Proposed State rules for “Non Traditional Health Workers”

Central City Concern statement

Central City Concern (CCC) is a 501(c)(3) nonprofit agency serving single adults and families in the Portland metro area who are impacted by homelessness, poverty and addictions. CCC’s mission is providing comprehensive solutions to ending homelessness and achieving self-sufficiency. Founded in 1979, the agency has developed a comprehensive continuum of affordable housing options integrated with direct social services including healthcare, recovery and employment. CCC currently has a staff of 650+, an annual operating budget of $41 million and serves more than 13,000 individuals annually. Almost 50% of CCC’s staff identify as being in recovery from addiction and approximately 25% are formerly homeless and graduates of CCC’s programs.

Central City Concern is concerned about the potential impacts on CCC and our peer staff of new State rules for “Non Traditional Health Workers.”

These rules have been developed by the Non Traditional Health Worker Committee of the Office of Equity and Inclusion of the Oregon Health Authority. They plan to finalize the rules by early August. The proposed rules would apply to Community Health Workers, Peer Wellness Specialists, Personal Health Navigators, Doulas, and Peer Support Specialists. By definition, a Peer Support Specialist “means a person providing peer delivered services to an individual or family member with similar life experience.” The rules further state that a Peer Support Specialist must be a person self identified as currently or formerly receiving mental health services or in recovery from an addiction disorder. The rules did not initially include Peer Support Specialists and their addition into the rules was without community input and consideration. Furthermore, it is in contradiction to rules imposed on Certified Alcohol & Drug Counselors.

At CCC and in general, employees with a history of addiction often have past criminal convictions. These criminal histories are what make employees qualified to do their jobs as peers to CCC’s client population. **We strongly believe that imposing a Department of Human Services (DHS) background check on peer positions is in direct opposition of the definition of “peers” and prohibits our staff from providing necessary services to CCC clients.**

CCC’s concerns include:

- The rules would subject peer workers to approval by the State Department of Human Services Background Check Unit (BCU). The BCU will use a 12 page list of potentially disqualifying convictions which they will consider in a “weigh test” of the applicant’s fitness. The types of crimes that require a fitness determination include unlawful possession and delivery of marijuana and other drugs regardless of when the conviction occurred. Furthermore, if an applicant fails to list any of their past convictions, this is potentially disqualifying.
- The proposed rules do not have specific criteria for the BCU to evaluate applicants for peer positions differently from other applicants. We are concerned that if the BCU applies the “weigh test” strictly and denies applicants based on past convictions there will be a detrimental effect to the staff currently in these positions as well as the clients being served.

- In our experience with the BCU, once an applicant is denied they are not allowed to work in the desired position until the appeal process is concluded. The appeal process is lengthy (on average 90 days up to 6 months) and cumbersome, placing undue pressure on the applicant who is unable to work and the agency who must decide to keep a position open during the appeal process or fill the position to meet the needs of our clients.

- CCC also has concerns about the certification process specifically for current employees providing peer services. The rules are unclear as to whether or not existing peers would be automatically certified. There is reference to “incumbent worker training” but no definition as to what that would mean. Existing staff would now need to pass a DHS background check and could be denied due to past convictions resulting in the elimination of exceptional staff.

We recommend the rules committee consider the following approaches:

- Exempt “Peer Support Specialists” from the positions covered by the new rules until this criminal background check issue can be fully addressed.

- Make the employer and not the State responsible for conducting a documented and audited criminal background check for these positions to screen out applicants with specific convictions that are not permitted to work with certain individuals or within a certain job scope. CCC and many other employers already conduct these background checks.

- Use the same certification and approval process that is currently in place for Certified Alcohol and Drug Counselors.

- For more information and the full text of the rules see the State website: http://www.oregon.gov/oha/oei/Pages/nthw-committee.aspx

Central City Concern will be testifying at the public hearing of the Non Traditional Health Worker Committee on the proposed rules:

Monday, July 22
10:00 am
State of Oregon – Portland office building, 800 NE Oregon Street, Room 1-E

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