

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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

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 (d) "NATIONAL CREDENTIALING PROGRAM" MEANS A NATIONAL
22 PROGRAM FOR CREDENTIALING HEMODIALYSIS TECHNICIANS THAT IS

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

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

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

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

26 (4) IN CONNECTION WITH ITS REGULATION OF DIALYSIS
27 TREATMENT CLINICS PURSUANT TO SECTION 25-1.5-103 (1) (a) (I) AND

1 25-3-101 (1) AND RULES ADOPTED BY THE STATE BOARD OF HEALTH
2 PURSUANT TO SUBSECTION (2) OF THIS SECTION, ON AND AFTER JANUARY
3 1, 2009, THE DEPARTMENT SHALL VERIFY THAT A DIALYSIS TREATMENT
4 CLINIC ONLY EMPLOYS HEMODIALYSIS TECHNICIANS WHO HAVE BEEN
5 CREDENTIALLED BY A NATIONAL CREDENTIALING PROGRAM.
6 COMPLIANCE BY A DIALYSIS TREATMENT CLINIC WITH THIS SECTION SHALL
7 BE A CONDITION OF LICENSURE BY THE DEPARTMENT, AND THE
8 DEPARTMENT MAY IMPOSE CIVIL PENALTIES ON A DIALYSIS TREATMENT
9 CLINIC THAT FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION,
10 NOT TO EXCEED ONE THOUSAND DOLLARS PER VIOLATION.

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

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

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

27 **24-34-104. General assembly review of regulatory agencies**

1 **and functions for termination, continuation, or reestablishment.**

2 (43) The following agencies, functions, or both, shall terminate on July
3 1, 2012:

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

7 **SECTION 3. Effective date.** This act shall take effect July 1,
8 2007.

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