

Senate Bill 423

By: Senators Unterman of the 45th, Mullis of the 53rd and Thomas of the 54th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 44 of Title 31 of the Official Code of Georgia Annotated, relating to renal
2 disease facilities, so as to provide a short title; to revise a definition for purposes of
3 conformity; to revise certain provisions relating to the adoption of rules relative to end stage
4 renal disease facilities and personnel thereof; to revise certain provisions relating to
5 minimum standards for curricula, instructors, and training dialysis and reuse technicians; to
6 amend Title 43 of the Official Code of Georgia Annotated, relating to regulation of
7 professions and businesses, so as to add a new Chapter 30A regulating patient care dialysis
8 technicians; to provide for definitions; to provide for licensing requirements for patient care
9 dialysis technicians; to provide for the renewal and reinstatement of licenses; to provide for
10 powers of the Georgia Board of Nursing relating to the regulation of patient care dialysis
11 technicians; to provide for authorized activities of patient care dialysis technicians; to provide
12 for delegation of dialysis care by a registered professional nurse to a patient care dialysis
13 technician; to provide for the use of titles and other indications of licensure; to provide for
14 applications under oath; to provide for the creation, composition, and duties of the Patient
15 Care Dialysis Technician Advisory Council; to provide for disciplinary actions; to provide
16 for violations; to provide for actions to enjoin; to provide for administrative procedures; to
17 revise certain provisions relating to the nonapplicability of Code Section 43-34-177 for
18 purposes of conformity; to provide for related matters; to provide an effective date; to repeal
19 conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 **SECTION 1.**

22 This Act shall be known and may be cited as the "Ray Biddie and Gene Mullis Act."

SECTION 5.

Title 43 of the Official Code of Georgia Annotated, relating to regulation of professions and businesses, is amended by adding a new Chapter 30A to read as follows:

"CHAPTER 30A

43-30A-1.

As used in this chapter, the term:

(1) 'Applicant' means any person seeking a license under this chapter.

(2) 'Approved dialysis technician training program' means a board approved program used to train patient care dialysis technicians including, but not limited to, a board approved dialysis facility-sponsored training program or another state approved program.

(3) 'Board' means the Georgia Board of Nursing established pursuant to Code Section 43-26-4.

(4) 'Dialysis care' means performing and monitoring dialysis procedures, including initiating and discontinuing dialysis, drawing blood, and administering medications in accordance with this chapter and with board rules.

(5) 'Dialysis facility' means an end stage renal disease facility licensed pursuant to Chapter 44 of Title 31.

(6) 'Direct supervision' means initial and ongoing direction, procedural guidance, observation and evaluation, and on-site presence of a registered professional nurse or physician.

(7) 'License' means a valid and current certificate of registration issued by the board pursuant to this chapter permitting a person to provide dialysis care as a patient care dialysis technician.

(8) 'Licensee' means any person holding a license.

(9) 'National certification' means certification as a dialysis technician issued by a nationally recognized accrediting organization such as, but not limited to:

(A) Certified Clinical Hemodialysis Technician (CCHT) through the Nephrology Nursing Certification Commission (NNCC);

(B) Certified Hemodialysis Technician (CHT) through the Board of Nephrology Examiners Nursing and Technology (BONENT); or

(C) Certified Clinical Nephrology Technician (CCNT) or Certified Biomedical Nephrology Technician (CBNT) through the National Nephrology Certification Organization (NNCO).

(10) 'Patient care dialysis technician' means a person who provides dialysis care.

1 (11) 'Patient care dialysis technician trainee' means a person enrolled in an approved
2 dialysis technician training program.

3 (12) 'Person' means a natural person only.

4 (13) 'Physician' means an individual who is licensed to practice medicine under Article
5 2 of Chapter 34 of this title.

6 (14) 'Registered professional nurse' means an individual who is licensed to practice
7 nursing under Article 1 of Chapter 26 of this title.

8 43-30A-2.

9 (a) No person may provide dialysis care as a patient care dialysis technician in this state
10 who is not licensed pursuant to this chapter. All applicants for a license to practice as a
11 patient care dialysis technician shall make application to the board in the form and manner
12 established by the board. Such applicants shall submit to the board a designated fee and
13 written evidence demonstrating that the applicant:

14 (1) Is of good moral character;

15 (2) Has attained a high school diploma or a general educational development (GED)
16 equivalency diploma or the equivalent thereof;

17 (3) Has successfully completed an approved dialysis technician training program;

18 (4) Has achieved national certification as a dialysis technician; and

19 (5) Has met such other qualifications as required by the board.

20 (b) An individual who was working on or before July 1, 2006, as a dialysis technician in
21 a dialysis facility, and whose administrative registered professional nurse in charge
22 acknowledges that he or she is competent to perform the delegated duties and practices in
23 accordance with the laws regulating the provision of dialysis care, the rules of the board,
24 and any other applicable federal and state laws and regulations will be considered as having
25 met the requirements of paragraphs (3) and (4) of subsection (a) of this Code section for
26 the purposes of being certified by the board as a patient care dialysis technician.

27 (c) An individual who has successfully completed an approved dialysis technician training
28 program on or before July 1, 2007, who was working on or before July 1, 2006, as a
29 dialysis technician trainee in a dialysis facility, and whose administrative registered
30 professional nurse in charge acknowledges that he or she is competent to perform the
31 delegated duties and practices in accordance with the laws regulating the provision of
32 dialysis care, the rules of the board, and any other applicable federal and state laws and
33 regulations will be considered as having met the requirements of paragraph (4) of
34 subsection (a) of this Code section for the purposes of being certified by the board as a
35 patient care dialysis technician.

1 (d) The board may, upon receipt of a completed application and fee, issue a temporary
2 permit to practice as a patient care dialysis technician to an applicant who has completed
3 an approved dialysis technician training program and who meets the qualifications
4 established by the board. A temporary permit shall not be renewable, and shall be effective
5 for two years from the date of issuance, unless the board revokes the temporary permit
6 prior to its expiration.

7 (e) The board may, upon receipt of a completed application and fee, issue a temporary
8 endorsement to practice as a patient care dialysis technician to an applicant who has been
9 certified as a patient care dialysis technician under the laws of another state, territory, or
10 foreign country and who meets the qualifications established by the board. A temporary
11 endorsement shall not be renewable and shall be effective for ninety days unless the board
12 revokes the temporary endorsement prior to its expiration.

13 (f) Application for a license under this Code section shall constitute consent for
14 performance of a criminal background check. Each applicant who submits an application
15 to the board for licensure agrees to provide the board with any and all information
16 necessary to run a criminal background check, including but not limited to classifiable sets
17 of fingerprints. The applicant shall be responsible for all fees associated with the
18 performance of a background check.

19 43-30A-3.

20 (a) Licenses issued under this chapter shall be renewed biennially prior to the expiration
21 of the license according to schedules and fees decided by the board.

22 (b) A license shall be renewed for any patient care dialysis technician who remits the
23 required fee and complies with the requirements established by the board. The board shall
24 be authorized to require persons seeking renewal of a license to complete board approved
25 continuing education.

26 (c) The voluntary surrender of a license or the failure to renew a license by the end of an
27 established renewal period shall have the same effect as revocation of said license, subject
28 to reinstatement at the discretion of the board. The board may restore and reissue a license,
29 and, as a condition thereof, may impose any disciplinary sanction provided by Code
30 Section 43-1-19 upon such grounds as specified in such Code section.

31 (d) Any license that is not renewed by the end of the renewal period may not thereafter be
32 renewed, and the licensee must apply for reinstatement. Applicants for reinstatement who
33 have not been engaged in the active practice of dialysis care as a patient care dialysis
34 technician for a period which exceeds five years shall be required to obtain such additional
35 education and training as provided in the rules and regulations of the board, which may
36 include but not be limited to returning to school for full training and taking the licensing

1 examination. Upon completion of the program, an application may be made for licensure
2 as a new applicant.

3 (e) Other criteria for reinstatement may be determined by the rules of the board, including
4 but not limited to the following: additional coursework, a refresher course, supervised
5 clinical practice, or examination by the board.

6 43-30A-4.

7 (a) The board shall have the power to:

8 (1) Examine and determine the qualifications and fitness of applicants for licensure as
9 patient care dialysis technicians in this state;

10 (2) Establish minimum standards for the determination of the competency of individuals
11 who have been trained as patient care dialysis technicians;

12 (3) Establish standards for approving and withdrawing approval of dialysis technician
13 training programs;

14 (4) Establish minimum standards for the curricula and instructors used to train
15 individuals to act as patient care dialysis technicians in approved dialysis technician
16 training programs;

17 (5) Issue, renew, refuse to renew, deny, suspend, and revoke licenses of patient care
18 dialysis technicians in this state or otherwise discipline patient care dialysis technicians;

19 (6) Determine the acts and practices that are allowed or prohibited for patient care
20 dialysis technicians, in accordance with the provisions of this chapter;

21 (7) Establish continuing education requirements for patient care dialysis technicians;

22 (8) Conduct investigations for the purpose of discovering violations of this chapter or
23 grounds for disciplining persons licensed under this chapter;

24 (9) Hold hearings on all matters pertaining to this chapter properly brought before the
25 board and, in conjunction therewith, to administer oaths, receive evidence, make the
26 necessary determinations, and enter orders consistent with the findings. The board may
27 designate one or more of its members as its hearing officer;

28 (10) Adopt rules and regulations consistent with this chapter necessary to enable it to
29 carry into effect the provisions of this chapter, including disciplinary rules;

30 (11) Establish fees pertaining to this chapter; and

31 (12) Bring proceedings to the courts for the enforcement of this chapter or any rules and
32 regulations promulgated pursuant to this chapter.

33 (b) In addition to the enumerated powers in subsection (a) of this Code section, the board
34 has the authority to conduct its business pursuant to the provisions of Code Section 43-1-19
35 which is incorporated herein and made a part of this chapter by specific reference.

1 43-30A-5.

2 (a) A patient care dialysis technician may provide dialysis care when delegated to him or
3 her by a registered professional nurse if:

4 (1) The patient care dialysis technician has a valid license issued pursuant to this chapter;

5 (2) The registered professional nurse considers the patient care dialysis technician to be
6 competent; and

7 (3) The patient care dialysis technician provides the care under the direct supervision of
8 the registered professional nurse.

9 (b) Nothing in this chapter may be construed to prohibit a patient care dialysis technician
10 trainee from performing dialysis care as a part of and within the scope of the clinical skills
11 instruction segment of an approved dialysis technician training program.

12 43-30A-6.

13 A patient care dialysis technician is authorized to perform the following activities, under
14 the direct supervision of a registered professional nurse or a physician:

15 (1) Preparing and initiating dialysis access sites;

16 (2) Initiating, delivering, or discontinuing dialysis care;

17 (3) Administering only the following medications:

18 (A) Heparin to prime the pump, initiate treatment, or for administration through
19 treatment in an amount prescribed by a physician or other authorized practitioner; this
20 may be done intravenously, peripherally via a fistula needle, or in another clinically
21 acceptable manner;

22 (B) Normal saline via the dialysis extra corporeal circuit as needed through the dialysis
23 procedure; and

24 (C) Intradermal anesthetic in an amount prescribed by a physician or other authorized
25 practitioner;

26 (4) Obtaining a blood specimen via the dialysis extra corporeal circuit or a peripheral
27 access site;

28 (5) Reporting changes that arise in conjunction with dialysis care to the registered
29 professional nurse or physician; and

30 (6) Engaging in other acts as delegated by the registered professional nurse or physician
31 in order to provide dialysis care.

32 43-30A-7.

33 (a) An individual licensed by the board as a patient care dialysis technician pursuant to the
34 provisions of this chapter shall be known as a patient care dialysis technician or dialysis
35 technician and may use the initials 'P.C.D.T.' or 'D.T.' after his or her name. On and after

1 July 1, 2006, no other individual may use the title, abbreviation, or any other words, letters,
2 figures, signs, or devices to indicate that he or she is a patient care dialysis technician in
3 this state.

4 (b) An individual enrolled in an approved dialysis technician training program shall be
5 known as a patient care dialysis technician trainee. A patient care dialysis technician
6 trainee shall adhere to the rules and regulations of the board for patient care dialysis
7 technicians and is subject to disciplinary action by the board as provided by board rules.

8 43-30A-8.

9 The board may require that all applications be made under oath.

10 43-30A-9.

11 (a) There is created the Patient Care Dialysis Technician Advisory Council, which shall
12 advise the board on issues relating to the qualifications, standards for training, competency
13 determination of patient care dialysis technicians, and all other matters relating to patient
14 care dialysis technicians.

15 (b) The council shall be appointed by the board and shall consist of six members as
16 follows:

17 (1) One member of the board, who shall serve as chairperson of the council;

18 (2) Two patient care dialysis technicians;

19 (3) Two registered professional nurses who regularly provide dialysis care and care for
20 patients who receive dialysis; and

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

22 (c) The board shall specify the length of terms of the members.

23 (d) Members of the council shall be reimbursed for expenses and travel as provided for
24 members of various professional licensing boards in subsection (f) of Code Section 43-1-2.

25 43-30A-10.

26 The investigatory and disciplinary authority of the board shall be as provided in Code
27 Section 43-1-19.

28 43-30A-11.

29 (a) It shall be unlawful for any individual, firm, corporation, facility, or association to:

30 (1) Sell or fraudulently obtain or furnish any national certification credential or
31 documentation of successful completion of a dialysis technician training program or aid
32 or abet therein;

1 (2) Perform services as a patient care dialysis technician unless authorized by the
2 provisions of this chapter;

3 (3) Use in connection with his or her name any designation tending to imply that he or
4 she is a patient care dialysis technician unless authorized by the provisions of this
5 chapter; or

6 (4) Otherwise violate any provision of this chapter.

7 (b) Any person who violates this chapter shall be guilty of a misdemeanor and, upon
8 conviction thereof, shall be punished by a fine not less than \$500.00 or more than
9 \$1,000.00.

10 (c) Each act of unlawful practice under this Code section shall constitute a distinct and
11 separate offense.

12 43-30A-12.

13 (a) The practice of dialysis care is declared to be an activity affecting the public interest
14 and involving the health, safety, and welfare of the public. Such practice by a person who
15 is not licensed to practice in this state is declared to be a public nuisance, harmful to the
16 public health, safety, and welfare.

17 (b) Any citizen of this state, the board, or the appropriate prosecuting attorney where such
18 practice is carried out by such unlicensed person may, on behalf of the public, bring an
19 action to restrain and enjoin such unlicensed practice in the superior court of the county
20 where such unlicensed person resides or works. It shall not be necessary in order to obtain
21 an injunction under this Code section to allege or prove that there is no adequate remedy
22 at law or to allege or prove any special injury.

23 (c) The remedy provided for in this Code section shall be cumulative to, and not in lieu of,
24 any other remedy or penalty provided in this chapter or otherwise provided by law.

25 43-30A-13.

26 Proceedings under this chapter shall be governed by Chapter 13 of Title 50, the 'Georgia
27 Administrative Procedure Act.'

28 SECTION 6.

29 Said title is further amended in Code Section 43-34-178, relating to the nonapplicability of
30 Code Section 43-34-177, by striking paragraph (6) of subsection (a) and inserting in its place
31 the following:

32 "(6) A person working as a patient care dialysis ~~care~~ technician in an end stage renal
33 disease facility licensed pursuant to Chapter 44 of Title 31 or a licensed hospital."

1 **SECTION 7.**

2 This Act shall become effective on July 1, 2006.

3 **SECTION 8.**

4 All laws and parts of laws in conflict with this Act are repealed.