

**CALIFORNIA CODES
BUSINESS AND PROFESSIONS CODE
SECTION 1247-1247.9**

1247. This article shall be known and may be cited as the Hemodialysis Technician Training Act.

1247.2. For the purpose of this article, the following terms have the following meaning:

(a) "Immediate supervision" means supervision of dialysis treatment in the same room in which the dialysis treatment is being performed.

(b) "Department" means the State Department of Health Services.

(c) "Hemodialysis technician" means an unlicensed health care provider who is employed by a hemodialysis clinic or unit for the purpose of participating in the direct treatment of patients undergoing hemodialysis.

1247.3. The treatment of patients by a hemodialysis technician includes performing venipuncture and arterial puncture for the purpose of providing dialysis treatment for a patient. The treatment of patients includes the administration of local anesthetics, heparin, and sodium chloride solutions. The administration of these medications shall be pursuant to protocol established by the medical director of the hemodialysis clinic or unit and shall be under the immediate supervision of a licensed physician and surgeon or a licensed registered nurse. The administration of local anesthetics shall be limited to intradermal, subcutaneous, or topical administration. Hemodialysis technicians who treat patients in the home and are certified by the Board of Nephrology Examination for Nurses and Technicians are exempted from the requirements of immediate supervision until January 1, 1991.

1247.4. The department shall adopt rules and regulations, by July 1, 2001, prescribing minimum training standards for hemodialysis technicians who are certified pursuant to paragraphs (2), (3), and (4) of subdivision (a) of Section **1247.6**.

1247.5. A hemodialysis clinic or unit within a licensed clinic or hospital, as defined respectively in Sections 1204 and 1250 of the Health and Safety **Code**, may operate a hemodialysis training and testing program. A hemodialysis technician training program and competency test, provided under this section, or provided by an accredited college, an accredited university, or a private training program, shall be approved by the department, shall comply with the regulations adopted pursuant to Section **1247.4**, and shall include training and testing in the administration of local anesthetics, heparin, and sodium chloride solutions.

1247.6. (a) Except during training under immediate supervision, no person shall provide services as a hemodialysis technician without meeting one or more of the following requirements:

(1) Certification by the department as having been certified by the Board of Nephrology Examination for Nurses and Technicians (BONENT).

(2) Certification by the department as having completed a department-approved training and testing program in a hemodialysis clinic or unit.

(3) Certification by the department as being a graduate of a local training and testing program operated by an accredited college or accredited university approved by the department, or a graduate of a private training program approved by the department. As used in this article, accredited has the same meaning as defined by Section 94711 of the Education Code.

(4) Certification by the department as hemodialysis technicians on or before the effective date of regulations adopted pursuant to Section 1247.4.

(b) This article does not apply to home dialysis patients, or patient helpers not employed by the licensed facility, who have undergone a home dialysis training program operated by a licensed clinic or hospital as defined in Sections 1204 and 1250 of the Health and Safety Code and have been certified by the medical director of the facility as being competent to perform home dialysis treatment.

(c) A hemodialysis technician training program and competency test, that is approved by the department before January 1, 1998, shall not be required to be reapproved pursuant to this section or Section 1247.5 unless the department determines reapproval to be necessary to protect patient safety.

1247.63. (a) Certification of a hemodialysis technician issued by the department pursuant to subdivision (a) of Section 1247.6 shall be valid for four years.

(b) Those hemodialysis technicians certified by the department or the Board of Nephrology Examination for Nurses and Technicians (BONENT) before January 1, 1995, shall, before January 1, 1996, apply to renew their certification, or in the case of those technicians certified by the Board of Nephrology Examination for Nurses and Technicians (BONENT) obtain department certification, by submitting the fee required by subdivision (n) of Section 1300 and proof of previous certification. The department shall automatically renew the certification of those hemodialysis technicians who were certified before January 1, 1995, and who apply for renewal pursuant to this subdivision.

(c) For renewals occurring on or after January 1, 1996, a hemodialysis technician applying for renewal of his or her certification shall submit proof that he or she has obtained 30 hours of in-service training or continuing education in dialysis care or general health care as a requirement for the renewal of his or her certification.

1247.64. A hemodialysis technician may obtain the in-service training or continuing education required by subdivision (c) of Section 1247.63 from one or more of the following sources:

(a) Health-related courses offered by accredited postsecondary institutions.

(b) Health-related courses offered by continuing education providers approved by the California Board of Registered Nursing.

(c) Health-related courses offered by recognized health associations if the department determines the courses to be acceptable.

(d) Health-related, employer-sponsored in-service training or continuing education programs.

1247.66. (a) The department may deny, suspend, or revoke the certification of a hemodialysis technician if it finds that the hemodialysis technician is not in compliance with this article, or any regulations adopted by the department to administer this article.

(b) The department may deny, suspend, or revoke the certification of a hemodialysis technician for any of the following causes:

(1) Unprofessional conduct, which includes incompetence or gross negligence in carrying out his or her usual functions.

(2) Procuring a certificate by fraud, misrepresentation, or mistake.

(3) Making or giving any false statement or information in conjunction with the application for issuance or renewal of a certificate.

(4) Conviction of a crime substantially related to the qualifications, functions, and duties of a hemodialysis technician in which event the record of the conviction shall be conclusive evidence thereof.

(c) In addition to other acts constituting unprofessional conduct within the meaning of this article, all of the following constitute unprofessional conduct:

(1) Conviction for, or use of, any narcotic drug, as defined in Division 10 (commencing with Section 11000) of the Health and Safety **Code**, or any dangerous drug, as defined in Article 7 (commencing with Section 4211) of Chapter 9, or alcoholic beverages, to an extent or in a manner dangerous or injurious to the hemodialysis technician or any other person, or the public, to the extent that this use impairs the ability to conduct, with safety to the public, the practice of a hemodialysis technician.

(2) Abuse, whether verbal, physical, or mental, of a patient in any setting where health care is being rendered.

(d) Proceedings to deny, suspend, or revoke a certification under this article shall be conducted in accordance with Section 100171 of the Health and Safety **Code**.

1247.7. An employee in training shall be classified as a hemodialysis technician trainee and shall be under the immediate supervision of a licensed physician and surgeon or licensed registered nurse whenever involved in the treatment of a patient, as described in Section **1247.3**.

1247.8. Each hemodialysis unit or clinic shall have information available for inspection by the department survey teams which shows the local training program and competency test and the names of all hemodialysis technicians and hemodialysis technician trainees employed in the unit or clinic. Where a hemodialysis unit or clinic does not adopt a local training program and test, it shall provide proof that the hemodialysis technicians employed meet the requirements of subdivision (a) of Section **1247.6**.

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**, a home dialysis agency licensed pursuant to Chapter 11 (commencing with Section 1794.01) of Division 2 of the Health and Safety **Code**, or a general acute care hospital, licensed pursuant to Section 1250 of the Health and Safety **Code**.