

**Promotor(a)/Community Health Worker Training and Certification Program**  
**Complaint Procedure**  
May 2013

**What is a complaint?**

A complaint refers to an alleged violation of law or rules related to the Promotor/a/Community Health Worker Training and Certification Program.

- Chapter 48, Texas Health and Safety Code
- 25 Texas Administrative Code, §§146.1-146.12

Concerns that do not represent a potential violation of the above law or rules will not be considered a complaint and will not be investigated.

**Who can file a complaint?**

An individual or representative of an organization may file a complaint with the Department of State Health Services (DSHS) alleging that a community health worker, instructor, or training program has violated the law or rules noted above.

**How does someone file a complaint?**

A person can notify DSHS of an alleged violation by any of the following means:

- In writing
  - Email to [chw@dshs.state.tx.us](mailto:chw@dshs.state.tx.us)
  - Mailed to DSHS, 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
- OR
- By telephone – 512-776-2570

When DSHS receives information regarding a potential violation under the law or rules noted above, staff will send the complainant an acknowledgment letter and the department's complaint form. The complainant must complete and return the complaint form before action can be taken.

If the information received addresses a concern that is outside the scope of the law or rules noted above, or is not a violation of the above, the department will not consider the concern a complaint. DSHS will inform the individual or organization with the concern via letter that the concern is outside the scope and will not be investigated by the department.

**What happens when a complaint is filed?**

DSHS will investigate the complaint by the most efficient means available. This may include contacting the complainant for more information, the person or organization named in the complaint, and others who may be able to provide information.

## **What action may the department take?**

DSHS may determine that an allegation is groundless and dismiss the complaint.

DSHS may determine that a community health worker, instructor, or training program has violated the law or rules noted above and may take disciplinary action. Disciplinary action may include:

- Reprimand;
- Action regarding a certificate - may include denial, revocation, non-renewal or suspension.
  - A person whose application is denied or certificate is revoked as a result of disciplinary action is ineligible for certification for a year from the date of the denial, revocation, or surrender.
  - DSHS will give the certificate holder (community health worker, instructor, or training program) written notice of an opportunity for a fair hearing before making a final decision regarding adverse action regarding a certificate.
    - The certificate holder has 20 calendar days from the date of the DSHS correspondence request a hearing on the proposed action. The request for a hearing must be in writing and submitted by one of the following means:
      - Email – [chw@dshs.state.tx.us](mailto:chw@dshs.state.tx.us)
      - Mail - Texas Department of State Health Services  
P.O. Box 149347 MC1922  
Attn: CHW Training and Certification Program  
Austin, Texas 78714-9347
  - 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.

In considering disciplinary action, DSHS will consider the following:

- severity of the offense;
- danger to the public;
- frequency of offenses;
- length of time since the date of the violation;
- number and type of previous disciplinary cases filed against the community health worker, instructor, or training program;
- length of time the community health worker, instructor, or training program has performed community health work services or training;
- actual damage, physical or otherwise, to the person or persons receiving services, if applicable;
- deterrent effect of the penalty imposed;
- effect of the penalty upon the livelihood of the community health worker, instructor, (a) or training program;
- any efforts for rehabilitation; and
- any other mitigating or aggravating circumstances.

## **What happens after a complaint is dismissed or the complaint file is closed?**

DSHS will give a summary of the final action to the complainant and to the accused party.

## **What information will be provided to the CHW Training and Certification Advisory Committee?**

DSHS will provide a summary of complaints and actions to the Advisory Committee at regularly scheduled Advisory Committee meetings.