



Virginia Department of Planning and Budget **Economic Impact Analysis**

12 VAC 5-402 Certification of Community Health Workers
State Board of Health
Town Hall Action/Stage: 5625/10091
January 11, 2024

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order 19. The analysis presented below represents DPB’s best estimate of the potential economic impacts as of the date of this analysis.¹

Summary of the Proposed Amendments to Regulation

Pursuant to Chapter 363 of the 2020 Acts of Assembly,² the State Board of Health (Board) seeks to promulgate a new regulation to establish the certification process and related standards for a kind of community health worker (CHW) referred to as a “certified community health worker” (certified CHW). The proposed regulation aims to (a) establish the minimum requirements for certification, and (b) the minimum standards required of the Board-approved entity that would be responsible for confirming certification, approving the training and education to meet certification requirements, and maintaining a publicly available registry of certified CHWs.³

¹ Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

² See <https://leg1.state.va.us/cgi-bin/legp504.exe?201+ful+CHAP0363>.

³ This regulation is very similar to the regulation for the Certification of Doulas, which became effective in January 2022. See <https://law.lis.virginia.gov/admincodefull/title12/agency5/chapter403/>.

Background

Community health workers are “nonmedical professionals with the education and experience necessary to provide collaborative services to assist individuals in achieving sustained wellness by engaging, educating, supporting, and advocating on behalf of an individual's efforts to meet the goals established in a plan of care.”⁴ The Virginia Department of Health (VDH) reports that CHWs have been a part of the healthcare workforce for many years, and are typically employed by local health departments as well as community organizations that provide health and social services, such as free or low-cost clinics, Veterans Affairs medical centers, federally qualified health centers, and other organizations that work with low-income populations.

A growing body of medical research supports the role of CHWs in improving [primary care](#) and [post-hospitalization](#) outcomes, and in managing [multiple chronic diseases](#).⁵ However, there is no national certification for CHWs. Thus, since 2017, VDH has worked with the Virginia CHW Association and convened an advisory group to create training requirements and standards for certification to set a uniform standard for workers in the field, and so that potential employers could be assured that the CHWs they were employing had received appropriate training and subscribed to a professional code of ethics.⁶ Certification is currently provided by the Virginia Certification Board, a private non-profit corporation. Although there is no legal mandate for the certification, employers may choose to require it; employers may also become approved to provide the training for certification.⁷

Chapter 363 of the 2020 Acts of Assembly directs the Board to adopt regulations “setting forth requirements for (i) use of the title ‘certified community health worker’ and (ii) education

⁴ See Agency Background Document (page 1)

https://townhall.virginia.gov/L/GetFile.cfm?File=58\5625\10091\AgencyStatement_VDH_10091_v1.pdf

⁵ (a) Kangovi S, Mitra N, Norton L, et al. Effect of Community Health Worker Support on Clinical Outcomes of Low-Income Patients Across Primary Care Facilities: A Randomized Clinical Trial. *JAMA Intern Med.* 2018;178(12):1635–1643. doi:10.1001/jamainternmed.2018.4630. (b) Kangovi S, Mitra N, Grande D, et al. Patient-Centered Community Health Worker Intervention to Improve Posthospital Outcomes: A Randomized Clinical Trial. *JAMA Intern Med.* 2014;174(4):535–543. doi:10.1001/jamainternmed.2013.14327. (c) Shreya Kangovi, Nandita Mitra, David Grande, Hairong Huo, Robyn A. Smith, Judith A. Long, “Community Health Worker Support for Disadvantaged Patients With Multiple Chronic Diseases: A Randomized Clinical Trial”, *American Journal of Public Health* 107, no. 10 (October 1, 2017): pp. 1660-1667. <https://doi.org/10.2105/AJPH.2017.303985>

⁶ See <https://chwofva.com/> and https://www.chwva.org/files/ugd/fd36e6_91ab13cdf6aa4b1f8f155dea98cfa4b3.pdf.

⁷ See <https://www.vacertboard.org/cchw>. This page also provides a list of the approved training providers in Virginia; there are currently 11 approved training providers.

and training programs necessary to meet the requirements for certification as a certified community health worker.” Specifically, Chapter 363 added a new section, § 32.1-15.1. *Certified Community Health Workers* to the Code of Virginia (Code) which specifies that, “No person shall use or assume the title “certified community health worker” unless he is a community health worker who (i) has received training and education as a community health worker from an entity approved by a body approved by the Board and (ii) is certified as a certified community health worker by a body approved by the Board.”⁸ The new section also specifies that, “No entity shall hold itself out as providing training and education for certified community health workers...unless its curriculum and training program has been approved by a body approved by the Board.” Encoding these definitions and requirements and including the certification process in state regulation would be a prerequisite for CHW services to be eligible for reimbursement through the state Medicaid program, if authorizing legislation was enacted in the future.

Sections of the proposed regulation are summarized below:

- Section 10 (Definitions) defines “approved training entity,” “certified community health worker,” “certifying body,” “community health support services,” “community health worker,” “individual,” and “plan of care.”
- Section 20 (Certified Community Health Worker) specifies that, “No person may use or assume the title of “certified community health worker” unless the person (i) meets the qualifications, education, and experience requirements established in this chapter and (ii) holds a certification as a certified community health worker from a certifying body approved by the Board.” This section also specifies that CHWs are not required to be certified in order to practice as a CHW in Virginia. Although certification is optional, it would likely be required for CHWs seeking reimbursement through Medicaid if authorizing legislation is enacted.
- Section 30 (Qualifications for certification; continuing education) specifies that persons seeking to be a certified CHW shall submit documentation to a certifying body verifying that the applicant is 18 years of age or older; has completed at least 60 hours of CHW training provided by one or more approved training entities; and has performed at least

⁸ See <https://law.lis.virginia.gov/vacode/title32.1/chapter1/section32.1-15.1/>.

2,000 hours of experience providing community health support services within the previous three years, 50 of which have been verified as supervised. A certified CHW who was certified in another state may apply for certification in Virginia by submitting documentation verifying (i) the applicant's certification and (ii) that the applicant has performed at least 2,000 hours of community health support services, 50 of which shall be verified as supervised. Lastly, this section requires certified CHWs to obtain re-certification every two years by submitting documentation verifying at least 30 hours of continuing education that (i) are approved by the certifying body, and (ii) cover the topics listed in Section 50 of the regulation.

- Section 40 (Minimum standards for certifying bodies) lays out the criteria for selecting a certifying body, the duties of the certifying body (including maintaining a publicly-available registry of certified CHWs, approving training entities, and submitting an annual report to the Board) and the requirements to be enforced by the certifying body (namely, that certificate holders adhere to a code of ethics and meet the training and continuing education requirements).⁹
- Section 50 (Training and education; curriculum requirements) states that approved training entities must ensure that the curriculum includes a minimum of 60 hours, and specifies the topics that must be covered and the number of hours that must be devoted to each topic as follows:
 - ten hours in community health concepts and approaches;
 - ten hours in service coordination and system navigation;
 - eight hours in health promotion and prevention;
 - eight hours in advocacy, outreach, and engagement;
 - ten hours in communications;
 - eight hours in cultural humility and responsiveness; and
 - six hours in ethical responsibilities and professionalism.

Estimated Benefits and Costs

⁹ Since the regulation is intended to reflect current practice, the Virginia Certification Board would be approved by the Board as a certifying entity once the regulation has taken effect. However, the Board could also approve additional certifying entities, either from other states or a national entity, provided those entities met these requirements.

Because the certification process already exists, the direct benefits of certification to certified CHWs, their employers, and to the individuals they serve already accrue in the absence of this regulation. Therefore, to the extent that facilities hiring CHWs currently require certification, they already benefit from knowing that their certified CHWs have met the training and experience requirements. Lastly, the Virginia Certification Board maintains a public registry on their website, making it easier for potential employers to verify credentials and for certified CHWs seeking employment to demonstrate that their certification is current. Thus the effect of the regulation at the present time largely consists of codifying existing practices by incorporating them within the Virginia Administrative Code. However, the proposed regulation may also benefit certified CHWs, or CHWs seeking certification, if Virginia's recognition of certification leads to portability of their credentials, to the degree that other states recognize certification.

In the future, if authorizing legislation is enacted to provide Medicaid reimbursement for certified CHWs, then facilities that employ CHWs would be incentivized to selectively employ certified CHWs and not uncertified CHWs. Thus, those CHWs that obtain certification would benefit from increased employment opportunities and/or higher wages. Conversely, CHWs who do not obtain certification would be disadvantaged by not being eligible for these positions. The proposed regulation would also benefit employers of certified CHWs to the extent that requiring certification for their employees makes them eligible for Medicaid payments in the future. Many of these entities may already receive Medicaid payments if they serve low-income populations; they would benefit from the proposed regulation to the extent that it provides a conduit for additional funding, possibly earmarked for CHW services.

Similarly, because the proposed regulation formalizes a certification process that already exists, it does not create new costs for individuals seeking certification or for training providers. Although fees are not mentioned in the Code or in the proposed text, a \$100 fee is currently assessed by the Virginia Certification Board, and VDH indicates that applicants for certification would continue to pay this fee.¹⁰ VDH also reports that some training providers have used federal grants to provide scholarships or other support services for individuals seeking certifications, and that employers of CHWs will sometimes pay for their employees' training or

¹⁰ See page 5:

https://townhall.virginia.gov/l/GetFile.cfm?File=58\5625\10091\AgencyStatement_VDH_10091_v1.pdf.

arrange to provide the training on-site if they want their workers to become certified. Some training programs are offered online and may be spread out over multiple sessions, whereas others, especially programs offered in Spanish, are offered in-person and may be offered as a continuous training.

Businesses and Other Entities Affected

As mentioned previously, the proposed regulation would primarily benefit certified CHWs and individuals seeking to become certified, as well as entities that employ them. Certified CHWs and the entities that employ them would also benefit to the extent that it enables them to access additional Medicaid funding, if authorizing legislation is adopted in the future. There are currently 349 CHWs certified by the Virginia Certification Board.

The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.¹¹ An adverse impact is indicated if there is any increase in net cost or reduction in net revenue for any entity, even if the benefits exceed the costs for all entities combined. Since the proposed regulation does not directly increase net costs or reduce net revenues for any entity, an adverse impact is not indicated.

Small Businesses¹² Affected:¹³

The proposed amendments would not create any new costs for small businesses.

¹¹ Pursuant to Code § 2.2-4007.04(D): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance. Statute does not define “adverse impact,” state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation.

¹² Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.”

¹³ If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

Localities¹⁴ Affected¹⁵

The proposed changes would not disproportionately affect any particular localities and would not affect costs for local governments.

Projected Impact on Employment

The proposed regulation would not directly impact the employment of CHWs, either certified or un-certified. However, as discussed above, eligibility for additional funding could increase the certified CHW workforce.

Effects on the Use and Value of Private Property

The proposed regulation is unlikely to affect the use and value of private property. Real estate development costs are not affected.

¹⁴ “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

¹⁵ Code of Virginia § 2.2-4007.04 defines “particularly affected” as bearing disproportionate material impact.