

SENATE, No. 1857

STATE OF NEW JERSEY

INTRODUCED MARCH 3, 1997

By Senator MARTIN

1 AN ACT providing for the licensure and regulation of hemodialysis  
2 technicians and supplementing chapter 9 of Title 45 of the Revised  
3 Statutes.

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5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

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8 1. This act shall be known and may be cited as the "Hemodialysis  
9 Technicians' Licensing Act."

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11 2. As used in this act:

12 "Board" means the State Board of Medical Examiners.

13 "Dialysis facility" means a hemodialysis clinic or unit of a health  
14 care facility or another entity which provides hemodialysis services.

15 "Department" means the Department of Health and Senior Services.

16 "Direct supervision" means the supervision by a licensed physician  
17 or registered professional nurse of dialysis treatment in the same room  
18 in which the treatment is being performed.

19 "Health care facility" means a facility licensed pursuant to  
20 P.L.1971, c.136 (C.26:2H-1 et seq.).

21 "Hemodialysis technician" means a person who is employed by a  
22 dialysis facility, for the purpose of participating in the direct treatment  
23 of patients undergoing hemodialysis. Hemodialysis technician  
24 responsibilities include performing venipuncture, insertion of fistula  
25 needles, measurement and evaluation of vital signs, administration of  
26 local anesthetics, heparin, sodium chloride solutions and plasma  
27 expanders, evaluation of fluid status, management of common  
28 complications of dialysis, and documentation of this care in the patient  
29 record. The role of the technician regarding patient care and the  
30 administration of medications by a hemodialysis technician is pursuant  
31 to protocol established by the medical director of the dialysis facility.

32 "Hemodialysis technician trainee" means a person who is engaged  
33 in the study of hemodialysis technique, theory and practice in a  
34 training program approved pursuant to the provisions of this act.

35 "Graduate hemodialysis technician trainee" means a person who has  
36 completed a training program approved pursuant to the provisions of  
37 this act but who has not completed the examination requirement.

1       3. a. No person shall practice, nor hold himself out to be able to  
2 practice, as a hemodialysis technician unless he is licensed in  
3 accordance with this act. No person shall act, nor hold himself out as  
4 being able to act as a hemodialysis technician trainee or graduate  
5 hemodialysis technician trainee unless he is authorized to do so in  
6 accordance with this act.

7       b. A hemodialysis technician licensed pursuant to the provisions of  
8 this act is authorized to participate in patient treatment only under the  
9 direct authorization of the patient's physician.

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11       4. a. The board shall license an applicant as a hemodialysis  
12 technician if the applicant is of good moral character and has  
13 successfully completed the training and examination requirements of  
14 this act. Each applicant shall submit to the board evidence of his  
15 qualifications in a form prescribed by the board, and shall pay to the  
16 board at the time of application a fee, as determined by the board.

17       b. Each dialysis facility shall make available to the department the  
18 names of individuals they employ as hemodialysis technicians and  
19 evidence that those persons have completed the approved training and  
20 successfully passed the approved examination. Evidence of  
21 completion of the training program shall include the particular type of  
22 dialyzer and equipment upon which the individual was trained.

23       c. The board shall establish such rules and regulations as are  
24 necessary to effectuate its duties under this act.

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26       5. The board shall maintain a register of all applications for  
27 licensure hereunder, which register shall include but not be limited to:

28       a. The name and residence of the applicant;

29       b. The date of the application; and

30       c. Information as to whether the applicant was rejected or licensed  
31 and the date of that action.

32       The board shall annually compile a list of hemodialysis technicians,  
33 which list shall be available to the public.

34  
35       6. Each dialysis facility operating dialysis equipment or supplying  
36 the equipment and the technicians to operate the equipment shall  
37 submit to the department for review and approval, a training program  
38 and final examination for hemodialysis technicians. The training  
39 program shall include training in the administration of local  
40 anesthetics, heparin, plasma expanders, and sodium chloride solutions.  
41 It shall include training in the measurement of vital signs, venipuncture  
42 techniques, and in cardiopulmonary resuscitation procedures. In  
43 addition to training in clinical practice, the program shall include  
44 didactic training in the care of the end stage renal disease patient.  
45 Each dialysis facility shall administer a final examination designed to  
46 accurately test proficiency in both clinical procedures and theoretical

1 knowledge of patient care but, in lieu thereof, this examination may be  
2 administered by a public educational institution. The final examination  
3 shall include all aspects of the training program, including the proper  
4 administration of medications. Any training program affiliated with a  
5 State approved educational facility shall be granted automatic  
6 departmental approval for its final examination and either the  
7 hemodialysis examination offered by the Board of Nephrology  
8 Examination for Nurses and Technicians (BONENT) or the National  
9 Association of Nephrology Technicians (NANT) shall also be granted  
10 automatic departmental approval as a final examination for the  
11 purposes of this section.

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13 7. Beginning six months after the adoption of rules and regulations  
14 pursuant to section 13 of this act, a dialysis facility providing dialysis  
15 services without an approved training program and final examination  
16 shall not train personnel until it submits and receives approval for a  
17 training program and examination by the department. A training  
18 program and final examination shall be approved or rejected by the  
19 department within 30 days after submission thereof to the department.  
20 The department shall not enforce the provisions of this section with  
21 respect to any dialysis facility which has submitted a training program  
22 and examination for departmental approval which has not been acted  
23 upon by the department.

24

25 8. a. A person employed as a hemodialysis technician on the  
26 effective date of this act may continue to practice as a hemodialysis  
27 technician but shall become licensed within 18 months of the effective  
28 date of this act as a hemodialysis technician. During this 18-month  
29 period, direct supervision of the person's work is not required by this  
30 act but may be required by the dialysis facility.

31 b. A person is exempt from the training requirements of this act if  
32 he has at least one year of experience as a hemodialysis technician and  
33 has passed either the BONENT or the NANT examination, or other  
34 approved examination.

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36 9. a. A hemodialysis technician trainee and a graduate  
37 hemodialysis technician trainee may perform the responsibilities of a  
38 hemodialysis technician only under direct supervision and for a  
39 maximum of one year.

40 b. A person who fails a final examination:

41 (1) Shall be classified as either a graduate hemodialysis technician  
42 trainee or a hemodialysis technician trainee, as appropriate;

43 (2) Shall be under direct supervision whenever involved in direct  
44 patient care and shall administer the medications listed in section 6 of  
45 this act only under this direct supervision; and

1 (3) Shall successfully complete the examination within six months  
2 of taking the first examination, or cease to perform the responsibilities  
3 of a hemodialysis technician.

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5 10. a. In addition to any other requirements for licensure, at the  
6 time of renewal, an applicant shall execute and submit a sworn  
7 statement made on a form provided by the board that the license for  
8 renewal has not been revoked, suspended or not renewed by the board.

9 b. Each applicant shall present satisfactory evidence when seeking  
10 license renewal that in the period since the license was issued or last  
11 renewed any continuing education requirements have been completed  
12 as specified by the board.

13  
14 11. a. The board shall by rule or regulation establish, prescribe or  
15 change the fees for licenses, renewals of licenses or other services  
16 provided by the board pursuant to the provisions of this act. Licenses  
17 shall be issued for a period of two years and be biennially renewable,  
18 except that the board may, in order to stagger the expiration dates  
19 thereof, provide that those licenses first issued or renewed after the  
20 effective date of this act shall expire or become void on a date fixed by  
21 the board, not sooner than six months nor later than 29 months after  
22 the date of issue.

23 b. Fees shall be established, prescribed or changed by the board to  
24 the extent necessary to defray all proper expenses incurred by the  
25 board and any staff employed to administer this act, except that fees  
26 shall not be fixed at a level that will raise amounts in excess of the  
27 amount estimated to be so required.

28 c. All fees and any fines imposed by the board shall be paid to the  
29 board and shall be forwarded to the State Treasurer and become part  
30 of the General Fund.

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32 12. a. The department may impose any of the disciplinary actions  
33 under section 13 of P.L.1971, c.136 (C.26:2H-13) according to the  
34 procedures therein against any health care facility which violates any  
35 of the provisions of this act.

36 b. The provisions of P.L.1978, c.73 (C.45:1-14 et seq.) shall apply  
37 to this act.

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39 13. Pursuant to the "Administrative Procedure Act," P.L.1968,  
40 c.410 (C.52:14B-1 et seq.) the department shall, within six months of  
41 the effective date of this act, adopt rules and regulations necessary to  
42 effectuate the purposes of this act including, but not limited to,  
43 prescribing the minimum training standards for hemodialysis technician  
44 licensure.

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46 14. This act shall take effect immediately.

## STATEMENT

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3 This bill provides for the licensing of hemodialysis technicians. The  
4 State Board of Medical Examiners shall be responsible for the  
5 licensing of these individuals. In addition, the bill provides that the  
6 Department of Health and Senior Services shall prescribe minimum  
7 training standards and approve examinations required for hemodialysis  
8 licensure.

9 A hemodialysis technician is a person who is employed by a  
10 hemodialysis clinic or unit of a health care facility or another entity  
11 which provides hemodialysis services, for the purpose of participating  
12 in the direct treatment of patients undergoing hemodialysis.  
13 Hemodialysis technician responsibilities include performing  
14 venipuncture, insertion of fistula needles, measurement and evaluation  
15 of vital signs, administration of local anesthetics, heparin, sodium  
16 chloride solutions and plasma expanders, evaluation of fluid status,  
17 management of common complications of dialysis, and documentation  
18 of this care in the patient record. The role of the technician regarding  
19 patient care and the administration of medications by a technician is  
20 pursuant to protocol established by the medical director of the dialysis  
21 facility.

22 Over the past decade, increasing numbers of end stage renal disease  
23 patients have been treated with some form of dialysis, either peritoneal  
24 or hemodialysis.

25 Initially, these treatments were performed almost exclusively by  
26 physicians and professional nurses. However, as routine procedures  
27 became more defined, and treatment complications better understood,  
28 delivery of care by well trained lay individuals became possible.  
29 Dialysis by trained lay persons, such as spouses, permitted patients the  
30 freedom of treatment in a home setting with the added benefit of  
31 reduced costs.

32 As evidence accumulated that a lay dialysis helper could perform  
33 safe and effective treatments with minimal supervision, many hospitals  
34 began to employ similarly trained individuals as staff members. Hence,  
35 the "hemodialysis technician" evolved.

36 In the evolution, much confusion and controversy has developed  
37 regarding the role of these renal team members. This bill is intended  
38 to clarify and define the appropriate scope of their responsibilities and  
39 to assure that the persons engaged in this field as hemodialysis  
40 technicians are capable of serving the public properly.

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44  
45 "Hemodialysis Technicians' Licensing Act."