

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4023

BY DELEGATES SUMMERS, ELLINGTON, HOUSEHOLDER,

ROHRBACH, HOLLEN, DEAN AND BUTLER

[Introduced January 11, 2018; Referred
to the Committee on Health and Human Resources
then Government Organization]

1 A BILL to amend and reenact §30-7C-3 and §30-7C-9 of the Code of West Virginia, 1931, as
2 amended, all relating to the regulation of dialysis technicians.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7C. DIALYSIS TECHNICIANS.

§30-7C-3. Qualifications; exceptions; application form and fees.

1 (a) ~~In order~~ To be certified by the board as a dialysis technician, an individual ~~must~~ shall
2 demonstrate that he or she:

- 3 (1) Is of good moral character;
- 4 (2) Has acquired at least a high school diploma, general equivalency diploma or
5 equivalent;
- 6 (3) Has successfully completed an approved dialysis technician training program;
- 7 (4) Has achieved national certification as a dialysis technician; and
- 8 (5) Has met such other qualifications required by the board by legislative rule.

9 ~~(b) On or before July 1, 2005, an individual who is currently working as a dialysis technician
10 in a dialysis facility, and whose administrative registered professional nurse in charge
11 acknowledges that he or she is competent to perform the delegated duties and practices in
12 accordance with the laws regulating the provision of dialysis care, the rules of the board and any
13 other applicable federal and state laws and rules, will be considered as having met the
14 requirements of subdivisions (3) and (4), subsection (a) of this section for the purposes of being
15 certified by the board as a dialysis technician.~~

16 ~~(c) On or before July 1, 2006, an individual who has successfully completed an approved
17 dialysis technician training program and who was working on or before July 1, 2005, as a dialysis
18 technician trainee in a dialysis facility, and whose administrative registered professional nurse in
19 charge acknowledges that he or she is competent to perform the delegated duties and practices
20 in accordance with the laws regulating the provision of dialysis care, the rules of the board and
21 any other applicable federal and state laws and rules, will be considered as having met the~~

22 requirements of subdivision (4), subsection (a) of this section for the purposes of being certified
23 by the board as a dialysis technician

24 ~~(d)~~ (b) An applicant for certification ~~must~~ shall file with the board an application ~~in the form~~
25 ~~and manner~~ as established by the board demonstrating that he or she has met the qualifications
26 set forth in ~~subsection (a) of this section~~, and pay an application fee as established by legislative
27 rule.

28 ~~(e)~~ (c) (1) The board may, upon receipt of a completed application and fee in accordance
29 with legislative rule, issue a temporary permit to practice as a dialysis technician to any applicant
30 who has completed a board approved dialysis technician training program.

31 (2) A temporary permit is ~~not renewable, and is~~ effective from the date of issuance until
32 three days ~~following~~ after the receipt by the applicant and the board of the results of the ~~first~~
33 ~~written~~ certification examination, unless the board revokes the temporary permit prior to its
34 expiration.

35 ~~(f)~~ ~~The Board may, upon receipt of a completed application and fee in accordance with~~
36 ~~legislative rule, issue a temporary endorsement to practice as a dialysis technician to an applicant~~
37 ~~who has been certified as a dialysis technician under the laws of another state, territory or foreign~~
38 ~~country and who meets the qualifications of the board. A temporary endorsement is not renewable~~
39 ~~and is effective for ninety days unless the board revokes the endorsement prior to its expiration~~

40 (3) A temporary permit may be renewed one time for an additional eighteen months from
41 the renewal date unless the board revokes the temporary permit prior to its expiration, under the
42 following circumstances:

43 (A) The national certification has lapsed, and

44 (B) A dialysis technician is required to work to qualify for recertification.

§30-7C-9. Dialysis technician advisory council.

1 ~~(a) There is created, under~~ The board ~~the~~ may appoint a dialysis technician advisory
2 council, ~~which shall~~ to advise the board regarding qualifications, standards for training,

3 competency determination of dialysis technicians and all other matters related to dialysis
4 technicians. The board may reimburse a member as provided in §30-1-1 et seq. of this code.

5 ~~(b) The council shall be appointed by the board and consists of:~~

6 ~~(1) One member of the board, who serves as chair of the council;~~

7 ~~(2) Two dialysis technicians;~~

8 ~~(3) Two nurses who regularly perform dialysis and care for patients who receive dialysis;~~

9 and

10 ~~(4) One physician who regularly treats patients receiving dialysis care.~~

11 ~~(c) The Board may solicit nominations for the council from interested parties or~~
12 ~~organizations.~~

13 ~~(d) The Board shall specify the terms for the council members. Members serve at the~~
14 ~~discretion of the board and shall receive reimbursement for their actual and necessary expenses~~
15 ~~incurred in the performance of their official duties~~

NOTE: The purpose of this bill is to update the regulation of dialysis technicians.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.