

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 19-0373.01 Kristen Forrestal x4217

SENATE BILL 19-145

SENATE SPONSORSHIP

Todd, Bridges, Crowder, Fields, Ginal, Gonzales, Moreno, Priola, Rodriguez, Tate, Winter

HOUSE SPONSORSHIP

Valdez A., Duran, Exum, Galindo, Herod, Kraft-Tharp, McLachlan, Titone, Valdez D.

Senate Committees

Health & Human Services
Finance
Appropriations

House Committees

Business Affairs & Labor
Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE REGULATION OF DIALYSIS**
102 **CARE BY THE DEPARTMENT OF PUBLIC HEALTH AND**
103 **ENVIRONMENT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Sunset Process - Senate Health and Human Services Committee. The bill continues the regulation of dialysis clinics and hemodialysis technicians by the department of public health and environment for 7 years, until 2026.

The bill deletes obsolete language in the law regulating dialysis

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
April 30, 2019

HOUSE
2nd Reading Unamended
April 29, 2019

SENATE
3rd Reading Unamended
April 11, 2019

SENATE
2nd Reading Unamended
April 10, 2019

treatment clinics and hemodialysis technicians and updates references to nurses who are permitted to supervise hemodialysis technicians.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal**
3 (17)(a)(VI); and **add** (27)(a)(VII) as follows:

4 **24-34-104. General assembly review of regulatory agencies**
5 **and functions for repeal, continuation, or reestablishment - legislative**
6 **declaration - repeal.** (17) (a) The following agencies, functions, or both,
7 are scheduled for repeal on September 1, 2019:

8 (VI) ~~The regulation of dialysis treatment clinics and hemodialysis~~
9 ~~technicians in accordance with section 25-1.5-108, C.R.S.;~~

10 (27) (a) The following agencies, functions, or both, are scheduled
11 for repeal on September 1, 2026:

12 (VIII) THE REGULATION OF DIALYSIS TREATMENT CLINICS AND
13 HEMODIALYSIS TECHNICIANS IN ACCORDANCE WITH SECTION 25-1.5-108.

14 **SECTION 2.** In Colorado Revised Statutes, 25-1.5-108, **amend**
15 (1)(c), (2), (3)(a), (3)(b), (3)(c) introductory portion, (3)(c)(II)(A), and (6)
16 as follows:

17 **25-1.5-108. Regulation of dialysis treatment clinics - training**
18 **for hemodialysis technicians - state board of health rules - definitions**
19 **- repeal.** (1) As used in this section, unless the context otherwise
20 requires:

21 (c) "Hemodialysis technician" means a person who is not a
22 physician or a ~~registered~~ LICENSED PROFESSIONAL nurse and who provides
23 dialysis care.

24 (2) ~~By January 1, 2008,~~ The state board of health shall adopt rules
25 to establish a process to verify that persons performing the duties and

1 functions of a hemodialysis technician at or for a dialysis treatment clinic
2 have been credentialed by a national credentialing program. The
3 verification process shall be part of the ~~department of public health and~~
4 ~~environment's~~ DEPARTMENT'S licensing of dialysis treatment clinics and
5 part of each routine survey of licensed dialysis clinics conducted by the
6 department. As part of the rules adopted pursuant to this section, the state
7 board shall establish fees consistent with section 25-3-105 to be assessed
8 by the department against dialysis treatment clinics to cover the
9 department's administrative costs in implementing this section.

10 (3) (a) ~~On and after January 1, 2009,~~ A person shall not act as, or
11 perform the duties and functions of, a hemodialysis technician unless the
12 person has been credentialed by a national credentialing program and is
13 under the supervision of a licensed physician or licensed professional
14 nurse experienced or trained in dialysis treatment.

15 (b) ~~On and after January 1, 2009,~~ A dialysis treatment clinic
16 licensed by the department shall not allow a person to perform the duties
17 and functions of a hemodialysis technician at or for the dialysis treatment
18 clinic if the person has not been credentialed by a national credentialing
19 program.

20 (c) Nothing in this subsection (3) ~~shall prohibit~~ PROHIBITS:

21 (II) A person participating in a hemodialysis technician training
22 program from performing the duties and functions of a hemodialysis
23 technician if:

24 (A) The person is under the direct supervision of a physician, or
25 a ~~registered~~ LICENSED PROFESSIONAL nurse experienced or trained in
26 dialysis treatment, who is on the premises and available for prompt
27 consultation or treatment; and

1 (6) This section is repealed, effective ~~September 1, 2019~~. Prior to
2 ~~this repeal, the department of regulatory agencies shall review the~~
3 ~~functions of the state board of health and the department regarding~~
4 ~~hemodialysis technicians as provided in section 24-34-104, C.R.S.~~
5 SEPTEMBER 1, 2026. BEFORE THE REPEAL, THIS SECTION IS SCHEDULED
6 FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

7 **SECTION 3. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly (August
10 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
11 referendum petition is filed pursuant to section 1 (3) of article V of the
12 state constitution against this act or an item, section, or part of this act
13 within such period, then the act, item, section, or part will not take effect
14 unless approved by the people at the general election to be held in
15 November 2020 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.