

**First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 07-0435.01 Christy Chase

HOUSE BILL 07-1131

HOUSE SPONSORSHIP

Kefalas,

SENATE SPONSORSHIP

Bacon,

House Committees

Health and Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING STANDARDS FOR HEMODIALYSIS TECHNICIANS AS PART**
102 **OF THE STATE REGULATION OF DIALYSIS TREATMENT CLINICS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires the state board of health (state board) to adopt rules specifying the minimum training and competency standards for hemodialysis technicians. Prohibits a person from performing the functions of a hemodialysis technician if the person has not satisfied the training and competency requirements. Prohibits a dialysis treatment clinic from allowing a person to perform hemodialysis technician functions if the person has not satisfied the training and competency

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

standards developed by the state board. Conditions licensure of a dialysis treatment clinic by the department of public health and environment (department) on compliance with this requirement. Further requires a dialysis treatment clinic to post a notice in its facility specifying that it is regulated by the department and the method by which consumers may provide feedback to the clinic or the department.

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

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

5 **25-1.5-107. Regulation of dialysis treatment clinics - training**
6 **for hemodialysis technicians - state board of health rules - definitions**
7 **- repeal.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
8 REQUIRES:

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

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

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

21 (2) THE STATE BOARD OF HEALTH SHALL ADOPT RULES TO
22 ESTABLISH THE FOLLOWING:

1 (a) MINIMUM STANDARDS FOR THE CURRICULA AND INSTRUCTORS
2 USED TO TRAIN INDIVIDUALS TO PERFORM THE DUTIES AND FUNCTIONS OF
3 A HEMODIALYSIS TECHNICIAN;

4 (b) MINIMUM STANDARDS FOR THE DETERMINATION OF THE
5 COMPETENCY OF INDIVIDUALS WHO HAVE TRAINED AS HEMODIALYSIS
6 TECHNICIANS;

7 (c) MINIMUM REQUIREMENTS FOR CERTIFICATION THAT AN
8 INDIVIDUAL HAS BEEN TRAINED AND DETERMINED TO BE COMPETENT TO
9 PERFORM THE TASKS OF A HEMODIALYSIS TECHNICIAN;

10 (d) REQUIREMENTS FOR THE ACCEPTANCE OF THE
11 DOCUMENTATION SPECIFIED PURSUANT TO PARAGRAPH (c) OF THIS
12 SUBSECTION (2) BY ANOTHER DIALYSIS TREATMENT CLINIC THAT MAY
13 LATER EMPLOY THE INDIVIDUAL; AND

14 (e) THE ACTS AND PRACTICES THAT ARE ALLOWED OR PROHIBITED
15 FOR HEMODIALYSIS TECHNICIANS.

16 (3) (a) A PERSON SHALL NOT ACT AS, OR PERFORM THE DUTIES AND
17 FUNCTIONS OF, A HEMODIALYSIS TECHNICIAN UNLESS THE PERSON IS:

18 (I) TRAINED AND DETERMINED COMPETENT IN ACCORDANCE WITH
19 STATE BOARD RULES ADOPTED PURSUANT TO SUBSECTION (2) OF THIS
20 SECTION; AND

21 (II) UNDER THE SUPERVISION OF A PHYSICIAN OR REGISTERED
22 NURSE.

23 (b) A DIALYSIS TREATMENT CLINIC LICENSED BY THE DEPARTMENT
24 SHALL NOT ALLOW A PERSON TO PERFORM THE DUTIES AND FUNCTIONS OF
25 A HEMODIALYSIS TECHNICIAN AT OR FOR THE DIALYSIS TREATMENT CLINIC
26 IF THE PERSON IS NOT TRAINED AND DETERMINED COMPETENT PURSUANT
27 TO STATE BOARD RULES.

1 (4) IN CONNECTION WITH ITS REGULATION OF DIALYSIS
2 TREATMENT CLINICS PURSUANT TO SECTION 25-1.5-103 (1) (a) (I) AND
3 25-3-101 (1), THE DEPARTMENT SHALL VERIFY THAT A DIALYSIS
4 TREATMENT CLINIC ONLY EMPLOYS HEMODIALYSIS TECHNICIANS WHO
5 HAVE BEEN TRAINED AND DETERMINED COMPETENT IN ACCORDANCE WITH
6 STATE BOARD RULES. COMPLIANCE BY A DIALYSIS TREATMENT CLINIC
7 WITH THIS SECTION SHALL BE A CONDITION OF LICENSURE BY THE
8 DEPARTMENT.

9 (5) EACH DIALYSIS TREATMENT CLINIC LICENSED BY THE
10 DEPARTMENT AND OPERATING IN THIS STATE SHALL POST A CLEAR AND
11 UNAMBIGUOUS NOTICE IN A PUBLIC LOCATION IN THE CLINIC SPECIFYING
12 THAT THE CLINIC IS LICENSED, REGULATED, AND SUBJECT TO INSPECTION
13 BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.
14 THE NOTICE SHALL ALSO INFORM CONSUMERS ABOUT THE ABILITY TO
15 PROVIDE FEEDBACK TO THE CLINIC AND TO THE DEPARTMENT AND SHALL
16 DETAIL THE METHOD BY WHICH CONSUMERS CAN PROVIDE FEEDBACK.
17 THE STATE BOARD MAY ADOPT RULES, AS NECESSARY, TO SPECIFY THE
18 CONTENTS OF THE NOTICE REQUIRED BY THIS SUBSECTION (5).

19 (6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2017. PRIOR TO
20 SAID REPEAL, THE FUNCTIONS OF THE STATE BOARD OF HEALTH AND THE
21 DEPARTMENT REGARDING HEMODIALYSIS TECHNICIANS SHALL BE
22 REVIEWED AS PROVIDED IN SECTION 24-34-104, C.R.S.

23 **SECTION 2.** 24-34-104, Colorado Revised Statutes, is amended
24 BY THE ADDITION OF A NEW SUBSECTION to read:

25 **24-34-104. General assembly review of regulatory agencies**
26 **and functions for termination, continuation, or reestablishment.**

27 (48) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, SHALL TERMINATE

1 ON JULY 1, 2017: THE FUNCTIONS OF THE STATE BOARD OF HEALTH AND
2 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT REGARDING
3 HEMODIALYSIS TECHNICIANS PURSUANT TO SECTION 25-1.5-107, C.R.S.

4 **SECTION 3. Effective date.** This act shall take effect July 1,
5 2007.

6 **SECTION 4. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.