

Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Chapter 94, DIALYSIS TECHNICIANS, is amended to read as follows:

CHAPTER 94 DIALYSIS TECHNICIANS

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9400 GENERAL PROVISIONS

9400.1 This chapter applies to applicants for, and holders of, a registration to practice as a dialysis technician (DT).

9400.2 Chapter 40 (Health Occupations: General Rules) and 41 (Health Occupations: Administrative Procedures) of this title apply to holders of a registration to practice as a DT.

9401 REGISTRATION

9401.1 Pursuant to 42 CFR § 494.180(b)(5), no person shall practice as a DT in the District of Columbia longer than eighteen (18) months without being registered by the Board of Nursing (Board) as a DT.

9401.2 A DT shall be certified pursuant to § 9404.1(d) and registered by the Board within eighteen (18) months of his or her hire date. If a DT who is not certified changes employment from one dialysis facility to another, the time he or she was employed in the first facility shall count towards the eighteen (18) month period for certification unless he or she had a gap in employment as a DT of more than eighteen (18) months.

9402 TERM OF REGISTRATION

9402.1 Subject to § 9401.1, a registration issued pursuant to this chapter shall expire at 11:59 p.m. on October 31 of each even-numbered year.

9402.2 The Director may modify the renewal system pursuant to § 4006.3 of Chapter 40 of this title and may modify the date on which a registration expires.

9403 CRIMINAL BACKGROUND CHECK

9403.1 A person applying for registration (“an applicant”) as a DT shall undergo a criminal background check (CBC) prior to issuance of the registration.

9403.2 After issuance of an initial certification, the applicant shall undergo an additional CBC as determined by Title 17 DCMR Chapter 85.

9403.3 The Board shall review the positive results of an applicant’s CBC.

9404 GENERAL REQUIREMENTS FOR DIALYSIS TECHNICIAN REGISTRATION

9404.1 An applicant for registration as a DT shall:

- (a) Be at least eighteen (18) years of age;
- (b) Have graduated from high school or have a graduate equivalency diploma;
- (c) Submit an application and application fee; and
- (d) Submit evidence of current certification from one of the following:
 - (1) The Certified Clinical Hemodialysis Technician Examination offered by the Nephrology Nursing Certification Commission;

- (2) The Board of Nephrology Examiners for Nursing and Technology examination;
- (3) The National Nephrology Certification Organization examination; or
- (4) Another certification program recognized by the Centers for Medicare & Medicaid Services (CMS) and the Board.

9404.2 An application that remains incomplete for ninety (90) days or more from the date of submission may be considered abandoned and may be closed by the Board. The applicant shall thereafter be required to reapply, comply with the current requirements for registration, and pay the required fees.

9405 [RESERVED]

9406 DIALYSIS TECHNICIAN REGISTRATION BY ENDORSEMENT

9406.1 An applicant currently working in another jurisdiction as a DT shall apply for registration as a DT by endorsement in order to work in the District of Columbia as a DT.

9406.2 An applicant for registration by endorsement as a DT shall provide proof of the following:

- (a) That he or she has a current unencumbered certification as a DT by a certifying body recognized by the Board; and
- (b) That he or she has an unencumbered certification, registration or licensure from another jurisdiction, if applicable.

9407 DIALYSIS TECHNICIAN RENEWAL OF REGISTRATION

9407.1 An applicant for renewal shall:

- (a) Submit evidence of completion of twelve (12) hours per year, twenty-four (24) in total, of in-service or continuing education in the area of dialysis or areas relevant to practice during the renewal period; provided that at least ten percent (10%) of the in-service or continuing education shall be in a public health subject as determined and published every five (5) years or as deemed appropriate by the Director;
- (b) Have completed two (2) hours of continuing education in cultural competency or specialized clinical training on clients who identify as lesbian, gay, bisexual, transgender and queer, and any additional Board-mandated topics;

- (c) Have practiced for a minimum of one hundred (100) hours during the prior twenty-four (24) months as a dialysis technician under the supervision of a registered nurse (RN);
- (d) Submit a current certification as a dialysis technician from a certification program recognized by the Centers for Medicare & Medicaid Services and the Board; and
- (e) Complete a CBC as required by § 9403.

9407.2 In-service programs or continuing education provided by a nursing organization, or health services organization that is recognized by the Board, shall be:

- (a) Current in subject matter;
- (b) Developed and taught by qualified individuals; and
- (c) Relevant to the role of a DT.

9407.3 Applications shall be subject to audit to assure compliance with §§ 9407.1 and 9407.2.

9408 DIALYSIS TECHNICIAN INACTIVE STATUS AND REACTIVATION OF REGISTRATION

- 9408.1 A DT with an active certification may request to be placed on inactive status.
- 9408.2 While on inactive status, the individual shall not be subject to the renewal fee and shall not practice as a DT in the District of Columbia.
- 9408.3 To reactivate an inactive status, the individual shall submit evidence of current certification from a certification program recognized by the CMS and the Board.

9409 DIALYSIS TECHNICIAN REINSTATEMENT OF EXPIRED REGISTRATION

- 9409.1 If a DT fails to renew his or her registration, the Board shall reinstate the registration if the applicant:
 - (a) Applies to the Board for reinstatement of the registration within five (5) years after the registration expires;
 - (b) Provides evidence of current certification;
 - (c) Provides evidence of having completed twelve (12) continuing education hours within the year prior to submission of an application; and
 - (d) Completes a CBC as required in accordance with Title 17 DCMR Chapter 85.
- 9409.2 If a DT does not hold a national certification and fails to apply for reinstatement within five (5) years after it expires, the applicant shall meet the requirements pursuant to § 9404.

9410 [RESERVED]

9411 [RESERVED]

9412 [RESERVED]

9413 ASSIGNMENT AND DELEGATION OF NURSING CARE TASKS TO DIALYSIS TECHNICIANS

- 9413.1 A registered nurse (RN) may delegate nursing care tasks to a DT.
- 9413.2 A DT shall not practice independently but shall work under the supervision of a RN.

- 9413.3 Dialysis tasks that may be delegated to a DT shall comply with the standards for delegation listed in 17 DCMR § 5415 and be determined by:
- (a) The knowledge and skills of the DT;
 - (b) Verification of the clinical competence of the DT by the employing agency;
 - (c) The stability of the patient's condition that involves predictability, absence of risk of complication, and rate of change;
 - (d) The variables in each health care setting which include, but are not limited to:
 - (1) The accessible resources and established policies, procedures, practices and channels of communication that lend support to the type of dialysis tasks, functions, or activities being delegated to a DT;
 - (2) The complexity and frequency of care needed by a given client population;
 - (3) The proximity of clients to staff;
 - (4) The number and qualifications of staff; and
 - (5) The accessibility of the registered nurse or other licensed health professionals.

9413.4 Dialysis that inherently involves on-going assessment, interpretation or decision making that cannot be logically separated from the procedure(s) shall not be delegated to a DT.

9414 [RESERVED]

9415 DIALYSIS TECHNICIAN TASKS

9415.1 A DT may perform the following tasks under the supervision of a registered nurse, nurse practitioner, or physician while utilizing effective communication and interpersonal skills:

- (a) Preparing and cannulating peripheral access sites;
- (b) Initiating, delivering or discontinuing dialysis care;

- (c) Measuring and recording temperature, pulse, respiration, and blood pressure when initiating, delivering, or discontinuing dialysis patient care;
- (d) Administering the following drugs only:
 - (1) Anticoagulants either to prime the extracorporeal system in preparation for initiation of treatment, or for administration throughout the treatment, in an amount prescribed by a licensed provider; and
 - (2) Normal saline via the extracorporeal system to correct dialysis induced hypotension based on the facility's medical protocol, provided that amounts beyond that established in the facility's medical protocol shall not be administered without the direction from a registered nurse, nurse practitioner, physician, or physician assistant.
- (e) Assisting the registered nurse in data collection;
- (f) Obtaining a blood specimen via the extracorporeal system;
- (g) Responding to complications that arise in conjunction with dialysis care;
- (h) Managing vascular access; and
- (i) Maintaining the central venous catheter.

9415.2 The scope of practice of a DT shall not include:

- (a) Dialysis care for a patient whose condition is determined by the registered nurse to be critical, fluctuating, or unpredictable; and
- (b) The administration of blood and blood products.

9415.3 DTs, where appropriate, shall provide care based upon standing treatment protocols.

9416 [RESERVED]

9417 DISCIPLINE

9417.1 The Board may revoke, suspend, or deny the registration of any DT who is convicted of any crime involving moral turpitude pursuant to D.C. Official Code § 3-1205.14(a)(4) (20126 Repl. & 2018 Supp.).

- 9417.2 In addition to any other disciplinary action it may take, the Board may impose a civil penalty of not more than five thousand dollars (\$5,000) per violation as provided by D.C. Official Code § 3-1205.14(c)(5) (2016 Repl. & 2018 Supp.), or file a letter of concern if the Board believes there is insufficient evidence to support direct action against the DT.
- 9417.3 Grounds for denial, suspension, revocation or other discipline of a DT include the inability to function with reasonable skill and safety for the following reasons and for any additional acts as specified in D.C. Official Code § 3-1205.14 (2016 Repl. and 2018 Supp.):
- (a) Substance abuse or other chemical dependency;
 - (b) Client abandonment;
 - (c) Fraud or deceit, which may include but is not limited to:
 - (1) Filing false credentials;
 - (2) Falsely representing facts on an application for initial certification, reinstatement, or renewal; or
 - (3) Giving or receiving assistance in taking the competency evaluation;
 - (d) Client neglect, abuse, or misappropriation of funds;
 - (e) Boundary violations;
 - (f) Unsafe client care;
 - (g) Performance of acts beyond the DT's range of functions or beyond those tasks delegated;
 - (h) Misappropriation or misuse of property;
 - (i) Criminal conviction;
 - (j) Failure to conform to acceptable standards of practice as a DT;
 - (k) Placement of clients at risk of harm; or
 - (l) Violation of the privacy or failure to maintain the confidentiality of client information.

- 9417.4 The Board shall maintain and make available all public Board disciplinary actions.
- 9417.5 DT's who are unable to perform their duties due to drug or alcohol dependency or mental illness may utilize the services offered under the Nurse Rehabilitation Program pursuant to D.C. Official Code §§ 3-1251.01, *et seq.* (2016 Repl.)
- 9417.6 The Board may refer for criminal prosecution any violation of the Health Occupations Revision Act, D.C. Official Code §§ 3-1201.01, *et seq.* (2016 Repl. & 2018 Supp.) that it deems appropriate.
- 9418 [RESERVED]**
- 9419 [RESERVED]**
- 9420 STANDARDS FOR DIALYSIS TECHNICIAN TRAINING PROGRAMS**
- 9420.1 A medical director and nurse manager shall be responsible for patient care and outcomes in DT training programs.
- 9420.2 The medical director shall be accountable to the governing body of the dialysis facility for the quality of medical care provided to patients in DT training programs.
- 9420.3 Pursuant to 42 CFR § 494.140(a), the medical director shall be a physician in internal medicine or pediatrics, certified by a professional board, who has completed a board-approved training program in nephrology and has at least twelve (12) months of experience providing care to patients receiving dialysis.
- 9420.4 If a physician, as specified in § 9420.3, is not available to direct a dialysis training program, another physician may direct the program subject to the approval of the Department of Health pursuant to 42 CFR § 494.140(a)(2).
- 9420.5 Pursuant to 42 CFR § 494.140(b), the nurse manager shall meet the following qualifications:
- (a) Be a full-time employee of the training program;
 - (b) Be an RN;
 - (c) Have at least twelve (12) months experience in clinical nursing, and an additional six (6) months of experience in providing nursing care to patients on maintenance dialysis.

9499 DEFINITIONS

9499.1 As used in this chapter, the following terms shall have the meanings ascribed:

Abuse - any willful or reckless act or omission by a DT that causes or is likely to cause or contribute to, or which caused or is likely to have caused or contributed to, physical or emotional injury, death, or financial exploitation of a client.

Administer - the direct application of drugs to the human body only by insertion or via a dialysis tubing device as prescribed by a licensed provider.

Applicant - a person applying for a registration to practice as a DT.

Board - the Board of Nursing as established by § 204 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.04 (2016 Repl.)).

Continuing education - systematic learning experiences designed to augment the knowledge, skills, and attitudes of the DT.

Criminal background check – an investigation into a person’s history by the appropriate state and federal authorities or approved vendor to determine whether the person has been convicted of a crime in the District of Columbia or in any other state or territory of the United States.

Delegation - the transference from the RN to another individual within the scope of his or her practice, the authority to act on behalf of the RN in the performance of a nursing intervention, while the RN retains accountability and responsibility for the delegated act.

Director - the Director of the Department of Health, or his or her designee.

Endorsement - the process of issuing a certification to a DT applicant who is registered by a state Board and recognized by the Board as a qualified professional according to standards that were the substantial equivalent at the time of the certification to the standards for that profession set forth in this chapter and who has continually remained in good standing with the Board from the date of certification until the date of certification in the District.

In-service - learning experiences provided in the work setting for the purpose of assisting staff members in performing their assigned functions in that particular agency or institution.

Misappropriation - the application of another's property or money dishonestly to one's own use.

Neglect - any act or omission by a DT which causes or is likely to cause or contribute to, or which caused or is likely to have caused or contributed to the injury, death, or financial exploitation of a consumer.

Program - the planned series of instructions, didactic and clinical, designed so the student will acquire the requisite knowledge and skills.

Reinstatement - reissuance of an expired DT registration.

9499.2 The definitions in § 4099 of Chapter 40 of this title are incorporated by reference into and are applicable to this chapter.