

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

REVISED

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

LLS NO. 07-0435.01 Christy Chase

HOUSE BILL 07-1131

HOUSE SPONSORSHIP

Kefalas,

SENATE SPONSORSHIP

Bacon,

House Committees

Health and Human Services
Appropriations

Senate Committees

Health and Human Services
Appropriations

A BILL FOR AN ACT

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

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

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.*

SENATE
2nd Reading Unamended
May 1, 2007

HOUSE
3rd Reading Unamended
April 18, 2007

HOUSE
Amended 2nd Reading
April 12, 2007

functions if the person has not satisfied the training and competency 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 (d) "NATIONAL CREDENTIALING PROGRAM" MEANS ANY NATIONAL
22 PROGRAM FOR CREDENTIALING OR DETERMINING THE COMPETENCY OF

1 HEMODIALYSIS TECHNICIANS THAT IS RECOGNIZED BY THE NATIONAL
2 ASSOCIATION OF NEPHROLOGY TECHNICIANS/TECHNOLOGISTS (NANT), OR
3 A SUCCESSOR ASSOCIATION.

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

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

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

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

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

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

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

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

15 (4) IN CONNECTION WITH ITS REGULATION OF DIALYSIS
16 TREATMENT CLINICS PURSUANT TO SECTION 25-1.5-103 (1) (a) (I) AND
17 25-3-101 (1) AND RULES ADOPTED BY THE STATE BOARD OF HEALTH
18 PURSUANT TO SUBSECTION (2) OF THIS SECTION, ON AND AFTER JANUARY
19 1, 2009, THE DEPARTMENT SHALL VERIFY THAT A DIALYSIS TREATMENT
20 CLINIC ONLY EMPLOYS HEMODIALYSIS TECHNICIANS WHO HAVE BEEN
21 CREDENTIALLED BY A NATIONAL CREDENTIALING PROGRAM. [REDACTED]
22 COMPLIANCE BY A DIALYSIS TREATMENT CLINIC WITH THIS SECTION SHALL
23 BE A CONDITION OF LICENSURE BY THE DEPARTMENT.

24 (5) EACH DIALYSIS TREATMENT CLINIC LICENSED BY THE
25 DEPARTMENT AND OPERATING IN THIS STATE SHALL POST A CLEAR AND
26 UNAMBIGUOUS NOTICE IN A PUBLIC LOCATION IN THE CLINIC SPECIFYING
27 THAT THE CLINIC IS LICENSED, REGULATED, AND SUBJECT TO INSPECTION

1 BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.
2 THE DIALYSIS TREATMENT CLINIC SHALL ALSO INFORM CONSUMERS,
3 EITHER IN THE PUBLIC NOTICE REQUIRED BY THIS SUBSECTION (5) OR IN
4 WRITTEN MATERIALS PROVIDED TO CONSUMERS, ABOUT THE ABILITY TO
5 PROVIDE FEEDBACK TO THE CLINIC AND TO THE DEPARTMENT, INCLUDING
6 THE METHOD BY WHICH CONSUMERS CAN PROVIDE FEEDBACK. THE
7 STATE BOARD MAY ADOPT RULES, AS NECESSARY, TO SPECIFY THE
8 CONTENTS OF THE NOTICE OR WRITTEN MATERIALS REQUIRED BY THIS
9 SUBSECTION (5).

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

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

16 **24-34-104. General assembly review of regulatory agencies**
17 **and functions for termination, continuation, or reestablishment.**

18 (43) The following agencies, functions, or both, shall terminate on July
19 1, 2012:

20 (c) THE FUNCTIONS OF THE STATE BOARD OF HEALTH AND THE
21 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT REGARDING
22 HEMODIALYSIS TECHNICIANS PURSUANT TO SECTION 25-1.5-107, C.R.S.

23 **SECTION 3. Appropriation.** (1) In addition to any other
24 appropriation, there is hereby appropriated, out of any moneys in the
25 general fund not otherwise appropriated, to the department of public
26 health and environment, for allocation to the health facilities and
27 emergency medical services division, for the fiscal year beginning July 1,

1 2007, the sum of five thousand eight hundred sixty-two dollars (\$5,862)
2 and 0.1 FTE, or so much thereof as may be necessary, for the
3 implementation of this act.

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

9 **SECTION 4. Effective date.** This act shall take effect July 1,
10 2007.

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