

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #7

Do Not Mark In This Box
Filing Date

2001 JUL -1 P 5:04

OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

Effective Date

NOTICE OF AN EMERGENCY RULE

AGENCY: West Virginia Board of Exam. for Reg. Prof. Nurses TITLE NUMBER: 19

CITE AUTHORITY: §30-7C-4

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 13

TITLE OF RULE BEING PROPOSED: Dialysis Technicians

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

Citizens requiring dialysis must have it to survive. Dialysis technicians are unlicensed personnel. The registered professional nurse could not delegate dialysis tasks to the dialysis technician until the 2004 legislature passed HB 4641. This Emergency Rule provides the requirements for delegating to dialysis technicians, approving and disapproving training programs, requirements for training programs, registering dialysis technicians with the Board on July 1 of each year and requirements for dialysis technicians employed before July 1, 2004.


Authorized Signature

Use additional sheets if necessary

Laura S. Rhodes, M.S.N., R.N.
Executive Director



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STATE OF WEST VIRGINIA
BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES
101 Dee Drive, Suite 102
Charleston, WV 25311-1620

July 1, 2004

The Honorable Joe Manchin III
Secretary of State
Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

Dear Secretary Manchin:

The West Virginia Board of Examiners for Registered Professional Nurses in session June 29, 2004 approved for filing, the proposed emergency rule CSR §19-13 titled Dialysis Technicians.

A brief summary of the rule follows:

Dialysis treatments are life sustaining. Dialysis technicians provide technical support for the treatment process. Enrolled HB4641 gives authority to the registered professional nurse to delegate these activities to the dialysis technician and for the Board to approve and disapprove training program.

A statement of circumstances requiring the rule follows:

Prior to the passing of HB4641 registered professional nurses were not permitted to delegate most of the activities related to dialysis care to the dialysis technician. Dialysis is a life sustaining process. Failure to implement rules which permit the continuation of dialysis care by dialysis technicians could effect the ability of individuals to receive the treatment.

Should you have any questions or require further information, do not hesitate to contact me.

For the Board,

A handwritten signature in cursive script that reads "Laura Skidmore Rhodes".

Laura Skidmore Rhodes, MSN, RN
Executive Director

EMERGENCY RULE QUESTIONNAIRE

DATE: July 1, 2004

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) West Virginia Board of Exam. for Reg. Prof. Nurses
101 Dee Drive, Suite 102
Charleston, WV 25311

EMERGENCY RULE TITLE: Dialysis Technicians

1. Date of filing July 1, 2004

2. Statutory authority for promulgating emergency rule:
§30-7C-4

3. Date of filing of proposed legislative rule: July 1, 2004

4. Does the emergency rule adopt new language or does it amend or appeal a current legislative rule? New language

5. Has the same or similar emergency rule previously been filed and expired?
No

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the **immediate** preservation of public peace, health, safety or welfare.
Dialysis treatments are life sustaining. Dialysis technicians provide technical support for the treatment process. Enrolled HB 4641 gives authority to the registered professional nurse to delegate these activities to the dialysis technician and for the Board to approve and disapprove dialysis training programs.

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

This rule is to be implemented by July 1, 2004.

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

Prior to the passing of HB registered professional nurses were not permitted to delegate most of the activities related to dialysis care to the dialysis technician. Dialysis is a life-sustaining process. Failure to implement rules which permit the continuation of dialysis care by dialysis technicians could effect the ability of individuals to receive the treatment.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Dialysis Technicians

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Board of Exam. for Reg. Prof. Nurses

Address: 101 Dee Drive, Suite 102
Charleston, WV 25311

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	\$69910.00	0	\$69910.00	\$69910.00	\$61910.00
PERSONAL SERVICES	\$51210.00	0	\$51210.00	\$51210.00	\$51210.00
CURRENT EXPENSE	\$13200.00	0	\$13200.00	\$13200.00	\$13200.00
REPAIRS & ALTERATIONS	\$250.00	0	\$250.00	\$250.00	\$250.00
EQUIPMENT	\$5000.00	0	\$5000.00	\$5000.00	\$3000.00
OTHER	\$250.00	0	\$250.00	\$250.00	\$250.00

2. Explanation of Above Estimates:

If fees are approved, the rule is budget neutral. All services related to implementing this rule are new services. This fiscal note represents the funds required to implement the rule.

3. Objectives of These Rules:

To implement HB 4641 related to dialysis technicians. Providing for delegation to dialysis technicians by registered professional nurses; approving and disapproving dialysis training programs; registration of dialysis technicians; and dialysis technicians working before July 1, 2004.

Rule Title: Dialysis Technicians

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:
None if fees are approved.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of
Citizens: None

C. Economic Impact on Citizens/Public at Large.
None if fees are approved

Date: July 1, 2004

Signature of Agency Head or Authorized Representative:

Laura Skidmore Rhodes

19CSR13

FILED

2001 JUL -1 P 5:04

WEST VIRGINIA
SECRETARY OF STATE

TITLE 19
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF EXAMINERS FOR
REGISTERED PROFESSIONAL NURSES

SERIES 13
DIALYSIS TECHNICIANS

§19-13-1. General.

- 1.1. Scope. - This legislative Rule establishes the general requirements for delegation of acts by the registered professional nurse to dialysis technicians and for approving and disapproving dialysis technician training programs.
- 1.2. Authority. - W. Va. §§30-7C-4
- 1.3. Filing Date. --
- 1.4. Effective Date. --

§19-13-2. Definitions of Terms.

- 2.1. "Delegation" means the transfer of responsibility for the performance of a selected task or activity from a licensed health care professional authorized to perform the task or activity to an individual who does not have the statutory authority to perform the task or activity.
- 2.2. "Dialysis training course" means the three hundred twenty clock hours of instruction for hemodialysis care by dialysis technicians comprised of both classroom and supervised clinical components.
- 2.3. "Discontinue" means to cease or stop the treatment.
- 2.4. "Immediate presence" means in the same building and the same physical area where the dialysis treatments are administered.

- 2.5. "Initiation of dialysis care" means starting dialysis procedure after patient assessment by the registered professional nurse or licensed physician is completed immediately prior to starting the dialysate and, after the hemodialysis catheter site has been accessed by the registered professional nurse or licensed physician or the fistula site has been accessed by the dialysis technician.
- 2.6. "Monitor" means to collect objective and subjective data and observe the dialysis patient for signs or symptoms of any change in physiological or psychosocial status or complications related to dialysis, to check or regulate the performance of the machines used in performing dialysis, and to report any irregularity to the licensed physician or registered professional nurse as appropriate.
- 2.7. "Preceptor" means a registered professional nurse or a dialysis technician with at least two (2) years of experience in providing dialysis care in the previous three (3) years.
- 2.8. "Site visit" means an announced or unannounced visit to a dialysis training program by a board representative to determine whether the program meets or maintains the minimum standards required by the board.
- 2.9. "WV dialysis technician or dialysis technician" means an individual who has successfully completed an approved dialysis technician training program and who has achieved national certification as a dialysis technician, or an individual who meets the requirements set forth in the board's rule pertaining to dialysis technicians practicing prior to the first day of July, two thousand four, and functions under the direct supervision of a registered professional nurse or licensed physician, and has registered with the Board.
- 2.10. "WV dialysis technician trainee" means an individual who is currently enrolled in an approved dialysis training program, has successfully completed the in-class portion of the program and is currently working to fulfill the twelve month (12) work requirement to sit for the certification exam. The temporary status will not extend beyond this twelve (12) month period.

§19-13-3. Standards for Delegation of Safe Dialysis Care

- 3.1. The dialysis technician providing hemodialysis care shall provide dialysis care in accordance with WV Code §30-7C-1 et. seq. and the rules of the board which require that the performance of the care be delegated to the technician by a licensed physician or registered professional nurse.
- 3.2. The registered professional nurse shall not delegate medication administration to the temporary dialysis technician trainee until medication administration competencies have been validated.
- 3.3. The registered professional nurse who is delegating to the dialysis technician shall assure that:
 - 3.3.a. The activity or task does not require the substantial, specialized knowledge, judgement, skill and decision making of a registered professional nurse;
 - 3.3.b. The registered professional nurse has completed an assessment immediately prior to delegating any nursing intervention in accordance with the standards outlined in WV CSR §19-10;
 - 3.3.c. There is validation of the dialysis technician's competency in performing the delegated task;
 - 3.3.d. The registered professional nurse performs ongoing evaluation and assessment of the person receiving the care;
 - 3.3.e. The staffing in the treatment facility provides for adequate supervision of the delegated tasks by maintaining a 12:1 patient to registered professional nurse ratio with a maximum of 12 patients to a minimum of one registered

professional nurse. In addition to the 12:1 patient to registered professional nurse ratio, the staffing will also include at least four (4) and no more than six (6) dialysis technicians to one registered professional nurse;

3.3.f. The dialysis technician maintains knowledge of the duties responsibilities, and accountabilities of a dialysis technician and practices in accordance with the following:

3.3.f.1. The laws regulating the provision of dialysis care;

3.3.f.2. The rules of the board; and

3.3.f.3. Any other applicable federal and state laws and rules;

3.3.g. The dialysis technician demonstrates competence and accountability in all areas of dialysis care in which the technician is engaged which includes, but is not limited to the following:

3.3.g.1. Consistent performance of all aspects of dialysis care according to acceptable standards;

3.3.g.2. Appropriate recognition, referral, or consultation, and intervention when a complication arises in conjunction with dialysis or when a change in patient status occurs;

3.3.g.3. Not falsifying any patient record or any other documents prepared in the course of or in conjunction with the provision of dialysis care;

3.3.g.4. Implements measures to provide a safe environment for the patient;

- 3.3.g.5. Delineates, establishes, and maintains professional boundaries with each patient;
- 3.3.g.6. Not engaging in behavior that causes or may cause physical, verbal, mental, or emotional abuse to a patient, or in behavior that may reasonable be interpreted as physical, verbal, mental or emotional abuse;
- 3.3.g.7. Not misappropriating a patient's property, engage in behavior to seek or obtain personal gain at the patient's expense, or engage in behavior that constitutes inappropriate involvement in a patient's personal relationships. The patient is always presumed incapable of giving free, full, or informed consent to these behaviors by a dialysis technician;
- 3.3.g.8. Not engaging in sexual misconduct or in conduct that may reasonable be interpreted as sexual, or in any verbal behavior that is seductive or sexually demeaning to a patient, or in behavior that may reasonably be interpreted as seductive or sexually demeaning to a patient. The patient is always presumed incapable of giving free, full, or informed consent to these behaviors by a dialysis technician; and,
- 3.3.g.9. Treats each patient with courtesy, respect, and with full recognition of the dignity of each individual.

3.3.h. The dialysis technician timely:

- 3.3.h.1. Implements the prescribed dialysis care order for a patient unless the dialysis technician believes or should have reason to believe that the prescribed order is inaccurate, not properly authorized, not

current or valid, harmful or potentially harmful to the patient, or contraindicated by other documented information; and,

3.3.h.2. Clarifies any prescribed dialysis care order for a patient when the dialysis technician believes or should have reason to believe that the order is inaccurate, not properly authorized, not current or valid, harmful or potentially harmful to the patient, or contraindicated by other documented information.

3.3.i. When clarifying the prescribed dialysis care order, the dialysis technician shall:

3.3.i.1. Timely consult with an appropriate licensed practitioner;

3.3.i.2. Accurately, timely, and completely document and report to the appropriate practitioner all errors in or deviations from the prescribed dialysis care regimen;

3.3.j. The dialysis technician shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the board, to current employers, or to any future employers for positions requiring a certificate to practice dialysis care.

3.4. A dialysis technician employed in West Virginia through a temporary agency shall meet the requirements of this rule.

3.5. A registered professional nurse delegating inappropriately to a dialysis technician is subject to action by the board.

§19-13-4. Standards for Medication Administration by a Dialysis Technician

19-13-4.1. A dialysis technician shall administer only the following medications:

- 4.1.a. Intradermal lidocaine or another single therapeutically equivalent local anesthetic for the purpose of initiating dialysis treatment;
 - 4.1.b. Intravenous heparin or other single therapeutically equivalent anticoagulant for the purpose of initiating and maintaining dialysis treatment;
 - 4.1.c. Intravenous normal saline;
 - 4.1.d. Patient specific dialysate to which the dialysis technician may add only electrolytes; and
 - 4.1.e. Oxygen, when the administration of the oxygen has been delegated to the technician by a registered professional nurse.
- 4.2. Administration of any blood products or intravenous medications is a nursing responsibility and beyond the scope of practice of the dialysis technician.
- 4.3. When administering the medications set forth in subsection 13.4.1 of this rule, the dialysis technician shall:
- 4.3.a. Assure that the right dose of the right medication is given to the right individual, through the right route of administration, at the right time, for the right reason;
 - 4.3.b. Accurately and timely document the administration of the medication and notify a physician or licensed professional nurse of the patient's response to the medication as appropriate;
 - 4.3.c. Consult with an appropriate licensed practitioner when the dialysis technician believes or has reason to believe that a prescribed medication is inaccurate, not properly authorized, harmful or potentially harmful to a patient, or contraindicated by other documented information; and

4.3.d. Take any other action needed to assure the safety of the patient.

4.4. A dialysis technician shall administer the medications authorized by this rule only if the task has been delegated to the dialysis technician by a registered professional nurse or by a licensed physician in accordance with this rule.

4.5. The dialysis technician shall be under the direct supervision and immediate presence of a registered professional nurse or licensed physician when administering medications.

§19-13-5. Procedures for Obtaining Approval as a Dialysis Technician Training Program.

5.1. The board shall approve dialysis technician training programs as follows:

5.1.a. A dialysis technician training program that seeks to be approved by the board shall:

5.1.a.1. Submit to the board a completed application on a form specified by the board which includes the following:

5.1.a.1.A. Identifying information;

5.1.a.1.B. Information regarding administrative processes of the program;

5.1.a.1.C. A description of the record-keeping system to be used by the training program to assure accurate reporting to the board of individuals who have enrolled in and who did or did not successfully complete the program;

5.1.a.1.D. A copy of the policies required by subsection 6.1.g. of this rule ; and,

5.1.a.1.E. Any other information requested by the board; and,

- 5.1.b. Submit payment of a program approval fee.
 - 5.2. No more than one hundred sixty days (160) after receipt of a complete application for approval, the board shall make a determination regarding the approval status of the training program;
 - 5.3. Approval shall be current for two years providing the program demonstrates that the standards set forth in this rule are met and maintained throughout the two-year approval period. The board may conduct additional site visits during each two-year approval period.
 - 5.4. Dialysis training programs in existence on or before July 1, 2004 shall submit all items for the application of approval required by the Board in this subsection on or before October 15, 2004.
 - 5.5. Dialysis training programs in existence after July 1, 2004 shall submit all items for application of approval required by the Board in this subsection at least one hundred sixty (160) days prior to the beginning of the first day of the training program.
 - 5.6. A dialysis training program in existence before July 1, 2004 that fails to meet the initial requirements of the board, will have three (3) months to provide the board with evidence of meeting the identified deficiencies, and six (6) months to submit evidence of providing the additional required training to individuals completing the program within the last twelve (12) months.
- §19-13-6. Minimum Standards of a Dialysis Technician Training Programs.
- 6.1. To be approved by the board a dialysis technician training program shall meet and maintain the following standards and requirements:
 - 6.1.a. The program shall be administered by a registered professional nurse who meets the following qualifications:

- 6.1.a.1. Current, unencumbered, valid licensure in West Virginia to practice nursing as a registered professional nurse;
 - 6.1.a.2. At least thirty-six (36) months experience in the practice of nursing as a registered professional nurse, of which at least twenty-four (24) months has been in the care of renal patients, with at least twelve (12) of those months in dialysis care, occurring within the last three years; and
 - 6.1.a.3. Education or experience in adult education; and,
 - 6.1.a.4. A bachelors degree in nursing or higher nursing degree.
 - 6.1.a.5. A person employed as the registered professional nurse administrator prior to July 1, 2004 must be admitted and enrolled in a bachelor degree program with a major in nursing within two (2) years of the implementation of this rule and meet the requirements provided in 6.1.a.1, 6.1.a.2, and 6.1.a.3 of this section.
- 6.1.b. The registered professional nurse administering the program shall:
- 6.1.b.1. Assure that the governing body of the training program establishes in writing the policies required by subsection 6.1.g. of this rule; and,
 - 6.1.b.2. Implement the policies as written.
- 6.1.c. When the registered professional nurse responsible for administering the program vacates the position or is replaced, the board shall be immediately informed in writing of the vacancy and provided the name and qualification of the new administrator. A

training program shall not initiate a new dialysis technician training course unless an administrator who meets the requirements of this rule are in place.

- 6.1.d. The dialysis technician training program shall be taught by multidisciplinary faculty with expertise in the subject matter.
 - 6.1.d.1. The name, title, and credentials identifying the educational and professional qualifications of each instructor shall be provided to the board;
 - 6.1.d.2. The registered professional nurse who is responsible for administering the program may utilize other health care professionals authorized to practice to assist in conducting classroom and clinical portions of the program if the other authorized health care professional relays information for which the professional has been educated and which is within the professional's scope of practice as set forth in law.
 - 6.1.d.3. A change in faculty shall be reported to the board within thirty (30) days of the change.
- 6.1.e. There shall be written objectives for the training program which serve as the basis for planning, implementing and evaluating the program.
 - 6.1.e.1. The objectives shall be developed by the training program faculty;
 - 6.1.e.2. The training program objectives shall describe the knowledge and skills expected of the dialysis technician, and shall be consistent with the authorized functions of the dialysis technician; and

6.1.e.3. The training program objectives shall be reviewed annually and revised as necessary by the registered professional nurse administrator.

6.1.f. The curriculum offered by the program which prepares an individual to perform dialysis care shall include both classroom and clinical instruction which is a minimum of three hundred twenty clock hours in length and shall include content which ensures sufficient preparation for safe and effective practice as a dialysis technician. Of the three hundred twenty clock hours, at least one hundred (100) clock hours shall be theoretical instruction in a classroom setting and a minimum of two-hundred twenty (220) hours of supervised clinical experience. Supervised clinical experience shall provide opportunities for the application of theory and for the achievement of stated objectives in a patient care setting and shall include clinical learning experiences to develop the skills required by technicians to provide safe patient care. The registered professional nurse educator or clinical preceptor shall be physically present and accessible to the student when the student is in the patient care area.

6.1.f.1. Classroom instruction shall be face to face instruction which may be supported by audio visuals which include:

6.1.f.1.A. A review of the relevant laws and rules regulating the practice of a dialysis technician and appropriate program policies;

6.1.f.1.B. Renal anatomy and physiology;

6.1.f.1.C. Infection control and universal precautions;

6.1.f.1.D. Basic chemistry of body fluids and electrolytes;

6.1.f.1.E. Manifestations of renal failure;

- 6.1.f.1.F. Blood work and laboratory values related to dialysis;
- 6.1.f.1.G. Principles of dialysis;
- 6.1.f.1.H. Pharmacology of the drugs commonly used during dialysis;
- 6.1.f.1.I. Medication administration techniques specific to the drugs used in dialysis;
- 6.1.f.1.J. Management of the complications of dialysis and renal failure;
- 6.1.f.1.K. The role of the dialysis technician in a dialysis setting including, but not limited to, legal and ethical considerations and concepts of delegation;
- 6.1.f.1.L. Water treatment relevant to dialysis;
- 6.1.f.1.M. Principles of patient education related to renal failure;
- 6.1.f.1.N. Principles of and requirements for documentation of hemodialysis care and interventions;
- 6.1.f.1.O. Communication and team work skills;
- 6.1.f.1.P. Operation of dialysis delivery systems which includes the machines, dialysate, and dialyzer;
- 6.1.f.1.Q. Principles of safe effective dialysis care;
- 6.1.f.1.R. Principles related to the nutritional considerations for patients receiving dialysis;

- 6.1.f.1.S. Psychosocial aspects of renal disease;
 - 6.1.f.1.T. Principles of dialyzer reprocessing;
 - 6.1.f.1.U. Principles for initiating, monitoring, and discontinuing dialysis; and,
 - 6.1.f.1.V. Principles related to the adequacy of dialysis.
- 6.1.f.2. Written tests shall be developed for each unit in the curriculum including a final test and a skills performance evaluation must be conducted.
- 6.1.f.2.A. Exams shall be paper pencil or computerized exams and available for review during site visits;
 - 6.1.f.2.B. A score of eighty five percent (85%) or greater is required on each unit test with an opportunity to retake each unit test one time without additional instruction. If the student fails a unit test a second time, additional instruction is required before further testing is allowed.
- 6.1.f.3. Supervised clinical instruction shall:
- 6.1.f.3.A. Provide the dialysis technician trainee with the opportunity to practice the cognitive, psychomotor, and effective skills required for the safe performance of dialysis care by the dialysis technician;
 - 6.1.f.3.B. Meet the learning needs of each trainee;
 - 6.1.f.3.C. Meet the established program objectives or outcomes;

- 6.1.f.3.D. Be provided concurrently with the related classroom theory instruction;
 - 6.1.f.3.E. Maintain a faculty to student ratio not to exceed one to four (1:4) in the clinical setting. A one to one (1:1) ratio is required for skills performance evaluation;
 - 6.1.f.3.F. Clinical preceptor to student ratio is one to two (1:2); and,
 - 6.1.f.3.G. Include a registered professional nurse or a dialysis technician preceptor with at least two (2) years of experience in providing dialysis care in the previous three (3) years.
- 6.1.g. The registered professional nurse responsible for administering the program shall establish and adopt program policies which address:
- 6.1.g.1. Criteria for trainee admission and continuation in the program which require, at a minimum, that each individual enrolled in the program has a high school diploma or equivalent, is at least eighteen (18) years of age and the individual is able to safely perform the essential functions of a dialysis technician;
 - 6.1.g.2. Criteria for trainee re-enrollment in the program;
 - 6.1.g.3. Criteria for successful completion of the program;
 - 6.1.g.4. A process for determining achievement of the skills required for the safe performance of dialysis care which shall include, at a minimum, written verification, signed by both a registered professional nurse and

the trainee, that the trainee has been taught the required skills;

- 6.1.g.5. A process for maintaining trainee records. The records shall include, but not be limited to, the date the trainee began the program, the date the trainee completed the program, and the trainee's competency check lists;
- 6.1.g.6. An accurate, timely process for notifying the board regarding enrollment and program completion which includes, but is not limited to, the following;
 - 6.1.g.6.A. When a trainee enrolls or re-enrolls in a program, board notification, on a form specified by the board, no later than the first day the trainee begins the program;
 - 6.1.g.6.B. When a trainee successfully completes the program, written notification verifying program completion which is provided to and by the registered professional nurse who is responsible for administering the program; and
 - 6.1.g.6.C. When a trainee does not complete the program, notification to the board within one week after the trainee leaves the program;
 - 6.1.g.6.D. A process for evaluation of the program which includes, but is not limited to, feedback from trainees enrolled in the program regarding the program and the instructional personnel assisting with the program, feedback from the employers of the trainees who have successfully completed the program, and a review of the trainees' level of

achievement on the national certification examination;

6.1.g.6.E. The criteria required for making modifications in the training program or in the testing components of the program to meet the learning needs of individual trainees who are re-

enrolling or who have previous training or experience in dialysis care;

6.1.g.6.F. Those persons who have authority to notify the board regarding trainee enrollment, reenrollment, and completion of the program; and,

6.1.g.6.G. A procedure for dealing with the unexpected vacancy of the registered professional nurse responsible for administering the program.

6.1.h. When a decision is made to close a training program, the board shall be notified in writing of the decision; the tentative date of closing; the location of the program's records, including but not limited to, trainees' records; and the name and address of the custodian of the records.

6.1.i. When a facility changes ownership, the training program must be approved as though it is a new program.

6.1.j. A completion certificate is awarded to a student who has successfully completed the training program. The certificate shall include the name and location of the institution, the length of the program, the date of completion, the full name of the student who completed the program, the signature of the individual in charge of the course, and the date the certificate was awarded; and

- 6.1.k. Records maintained shall include documentation of the following:
 - 6.1.k.1. Each student enrolled in the program, including documentation of performance, and the date and reason the student withdrew or the date the student failed or completed the program;
 - 6.1.k.2. Each individual teaching the program, including qualifications and nursing experience;
 - 6.1.k.3. The curriculum plan and revisions;
 - 6.1.k.4. Any test administered; and
 - 6.1.k.5. A list of graduates of the program who were awarded certificates and the date of the award.

§19-13-7. Procedures for Obtaining Re-approval as a Dialysis Technician Training Program.

- 7.1. A dialysis technician training program seeking reapproval by the board shall submit to the board ninety (90) days before the approval expires the following:
 - 7.1.a. A reapproval application on a form specified by the board which includes, but is not limited to, verification that the program meets and has maintained the standards set forth in rule;
 - 7.1.b. Evidence of the completion of an evaluation of the curriculum and program standards for compliance with this rule to the board every two years;
 - 7.1.c. Payment of a program reapproval fee; and,
 - 7.1.d. Any other information requested by the board.
- 7.2. The board may conduct site visits before reapproving a program:

- 7.2.a. The board shall provide written notification of the planned site visit to the dialysis technician training program seeking reapproval if additional information is needed. The notice shall specify a time frame for submission of the required information;
- 7.2.b. At a regularly scheduled board meeting the board shall review the completed application for reapproval, site visit information and all other documentation to determine compliance with this rule. The board shall approve or reapprove a program when the program meets the requirements of this rule.
- 7.2.c. When a complete application for reapproval is submitted to the board in accordance with this rule, the on-site visit is completed and the board fails to make a determination before the program's approval expires, the board shall issue a notice to the registered professional nurse responsible for administering the program extending approval of the program until board action is taken on the reapproval application.

§19-13-8. Criteria for Probationary Approval

- 8.1. The board shall submit to the registered professional nurse responsible for administering the program a written deficiency report which identifies the standard or standards not met or maintained and shall include the date on which the board is to consider the deficiency report.
- 8.2. Within thirty (30) days after receipt of the deficiency report, the registered professional nurse responsible for administering the program will submit to the board a written response to the report setting forth evidence that the program is meeting and maintaining each minimum standard identified in the report as not being met or maintained.

- 8.3. Based on the deficiency report; the program's response to the report, if any; and any other relevant evidence, the board may grant approval, continue approval, or deny or withdraw approval of the program.
- 8.4. At any time, the board may give probationary approval to a dialysis training program or a training program seeking approval or reapproval when there is evidence of :
 - 8.4.a. Noncompliance with the "minimum standards for approval of dialysis technician training programs" in Section 13-6.5.
 - 8.4.b. Continuous disruptions in retaining qualified faculty or preceptors resulting in disorganization of the program and a breakdown of supervision and teaching of the program;
 - 8.4.c. Noncompliance with the training program's stated philosophy, objectives, policies and curriculum resulting in unsatisfactory student achievement; or,
 - 8.4.d. Failure to provide clinical experiences or supervision necessary to meet the objectives of the training program.

§19-13-9. Criteria for Denial or Withdrawal of Approval

- 9.1. The board may deny approval of a training program when a program fails to provide evidence of compliance with the "minimum standards for approval of dialysis technician training programs" in Section 13-6. A written notice detailing the reasons shall be provided to the registered professional nurse responsible for administering the program.
- 9.2. The board may withdraw approval of a training program if the program fails to correct deficiencies resulting in noncompliance with the "minimum standards for approval of dialysis technician training programs."

9.3. The training program shall be removed from the list of board approved dialysis technician training programs.

§19-13-10 Requirements for Approval and Reapproval of a Testing Organization That Conducts an Examination of a Dialysis Technician

10.1. To be approved by the board a testing organization that conducts an examination of a dialysis technician shall meet all of the following requirements:

- 10.1.a. Be national in the scope of its testing and credentialing;
- 10.1.b. Maintain files for each applicant who passes the organization's examination for dialysis technicians;
- 10.1.c. Issue a certificate to each individual who passes the organization's examination for dialysis technicians;
- 10.1.d. Periodically conduct an analysis of the tasks, role delineation, skills, and knowledge required of a dialysis technician with a minimum of one year's experience in providing dialysis care and revise the examination as needed to reflect the findings of the analysis;
- 10.1.e. Require a minimum of twelve months experience in dialysis care before the candidate is allowed to take the examination;
- 10.1.f. Provide a mechanism for assuring the security of the examination;
- 10.1.g. Not be affiliated in any way with a provider of dialysis care or with a dialysis technician training program; and
- 10.1.h. Include on the examination material which comprehensively tests the following:

- 10.1.h.1. Patient care activities which include, at a minimum, collection of objective and subjective data about the patient's condition; the patient's response to dialysis; and appropriate interventions when complications arise in conjunction with dialysis;
- 10.1.h.2. Principles of dialysis delivery systems including machine technology which include, at a minimum, operation of the machines used in dialysis; machine set-up; and machine evaluation;
- 10.1.h.3. Principles of water treatment systems which include, at a minimum, system components and design; maintenance; monitoring; and evaluation of the system;
- 10.1.h.4. Principles of dialyzer reprocessing which include, at a minimum, reprocessing procedures; testing; and evaluation; and
- 10.1.h.5. Responsibilities of the dialysis technician in respect to documentation, continuing education, and professional development.

10.1.i. The board may also require a testing organization to demonstrate that the test administered by the organization is psychometrically sound.

10.2. A testing organization seeking approval by the board shall submit to the board a completed application which includes the information required by the board to determine whether the organization meets the requirements set forth in subsection 13.10.1. of this rule. The board shall verify compliance of each testing organization with the criteria contained in subsection 13.10.1. of this rule.

10.3. Annually, at a time specified by the board, the board shall send or cause to be sent to each testing organization approved by the board for the prior year a form specified

by the board on which the organization shall indicate whether it complies with the criteria contained in subsection 13.10.1. of this rule. The board shall verify continued compliance of each testing organization with the criteria contained in subsection 13.10.1. of this rule.

10.4. The board shall issue a written notification to each testing organization that is approved by the board.

10.5. No later than the thirtieth of January of each year, the board shall make available a list of approved testing organizations that meet the requirements of subsection 13.10.1. of this rule.

10.6. The board may discontinue approval of a testing organization that does not meet the criteria contained in subsection 13.10.1. of this rule or that fails to timely return to the board the form indicating compliance with subsection 13.10.1. of this rule.

§19-13-11 Board Approved Testing Organizations for Dialysis Technicians

11.1. The successful completion of a national certifying examination shall be the final step of the technician's training program. In order for a dialysis technician to become a West Virginia Certified Dialysis Technician he or she must pass a certifying examination offered by an organization approved by the Board of Nursing. The approved testing organizations are:

11.1.a. Board of Nephrology Examiner Nursing
Technology (BONENT)
8310 Nieman Road
Lenexa, KS 66214-1579

11.1.b. National Nephrology Certification Organization
(NNCO) Professional Testing Corporation -
Clinical
1350 Broadway 17th Floor
New York, NY 10018

§19-13-12. Fees

- 12.1. The dialysis technician training program initial approval fee is ten thousand dollars (\$10,000.00) for each site where training occurs including all clinical experiences.
- 12.2. The dialysis technician training program continued reapproval fee is eight thousand dollars (\$8,000.00)
- 12.3. The dialysis technician training program reinstatement fee is ten thousand dollars (\$10,000.00).
- 12.4. A check that is submitted to the Board for payment of a fee which is returned by the bank for nonpayment shall be assessed a return check fee of twenty (\$20.00) dollars. Approval of the program is automatically voided.
- 12.5. The fee for subsequent review and approval of a training program when a change has been required by a change in board policy or rules, shall not to exceed two hundred fifty dollars (\$250.00).
- 12.6. The fee for periodic evaluation of a training program, not to exceed two thousand dollars (\$2000.00).
- 12.7. All fees are nonrefundable.

§19-13-13. Reporting Responsibility of Dialysis Centers

13.1. Dialysis Centers shall provide a list of all dialysis technicians employed by the center on or before July 1, of every year on documents provided by the Board. The report is due to the Board on July 15 of every year. The Board may provide these documents by electronic means.

- 13.1.a. The report shall include documentation attesting to the dialysis technician's competencies to perform in the role of dialysis technician.

§19-13-14. Individuals Working as Dialysis technicians Prior to July 1, 2004.

14.1. Individuals employed and working as dialysis technicians prior to July 1, 2004 may continue to do so provided they:

14.1.a. Have worked as a dialysis technician at least part-time (2000 hours) for two of the last four (4) years or have completed the training program within the last twenty-three (23) months;

14.1.b. Provide the board with evidence of completing a dialysis technician education program that included a curriculum which meets the board's requirements; or has current national certification from an approved certification body, and,

14.1.c. Provide the board with a "validation of competencies document" signed and certified by the current registered professional nurse administrator at the facility where they will be employed.

14.2. Individuals who have been employed and worked as dialysis technicians prior to July 1, 2004 and who do not meet all of the requirements in 13-14.1. shall:

14.2.a. Complete an approved education program for the training of dialysis technicians on or before October 31, 2005; or

14.2.b. Take and pass an approved national certification exam on or before October 31, 2005.