04: Board Actions on Complaints
- 9.05: Summary Suspension
- 9.06: Additional provisions applicable to Investigations, Complaints and Board Actions

#### 9.01: Purpose

272 CMR 9.00 authorizes Board staff to conduct investigations and initiate formal docketed complaints on behalf of the Board. It also establishes the grounds for discipline and the actions that may be taken in resolution of such complaints, by the Board and on behalf of the Board, in accordance with M.G.L. c. 30A and Standard Adjudicatory Rules of Practice and Procedure at 801 CMR 1.01 *et seq.* It also establishes the standards and procedures for summary suspensions.

#### 9.02: Investigations, Formal Docketed Complaints and Certificate Holder's Responsibility to Respond Prior to the Issuance of an Order to Show Cause

- (1) Investigations Generally. Any person or organization may submit information, in any form, alleging misconduct by a certificate holder to the offices of the Board. The Board may direct or authorize that one or more of following actions be taken on its behalf:
- (a) Review all information that they receive alleging or indicating acts or omissions by a certificate holder and to identify whether such acts or omissions, if true constitute grounds for Board action pursuant to 272 CMR 9.03;
  - (b) Request the certificate holder who is alleged to have engaged in the alleged acts or omissions to submit a written response to the allegations and any documents or other evidence in the certificate holder's possession and control that may be relevant to the allegations;
  - (c) Gather additional information as necessary to determine if the alleged acts or omissions are supported by evidence; and
  - (d) Initiate a formal, docketed complaint against a certificate holder based on evidence that the certificate holder has engaged in specific acts or omissions that constitute grounds for board action.
- (2) Certificate holder's Response. Except as otherwise provided by law, a certificate holder who is asked for a written response to a pending investigation or docketed complaint pursuant to 272 CMR 9.02(1) shall provide such response within twenty-one days of the certificate holder's receipt of the request. The certificate holder's written response shall be signed by the certificate holder. A certificate holder who claims that he or she is exempt by law from either responding to the Board or from producing requested

## 272 CMR: BOARD OF REGISTRATION OF COMMUNITY HEALTH WORKERS

documents or evidence to the Board shall provide a written statement setting forth the legal authority on which he or she relies.

(3) Closure of Investigation. If a formal, docketed complaint has not been initiated, the Board may direct or authorize that that one or more of the following actions be taken on its behalf:

- (a) Close the investigation for any of the reasons set forth in 9.04(1)(a)(1)-(3);
- (b) Send an advisory letter in accordance with 272 CMR 9.06(1) to the certificate holder who is the subject of an investigation;
- (c) Reopen a closed investigation on the receipt of new or previously unavailable evidence.

### 9.03: Grounds for Board Action

(1) The Board may take action against the certificate of a certificate holder based on one or more of the following grounds:

- (a) The certificate holder fails to comply with any provision of M.G.L. c. 112, §§ 260, 262;
- (b) The certificate holder fails to comply with any provision of 272 CMR, or any rule, advisory ruling or policy adopted by the Board;
- (c) The certificate holder fails to comply with any order of the Board;
- (d) The certificate holder fails to comply with the terms of any Consent Agreement entered into with the Board;
- (e) The certificate holder engages in conduct prohibited by the Code of Conduct set forth at 272 CMR 8.09;
- (f) The certificate holder engages in conduct outside the certificate holder's scope of practice, except as may be otherwise authorized by law or licensing authority;
- (g) The certificate holder continues to practice as a Certified Community Health Worker after the expiration, revocation, suspension, surrender or retirement of his or her certificate, or after the certificate holder has entered into a consent agreement in which he or she agreed to refrain from engaging in practice;
- (h) The certificate holder knowingly permits, aids or abets a person who is not a certificate holder to perform activities that requires a certificate issued by the Board;
- (i) The certificate holder fraudulently procures a certificate or its renewal;
- (j) In connection with any examination related to certification, the certificate holder
  - 1. impersonates or acts as proxy for another individual;
  - 2. discloses the contents of any examination;
  - 3. compromises the integrity of any such examination; or
  - 4. cheats, or assists another person to cheat, on any such examination;
- (k) The certificate holder knowingly provides false information to the Board, either directly or through another person acting on the certificate holder's behalf;

## 272 CMR: BOARD OF REGISTRATION OF COMMUNITY HEALTH WORKERS

- (l) The certificate holder fails, without cause, to appear before the Board when so requested as part of the Board's review of a matter concerning the certificate holder, including but not limited to an investigation, complaint or application;
  - (m) The certificate holder fails, without cause, to provide a written response to a pending investigation or complaint or to provide documents or other evidence in the certificate holder's possession or control that may be relevant to the allegations, in accordance with 272 CMR 9.02(2) and 9.06(2);
  - (n) Another government licensing or authorizing agency, within or outside the Commonwealth, imposes discipline against any professional certificate, registration, license or authorization held by the certificate holder for reasons that are substantially the same as grounds for Board action in this section;
  - (o) The certificate holder has been convicted of a crime;
  - (p) The certificate holder engages in conduct that demonstrates a lack of good moral character;
  - (q) The certificate holder engages in practice while his or her ability to practice is impaired by alcohol, drug, physical disability or mental instability;
  - (r) The certificate holder obtains or uses any drug in an unlawful manner;
  - (s) The certificate holder engages in behavior that is likely to have an adverse effect upon the health, safety or welfare of the public; or
  - (t) The certificate holder engages in conduct that undermines public confidence in the integrity of the profession.
- (2) Nothing in this section shall limit the Board's adoption of additional grounds for discipline through adjudication and rulemaking.

### 9.04: Board Actions on Formal, Docketed Complaints

- (1) Dismissal
  - (a) The Board may direct or authorize the dismissal of a complaint for the following reasons:
    - 1. The Board lacks jurisdiction;
    - 2. There is insufficient evidence to support a finding that the certificate holder engaged in acts or omissions that constitute grounds for Board action; or
    - 3. There may be sufficient evidence to support a finding that the certificate holder engaged in acts or omissions that constitute grounds for Board action; however the Board concludes that even if true, the alleged acts or omissions in the specific circumstances presented, do not warrant action against the certificate .
  - (b) The Board may direct or authorize the reopening of any dismissed complaint upon receipt of new or previously unavailable evidence except when the dismissal follows a formal adjudicatory hearing conducted in accordance with Standard Adjudicatory Rules of Practice and Procedure at 801 CMR 1.01 *et seq.*

## 272 CMR: BOARD OF REGISTRATION OF COMMUNITY HEALTH WORKERS

(c) When dismissing a complaint, the Board may direct or authorize the Executive Director to send, on the Board's behalf, an advisory letter in accordance with 272 CMR 9.06(1) to the certificate holder.

### (2) Orders

(a) Order to Show Cause. The Board may authorize prosecuting counsel to initiate and prosecute formal disciplinary proceedings by issuing, on the Board's behalf, an order for the certificate holder to appear and show cause why the Board should not take action against his or her certificate. Both the issuance of an Order to Show Cause and the subsequent adjudicatory proceedings shall be conducted in accordance with M.G.L. c. 30A and Standard Adjudicatory Rules of Practice and Procedure at 801 CMR 1.01 *et seq.* The Board may designate an administrative hearings counsel as the Presiding Officer to conduct the adjudicatory proceeding. The Board may authorize prosecuting counsel to file and amend pleadings on the Board's behalf to promote the efficient and expeditious resolution of the adjudicatory proceeding.

(b) Final Orders. If, after an adjudicatory hearing conducted in accordance with M.G.L. c. 30A and Standard Adjudicatory Rules of Practice and Procedure at 801 CMR 1.01 *et seq.*, the Board makes or adopts findings that one or more of the grounds for board action specified in 272 CMR 9.03 exist, the Board may direct the Executive Director to issue an order on the Board's behalf taking one or more of the following actions:

1. Stayed Probation. The Board may place a certificate on stayed probation, which does not constitute discipline and allows the certificate holder to engage in practice subject to temporary conditions set by the Board and specified in the order;

2. Reprimand. The Board may reprimand the certificate. A reprimand is a formal, public rebuke that constitutes discipline but does not prohibit practice or subject practice to conditions;

3. Probation. The Board may place a certificate on probation, which constitutes discipline and allows the certificate holder to engage in the practice of Certified Community Health Worker subject to temporary conditions set by the Board and specified in the order;

4. Suspension. The Board may suspend a certificate, which constitutes discipline and prohibits the certificate holder from engaging in practice as a Certified Community Health Worker for a specific period, or until specific conditions have been met, or both.

5. Revocation. The Board may revoke a certificate, which constitutes discipline and prohibits the certificate holder from engaging in practice as a Certified Community Health Worker.

### (c) Further Action.

1. The Board order may set conditions or requirements that must be met before the Board will consider a petition to modify or remove any conditions on the certificate or a petition for reinstatement of the certificate.

## 272 CMR: BOARD OF REGISTRATION OF COMMUNITY HEALTH WORKERS

2. The Board order may authorize the Executive Director to take additional actions against a certificate as a consequence of failing to comply with the terms of the order.
- (3) Permanent Surrender. The Board may accept the permanent surrender of a certificate by a certificate holder who is the subject of a complaint. A certificate holder may offer to permanently surrender his or her certificate by submitting to the Board a signed, written statement that asserts his or her intent to permanently relinquish the right to hold or renew his or her certificate. The Board's acceptance of a certificate holder's permanent surrender constitutes discipline and resolution of the complaint. The Board may deem the complaint allegations to be true and to constitute grounds for discipline.
- (4) Consent Agreements. The Board may enter into a Consent Agreement with a certificate holder for the purpose of resolving the complaint. In a Consent Agreement, the Board and the certificate holder may agree that the board will take one or more of the board actions specified in this section, or may agree that the certificate holder shall refrain from engaging in practice. Consent Agreements may also include other terms as permitted by law.
- (5) Except as the Board may otherwise specify in an Order or a Consent Agreement, any action taken against a certificate shall apply to the right to renew such certificate.
- (6) Except as otherwise provided by law, all Orders and Consent Agreements, whether disciplinary or non-disciplinary in nature, constitute a public record.
- (7) Nothing in this section shall limit the Board's ability to resolve a pending complaint by any other action, including but not limited to the imposition of a fine, permitted by law.

### 9.05: Summary Suspension

- (1) Purpose. 272 CMR 9.05 establishes parameters for the summary suspension of a license, in advance of a hearing, by either the full Board or by the Board Chair acting on the Board's behalf, in order to prevent an immediate and serious threat to the public health, safety or welfare presented by a certificate holder's practice. It also establishes requirements for a post-suspension hearing within seven business days.
- (2) Authorization for Order of Summary Suspension.
  - (a) Request. The Executive Director, may present a request for Order of Summary Suspension to the Board or, if the next scheduled meeting of the Board is more than 48 hours into the future, to the Board Chair. The Board Chair may either defer to the full Board or act on the Board's behalf. All members of the Board shall receive a copy of the request for an Order of Summary Suspension presented to the Board Chair. The request for an Order of Summary Suspension must be supported by affidavits, or documentary evidence, or both.

- (b) Immediate and Serious Threat. If, upon review of the information presented in the request for an Order of Summary Suspension, the Board, or Board Chair, determines that certificate holder's continued practice presents an immediate and serious threat to the public health, safety or welfare, and that summary suspension is necessary to prevent that threat, the Board, or the Board Chair, acting on the Board's behalf, may authorize the Executive Director to issue an order summarily suspending the certificate of a certificate holder.
- (c) Serious Threat. If, upon review of the information presented in the request for an Order of Summary Suspension, the Board, or Board Chair, determines that certificate holder's continued practice presents a serious threat to the public health, safety or welfare, and that summary suspension is necessary to prevent that threat, the Board, or the Board Chair acting on the Board's behalf, may authorize the Executive Director to issue an order commanding the certificate holder to file opposing affidavits or other evidence within three business days. If, upon review of the information presented in both the request for an Order of Summary Suspension and the evidence submitted by the certificate holder, the Board, or Board Chair, again determines that certificate holder's continued practice presents a serious threat to the public health, safety or welfare, and that summary suspension is necessary to prevent that threat, the Board, or the Board Chair acting on the Board's behalf, may authorize the Executive Director to issue an order summarily suspending the certificate of a certificate holder.
- (3) Order of Summary Suspension: Content, Notice and Enclosures.
- (a) An Order of Summary Suspension shall notify the certificate holder that his or her certificate has been suspended and that he or she is prohibited from engaging in practice until further notice by the Board, effective upon the certificate holder's receipt of the order.
- (b) The Order of Summary Suspension shall include notice of the date, time and location of the post-suspension hearing.
- (c) The Order of Summary Suspension shall be mailed to the certificate holder by United States Postal Service, first class mail and by either United States Postal Service or a comparable private mail service that delivers within 24 hours.
- (d) The Order of Summary Suspension shall be accompanied by a copy of the Executive Director's request for an order of Summary Suspension and its supporting affidavits and documentary evidence.
- (34) Post-Suspension Hearing.
- (a) The Board shall hold a post-suspension hearing in order to determine whether to continue or rescind the Order of Summary Suspension based on findings with respect to whether the certificate holder's continued practice presents an immediate and serious threat to the public health, safety or welfare, and that summary suspension is necessary to prevent that threat. The post-suspension hearing will be conducted in accordance with M.G.L. c. 30A and Standard Adjudicatory Rules of Practice and Procedure at 801 CMR 1.01. The Board may designate an administrative hearings counsel as the Presiding Officer to conduct the post-suspension hearing.



- (b) The post-suspension hearing shall take place within seven business days of the issuance of the Order of Summary Suspension. The certificate holder may submit a written request for a continuance to the administrative hearing counsel assigned with notice to the prosecuting counsel assigned to the summary suspension hearing. The administrative hearings counsel may continue the post-suspension hearing to a date and time mutually agreeable to the certificate holder and prosecuting counsel. The summary suspension shall remain in effect during the time that the post-suspension hearing is continued at the certificate holder's request.
- (c) Administrative hearings counsel may admit into evidence:
- (i) the Executive Director's request for an Order of Summary Suspension and its supporting affidavits and documentary evidence;
  - (ii) relevant evidence presented by the certificate holder; and
  - (iii) relevant evidence presented by prosecuting counsel that was unknown, or unavailable, or both, at the time the Order of Summary Suspension issued, provided that prosecuting counsel disclosed such evidence to the certificate holder prior to the hearing.
- (d) Administrative hearings counsel shall, within 30 days of the conclusion of the post-suspension hearing, either issue a tentative decision or provide a status report to the Board.

(45) Final Decision and Order of Summary Suspension.

- (a) Final Decision. Upon review of the tentative decision and any objections and responses to objections that may be filed, the Board shall issue a final decision and order of summary decision, which shall include findings of fact on the allegations that the certificate holder's practice presents an immediate and serious threat to the public health, safety or welfare, and that summary suspension is necessary to prevent that threat.
- (b) Default. If the certificate holder fails to appear and defend at the hearing, the administrative hearings counsel shall issue a notice of default to the certificate holder, the prosecuting counsel and the Board. The Board shall adopt the facts as alleged in the Request for Summary Suspension as its findings.
- (c) Rescission of Order of Summary Suspension. If the Board's final decision concludes either that the certificate holder's practice does not present an immediate and serious threat to the public health, safety or welfare, or that summary suspension is not necessary to prevent that threat, the Board shall rescind the Order of Summary Suspension and restore the certificate to the status that was in effect immediately before the Order of Summary Suspension issued.
- (d) Continuation of Order of Summary Suspension. If the Board's findings include both that the certificate holder's practice presents an immediate and serious threat to the public health, safety and welfare, and that summary suspension is necessary to prevent that threat, the Board shall order the continuation of the Order of Summary Suspension. An Order of Summary Suspension that has been continued shall remain in effect until resolution of the underlying complaint.

9.06 Additional provisions applicable to Investigations, Complaints and Board Actions

(1) Advisory letters. An advisory letter is not a formal Board action against a certificate holder and makes no determination or finding on whether the recipient engaged in alleged acts or omissions. It constitutes a public record of notice to the recipient that:

- (a) identifies the reason for closure of an investigation or dismissal of a complaint;
- (b) identifies any applicable statute(s), regulation(s), rules, advisories or policies that are relevant to the alleged acts or omissions that form the subject matter of an investigation or complaint; and
- (c) includes a reminder of the general requirement to comply with the identified provisions.

(2) Receipt by a certificate holder. The Board may deem a certificate holder to have received a request, notice, order or other correspondence on the date that such item has been delivered to the address of record provided by the certificate holder. In the event that delivery is not possible at such address because the certificate holder has moved and left no forwarding address or because the address is otherwise invalid, the Board may deem receipt by the certificate holder to have occurred on the date that delivery was attempted but failed.

(3) Authority.

- (a) The Board may direct or authorize the Board Chair, the Executive Director, investigators, board staff, board counsel, prosecuting counsel, or any combination of the same, to act on the Board's behalf by a Board vote specific to a particular certificate holder, or a general policy that sets parameters for action on the Board's behalf, or a combination of both.
- (b) In the event that the Board Chair has a conflict of interest, an appearance of a conflict of interest, or that the Board Chair is incapacitated or inaccessible for a period of time that exceeds the reasonable time frame in which the Board Chair would be expected to act pursuant to this section or as otherwise authorized by the board, the authority conferred upon the Board Chair may be exercised by the next most senior member of the Board, in the Board Chair's stead.
- (c) In the event that the Executive Director has a conflict of interest, an appearance of a conflict of interest, or that the Executive Director is incapacitated or inaccessible for a period of time that exceeds the reasonable time frame in which the Executive Director would be expected to act pursuant to this section or as otherwise authorized by the board, the next most senior member of Board staff, shall be authorized to act in the Executive Director's stead.

REGULATORY AUTHORITY:

272 CMR 5.00: M.G.L. c. 112, § 108(b); M.G.L. c. 112, § 108(g); M.G.L. c. 112, § 260



801 CMR: EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

801 CMR 4.00: RATES

Section

- 4.02: Fees for Licenses, Permits, and Services to be Charged by State Agencies
- 4.03: Rents and Meals to be Paid by State Employees
- 4.04: Rental Charge for Space Used in State Buildings
- 4.05: Fee Schedule - Laboratory Testing and Calibration Services
- 4.07: Hazardous Waste Transporters Fee
- 4.08: Returned Check Charge

PREAMBLE

All amounts of charges for services, regulation, licenses, fees, permits or other public function (tuitions at state colleges, community colleges, universities, the Massachusetts Maritime Academy and court fees are specifically excluded) existing prior to the effective date of St. 1980, c. 572, St. 1982, c. 602 and St. 1983, c. 714 are to remain in force unless and until reviewed and realigned.

All amounts of fees and charges which have previously been determined and realigned by the Commissioner of Administration pursuant to St. 1980, c. 572 and St. 1982, c. 602 are to remain in effect unless and until further modified.

4.02: Fees for Licenses, Permits, and Services to be Charged by State Agencies

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

\*\*\*\*\*

271 Board of Examiners of Sheet Metal Workers (continued)

(11)	Sheet Metal School (all type classes)	\$300	per application/ original license
(12)	Sheet Metal School (all type classes) – Renewal	300	biennial
(13)	Appeal/Variance Request (all types)	100	per application
(14)	Permit (all types)	100	per application

272 Board of Certification of Community Health Workers

(1)	Community Health Worker Certification	\$35	per application/ original certification
(2)	Community Health Worker Certification – Renewal	35	biennial

302 Department of Conservation and Recreation

(1)	Harvesting of Timber		
(a)	Massachusetts Residents	\$15	annual
(b)	Non-residents of Massachusetts	30	annual