

CHAPTER 375

HEALTH AND ENVIRONMENT

HOUSE BILL 07-1131

BY REPRESENTATIVE(S) Kefalas, Carroll T., Cerbo, Gagliardi, Green, Marshall, McGihon, Primavera, and Todd;
also SENATOR(S) Bacon, and Williams.

AN ACT

**CONCERNING STANDARDS FOR HEMODIALYSIS TECHNICIANS AS PART OF THE STATE REGULATION OF
DIALYSIS TREATMENT CLINICS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

SECTION 1. Part 1 of article 1.5 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25-1.5-108. Regulation of dialysis treatment clinics - training for hemodialysis technicians - state board of health rules - definitions - repeal.

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "DIALYSIS TREATMENT CLINIC" MEANS A HEALTH FACILITY OR A DEPARTMENT OR UNIT OF A LICENSED HOSPITAL THAT IS PLANNED, ORGANIZED, OPERATED, AND MAINTAINED TO PROVIDE OUTPATIENT HEMODIALYSIS TREATMENT TO, OR HEMODIALYSIS TRAINING FOR HOME USE OF HEMODIALYSIS EQUIPMENT BY, END-STAGE RENAL DISEASE PATIENTS.

(b) "END-STAGE RENAL DISEASE" MEANS THE STAGE OF RENAL IMPAIRMENT THAT APPEARS IRREVERSIBLE AND PERMANENT AND THAT REQUIRES A REGULAR COURSE OF DIALYSIS OR A KIDNEY TRANSPLANT TO MAINTAIN LIFE.

(c) "HEMODIALYSIS TECHNICIAN" MEANS A PERSON WHO IS NOT A PHYSICIAN OR A REGISTERED NURSE AND WHO PROVIDES DIALYSIS CARE.

(d) "NATIONAL CREDENTIALING PROGRAM" MEANS ANY NATIONAL PROGRAM FOR CREDENTIALING OR DETERMINING THE COMPETENCY OF HEMODIALYSIS TECHNICIANS THAT IS RECOGNIZED BY THE NATIONAL ASSOCIATION OF NEPHROLOGY TECHNICIANS/TECHNOLOGISTS (NANT), OR A SUCCESSOR ASSOCIATION.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(2) BY JANUARY 1, 2008, THE STATE BOARD OF HEALTH SHALL ADOPT RULES TO ESTABLISH A PROCESS TO VERIFY THAT PERSONS PERFORMING THE DUTIES AND FUNCTIONS OF A HEMODIALYSIS TECHNICIAN AT OR FOR A DIALYSIS TREATMENT CLINIC HAVE BEEN CREDENTIALLED BY A NATIONAL CREDENTIALING PROGRAM. THE VERIFICATION PROCESS SHALL BE PART OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT'S LICENSING OF DIALYSIS TREATMENT CLINICS. AS PART OF THE RULES ADOPTED PURSUANT TO THIS SECTION, THE STATE BOARD SHALL ESTABLISH FEES CONSISTENT WITH SECTION 25-3-105 TO BE ASSESSED BY THE DEPARTMENT AGAINST DIALYSIS TREATMENT CLINICS TO COVER THE DEPARTMENT'S ADMINISTRATIVE COSTS IN IMPLEMENTING THIS SECTION.

(3) (a) ON AND AFTER JANUARY 1, 2009, A PERSON SHALL NOT ACT AS, OR PERFORM THE DUTIES AND FUNCTIONS OF, A HEMODIALYSIS TECHNICIAN UNLESS THE PERSON HAS BEEN CREDENTIALLED BY A NATIONAL CREDENTIALING PROGRAM AND IS UNDER THE SUPERVISION OF A PHYSICIAN OR REGISTERED NURSE EXPERIENCED OR TRAINED IN DIALYSIS TREATMENT.

(b) ON AND AFTER JANUARY 1, 2009, A DIALYSIS TREATMENT CLINIC LICENSED BY THE DEPARTMENT SHALL NOT ALLOW A PERSON TO PERFORM THE DUTIES AND FUNCTIONS OF A HEMODIALYSIS TECHNICIAN AT OR FOR THE DIALYSIS TREATMENT CLINIC IF THE PERSON HAS NOT BEEN CREDENTIALLED BY A NATIONAL CREDENTIALING PROGRAM.

(c) NOTHING IN THIS SUBSECTION (3) SHALL PROHIBIT:

(I) A PERSON FROM PROVIDING DIALYSIS CARE TO HIMSELF OR HERSELF OR IN-HOME, GRATUITOUS DIALYSIS CARE PROVIDED TO A PERSON BY A FRIEND OR FAMILY MEMBER WHO DOES NOT REPRESENT HIMSELF OR HERSELF TO BE A HEMODIALYSIS TECHNICIAN;

(II) A PERSON PARTICIPATING IN A HEMODIALYSIS TECHNICIAN TRAINING PROGRAM FROM PERFORMING THE DUTIES AND FUNCTIONS OF A HEMODIALYSIS TECHNICIAN IF:

(A) THE PERSON IS UNDER THE DIRECT SUPERVISION OF A PHYSICIAN, OR A REGISTERED NURSE EXPERIENCED OR TRAINED IN DIALYSIS TREATMENT, WHO IS ON THE PREMISES AND AVAILABLE FOR PROMPT CONSULTATION OR TREATMENT; AND

(B) THE PERSON RECEIVES HIS OR HER CREDENTIALS FROM A NATIONAL CREDENTIALING PROGRAM WITHIN EIGHTEEN MONTHS AFTER THE DATE THE PERSON ENROLLED IN THE TRAINING PROGRAM.

(4) IN CONNECTION WITH ITS REGULATION OF DIALYSIS TREATMENT CLINICS PURSUANT TO SECTION 25-1.5-103 (1) (a) (I) AND 25-3-101 (1) AND RULES ADOPTED BY THE STATE BOARD OF HEALTH PURSUANT TO SUBSECTION (2) OF THIS SECTION, ON AND AFTER JANUARY 1, 2009, THE DEPARTMENT SHALL VERIFY THAT A DIALYSIS TREATMENT CLINIC ONLY EMPLOYS HEMODIALYSIS TECHNICIANS WHO HAVE BEEN CREDENTIALLED BY A NATIONAL CREDENTIALING PROGRAM. COMPLIANCE BY A DIALYSIS TREATMENT CLINIC WITH THIS SECTION SHALL BE A CONDITION OF LICENSURE BY THE DEPARTMENT.

(5) EACH DIALYSIS TREATMENT CLINIC LICENSED BY THE DEPARTMENT AND OPERATING IN THIS STATE SHALL POST A CLEAR AND UNAMBIGUOUS NOTICE IN A PUBLIC LOCATION IN THE CLINIC SPECIFYING THAT THE CLINIC IS LICENSED, REGULATED, AND SUBJECT TO INSPECTION BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT. THE DIALYSIS TREATMENT CLINIC SHALL ALSO INFORM CONSUMERS, EITHER IN THE PUBLIC NOTICE REQUIRED BY THIS SUBSECTION (5) OR IN WRITTEN MATERIALS PROVIDED TO CONSUMERS, ABOUT THE ABILITY TO PROVIDE FEEDBACK TO THE CLINIC AND TO THE DEPARTMENT, INCLUDING THE METHOD BY WHICH CONSUMERS CAN PROVIDE FEEDBACK. THE STATE BOARD MAY ADOPT RULES, AS NECESSARY, TO SPECIFY THE CONTENTS OF THE NOTICE OR WRITTEN MATERIALS REQUIRED BY THIS SUBSECTION (5).

(6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2012. PRIOR TO SAID REPEAL, THE FUNCTIONS OF THE STATE BOARD OF HEALTH AND THE DEPARTMENT REGARDING HEMODIALYSIS TECHNICIANS SHALL BE REVIEWED AS PROVIDED IN SECTION 24-34-104, C.R.S.

SECTION 2. 24-34-104 (43), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (43) The following agencies, functions, or both, shall terminate on July 1, 2012:

(e) THE FUNCTIONS OF THE STATE BOARD OF HEALTH AND THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT REGARDING HEMODIALYSIS TECHNICIANS PURSUANT TO SECTION 25-1.5-108, C.R.S.

SECTION 3. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of public health and environment, for allocation to the health facilities and emergency medical services division, for the fiscal year beginning July 1, 2007, the sum of five thousand eight hundred sixty-two dollars (\$5,862) and 0.1 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, the appropriation made in section 21 of the annual general appropriation act for the fiscal year beginning July 1, 2007, shall be adjusted as follows: The general fund appropriation to the controlled maintenance trust fund is decreased by five thousand eight hundred sixty-two dollars (\$5,862).

SECTION 4. Effective date. This act shall take effect July 1, 2007.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 31, 2007