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# Auditor's Summary

## Sunrise Analysis: Regulation of Community Health Workers

Report No. 22-08



*Senate Bill No. 2882, introduced during the 2022 Regular Session, would regulate the community health worker profession, requiring certification of the workforce. The Hawai'i Regulatory Licensing Reform Act, Chapter 26H, Hawai'i Revised Statutes, requires the Auditor to assess measures that would subject professions that are currently unregulated to licensing, certification, or some other state oversight. Senate Concurrent Resolution No. 2, Senate Draft 1 (2022 Regular Session) requests the Auditor to conduct a sunrise review on the regulation of community health workers as proposed in Senate Bill No. 2882.*

**COMMUNITY HEALTH WORKERS** connect underserved communities with programs and services that impact health outcomes, addressing factors such as access to medical care, housing, and nutritious food. There is no standard definition, scope of practice, or set of core competencies for a community health worker at the state or national level. Community health workers who spoke with the Office of the Auditor said they spend much of their time doing social work, such as helping people apply for nutrition assistance or Medicaid or improving their living conditions. As a recruitment facilitator for a statewide training program described, community health workers are translators – of language, culture, and bureaucracy – helping others navigate healthcare and social service systems.

As defined in Senate Bill No. 2882, the services for which community health workers would be required to be certified by the state include case work, peer



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counseling, education, and outreach, as well as direct services such as blood pressure screening and first aid. In addition, Senate Bill No. 2882 includes the stipulation that “no person shall practice community health work under this chapter except under the direct order of, or in association with, a community-based organization, local health care system, facility, clinic, or hospital.” Existing community health workers and advocates we spoke with noted that some community health workers are employed outside of medical settings, such as for health insurance providers, or in schools or prisons.

### **Mandatory certification is inconsistent with state regulatory policy**

It is the policy of the State of Hawai‘i, as reflected in the Hawai‘i Regulatory Licensing Reform Act, that only those professions that reasonably affect the health, safety, or welfare of consumers of their services be subjected to state oversight. Furthermore, the law states that “the purpose of regulation shall be the protection of the public welfare and not that of the regulated profession or vocation.” Senate Bill No. 2882 appears intended to benefit the profession by recognizing the important work community health workers perform to help individuals navigate medical and social service systems and live healthier lifestyles. The legislation does not suggest that regulation is needed for consumer protection, and we do not believe the types of services in the bill reasonably endanger the health, safety, or welfare of those benefiting from the services.

We also assessed the impact of the proposed regulatory scheme against other criteria in the Hawai‘i Regulatory Licensing Reform Act. We did not identify any evidence of abuse or complaints against community health workers, nor unreasonable barriers to entering the profession if the training program is offered statewide. We could not determine how much it would cost to regulate the workforce, but the Department of Commerce and Consumer Affairs’ Professional and Vocational Licensing Division said it would need at least three additional staff to administer the regulation of community health workers and speculated that the fees for licensure could exceed \$1,000 to cover overhead costs. It is our conclusion that mandatory statewide certification for community health workers, as proposed in Senate Bill No. 2882, is inconsistent with state policy relating to the regulation of new professions and vocations.

## **Hawai‘i Regulatory Licensing Reform Act**

*The Hawai‘i Regulatory Licensing Reform Act requires the Auditor to analyze proposed regulatory measures that, if enacted, would subject unregulated professions and vocations to licensing or other regulatory controls. The policies that the Legislature adopted regarding regulation of professions and vocations are as follows:*

**The State may regulate** professions and vocations only where reasonably necessary to protect the health, safety, or welfare of consumers, and not that of the regulated profession or vocation;

**The State must regulate** professions or vocations when the health, safety, or welfare of the consumer may be jeopardized by the nature of the service offered by the provider;

**Evidence of abuses** by providers of the service must be given great weight in determining whether regulation is desirable;

**Regulation must be avoided** if it will artificially increase the cost of goods and services to consumers, except in cases where this cost is exceeded by the potential danger to the consumer;

**Regulation must not** unreasonably restrict entry into professions and vocations by all qualified persons; and

**Aggregate costs** for regulation and licensure must not be less than the full costs of administering that program.