

TEXAS ADMINISTRATIVE CODE
TITLE 25, PART 1, CHAPTER 146
RULES REGARDING
TRAINING AND CERTIFICATION OF PROMOTORES OR COMMUNITY HEALTH
WORKERS

§146.1. Definitions. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Advisory Committee--Promotor(a) or Community Health Worker Training and Certification Advisory Committee.
- (2) Applicant--A promotor(a) or community health worker who applies to the Department of State Health Services for a certificate of competence; an instructor who applies to the department to train promotores or community health workers; or a sponsoring organization that applies to the department to offer training approved by the department to train promotores or community health workers.
- (3) Certificate--Certificate issued to a promotor(a) or community health worker, instructor or sponsoring organization by the Department of State Health Services.
- (4) Commission--The Health and Human Services Commission.
- (5) Commissioner--The Commissioner of the Department of State Health Services.
- (6) Compensation--Includes receiving payment or receiving reimbursement for expenses.
- (7) Core Competencies--Key skills for promotores or community health workers required for certification by the department, including communication skills, interpersonal skills, knowledge base on specific health issues, service coordination skills, capacity-building skills, advocacy skills, teaching skills, and organizational skills.
- (8) Department--The Department of State Health Services.
- (9) Distance Learning--The acquisition of knowledge and skills through mediated information and instruction, encompassing all technologies and other forms of learning at a distance.
- (10) Executive Commissioner--Executive Commissioner of the Health and Human Services Commission.
- (11) Health--A state of complete physical, mental and social well-being where an individual or group is able to realize aspirations and satisfy needs, and to change or cope with the

environment. Health is a resource for everyday life, not the objective of living; it is a positive concept emphasizing social and personal resources as well as physical capabilities. This definition is from the World Health Organization, "Ottawa Charter for Health Promotion, 1986."

- (12) Certified Instructor--An individual approved by the department to provide instruction and training in one or more core competencies to promotores or community health workers.
- (13) "Promotor(a)" or "Community Health Worker"--A person who, with or without compensation, is a liaison and provides cultural mediation between health care and social services, and the community. 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 served. 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.
- (14) Sponsoring organization--An organization approved by the department to deliver a certified training curriculum to promotores or community health workers or instructors.
- (15) Certified Training Curriculum--An educational, community health training curriculum approved by the department for the purpose of training promotores or community health workers or instructors.

§146.2. Applicability.

- (a) The provisions of this chapter apply to any promotor(a) or community health worker, and instructor, representing that he or she performs or will perform as a certified promotor(a) or community health worker or, trains or will train promotores or community health workers respectively. It also applies to any sponsoring organization that delivers a certified training curriculum for promotores or community health workers.
- (b) Certification under this section is voluntary for promotores or community health workers who provide services without receiving compensation and mandatory for promotores or community health workers who provide services for compensation.

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

- (a) The committee. An advisory committee shall be appointed under and governed by this section.
 - (1) The name of the committee shall be the Promotor(a) or Community Health Worker Training and Certification Advisory Committee.
 - (2) The committee is established under the Health and Safety Code, §48.101.
- (b) Applicable law. The committee is subject to Government Code, Chapter 2110, concerning state agency advisory committees.
- (c) Purpose and tasks.
 - (1) The committee shall advise the department and the commission on the implementation of standards, guidelines, and requirements adopted under the Health and Safety Code, Chapter 48, relating to the training and regulation of persons working as promotores or community health workers.
 - (2) The committee shall advise the department on matters related to the employment and funding of promotores and community health workers.
 - (3) The committee shall provide to the department recommendations for a sustainable program for promotores and community health workers consistent with the purposes of Health and Safety Code, Chapter 48, Subchapter C.
 - (4) The committee shall review applications from sponsoring organizations, and recommend certification to the department if program requirements are met.
- (d) Review and duration. By May 1, 2019, the Executive Commissioner will initiate and complete a review of the committee to determine whether the committee should be continued, consolidated with another committee, or abolished. If the committee is not continued or consolidated, the committee shall be abolished on that date.
- (e) Composition. The committee shall be composed of nine members appointed by the Commissioner. The composition of the committee shall include:
 - (1) four promotores or community health workers currently certified by the department;
 - (2) 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;

- (3) 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
 - (4) 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.
- (f) Terms of office. The term of office of each member shall be three years, and the member may be reappointed once.
- (1) If a vacancy occurs, a person shall be appointed to serve the unexpired portion of that term.
 - (2) Members shall be appointed for staggered terms so that the terms of three members will expire on January 1st of each year.
- (g) Officers. The Commissioner shall appoint members of the advisory committee as presiding officer and assistant presiding officer after August 31st of each year.
- (1) Each officer shall serve until the next appointment of officers.
 - (2) The presiding officer shall preside at all committee meetings at which he or she is in attendance, call meetings in accordance with this section, appoint subcommittees of the committee as necessary, and cause proper reports to be made to the Executive Commissioner. The presiding officer may serve as an ex-officio member of any subcommittee of the committee.
 - (3) The assistant presiding officer shall perform the duties of the presiding officer in case of the absence or disability of the presiding officer. In case the office of presiding officer becomes vacant, the assistant presiding officer will serve until the Commissioner appoints a successor to complete the unexpired portion of the term of the office of presiding officer.
 - (4) A member shall serve no more than two consecutive terms as presiding officer and/or assistant presiding officer.
 - (5) The committee may reference its officers by other terms, such as chairperson and vice-chairperson.
- (h) Meetings. The committee shall meet only as necessary to conduct committee business.

- (1) A meeting may be called by agreement of department staff and either the presiding officer or at least three members of the committee.
 - (2) Meeting arrangements shall be made by department staff. Department staff shall contact committee members to determine availability for a meeting date and place. Meetings may be conducted in person, through conference call, or other technology.
 - (3) Each meeting of the committee shall be announced and conducted in accordance with the Open Meetings Act, Government Code, Chapter 551. The committee is not a "governmental body" as defined in the Open Meetings Act. However, in order to promote public participation, each meeting of the committee shall be announced and conducted in accordance with the Open Meetings Act, Government Code, Chapter 551, with the exception that the provisions allowing executive sessions shall not apply.
 - (4) Each member of the committee shall be informed of a committee meeting at least five working days before the meeting.
 - (5) A simple majority of the members of the committee shall constitute a quorum for the purpose of transacting official business.
 - (6) The committee is authorized to transact official business only when in a legally constituted meeting with quorum present.
 - (7) The agenda for each committee meeting shall include an item entitled public comment under which any person will be allowed to address the committee on matters relating to business. The presiding officer may establish procedures for public comment, including a time limit on each comment.
- (i) Attendance. Members shall attend committee meetings as scheduled. Members shall attend meetings of subcommittees to which the member is assigned.
- (1) A member shall notify the presiding officer or appropriate department staff if he or she is unable to attend a scheduled meeting.
 - (2) It is grounds for removal from the committee if a member cannot discharge the member's duties for a substantial part of the term for which the member is appointed because of illness or disability, is absent from more than half of the committee and subcommittee meetings during a calendar year, or is absent from at least three consecutive committee meetings.
 - (3) The validity of an action of the committee is not affected by the fact that it is taken when a ground for removal of a member exists.

- (4) The attendance records of the members shall be reported to the Commissioner. The report shall include attendance at committee and subcommittee meetings.
- (j) Staff. Staff support for the committee shall be provided by the department.
- (k) Procedures. Roberts Rules of Order, Newly Revised, 11th Edition, shall be the basis of parliamentary decisions except where otherwise provided by law or rule.
 - (1) Any action taken by the committee must be approved by a majority vote of the members present once quorum is established.
 - (2) Each member shall have one vote.
 - (3) A member may not authorize another individual to represent the member by proxy.
 - (4) The committee shall make decisions in the discharge of its duties without discrimination based on any person's race, creed, gender, religion, national origin, age, physical condition, or economic status.
 - (5) Minutes of each committee meeting shall be taken by department staff and approved by the committee at the next scheduled meeting.
- (l) Subcommittees. The committee may establish subcommittees as necessary to assist the committee in carrying out its duties.
 - (1) The presiding officer shall appoint members of the committee to serve on subcommittees and to act as subcommittee chairpersons. The presiding officer may also appoint nonmembers of the committee to serve on subcommittees.
 - (2) Subcommittees shall meet when called by the subcommittee chairperson or when so directed by the committee.
 - (3) A subcommittee chairperson shall make regular reports to the advisory committee at each committee meeting or in interim written reports as needed. The reports shall include an executive summary or minutes of each subcommittee meeting.
- (m) Statement by members.
 - (1) The Executive Commissioner, the department, and the committee shall not be 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 the Executive Commissioner, department, or committee.

- (2) The committee and its members may not participate in legislative activity in the name of the Executive Commissioner, the department, or the committee except with approval through the department's legislative process. Committee members are not prohibited from representing themselves or other entities in the legislative process.
 - (3) A committee member should not accept or solicit any benefit that might reasonably tend to influence the member in the discharge of the member's official duties.
 - (4) A committee member should not disclose confidential information acquired through his or her committee membership.
 - (5) A committee member should 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.
 - (6) A committee member who has a personal or private interest in a matter pending before the committee shall publicly disclose the fact in a committee meeting and may not vote or otherwise participate in the matter. The phrase "personal or private interest" means the committee member has a direct pecuniary interest in the matter but does not include the committee 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.
- (n) Reports to the Executive Commissioner. The committee shall file an annual written report with the Executive Commissioner.
- (1) The report shall list the meeting dates of the committee and any subcommittees, the attendance records of its members, a brief description of actions taken by the committee, a description of how the committee has accomplished the tasks given to the committee by the department and the commission, the status of any rules which were recommended by the committee to the department and the commission, anticipated activities of the committee for the next year, and any amendments to this section requested by the committee.
 - (2) The report shall identify the costs related to the committee.
 - (3) The report shall cover the meetings and activities in the immediate preceding calendar year and shall be filed with the Executive Commissioner each April of the following year.

- (4) The report may include data and results to track program milestones and outcomes.
- (o) Reimbursement for expenses. In accordance with the requirements set forth in the Government Code, Chapter 2110, a committee member may receive reimbursement for the member's expenses incurred for each day the member engages in official committee business if authorized by the General Appropriations Act or budget execution process.
- (1) No compensatory per diem shall be paid to committee members unless required by law.
 - (2) A committee member who is an employee of a state agency, other than the department, may not receive reimbursement for expenses from the department.
 - (3) A nonmember of the committee who is appointed to serve on a subcommittee may not receive reimbursement for expenses from the department.
 - (4) Each member who is to be reimbursed for expenses shall submit to staff the member's receipts for expenses and any required official forms not later than 14 days after each committee meeting.
 - (5) Requests for reimbursement of expenses shall be made on official state vouchers prepared by department staff.

§146.4. Application Requirements and Procedures for Sponsoring Organizations.

- (a) Minimum eligibility requirements for sponsoring organizations. The following requirements apply to all organizations applying for certification as an approved training program:
- (1) physical location in Texas;
 - (2) experience in training or sponsoring training for promotores, community health workers, and other health care professionals or paraprofessionals including training that utilizes adult learning principles and is related to core competencies in communication skills, interpersonal skills, service coordination, capacity-building skills, advocacy, organizational skills, teaching, and knowledge base on specific health issues;
 - (3) affiliation with one or more instructors currently certified by the department;
and

- (4) program plan to provide training for community health workers or instructors on at least an annual basis, including primary training location(s), training schedule, and procedures related to target population, recruitment, registration/enrollment, cost class attendance, training methodology, course completion/graduation requirements, and evaluation of training.
- (b) Application requirements and procedures.
- (1) Unless otherwise indicated, an applicant must submit all required information and documentation in a format specified by the department.
 - (2) A sponsoring organization may submit an application that includes the use of a certified curriculum from another sponsoring organization who has agreed to share the certified curriculum. In this situation, the application must include a description of changes, if any, to the certified curriculum.
 - (3) The department shall send a notice listing the additional materials and revisions required to an applicant whose application is incomplete. The department may require a sponsoring organization to submit a new application if additional materials and revisions are not submitted within 90 days.
- (c) Application approval.
- (1) The committee shall review initial applications from sponsoring organizations and recommend to the department certification for applications and curricula that meet program requirements.
 - (2) The department shall approve an application which is in compliance with this chapter and which properly documents applicant eligibility, unless the application is disapproved under the provisions of subsection (d) of this section.
- (d) Disapproved applications.
- (1) The department may disapprove the application if the applicant:
 - (A) has not met the eligibility and application requirements set out in this chapter; or
 - (B) has failed or refused to properly complete or submit required information or has knowingly presented false or misleading information in the application process.

- (2) If the department determines that the application should not be approved, the department shall give the applicant written notice of the reason for the disapproval and of the opportunity for re-application or appeal.
 - (3) The applicant whose application has been disapproved under paragraph (1) of this subsection shall be permitted to reapply and shall submit a current application satisfactory to the department, in compliance with the then current requirements of this chapter and the provisions of the Health and Safety Code, Chapter 48.
 - (4) An applicant whose application has been disapproved may appeal the disapproval under the fair hearing procedures found in Chapter 1, Subchapter C of this title (relating to Fair Hearing Procedures).
- (e) Application processing. The following periods of time shall apply from the date of receipt of an application until the date of issuance of a written notice that the application has been approved or that the application is deficient and additional specific information is required.
- (1) Notice of approval for certification - no more than 90 days.
 - (2) Notice of application deficiency - no more than 90 days.
- (f) Changes of name and address. Sponsoring organizations shall notify the department of changes in organization name, contact information, mailing address, or physical location within 30 calendar days of such change(s).
- (g) Certificate.
- (1) Upon approval of the application, the department shall issue the sponsoring organization a certificate with an expiration date and a certificate number.
 - (2) Certificates shall be signed by the commissioner of the department and presiding officer of the advisory committee.
 - (3) Any certificate issued by the department remains the property of the department and shall be surrendered to the department on demand.
 - (4) A sponsoring organization shall display the original certificate at the primary training or educational site.
 - (5) No one shall make any alteration on any certificate issued by the department.

- (6) The department shall replace a lost, damaged, or destroyed certificate upon written request.
- (h) Standards for the approval of curricula.
- (1) The purpose of this subsection is to establish the minimum standards for approval of curricula for programs to train persons to perform promotor(a) or community health worker services or to act as an instructor.
 - (2) All core curricula of at least 160 hours to be used to train individuals to perform promotor(a) or community health worker services or to serve as instructors must:
 - (A) assure that the eight core skill and knowledge competencies, identified in the National Community Health Advisor Study, June 1998 for promotores or community health workers, including communication, interpersonal, service coordination, capacity-building, advocacy, teaching and organizational skills and knowledge base on specific health issues are addressed;
 - (B) include at a minimum 20 clock hours of knowledge and skill-building per core competency for promotores or community health workers and include at a minimum 20 clock hours for instructor training in each of the core competencies that affect promotores or community health workers;
 - (C) include a component for hands-on learning, such as field practice, internship or practicum;
 - (D) include specific learner-centered objectives;
 - (E) include the name and organization of the curriculum developer or, if curriculum was developed by another entity, include public domain information or documentation of approval by the curriculum developer;
 - (F) include the participation of a certified instructor in the review or development of a curriculum;
 - (G) include appropriate citations and references documenting sources of information detailed in the curriculum;
 - (H) include activities and other strategies consistent with adult learning theory and principles;

- (I) demonstrate cultural sensitivity and literacy level appropriate to the topic and target audience;
 - (J) include a translation of the curriculum if the curriculum will be provided in a language other than English;
 - (K) specify the method or methods by which training will be delivered, including classroom instruction and use of distance learning;
 - (L) include a method or process to evaluate and document the acquisition of knowledge and mastery of skills by the individual trained;
 - (M) include a method or process for the individual trained to evaluate the training experience;
 - (N) be certified by the department and if offered in person, be provided within the geographic limits of the State of Texas;
 - (O) be submitted to the department along with supporting materials in a format and timeframe specified by the department;
 - (P) report the names of individuals to the department who have successfully completed the training program within seven business days of program completion in a format specified by the department; and
 - (Q) maintain an accurate record of each person's attendance and participation for not less than three years.
- (i) All continuing education curricula to be used to provide department-certified continuing education to certified promotores or community health workers or instructors must:
- (1) assure that one or more of the eight core skill and knowledge competencies, identified in the National Community Health Advisor Study, June 1998 for promotores or community health workers, including communication, interpersonal, service coordination, capacity-building, advocacy, teaching and organizational skills and knowledge base are addressed;
 - (2) identify the title of the proposed continuing education curriculum, total contact hours, and hours per core competency;
 - (3) include specific learner-centered objectives;

- (4) include the name and organization of the curriculum developer or, if curriculum was developed by another entity, include public domain information or documentation of approval by the curriculum developer;
 - (5) include the participation of a certified instructor in the review or development of a curriculum;
 - (6) include appropriate citations and references documenting sources of information detailed in the curriculum;
 - (7) include activities and other strategies consistent with adult learning theory and principles;
 - (8) demonstrate cultural sensitivity and literacy level appropriate to the topic and target audience;
 - (9) include a translation of the curriculum if the curriculum will be provided in a language other than English;
 - (10) specify the method or methods by which training will be delivered, including classroom instruction and use of distance learning;
 - (11) if applicable, include any pre or posttest or other process to be used to evaluate acquisition of knowledge by the individual trained;
 - (12) if applicable, include an evaluation by the individual trained of the training experience;
 - (13) be certified by the department and if in person, be offered within the geographic limits of the State of Texas;
 - (14) be submitted to the department along with supporting materials in a format specified by the department;
 - (15) report the names of individuals to the department who have successfully completed the training program within seven business days of program completion; and
 - (16) maintain an accurate record of each person's attendance and participation for not less than three years.
- (j) Addenda to existing certified curriculum.

- (1) A sponsoring organization may submit an addendum when making revisions to a current, certified curriculum.
 - (2) An addendum may be submitted in a format specified by the department and must be in compliance with standards listed in this section.
 - (3) Curricula shall be provided by a certified instructor, unless otherwise approved by the department.
- (k) Certificate renewal.
- (1) Certificate renewal for sponsoring organizations. Each sponsoring organization shall renew the certificate biennially (every two years).
 - (2) Each sponsoring organization is responsible for renewing the certificate before the expiration date. Failure to receive notification from the department prior to the expiration date will not excuse failure to file for renewal.
 - (3) Each sponsoring organization is responsible for completing a renewal application, which shall include a program plan to provide training for community health workers or instructors on at least an annual basis. A sponsoring organization shall include an explanation for failure to provide training for community health workers or instructors at least annually during the renewal period and include additional information regarding the program plan to assure that the minimum training requirement will be met.
 - (4) The department may not renew the certificate of a sponsoring organization that is in violation of Health and Safety Code, Chapter 48 or this chapter at the time of renewal.
- (l) Late renewals.
- (1) A sponsoring organization whose certificate has expired for not more than one year may renew the certificate by submitting to the department the completed renewal application. The sponsoring organization shall not provide training for community health workers or instructors until the certificate has been renewed.
 - (2) A certificate not renewed within one year after expiration cannot be renewed.
 - (3) A sponsoring organization whose certification has been expired for more than one year may apply for another certificate by meeting the then-current requirements of the Health and Safety Code, Chapter 48 and this chapter which apply to all new applicants.

- (m) Expired certificates. The department, using the last address known, shall attempt to inform each sponsoring organization who has not timely renewed a certificate, after a period of more than ten days after the expiration of the certificate that the certificate has automatically expired.
- (n) Right to inspect. The department reserves the right to inspect facilities and documentation and to monitor sponsoring organizations.

§146.5. Eligibility Requirements and Application Procedures for Community Health Worker Instructors.

- (a) Minimum eligibility requirements for community health worker instructor certification. The following requirements apply to all individuals applying for certification:
 - (1) currently live in Texas;
 - (2) attainment of 18 years of age or an eligible and informed minor as determined by the department;
 - (3) freedom from physical or mental impairment, which in accordance with the Americans with Disabilities Act, interferes with the performance of duties or otherwise constitutes a hazard to the health or safety of the persons being served;
 - (4) achievement of core competencies in instruction or training related to communication skills, interpersonal skills, service coordination, capacity-building skills, advocacy, organizational skills, teaching, and knowledge base on specific health issues through completion of a certified competency-based instructor training program by an approved sponsoring institution or verification of related training experience; and
 - (5) submission of a complete application in a format specified by the department.
- (b) Community health worker instructor based on experience. A person who has provided instruction or training for promotores or community health workers and other health care paraprofessionals and professionals in the previous six years may submit an application and required information for consideration of certification based on their training experience. The department shall verify the applicant's related training experience of not less than 1000 cumulative hours demonstrating competence in training in the eight core competencies (communication skills, interpersonal skills, service coordination, capacity-building skills, advocacy, organizational skills, teaching, and knowledge base on specific health issues). The department shall approve the application and issue a certificate of competence to a person with verified experience and competence in training who has provided instruction or training to individuals

providing promotor(a) or community health work services for not less than 1000 cumulative hours in the previous six years starting from the date the application is signed.

- (c) Community health worker instructor based on training. Individuals shall complete a certified competency-based instructor training program by an approved sponsoring organization.
- (d) Application requirements and procedures.
 - (1) Unless otherwise indicated, an applicant must complete all required information and documentation on current official department forms and submit the required information and documentation electronically or in hard copy as specified by the department.
 - (2) The department shall send a notice listing the additional materials or information required to an applicant whose application is incomplete, including a notice if a color photograph for an identification card was not submitted.
- (e) Application approval. The department shall approve any application which is in compliance with this chapter and which properly documents applicant eligibility, unless the application is disapproved under the provisions of subsection (f) of this section.
- (f) Disapproved applications.
 - (1) The department may disapprove the application if the applicant:
 - (A) has not met the eligibility and application requirements set out in this chapter;
 - (B) has failed or refused to properly complete or submit any required information or has knowingly presented false or misleading information in the application process;
 - (C) has engaged in unethical conduct as defined in §146.7 of this title (relating to Professional and Ethical Standards);
 - (D) has been convicted of a felony or misdemeanor directly related to the duties and responsibilities of a promotor(a) or community health worker or instructor as set out in §146.8 of this title (relating to Violations, Complaints and Subsequent Actions); or

- (E) has developed an incapacity, which in accordance with the Americans with Disabilities Act, prevents the individual from practicing with reasonable skill, competence, and safety to the public as the result of:
 - (i) an illness;
 - (ii) drug or alcohol dependency; or
 - (iii) another physical or mental condition or illness;
- (2) If the department determines that the application should not be approved, the department shall give the applicant written notice of the reason for the disapproval and of the opportunity for re-application or appeal.
- (3) The applicant whose application has been disapproved under paragraph (1) of this subsection shall be permitted to reapply and may submit a current application satisfactory to the department, in compliance with the then current requirements of this chapter and the provisions of the Health and Safety Code, Chapter 48.
- (4) An applicant whose application has been disapproved may appeal the disapproval under the fair hearing procedures found in Chapter 1, Subchapter C of this title (relating to Fair Hearing Procedures).
- (g) Application processing. The following periods of time shall apply from the date of receipt of an application until the date of issuance of a written notice that the application has been approved or that the application is deficient and additional specific information is required.
 - (1) Notice of approval for certification - no more than 90 days.
 - (2) Notice of application deficiency - no more than 90 days.
- (h) Changes of name and address.
 - (1) The department shall change the status of a certification to inactive upon receipt of notification that the certificate holder no longer lives in Texas.
 - (2) Before any certificate and identification cards will be issued by the department, notification of name changes must be submitted to the department and shall include a copy of a marriage certificate, court decree evidencing such change, Texas driver's license or identification card, or a social security card reflecting the new name.

(i) Certificate.

- (1) Upon approval of the application, the department shall issue the community health worker instructor a certificate with an expiration date and a certificate number. An identification card shall be included for a community health worker instructor.
- (2) Certificates shall be signed by the commissioner of the department and presiding officer of the advisory committee. The identification card issued to a community health worker instructor shall bear the signature of the commissioner and contain a photo of the community health worker instructor.
- (3) Any certificate or identification card(s) issued by the department remains the property of the department and shall be surrendered to the department on demand.
- (4) A community health worker instructor shall carry the original identification card. Photocopies shall not be carried or displayed.
- (5) A person certified as a community health worker instructor shall only allow his or her certificate to be copied for the purpose of verification by employers, professional organizations, and third party payors for credentialing and reimbursement purposes. Other persons and/or agencies may contact the department in writing or by phone or access the department online licensing services website to verify certification status.
- (6) No one shall display, present, or carry a certificate or an identification card which has been altered, photocopied, or otherwise reproduced.
- (7) No one shall make any alteration on any certificate or identification card issued by the department.
- (8) The department shall replace a lost, damaged, or destroyed certificate or identification card upon written request.

(j) Certificate renewal.

- (1) Each community health worker instructor shall renew the certificate biennially (every two years).
- (2) Each community health worker instructor is responsible for renewing the certificate before the expiration date. Failure to receive notification from the department prior to the expiration date will not excuse failure to file for renewal.

- (3) Each community health worker instructor is responsible for completing a renewal application.
 - (4) The department may not renew the certificate of a community health worker instructor who is in violation of Health and Safety Code, Chapter 48 or this chapter at the time of renewal.
- (k) Late renewals.
- (1) A person whose certificate has expired for not more than one year may renew the certificate by submitting to the department the completed renewal application. Community health worker instructors must also submit proof of compliance with continuing education requirements for renewal as set out in this section before the late renewal is effective. A certificate issued under this subsection shall expire two years from the date the previous certificate expired.
 - (2) A certificate not renewed within one year after expiration cannot be renewed.
 - (3) A person may not use a title that implies certification while the certificate is expired as set out in §146.8 of this title (relating to Violations, Complaints and Subsequent Actions).
 - (4) A person whose certification has been expired for more than one year may apply for another certificate by meeting the then current requirements of the Health and Safety Code, Chapter 48 and this chapter, which apply to all new applicants.
- (l) Expired certificates. The department, using the last address known, shall attempt to inform each community health worker instructor who has not timely renewed a certificate, after a period of more than ten days after the expiration of the certificate that the certificate has automatically expired.
- (m) Continuing education requirements.
- (1) Continuing education requirements for recertification shall be fulfilled during each biennial renewal period.
 - (2) An instructor must complete at a minimum 20 contact hours of continuing education related to the core competencies during each biennial renewal period.
 - (A) At least five hours shall be satisfied by participation in a department certified training program including a training program sponsored or provided by the department that provides continuing education credits for instructors.

- (B) Up to five hours may be satisfied through:
 - (i) instruction in certified training programs which meet the department's criteria as set out in §146.4(h) and (i) of this title (relating to Application Requirements and Procedures for Sponsoring Organizations). One hour of credit shall be given for two clock hours actually taught, up to five hours. Continuing education credit will only be given once for teaching a particular course; or
 - (ii) continuing education counted toward the renewal of an instructor's Texas license/registration/certification in another health profession provided the hours meet all the requirements of this section.
- (C) Up to 10 hours may be satisfied through verifiable independent self-study. These activities include reading materials, audio materials, audiovisual materials, training not certified by the department, or a combination thereof which meet the requirements set out in this section.
- (3) A contact hour shall be defined as 50 minutes of participation. One-half contact hour shall be defined as 30 minutes of participation during a 30-minute period.
- (n) All continuing education activities should provide for the professional growth of the community health worker instructor.
- (o) Types of acceptable continuing education. Continuing education shall be acceptable if the experience or activity is at least 30 consecutive minutes in length and is offered by an approved sponsoring organization.
- (p) Reporting of continuing education. Each instructor is responsible for and shall complete and file with the department at the time of renewal a continuing education report form approved by the department listing the title, date, number of hours, and core competency(ies) covered for each activity for which credit is claimed.
- (q) Failure to complete the required continuing education.
 - (1) A community health worker instructor may request one 120-day extension per certification period if needed in order to complete the continuing education requirement.
 - (2) A community health worker instructor who has not corrected the deficiency by the expiration date of the 120-day extension shall be considered as noncompliant

with the renewal requirements and may no longer be certified under the expired certificate.

- (3) A community health worker instructor may renew late under subsection (k) of this section after all the continuing education requirements have been met.

§146.6. Eligibility Requirements and Application Procedures for Promotores or Community Health Workers.

- (a) Minimum eligibility requirements for promotor(a) or community health worker certification. The following requirements apply to all individuals applying for certification:
 - (1) currently live in Texas;
 - (2) attainment of 18 years of age or an eligible and informed minor as determined by the department;
 - (3) freedom from physical or mental impairment, which in accordance with the Americans with Disabilities Act, interferes with the performance of duties or otherwise constitutes a hazard to the health or safety of the persons being served;
 - (4) achievement of core competencies in communication skills, interpersonal skills, service coordination, capacity-building skills, advocacy, organizational skills, teaching, and knowledge base on specific health issues through completion of a certified competency-based training program by an approved sponsoring institution or verification of related experience; and
 - (5) submission of a complete application in a format specified by the department.
- (b) Community health worker certification based on experience. A person who has performed related promotor(a) or community health worker services in the previous six years may submit an application and required information for consideration of certification based on their experience. The department shall verify the applicant's related experience of not less than 1000 cumulative hours demonstrating competence in eight core competencies (communication skills, interpersonal skills, service coordination, capacity-building skills, advocacy, organizational skills, teaching, and knowledge base on specific health issues). The department shall approve the application and issue a certificate to a person with verified experience and competence in performing promotor(a) or community health worker services for not less than 1000 cumulative hours in the previous six years starting from the date the application is signed, as documented on form(s) specified by the department.

- (c) Community health worker certification. Individuals shall complete a certified competency-based training program by an approved sponsoring organization.
- (d) Application requirements and procedures.
 - (1) Unless otherwise indicated, an applicant must complete all required information and documentation on current official department forms and submit the required information and documentation electronically or in hard copy as specified by the department.
 - (2) The department shall send a notice listing the additional materials or information required to an applicant whose application is incomplete, including a notice if a color photograph for an identification card was not submitted.
- (e) Application approval. The department shall approve any application which is in compliance with this chapter and which properly documents applicant eligibility, unless the application is disapproved under the provisions of subsection (f) of this section.
- (f) Disapproved applications.
 - (1) The department may disapprove the application if the applicant:
 - (A) has not met the eligibility and application requirements set out in this chapter;
 - (B) has failed or refused to properly complete or submit any required information or has knowingly presented false or misleading information in the application process;
 - (C) has engaged in unethical conduct as defined in §146.7 of this title (relating to Professional and Ethical Standards);
 - (D) has been convicted of a felony or misdemeanor directly related to the duties and responsibilities of a promotor(a) or community health worker or instructor as set out in §146.8 of this title (relating to Violations, Complaints and Subsequent Actions); or
 - (E) has developed an incapacity, which in accordance with the Americans with Disabilities Act, prevents the individual from practicing with reasonable skill, competence, and safety to the public as the result of:
 - (i) an illness;
 - (ii) drug or alcohol dependency; or

- (iii) another physical or mental condition or illness;
 - (2) If the department determines that the application should not be approved, the department shall give the applicant written notice of the reason for the disapproval and of the opportunity for re-application or appeal.
 - (3) The applicant whose application has been disapproved under paragraph (1) of this subsection shall be permitted to reapply and may submit a current application satisfactory to the department, in compliance with the then current requirements of this chapter and the provisions of the Health and Safety Code, Chapter 48.
 - (4) An applicant whose application has been disapproved may appeal the disapproval under the fair hearing procedures found in Chapter 1, Subchapter C of this title (relating to Fair Hearing Procedures).
- (g) Application processing. The following periods of time shall apply from the date of receipt of an application until the date of issuance of a written notice that the application has been approved or that the application is deficient and additional specific information is required.
- (1) Notice of approval for certification - no more than 90 days.
 - (2) Notice of application deficiency - no more than 90 days.
- (h) Changes of name and address.
- (1) The department shall change the status of a certification to inactive upon receipt of notification that the certificate holder no longer lives in Texas.
 - (2) Before any certificate and identification cards will be issued by the department, notification of name changes must be submitted to the department and shall include a copy of a marriage certificate, court decree evidencing such change, Texas driver's license or identification card, or a social security card reflecting the new name.
- (i) Certificate.
- (1) Upon approval of the application, the department shall issue the promotor(a) or community health worker a certificate with an expiration date and a certificate number. An identification card shall be included for a promotor(a) or community health worker.

- (2) Certificates shall be signed by the commissioner of the department and presiding officer of the advisory committee. The identification card issued to a promotor(a) or community health worker shall bear the signature of the commissioner and contain a photo of the promotor(a) or community health worker.
 - (3) Any certificate or identification card(s) issued by the department remains the property of the department and shall be surrendered to the department on demand.
 - (4) A promotor(a) or community health worker shall carry the original identification card. Photocopies shall not be carried or displayed.
 - (5) A person certified as a promotor(a) or community health worker shall only allow his or her certificate to be copied for the purpose of verification by employers, professional organizations, and third party payors for credentialing and reimbursement purposes. Other persons and/or agencies may contact the department in writing or by phone or access the department online licensing services website to verify certification status.
 - (6) No one shall display, present, or carry a certificate or an identification card which has been altered, photocopied, or otherwise reproduced.
 - (7) No one shall make any alteration on any certificate or identification card issued by the department.
 - (8) The department shall replace a lost, damaged, or destroyed certificate or identification card upon written request.
- (j) Certificate renewal.
- (1) Each promotor(a) or community health worker shall renew the certificate biennially (every two years).
 - (2) Each promotor(a) or community health worker is responsible for renewing the certificate before the expiration date. Failure to receive notification from the department prior to the expiration date will not excuse failure to file for renewal.
 - (1) Each promotor(a) or community health worker is responsible for completing a renewal application.
 - (2) The department may not renew the certificate of a promotor(a) or community health worker who is in violation of Health and Safety Code, Chapter 48 or this chapter at the time of renewal.

- (k) Late renewals.
 - (1) A person whose certificate has expired for not more than one year may renew the certificate by submitting to the department the completed renewal application. Promotores or community health workers must also submit proof of compliance with continuing education requirements for renewal as set out in this section before the late renewal is effective. A certificate issued under this subsection shall expire two years from the date the previous certificate expired.
 - (2) A certificate not renewed within one year after expiration cannot be renewed.
 - (3) A person may not use a title that implies certification while the certificate is expired as set out in §146.8 of this title (relating to Violations, Complaints and Subsequent Actions).
 - (4) A person whose certification has been expired for more than one year may apply for another certificate by meeting the then-current requirements of the Health and Safety Code, Chapter 48 and this chapter which apply to all new applicants.
- (l) Expired certificates. The department, using the last address known, shall attempt to inform each promotor(a) or community health worker who has not timely renewed a certificate, after a period of more than ten days after the expiration of the certificate that the certificate has automatically expired.
- (m) Continuing education requirements. Continuing education requirements for recertification shall be fulfilled during each biennial renewal period.
 - (1) A promotor(a) or community health worker must complete 20 contact hours of continuing education related to the core competencies acceptable to the department during each biennial renewal period.
 - (A) At least five hours shall be satisfied by participation in a department certified training program including a training program sponsored or provided by the department that provides continuing education credits for promotores or community health workers.
 - (B) Up to five hours may be satisfied through continuing education counted toward the renewal of a promotor(a) or community health worker's Texas license, registration, or certification in another health profession provided the hours meet all the requirements of this section.
 - (C) Up to 10 hours may be satisfied through verifiable independent self-study. These activities include reading materials, audio materials,

audiovisual materials, training not certified by the department, or a combination thereof which meet the requirements set out in this section.

- (2) A contact hour shall be defined as 50 minutes of participation. One-half contact hour shall be defined as 30 minutes of participation during a 30-minute period.
- (n) All continuing education activities should provide for the professional growth of the community health worker or promotor(a).
- (o) Types of acceptable continuing education. Continuing education shall be acceptable if the experience or activity is at least 30 consecutive minutes in length and is offered by an approved sponsoring organization.
- (p) Reporting of continuing education. Each promotor(a) or community health worker is responsible for and shall complete and file with the department at the time of renewal a continuing education report form approved by the department listing the title, date, number of hours, and core competency(ies) covered for each activity for which credit is claimed. The sponsoring organization must provide a list of instructors, promotores or community health workers who successfully complete continuing education contact hours within 30 days of the continuing education event in a format specified by the department.
- (q) Failure to complete the required continuing education.
 - (1) A promotor(a) or community health worker may request one 120-day extension per certification period if needed in order to complete the continuing education requirement.
 - (2) A promotor(a), or community health worker who has not corrected the deficiency by the expiration date of the 120-day extension shall be considered as noncompliant with the renewal requirements and may no longer be certified under the expired certificate.
 - (3) A promotor(a) or community health worker may renew late under subsection (k) of this section after all the continuing education requirements have been met.

§146.7. Professional and Ethical Standards.

The purpose of this section shall be to establish the standards of professional and ethical conduct required of an instructor, training program, promotor(a) or community health worker pursuant to the Health and Safety Code, Chapter 48.

- (1) Professional representation and responsibilities.

- (A) An instructor, promotor(a) or community health worker shall not misrepresent any professional qualifications or credentials or provide any information that is false, deceptive, or misleading to the department, for employment or work assignment as an instructor, promotor(a) or community health worker, or fail to disclose any information that could affect the decision to employ or assign a task as an instructor, promotor(a) or community health worker.
- (B) An instructor, promotor(a) or community health worker shall maintain knowledge and skills for continuing professional competence. An instructor, promotor(a) or community health worker shall participate in continuing education programs and activities as set out in §146.5(m) and §146.6(m) of this title concerning continuing education requirements.
- (C) An instructor, promotor(a) or community health worker shall be responsible for competent and efficient performance of his or her assigned duties and shall report to the department incompetence and illegal or unethical conduct of members of the profession.
- (D) An instructor, promotor(a) or community health worker shall not retaliate against any person who reported in good faith to the department alleged incompetence; illegal, unethical, or negligent conduct of any instructor, promotor(a) or community health worker; or alleged misrepresentation or any violation(s) of the Health and Safety Code, Chapter 48, or this chapter.
- (E) An instructor, promotor(a) or community health worker shall keep his or her file updated by notifying the department of changes in preferred mailing address and telephone number, and email address, if applicable.
- (F) An instructor, promotor(a) or community health worker shall not engage in conduct that is prohibited by state, federal, or local law, including those laws prohibiting the use, possession, or distribution of drugs or alcohol.
- (G) An instructor, promotor(a) or community health worker shall not discriminate on the basis of race, creed, gender, sexual orientation, religion, national origin, age, physical disability or economic status in the performance of community health work services or training.
- (H) A sponsoring organization shall not make any misleading, deceptive, or false representations in connection with offering or obtaining approval of a certified curriculum.

- (I) A sponsoring organization of a certified curriculum shall not discriminate in decisions regarding student recruitment, selection of applicants, student training or instruction on the basis of race, creed, gender, sexual orientation, religion, national origin, age, physical disability, or economic status.
- (2) Relationships with patients/clients.
 - (A) An instructor, promotor(a) or community health worker shall not accept gratuities for preferential consideration of the patient/client. The instructor, promotor(a) or community health worker shall guard against conflicts of interest.
 - (B) An instructor, promotor(a) or community health worker shall not violate any provision of any federal or state statute relating to confidentiality of patient/client communication and/or records.

§146.8. Violations, Complaints and Subsequent Actions.

- (a) This section establishes standards relating to:
 - (1) offenses or criminal convictions;
 - (2) violations which result in disciplinary actions;
 - (3) procedures for filing complaints alleging violations and prohibited actions under the Health and Safety Code, Chapter 48, or this chapter; and
 - (4) the department's investigation of complaints.
- (b) Criminal convictions which directly relate to the profession as an instructor, promotor(a) or community health worker.
 - (1) The department may suspend or revoke any existing certificate, or disqualify a person from receiving any certificate because of a person's conviction of a felony or misdemeanor if the crime directly relates to the duties and responsibilities of an instructor, promotor(a) or community health worker.
 - (2) In considering whether a criminal conviction directly relates to the occupation of an instructor, promotor(a) or community health worker, the department shall consider:
 - (A) the nature and seriousness of the crime;

- (B) the relationship of the crime to the purposes for certification as an instructor, promotor(a) or community health worker. The following felonies and misdemeanors relate to any certificate of an instructor, promotor(a) or community health worker because these criminal offenses indicate an inability or a tendency to be unable to perform as an instructor, promotor(a) or community health worker:
 - (i) any misdemeanor and/or felony offense involving moral turpitude by statute or common law; and
 - (ii) a misdemeanor or felony offense under various titles of the Penal Code:
 - (I) offenses against the person (Title 5);
 - (II) offenses against property (Title 7);
 - (III) offenses against public order and decency (Title 9);
 - (IV) offenses against public health, safety, and morals (Title 10); and
 - (V) offenses of attempting or conspiring to commit any of the offenses in this subsection (Title 4);
 - (C) the extent to which any certificate might offer an opportunity to engage in further criminal history activity of the same type as that in which the person previously has been involved;
 - (D) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibility of an instructor, promotor(a) or community health worker. In making this determination, the department will apply the criteria outlined in Occupations Code, Chapter 53, the legal authority for the provisions of this section; and
 - (E) the length of time since the date of the crime.
- (3) The misdemeanors and felonies listed in paragraph (2)(B)(i) - (ii) of this subsection are not inclusive in that the department may consider other particular crimes in special cases in order to promote the intent of the Health and Safety Code, Chapter 48, and this chapter.

(c) Types of violations:

- (1) a person intentionally or knowingly represents oneself as a certified instructor, promotor(a) or community health worker without a certificate issued under the Health and Safety Code, Chapter 48;
 - (2) a person obtains or attempts to obtain a certificate issued under the Health and Safety Code, Chapter 48, by bribery or fraud;
 - (3) a person engages in unprofessional conduct, including the violation of the standards of practice for instructors, promotores or community health workers as established by the department;
 - (4) a person fails to report to the department the violation of the Health and Safety Code, Chapter 48, or any allegations of sexual misconduct by another person;
 - (5) a person violates a provision of the Health and Safety Code, Chapter 48, or this chapter, an order of the department previously entered in a disciplinary proceeding, or an order to comply with a subpoena issued by the department; or
 - (6) a person has a certificate revoked, suspended or otherwise subjected to adverse action or being denied a certificate by another certification authority in another state, territory or country.
- (d) Procedures for revoking, suspending, or denying a certificate to persons with criminal backgrounds.
- (1) The department shall give written notice to the person that the department intends to deny, suspend, or revoke the certificate after a hearing in accordance with the provisions of Chapter 1, Subchapter C of this title (relating to Fair Hearing Procedures).
 - (2) If the department denies, suspends, or revokes a certificate under these sections after hearing, the department shall give the person written notice of the reasons for the decision.
- (e) Filing of complaints.
- (1) Anyone may complain to the department alleging that a person has committed an offense or action prohibited under the Health and Safety Code, Chapter 48, or that a certificate holder has violated the Health and Safety Code, Chapter 48, or this chapter.
 - (2) A person wishing to complain about an offense, prohibited action, or alleged violation against an instructor, promotor(a) or community health worker or other person shall notify the department. The initial notification of a complaint may be

in writing, by telephone, or by personal visit to the department. The department's mailing address is Office of Title V and Family Health, Promotor(a)/Community Health Worker Training and Certification Program, Mail Code 1922, P.O. Box 149347, Austin, Texas 78714-9347, physical address is 1100 West 49th Street, Austin, Texas 78756-3183, and telephone (512) 776-7373.

- (3) Upon receipt of a complaint the department or the department's designee shall send an acknowledgment letter to the complainant and the department's complaint form which the complainant must complete and return to the department or the department's designee before action can be taken. If the complaint is made by a visit to the department, the form may be given to the complainant at that time; however, it must be completed and returned to the department or the department's designee before further action may be taken. Copies of the complaint form may be obtained from the department.
 - (4) Anonymous complaints shall be investigated by the department, provided sufficient information is submitted.
- (f) Investigation of complaints. The department is responsible for investigating complaints.
- (g) The department's action.
- (1) The department shall take one or more actions described in this section.
 - (2) The department may determine that an allegation is groundless and dismiss the complaint.
 - (3) The department may determine that an instructor, promotor(a) or community health worker has violated the Health and Safety Code, Chapter 48, or this chapter and may institute disciplinary action in accordance with subsection (h) of this section.
 - (4) Whenever the department dismisses a complaint or closes a complaint file, the department shall give a summary report of the final action to the advisory committee, the complainant, and the accused party.
- (h) Disciplinary actions. The department may take action under this section as follows.
- (1) The department may reprimand an instructor, promotor(a) or community health worker or initiate action to deny, suspend, not renew, or revoke a certificate.
 - (2) The department may take disciplinary action if it determines that a person who holds a certificate is in violation of §146.7 of this title (relating to Professional and Ethical Standards).

- (3) The department shall take into consideration the following factors in determining the appropriate action to be imposed in each case:
 - (A) the severity of the offense;
 - (B) the danger to the public;
 - (C) the number of repetitions of offenses;
 - (D) the length of time since the date of the violation;
 - (E) the number and type of previous disciplinary cases filed against the instructor, promotor(a) or community health worker;
 - (F) the length of time the instructor, promotor(a) or community health worker has performed community health work services or training;
 - (G) the actual damage, physical or otherwise, to the patient, if applicable;
 - (H) the deterrent effect of the penalty imposed;
 - (I) the effect of the penalty upon the livelihood of the instructor, promotor(a) or community health worker;
 - (J) any efforts for rehabilitation; and
 - (K) any other mitigating or aggravating circumstances.
- (4) The department may take action for violation of the Health and Safety Code, Chapter 48, or this chapter, an order of the department previously entered in a disciplinary proceeding, or an order to comply with a subpoena issued by the department.
 - (i) Fair hearing.
 - (1) The fair hearing shall be conducted according to the Chapter 1, Subchapter C of this title.
 - (2) Prior to making a final decision adverse to a certificate holder, the department shall give the certificate holder written notice of an opportunity for a hearing on the proposed action.

- (3) The certificate holder has 20 days after receiving the notice to request a hearing on the proposed action. A request for a hearing shall be made in writing and mailed or hand-delivered to the department, unless the notice letter specifies an alternative method. If a person who is offered the opportunity for a hearing does not request a hearing within the prescribed time for making such a request, the person is deemed to have waived the hearing and the action may be taken.
- (j) Final action.
- (1) If the department suspends a certificate, the suspension remains in effect until the department determines that the reasons for suspension no longer exist. The instructor, promotor(a) or community health worker whose certificate has been suspended is responsible for securing and providing to the department such evidence, as may be required by the department that the reasons for the suspension no longer exist. The department shall investigate prior to making a determination.
 - (2) During the time of suspension, the former certificate holder shall return the certificate and identification card(s) to the department.
 - (3) If a suspension overlaps a certificate renewal period, the former certificate holder shall comply with the normal renewal procedures in these sections; however, the department may not renew the certificate until the department determines that the reasons for suspension have been removed.
 - (4) A person whose application is denied or certificate is revoked, as a result of disciplinary action is ineligible for a certificate under Health and Safety Code, Chapter 48, for one year from the date of the denial or revocation or surrender.
 - (5) Upon revocation or nonrenewal, the former certificate holder shall return the certificate and any identification card(s) to the department.