

Promotor(a) or Community Health Worker Training and Certification Advisory Committee

Bylaws

1. Name and Legal Authority

The Promotor(a) or Community Health Worker Training and Certification Advisory Committee (Committee) is established under Texas Health and Safety Code § 48.101 and governed by Texas Administrative Code 25 chapter §146.3 and is subject to Texas Government Code Chapter 2110 (State Agency Advisory Committees).

Texas Government Code § 2110.008 (Duration of Advisory Committees) applies to the Promotor(a) or Community Health Worker Training and Certification Advisory Committee.

In accordance with Section 2110.006, the Texas Department of State Health Services (DSHS) evaluates the committee annually. If the committee is not continued or consolidated, the committee shall be abolished on August 31, 2023.

2. Purpose and Role

The purpose of the Committee is to advise DSHS and HHSC on matters as described below:

- A. Implementation of standards, guidelines, and requirements under the Health and Safety Code, Chapter 48, relating to the training and regulation of persons working as promotores or community health workers;
- B. Matters related to the employment and funding of promotores and community health workers;
- C. Recommendations for a sustainable program for promotores and community health workers consistent with the purposes of Health and Safety Code Chapter 48, Subchapter C;

The Committee submits an annual report to the HHS Executive Commissioner by April 30 of each year describing its meetings and actions, how it accomplished tasks, the status of any recommended rules, anticipated activities for the next year, any requested amendments to the rule governing the Committee, and costs related to the Committee.

3. Definitions

- Advisory Committee – Promotor(a) or Community Health Worker Training and Certification Advisory Committee
- Commissioner – The Commissioner of the Texas Department of State Health Services
- Compensation – Includes receiving payment or receiving reimbursement for expenses
- DSHS – The Texas Department of State Health Services
- Executive Commissioner – Executive Commissioner of the Texas Health and Human Services Commission
- HHS - Texas Health and Human Services
- HHSC – The Texas Health and Human Services Commission
- Instructor – An individual approved by the department to provide instruction and training in one or more competencies to promotores or community health workers.
- Promotor(a) or Community Health Worker – A person who, with or without compensation, acts as a liaison and provides cultural mediation between health care providers and social services, and the community through activities such as assisting in case conferences, providing patient education, making referrals to health and social services, conducting needs assessments, distributing surveys to identify barriers to health care delivery, making home visits, and providing bilingual language services. A Promotor(a) or community health worker is a trusted member, and has a close understanding of, the ethnicity, language, socio-economic status, and life experiences of the community he/she serves. A promotor(a) or community health worker assists people to gain access to needed services and builds individual, community, and system capacity by increasing health knowledge and self-sufficiency through a range of activities such as outreach, patient navigation and follow-up, community health education and

information, informal counseling, social support, advocacy, and participation in clinical research.

- Sponsoring organization – An organization approved by DSHS to deliver a certified training curriculum to promotores or community health workers or instructors.

4. Committee Composition

The Committee is composed of nine voting members appointed by the DSHS Commissioner as described in Texas Health and Safety Code § 48.101 and 25 TAC § 146.3.

This membership includes:

- A. Four promotores or community health workers currently certified by DSHS;
- B. Two public members, which may include consumers of community health work services or individuals with paid or volunteer experience in community health care or social services;
- C. One member from the Higher Education Coordinating Board, or a higher education faculty member who has teaching experience in community health, public health or adult education and has trained promotores or community health workers; and
- D. Two professionals who work with promotores or community health workers in a community setting, including employers and representatives of non-profit community-based organizations or faith-based organizations.

To the greatest extent possible, the DSHS Commissioner appoints members who reflect the diversity of the state.

5. Member Terms

All members will serve a term of three years. Members may be re-appointed once and serve for an additional term. Members must apply for re-appointment through the agency solicitation process. The expiration of membership terms occurs on August 31st of each year. Regardless of the term limit, a member serves until his/her replacement has been appointed. This ensures sufficient, appropriate representation.

6. Resignations and Vacancies

If any member of the Committee wishes to resign, the member will contact, in writing, the current Presiding Officer and DSHS Program staff to request the appointment of a successor member.

In the event of a vacancy for any reason, agency staff will work with the DSHS Commissioner to solicit applications as appropriate to fill the vacancy with a representative of the same membership category to serve the unexpired portion of the term of the vacant position. Persons who submitted applications within the previous year through DSHS may be reconsidered for membership.

7. Presiding Officer and Assistant Presiding Officer

The Presiding Officer and Assistant Presiding Officer are nominated by the Committee, and if approved, are appointed by the DSHS Commissioner after August 31st of each year.

Officer Terms

The Presiding Officer and Assistant Presiding Officer will serve a term of one year. The Presiding Officer and Assistant Presiding Officer will serve no more than two consecutive terms. In the event that the Presiding Officer is unable to complete his/her term for any reason, a new presiding officer will be determined following these same procedures.

Officer Nominations

One committee officer position, either Presiding Officer or Assistant Presiding Officer must be occupied by a promotor(a) or community health worker member of the Committee. Members are required to nominate at least one community health worker member in one of the officer positions, Presiding Officer or Assistant Presiding Officer.

Members may self-nominate or nominate other members (public members, professional working with promotores or community health workers or higher education member, etc.) in one of the officer positions, either Presiding Officer or Assistant Presiding Officer.

Each officer shall serve until the next appointment of officers.

Officer Roles

The role of the Presiding officer and Assistant Presiding Officer is to:

- A. Report to DSHS;
- B. Participate in agenda planning and preparation for Committee meetings;
- C. Provide leadership in conducting Committee meetings;
- D. Promote, maintain, and encourage a participatory environment;
- E. Identify the need for, and work with Program staff, to call meetings to accomplish the work of the Committee;
- F. Ensure the Committee adheres to its charge;
- G. Call for the establishment of subcommittees (if applicable and with approval of agency staff); and
- H. Confer with DSHS staff to acquire the support needed for Committee operations.

8. Committee Operations and Meetings

A. Meetings

1. The Committee meets during regular business hours only as necessary to conduct committee business.
2. The Committee is subject to Texas Government Code Chapter 551 (the Texas Open Meetings Act).

B. Quorum

Five members constitutes a quorum for the purpose of transacting official business. If less than a quorum of the Committee is present, members may not vote upon action items but may take testimony and public comments so long as the meeting is being conducted in accordance with the Texas Open Meetings Act.

C. Voting

1. Members have the right to vote on any subject that is listed on the agenda. However, members must abstain from deliberating or voting on issues that would provide monetary or other gain to the member or that could present, or reasonably appear to present, a conflict of interest.
2. The Committee may determine procedural matters by majority vote of the members attending the meeting, or may use Robert's Rules of Order as a guide to its operations and

proceedings.

3. A member may participate and vote by telephone conference as deemed necessary by agency staff.
4. A member may not authorize another individual to represent the member by proxy.
5. For all business except adopting or amending bylaws, a simple majority is needed on a motion duly made and seconded. (A simple majority is defined as more than half of the votes cast by persons entitled to vote who are in attendance with a quorum, excluding abstentions.)

D. Adoption and Revision to Bylaws

1. Bylaws will be adopted and amended pursuant to a two-thirds vote (of members attending the meeting) on a motion duly made and seconded.
2. Committee members or DSHS staff may propose changes to these bylaws. All proposed changes from Committee members, along with the rationale for the changes, should be submitted in writing to the DSHS Program staff at least 30 days before the next Committee meeting for inclusion in the publication of the agenda in the *Texas Register* and distribution to the members for their consideration. Amendments will be passed and become effective based on a two-thirds vote of members attending the meeting, pending review and approval by DSHS and HHSC staff.
3. The Committee will review the Bylaws by December 31 of every even-numbered year. Committee-proposed amendments that occur as a result of the biennial review will be considered in a meeting and will be passed and become effective based on a two-thirds vote of members attending the meeting, pending review and approval by DSHS and HHSC staff.
4. All proposed changes are subject to review and approval by DSHS and HHSC staff.
5. The Bylaws will become effective as of the date they are adopted by the Committee. The Committee will make note of the date of the adoption of the Bylaws in its minutes. Members will sign a Statement by Members when bylaws are amended.

9. Responsibilities of Members

A. Attendance

Members are expected to attend all meetings in person, through conference call, or other technology. A member unable to attend a

meeting should notify the program staff in advance. The program staff will notify the Chair and appropriate staff. Members may not send a substitute to attend a meeting in their place.

If any member misses three meetings within a one-year period with or without notice to the Program staff, the member may be removed from the Committee.

B. Member expectations:

1. Attend meetings as scheduled in person, through conference call, or other technology;
2. Participate in subcommittees as assigned, and assist with the transcription of subcommittee minutes;
3. Review agendas and other information sent by staff prior to each meeting;
4. Participate in discussions at meetings;
5. Submit travel expenses no later than 14 days after the meeting (if applicable and if reimbursement is desired);
6. Abstain from deliberating or voting on issues that would provide monetary or other gain to the member, or the member's family, or that could present, or reasonably appear to present, a conflict of interest;
7. Attend/participate in an orientation session for the Committee;
8. Complete the Texas Open Meetings Act Training and Public Information Act Training within 90 days of appointment and submit the Certificates of Completion to the Program staff. If a member has taken the trainings within the last five years, a copy of the Certificates of Completion may be submitted to the Program staff in lieu of taking the trainings;
9. Sign and submit to the Program staff the Statement by Members document within 30 days after appointment. This document includes a Conflict of Interest Statement and a Nondisclosure Agreement to which Committee members must agree;
10. Notify the Committee Presiding Officer and Program staff if a change of status alters the category of membership that the member was filling or if any circumstance occurs that prevents the member from being able to discharge his or her duties;
11. Maintain a high level of integrity that warrants public trust,

including complying with all applicable ethics guidance provided by HHSC's Ethics Officers and all aspects of the Texas Open Meetings Act and Public Information Act; and

12. Hold and maintain in strictest confidence all confidential information and all agency-generated information in draft form, until such time as the information or document is released and made public, the HHS Executive Commissioner has approved the release in writing, or the HHS Ethics Policy permits release. This requirement survives the member's tenure on the Committee. For purposes of these bylaws and the Nondisclosure Agreement, the term "confidential information" includes all information protected by the Health Insurance Portability and Accountability Act (HIPAA), information that has commercial value or use, such as trade secrets, and information communicated in confidence by the HHS System.

Failure to comply with member expectations numbers 6-12 above are grounds for dismissal and may result in removal from the Committee.

C. Committee member may not:

1. Participate in legislative or advocacy activities using his/her title or position on this Committee without written approval from the Committee Presiding Officer and the HHS Ethics Office in coordination with the HHS Government Relations Office and the Program staff; however, members may represent themselves or other entities in the legislative process.
2. Accept payment for any services offered to the member because of his/her position on the Committee.
3. Disclose confidential information or draft information (from any source including grants, requests for proposals, and contracts) acquired through his or her participation on the Committee until such time as that information or document is released and made public, the HHS Executive Commissioner has approved the release in writing, or the HHS Ethics Policy permits release. This includes all forms of communication including written, verbal, and social media.

A violation of any of these items are grounds for dismissal and may result in removal from the Committee.

10. Removal from the Committee

The DSHS Commissioner may remove a member from the Committee for the following reasons:

- A. A member votes or deliberates on an issue that would provide monetary or other gain or that presents a conflict of interest to the member, the member's family, or an entity with which the member is closely affiliated.
- B. A member refuses to sign or violates the Statement by Members, which includes the Conflict of Interest statement and Nondisclosure Agreement, or another Nondisclosure Agreement.
- C. A member does not maintain a high level of integrity that warrants public trust, including complying with all applicable ethics guidance provided by HHSC's Ethics Officers and all aspects of the Texas Open Meetings Act and Public Information Act.
- D. A member changes status that alters the category of membership that the member was filling.
- E. A member participates in legislative or advocacy activities using his/her title or position on the Committee without approval from the Committee Presiding Officer and the HHS Ethics Office in coordination with the HHS Government Relations Office and Program staff.
- F. A member receives payment for any services requested because he or she holds a position on the Committee.
- G. A member discloses confidential or draft information acquired through his or her participation on the Committee not in accordance with the Bylaws.
- H. A member, in a 12-month period, misses 3 meetings with or without notice to Program staff.
- I. The DSHS Commissioner may remove a member who has violated the conflict of interest provisions or made a statement in violation of the Statements by Members form. Decisions to remove a member of the Committee due to violations of this nature will require input from HHS legal counsel.

11. Sub-committees

The Presiding Officer, with the approval of agency staff, may establish sub-committees that meet at other times for purposes of studying and making recommendations on issues the Committee determines

appropriate to the charge of the Committee. A sub-committee may be created for a limited period of time and will cease to exist when the assigned tasks are completed or upon determination of the Presiding Officer or Program staff, or it may be a standing sub-committee. The Chair and agency staff will evaluate the need for all existing sub-committees annually.

Sub-committee Membership

Sub-committees shall be composed of no more than four members of the committee and no more than three nonmembers.

The presiding officer may appoint members of the committee to serve on sub-committees and to act as sub-committee chairpersons. The presiding officer may also appoint nonmembers of the committee to serve on subcommittees.

Sub-committee Member Term

Sub-committee members and nonmembers shall serve for a term of one year expiring August 31.

Sub-committee Operations and Meetings

- A. Unless otherwise noted in statute or required by a grant document, members of subcommittees are required to be members of the Committee.
- B. Except as set out in #D below, subcommittee(s) will follow the general rules of the Committee as applicable.
- C. Subcommittee(s) must keep minutes of the meetings and report back to the full body.
- D. The presence of a quorum of the full Committee at a subcommittee meeting:
 1. Constitutes a full Committee meeting that requires posting appropriate notice of the meeting as a full Committee meeting in accordance with the Texas Open Meetings Act; and
 2. Requires the subcommittee meeting to be held in compliance with the Texas Open Meetings Act to include posting appropriate notice of the subcommittee meeting.

12. Subject Matter Experts

DSHS recognizes the value of subject matter experts (SMEs) to provide information to the Committee as it develops recommendations relative to its charge(s). The primary role of a SME is to provide objective, independent information and analysis to be considered by the Committee. SME participation will be subject to the request of Committee members and will fall within the following guidelines:

- A. A SME may be invited to provide information on specific subjects and topics at the discretion of voting Committee members, the Presiding Officer, and DSHS staff;
- B. An invited SME may be recognized by staff, the Committee Presiding Officer, or Assistant Presiding Officer to provide information or analysis during allotted time periods at a specified Committee or subcommittee meeting;
- C. SMEs will participate in questions and answers at the direction of the staff, Committee Presiding Officer, or Assistant Presiding Officer;
- D. All SMEs will participate and serve at the pleasure of the Committee;
- E. SMEs do not hold any official capacity on the Committee or subcommittees and do not have rights of deliberation or the right to vote on any Committee activities or decisions;
- F. SMEs should disclose any conflicts of interest they may have prior to providing information to the Committee;
- G. None of the information or guidance contained in this section shall prevent any individual from participating in or providing comments to the Committee as allowed under the Texas Open Meetings Act.

13. Responsibilities of Support Staff

The DSHS Promotor(a) or Community Health Worker Training and Certification Program will provide reasonable administrative and technical support and coordination for all Committee and subcommittee activities.

Staff is expected to perform the following tasks:

- A. Develop effective working relationships with Committee members;
- B. Solicit nominations for membership in accordance with the appropriate HHS procedures;
- C. Assist the Committee with resources to guide the development of the

- annual report filed with the Executive Commissioner each April.
- D. Serve as liaison between members and operating agencies' staff;
 - E. Plan, coordinate, and organize Committee and subcommittee meetings and activities, including:
 - 1. Schedule meeting dates and ensure meeting sites are set up;
 - 2. Notify members of upcoming meeting dates, times, and locations;
 - 3. Develop agenda and support materials for each meeting;
 - 4. Prepare and oversee that the agenda is posted in the *Texas Register* in a timely manner and on the DSHS and HHS website;
 - 5. Serve as point of contact for the public including ensuring that contact information, agendas, and meeting support materials are easily accessible on the DSHS and HHS website;
 - 6. Prepare and distribute information and materials for member review;
 - 7. Prepare and maintain Committee records and documentation in accordance with the DSHS records retention policy; and
 - 8. Assist eligible members with travel arrangements and reimbursement.
 - F. Coordinate as needed to provide any accommodations and supports needed by a Committee member requiring accommodations to enable him/her to fully participate in Committee and subcommittee meetings and activities; and
 - G. Staff may perform other duties within staff discretion provided the necessary resources are available.

14. Compensation and Travel Reimbursement

To the extent permitted by the current General Appropriations Act, a member of the Committee, who is not employed by a state agency, other than DSHS, may be reimbursed for his/her travel to and from meetings if funds are available and in accordance with the HHS Travel Policy. Other members are responsible for their own travel expenses.

Members eligible for such reimbursement are subject to rates established in the General Appropriations Act. Staff will assist members in requesting reimbursement. Committee members appointed as CHW

or public members may be reimbursed for their travel to and from meetings if funds are available. Committee members who are appointed as members representing higher education or professionals working with promotores or CHWs are responsible for their own travel expenses. Committee members are responsible for providing the required information as per instructions provided within 14 calendar days of the meeting.

A member who would like to seek travel reimbursement must:

- A. Keep accurate record of allowable travel expenses (as per the HHS Travel Policy) during travel to attend Committee meetings; and
- B. Submit receipts and appropriate documentation to the Program staff in a timely manner.

Bylaws approved on _____ by a two-thirds vote of members attending the meeting.

Chairperson
Printed Name

Signature

DSHS
Printed Name

Signature

Statement by Members

- The Department of State Health Services (DSHS) and the Promotor(a) or Community Health Worker Training and Certification Advisory Committee (Committee) are not bound in any way by any statement or action on the part of any Committee member except when a statement or action is in pursuit of specific instructions from DSHS or the Committee.
- The Committee and its members may not participate in legislative or advocacy activities using his/her title or position on this Committee without approval from the Committee chair and the HHS Ethics Office in coordination with the Government Relations Office. Committee members are not prohibited from representing themselves or other entities in the legislative or advocacy process.
- A Committee member may not accept payment for services that are requested because of the members' title or position on this Committee.
- A Committee member shall not accept or solicit any benefit that might reasonably tend to influence the member in the discharge of the member's official Committee duties.
- A Committee member shall not knowingly solicit, accept, or agree to accept any benefit for having exercised the member's official powers or duties in favor of another person.
- A Committee member shall complete the Texas Open Meetings Act Training and the Public Information Act Training within 90 days of appointment and submit the Certificates of Completion to the Program staff. If a member has taken the training within the last five years, a copy of the Certificate of Completion may be submitted to the Program staff in lieu of taking the training.
- Nondisclosure agreement. A Committee member may not disclose confidential information or agency-generated information in draft form acquired through his or her Committee membership, unless HHSC has released and made public the information or document, the DSHS Commissioner has approved the release in writing, or the HHS Ethics Policy permits release. This requirement survives the member's tenure on the Committee. For purposes of the Nondisclosure Agreement, the term "confidential information" includes all information protected by the Health Insurance Portability and Accountability Act (HIPAA), information that has commercial value or use, such as trade secrets, and information communicated in confidence by the HHS System.
- Conflict of Interest Statement. I agree to disclose any personal or private interest that myself or my family have in a measure, proposal, or decision pending before DSHS. ("Personal or private interest" does not include the member's engagement in a profession, trade, or occupation when the member's interest is the same as all others similarly engaged in the profession, trade, or occupation, or if the member merely provides a personal experience, with no personal or private financial interest, in giving feedback on the subject matter.) If there is a direct personal or financial interest in a motion under consideration, I further agree to disclose that fact in a public meeting and will recuse myself from any Committee deliberations or decisions on that matter.

I have been provided a copy of the Promotor(a) or Community Health Worker Training and Certification Advisory Committee bylaws. I understand that as a member of the Committee I must adhere to the bylaws.

Advisory Committee Member Signature

Printed Name

Date

Revisions Tracking Page

Document Version #	Revision Date	Revisions / Purpose	Author