

Topic: Community Health Worker Pools

Contact: Sonja Cook, Supervisor, Bureau of Health Care Quality and Compliance, scook@health.nv.gov or (775) 684-1030

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To: All persons or agencies that provide, for compensation and through its employees or by contract with community health workers, the services of community health workers to any natural person, medical facility or facility for the dependent

This technical bulletin has been drafted to provide clarification on regulation of Community Health Worker Pools (CHWP) in Nevada. The following are questions and answers regarding CHWPs:

Q: Could an entity obtain a license as a CHWP and have a memorandum of understanding (MOU) with community organizations/coalitions that would provide the community health worker services?

A: Yes, however the licensed entity is responsible for ensuring overall compliance with CHWP regulations. The licensed entity would need to maintain the necessary records regarding the community health workers and their clients. Section 8 of the regulations (LCB File #R133-15) allows for satellite work stations while requiring records to be centrally located at the address of the licensed entity. Further, the licensed entity is responsible for any violations and licensure action is taken with the licensed entity, not the entities represented in MOUs, contractual arrangements, etc.

Q: What type of businesses are required to obtain a license as a CHWP?

A: This is established in the statutory definitions of a CHWP at NRS 449.0028 and the statutory definition of a community health worker at NRS 449.0027.

“Community health worker pool” means a person or agency which provides, for compensation and through its employees or by contract with community health workers, the services of community health workers to any natural person, medical facility or facility for the dependent. The term does not include an independent contractor who personally provides the services of a community health worker or a facility for the dependent or any medical facility other than a community health worker pool which provides the services of a community health worker.

“Community health worker” means a natural person who:

1. Lives in or otherwise has a connection to the community in which he or she provides services.
2. Is trained by a provider of health care to provide certain services which do not require the community health worker to be licensed.
3. Provides services at the direction of a facility for the dependent, medical facility or provider of health care which may include, without limitation, outreach and the coordination of health care.

When an entity is being both compensated for community health worker services and the entity uses community health workers (as employees or contractors) to provide the services, the entity meets the definition of a CHWP and must obtain a license. It should be noted that a single individual providing community health worker services for compensation does not meet the statutory definition. Certain other situations are explicitly excluded, such as an independent contractor who personally provides the services or a facility for the dependent or medical facility that provides community health worker services.

Q: Is the compensation part of the statutory definition of a CHWP a determining factor for licensure?

A: Yes, you cannot extract the “compensation” concept from the statutory definition.

Q: If a provider of health care offers community health worker services and some portion of the reimbursement for other services pays for those services, but the provider of health care doesn’t specifically bill for those services, does the provider of health care need to obtain a license as a CHWP?

A: No, since there’s no clear relationship between the community health worker services and compensation for the same, these circumstances would not meet the statutory definition of a CHWP. While compensation for other health care services may fund the provision of community health worker services, the services are an expense not compensated by the entity providing reimbursement for those other health care services.

Q: If an entity is receiving grant funds and providing community health worker services from those funds, is a license required?

A: It depends. If community health worker services are specified as a component of the deliverables for the grant, then yes, the entity receiving the grant and providing the services meets the statutory definition. If no community health worker services are specified as a component of the deliverable for the grant, then no, because there’s no clear relationship between those services and compensation for the same.

Q: If an entity has a contract to provide services but community health worker services are not specified in the contract, yet contract funds are used to provide such services, is a license necessary?

A: No, because there’s no clear relationship between the community health worker services and compensation for the same.

The Bureau of Health Care Quality and Compliance is currently in the process of making licensure applications available online for CHWP applicants.

References

LCB File No. R133-15: <https://www.leg.state.nv.us/Register/2015Register/R133-15AP.pdf>

Signed: _____



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Amy Roukie, BS, MBA, Administrator
Division of Public and Behavioral Health