



California Dialysis Council

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NEWS UPDATE

SB221 (Waters) The Repeal of Outdated and Confusing Home Dialysis Agency Licensure Law has been signed by the Governor.

This CDC sponsored bill repeals the old and never implemented "Home Dialysis Agency Law." Chapter 11 (commencing with Section 1794.01) of Division 2 of the Health and Safety Code relating to home dialysis agencies. This old Home Dialysis Agency Law has caused much confusion when being applied to the provision of dialysis services in the Skilled Nursing Facility (SNF) setting. Its elimination will hopefully clear the way for appropriate regulations for the provision of these services.

Senate Bill No. 221

CHAPTER 39

An act to amend Section 1247.9 of the Business and Professions Code, and to repeal Chapter 11 (commencing with Section 1794.01) of Division 2 of the Health and Safety Code, relating to home dialysis agencies.

[Approved by Governor August 5, 2009. Filed with
Secretary of State August 6, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

SB 221, Walters. Home dialysis agencies.

Existing law provides for the licensing and regulation of home dialysis agencies by the State Department of Public Health.

This bill would repeal these provisions and make a conforming change.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that the provisions of Chapter 11 (commencing with Section 1794.01) of Division 2 of the Health and Safety Code relating to home dialysis agencies have never been implemented, and will not be implemented due to existing funding constraints. Allowing these provisions to remain in the code has created confusion and misunderstandings with respect to dialysis services provided in skilled nursing facilities. It is necessary to repeal these provisions to avoid continued confusion and misunderstandings.

SEC. 2. Section 1247.9 of the Business and Professions Code is amended to read:

1247.9. No person or entity shall provide chronic dialysis services to patients in this state unless the services are provided under the direction of a chronic dialysis clinic, licensed pursuant to Section 1204 of the Health and Safety Code, or a general acute care hospital, licensed pursuant to Section 1250 of the Health and Safety Code.

SEC. 3. Chapter 11 (commencing with Section 1794.01) of Division 2 of the Health and Safety Code is repealed.