

Sunrise Report

**Certification of
Dialysis Technicians**

**The Certification of Dialysis Technicians
Would Be Beneficial to the Profession, the
Health Care Industry in General and to the
Health, Safety, and Well Being of Recipients
of Dialysis Treatment**



**January 2005
PE 04-22-333**

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Executive Summary

In West Virginia, there are more than two dozen facilities that provide dialysis care and employ approximately 200 - 250 dialysis technicians. At present, West Virginia does not require the registration, certification or licensure of those who administer dialysis care. The proposed certification would formally recognize dialysis technicians as a profession while providing documented rules and regulations that address the scope of its practice. At the present time, there are no uniform standards of practice within the state or between various providers. It would also confirm that dialysis technicians would be able to administer certain medications to patients as a part of treatment. Otherwise, registered nurses are required to perform these functions.

In West Virginia, there are more than two dozen facilities that provide dialysis care and employ approximately 200-250 dialysis technicians.

Legislation was passed during the 2004 legislative session in the form of House Bill 4641 that grants licensed registered professional nurses the authority to delegate such tasks to dialysis technicians who meet certain requirements prescribed in code and in legislative rules, provided that the industry properly submit a sunrise application for legislative review. The dialysis care industry and the Board of Registered Professional Nurses are in agreement that regulation of the profession is needed. Granting nurses the authority to supervise dialysis technicians could help to improve the safety of patients under dialysis treatment. Patients who receive dialysis treatment can not survive without it and improper treatment can have severe consequences to the patient and the care-giver. **Therefore, it is the determination of the Legislative Auditor that the certification and regulation of dialysis technicians are in the best interest of the state of West Virginia.**

The dialysis care industry and the Board of Registered Professional Nurses are in agreement that regulation of the profession is needed.

West Virginia Code §30-7C-4 requires the Board of Examiners for Registered Professional Nurses to promulgate legislative rules regarding dialysis technicians, including: standards for training; testing standards; requirements and fees for training programs and testing services; and standards of practice. The code also allows the board to promulgate emergency rules.

The board has indicated that it plans to work with the industry to develop a set of mutually agreeable rules and fees. It has sought input and advice from the American Nephrology Nurses Association, a national organization that is familiar with similar legislation in other states. **The Legislative Auditor recommends that the board continue to work with representatives of the dialysis care industry to establish a set of emergency rules, and file such rules before the 2005 legislative session.**

Recommendations

1. *The Legislature should consider requiring Dialysis Technicians to be regulated through the Board of Examiners for Registered Professional Nurses.*
2. *The Board of Examiners for Registered Professional Nurses should continue to work with representatives of the dialysis care industry to establish a set of mutually agreeable emergency rules and fees before the 2005 legislative session.*

Finding

The Certification of Dialysis Technicians Would Be Beneficial to the Profession, the Health Care Industry in General and to the Health, Safety, and Well Being of Recipients of Dialysis Treatment.

Introduction

Pursuant to WVC §30-1A-3, the law office of Goodwin & Goodwin submitted, on behalf of Fresenius Medical Services, a Sunrise Application proposing the certification of dialysis technicians in West Virginia. Fresenius Medical Services is the largest provider of dialysis care in the state. In West Virginia, there are more than two dozen facilities that provide dialysis care and employ approximately 200 - 250 dialysis technicians. At present, West Virginia does not require the registration, certification or licensure of those who administer dialysis care. The application under review proposes the **certification of dialysis technicians** to be administered by the West Virginia Board of Examiners for Registered Professional Nurses.

The application under review proposes the certification of dialysis technicians to be administered by the West Virginia Board of Examiners for Registered Professional Nurses.

Applicant Proposes Certification of Dialysis Technicians

West Virginia has several levels of professional regulation, which include:

Licensure - making it illegal for anyone to engage in an occupation without a license, and only persons who possess certain qualifications are licensed.

Certification - protect specific occupational titles of persons who have met certain educational and experiential standards. Only persons certified in an occupation may use the protected title, although anyone may engage in the occupation.

Registration - the person may engage in an occupation, but is required to submit information concerning the location, nature, and occupation of the practice.

As stated in the application, the applicant is filing for “certification”:

...to recognize dialysis technicians and to insure the quality and appropriateness of training. Furthermore, dialysis technicians will be monitored and disciplined by the WV Board of Nursing, which should increase job performance.

The proposed certification would formally recognize dialysis technicians as a profession while providing documented rules and regulations that address the scope of its practice.

The proposed certification would formally recognize dialysis technicians as a profession while providing documented rules and regulations that address the scope of its practice. At the present time, there are no uniform standards of practice within the state or between various providers. It would also confirm that dialysis technicians would be able to administer certain medications to patients as a part of treatment. Otherwise, registered nurses are required to perform these functions. Legislation was passed during the 2004 legislative session in the form of House Bill 4641 that grants licensed registered professional nurses the authority to delegate such tasks to dialysis technicians who meet certain requirements prescribed in code and in legislative rules, **provided that the industry properly submit a sunrise application for legislative review.**

The dialysis care industry and the Board of Registered Professional Nurses are in agreement that regulation of the profession is needed. Granting nurses the authority to supervise dialysis technicians could help to improve the safety of patients under dialysis treatment. Patients who receive dialysis treatment can not survive without it and improper treatment can have severe consequences to the patient and the care-giver. **Therefore, it is the determination of the Legislative Auditor that the certification and regulation of dialysis technicians are in the best interest of the state of West Virginia.**

Granting nurses the authority to supervise dialysis technicians could help to improve the safety of patients under dialysis treatment.

Applicant's Proposed Definition of Scope of Dialysis Technician Practice

The applicant defines the scope of practice for dialysis technicians, which would include on-site supervision by a registered nurse or physician, as follows:

- The connection and disconnection of patients from and the site care and catheter port preparation of, percutaneously or surgically inserted central venous catheters;
- Preparation and cannulation of peripheral access sites (arterial-venous fistulas and arterial venous grafts);
- Initiating, delivering or discontinuing dialysis care;
- Assistance to the registered nurse in data collection;
- Responding to complications that arise in conjunction with dialysis care, and performance of other acts as delegated by the registered professional nurse, physician or other practitioner duly authorized.

In addition, as stated in House Bill 4641, and codified in §30-7B-1, dialysis care is defined as:

...performing and monitoring dialysis procedures which includes initiating and discontinuing dialysis, drawing blood, and administering the following medications:

- *Heparin either to prime the pump, initiate treatment or for administration throughout the treatment, in an amount prescribed by a physician or other practitioner duly authorized to so prescribe. This may be done either intravenously, peripherally via a fistula needle or in another clinically acceptable manner;*
- *Normal saline via the dialysis extracorporeal circuit as needed throughout the dialysis procedure; and*
- *Intradermal anesthetic in an amount prescribed by a physician or other practitioner duly authorized to so prescribe.*

In recognition of the need to regulate and clearly define the scope of the practice of the administration of dialysis care, the 2004 Legislature passed House Bill 4641, all relating to the delegation of dialysis care.

The Board of Examiners of Registered Professional Nurses agrees that the functions described above can be safely performed by a properly trained dialysis technician since they do not require the professional discretion of a trained professional nurse. Further safeguards require that such tasks be expressly delegated by a nurse and performed under the direct supervision of a registered professional nurse who must be onsite. The allotment of such delegation of authority would require at least one nurse to be onsite rather than several that would be required if a nurse were the only one able to administer such care.

Delegation of Dialysis Care Contingent on Sunrise Application

In recognition of the need to regulate and clearly define the scope of the practice of the administration of dialysis care, the 2004 Legislature passed House Bill 4641, all relating to the delegation of dialysis care. All such provisions are now codified in Article 7C of Chapter 30. Statutory provisions set forth in WVC §30-7C-1 allow physicians and/or licensed registered professional nurses to delegate responsibilities to dialysis technicians provided certain requirements are met as outlined in general law and statutory rule. Such requirements relate to the competency of the technician, the scope of the allotted duties and the level of required supervision. The code specifically states that the authority to delegate dialysis care by a physician or registered nurse:

...shall cease on the first day of August, two thousand five, unless an application to regulate dialysis technicians is submitted by the first day of December, two thousand four...

The Board of Registered Nurses is directed to oversee the training and testing of dialysis technicians. Such oversight requires the provision of standards for training and testing as well as program approval.

The board is further directed to oversee the training and testing of dialysis technicians. Such oversight requires the provision of standards for training and testing as well as program approval. Similarly, standards are also required for persons and organizations who provide such training and testing programs to technicians. Such standards shall be prescribed in legislative rules. The board is authorized to prescribe in rule, fees for the approval of such programs and tests. It should be noted that House Bill 4641 would not grant authority to the board to impose fees upon the individual technician. Correspondence with the board has indicated that the absence of such authority is inconsistent with regulations in surrounding states, and that if it were allowed to impose fees on individual technicians, the fees it would have to impose on facilities would be less. With the passage of House Bill 4641, the Legislative Auditor concludes that the Legislature has acknowledged the need for the regulation of dialysis technicians, and required the profession to follow the proper procedure - the sunrise process - in order to become regulated. The Legislative Auditor agrees with the need to regulate dialysis technicians.

West Virginia Code §30-7C-4 requires the Board of Examiners for Registered Professional Nurses to promulgate legislative rules regarding dialysis technicians, including: standards for training; testing standards; requirements and fees for training programs and testing services; and standards of practice. The code also allows the board to promulgate emergency rules.

Board of Registered Nurses to Propose Legislative Rules Regarding Dialysis Care

West Virginia Code §30-7C-4 requires the Board of Examiners for Registered Professional Nurses to promulgate legislative rules regarding dialysis technicians, including: standards for training; testing standards; requirements and fees for training programs and testing services; and standards of practice. The code also allows the board to promulgate emergency rules. On July 1, 2004 the board submitted to the Secretary of State a set of emergency rules titled §19CSR13. These proposed rules prescribe standards for training programs, testing standards and requirements, and requirements for persons and organizations providing training programs and testing services. The aforementioned rule further assessed a set of fees designed to offset the costs to the board for approving training and testing programs as well as their providers. In addition, the rules included standards for practicing prior to the effective date of House Bill 4641.

After receiving much opposition from the industry as well as concerned legislators, the emergency rules proposed by the board were withdrawn. Such opposition cited standards exceeding those which are nationally recognized, a fee structure that was set too high, and a number of technical discrepancies.

The board has indicated that it plans to work with the industry to develop a revised set of mutually agreeable rules and fees. It has sought input and advice from the American Nephrology Nurses Association, a national organizations that is familiar with similar legislation in other states. **The Legislative Auditor recommends that the board continue to work with representatives of the dialysis care industry to establish a set of emergency rules, and file such rules before the 2005 legislative session.**

The board has indicated that it plans to work with the industry to develop a revised set of mutually agreeable rules and fees.

National Certification of Dialysis Technicians

There are three credentialing programs for dialysis technicians and technologists that are nationally recognized. Between the three programs, four certification examinations are offered. The table below lists these three programs and the respective examinations offered by each.

Table 1 National Dialysis Credentialing Programs		
Organization	Experience Required	Examination
The Nephrology Nursing Certification Commission (NNCC)	6 months (suggested)	Certified Clinical Hemodialysis Technician (CCHT)
Board of Nephrology Examiners Nursing and Technology (BONENT)	1 year	Certified Hemodialysis Technician
National Nephrology Certification Organization (NNCO)	1 year	Certified Clinical Nephrology Technology (CCNT)
		Certified Biomedical Nephrology Technology (CBNT)

Source: National Association of Nephrology Technicians / Technologists

Though these credentialing programs exist, it is the finding of the Legislative Auditor that because certification is not required in West Virginia, few dialysis technicians seek certification. Furthermore, the experience required prior to taking an examination and the limited offerings of such examinations with respect to time and location may serve as deterrents to seeking national certification. Therefore, it is the position of the Legislative Auditor that it is in the best interest of the state to establish a certification and credentialing process.

Legislative Auditor’s Basis for Recommending Regulation

One of the requirements of §30-1A-3 of the West Virginia Code is to analyze whether the unregulated practice of the occupation clearly harms or endangers the health, safety or welfare of the public, and whether the potential for the harm is easily recognizable. The Legislative Auditor finds that the regulation of the practice could provide greater protection to the public, specifically to the patient and the technician. For dialysis treatment, the technician is the primary direct caregiver for the patient, and dialysis patients are seriously ill individuals. If the caregiver does not administer proper treatment, the patient’s life could become threatened. In addition, patients who may be HIV positive, or have hepatitis or other blood related diseases provide a risk to the caregiver with improper treatment. Testing and training for standards of practice that would ensure competency would assist in protecting not only the patient but the caregiver individually, and ultimately the public at large.

The Legislative Auditor finds that the regulation of the practice could provide greater protection to the public, specifically to the patient and the technician.

Lawsuits Against Dialysis Technicians Are not Prevalent

A standard procedure when reviewing Sunrise applications is to conduct a search of United States case law for the number of lawsuits against the profession of the applicant. In regards to dialysis technicians, only one lawsuit was found, which occurred in the state of Texas. None could be found in West Virginia. The Texas lawsuit concerned negligence where a patient sued a dialysis facility, the supervising nurse, and the dialysis technician. The nurse had neglected to tell the technician that the patient had recently had a new access point prepared in his arm. The technician hooked the patient up through the old access point, which caused blood to flow into the tissue, causing pain. The dialysis technician was not included in the appeal of the case. Legislative Services legal staff could not determine whether the technician was left out as an oversight on the part of the attorney, or because the technician was not worth pursuing. At the time of the lawsuit, dialysis technicians were overseen by the Texas Board of Health. Facilities were licensed by the Board of Health, and technicians were required to undergo specific training and a score of at least 80% on a facility administered test.

In regards to dialysis technicians, only one lawsuit was found, which occurred in the state of Texas. None could be found in West Virginia.

Although only one legal court case involving dialysis technicians was found by Legislative Services, this particular case reinforces that the potential to do harm exists if dialysis technicians are not competent in performing their duties. The applicant did not provide any documentation of actual harm to patients by dialysis technicians. However, **the apparent low occurrence of harm does not make the potential for life threatening harm a tenuous argument.**

Although only one legal court case involving dialysis technicians was found by Legislative Services, this particular case reinforces that the potential to do harm exists if dialysis technicians are not competent in performing their duties.

Shortage of Nurses Is Another Cause for Regulation

The applicant contends that the certification of dialysis technicians could help to alleviate the problems associated with an increasing shortage of registered professional nurses. The applicant states:

With the current nursing shortage this bill will confirm that dialysis technicians may perform dialysis care and other activities... Without this bill additional nurses would have to be hired to provide this care and fewer dialysis technicians would be hired.

The applicant contends that the certification of dialysis technicians could help to alleviate the problems associated with an increasing shortage of registered professional nurses.

It is estimated that at present there are around 330,000 end-stage renal disease patients nationwide who require dialysis care. By the year 2010, this number is expected to increase to 650,000. Consequently, an increase in the demand for caregivers can be expected. The American Nephrology Nurses' Association recognizes that a major national nursing shortage has developed in recent years. With the upcoming retirement of the baby boomer generation, this shortage is expected to worsen. In an attempt to alleviate this problem, the applicant maintains that registered professional nurses can delegate responsibilities that do not require professional judgement, thereby reducing the number of registered nurses needed in a dialysis facility. This position is supported by representatives of the dialysis industry and registered professional nurses alike. Furthermore, it should be recognized that dialysis technicians can be trained to perform specific tasks, in three to six months, while it takes two to four years to train a nurse.

Regulation of Technicians Should Not Increase Medicaid Reimbursement

The Legislative Auditor had a concern that the regulation of dialysis technicians could increase the cost of medicaid reimbursement to dialysis facilities. The technicians cannot bill for services, thus the concern was limited to the facilities. The secretary of the Department of Health and Human

Resources responded to this concern by stating:

...it would appear that the certification of dialysis technicians would have no affect on the rate of reimbursement for dialysis treatment. Renal dialysis facilities are reimbursed on a unit charge the facilities develop based on the range of services provided.

Conclusion

The Legislative Auditor finds that the regulation of dialysis technicians practicing in the state of West Virginia would be in the best interest of dialysis patients, dialysis caregivers, and the state as a whole.

The Legislative Auditor finds that the regulation of dialysis technicians practicing in the state of West Virginia would be in the best interest of dialysis patients, dialysis caregivers, and the state as a whole. The establishment of consistent guidelines and rules governing the delegation of dialysis treatment as well as the scope of practice of dialysis technicians is needed in order to assure that technicians are practicing within the parameters of the law and that patient care is held to the highest possible standards. The duties defined in the proposed scope of practice can effectively and safely be performed by a trained and certified technician under the proper supervision of a professional nurse or physician. The Legislature has recognized the importance of such regulation as indicated in the passage of House Bill 4641, therefore it is important that the dialysis care industry and the Board of Examiners for Registered Professional Nurses continue to work towards establishing a mutually agreeable set of rules to govern the training, testing and oversight of dialysis technicians.

Through the certification and regulation of dialysis technicians, dialysis patients in the state can continue to receive the essential and life sustaining treatment in the safest and most effective manner possible. Furthermore, the state could realize a significant cost savings, and an increase in the availability of quality health care should the certification of dialysis technicians serve to alleviate the growing problems associated with a shortage of registered professional nurses. It is also possible that as the title of the profession is protected, the state could experience job growth since more dialysis technicians are needed.

Recommendations

1. *The Legislature should consider requiring Dialysis Technicians to be regulated through the Board of Examiners for Registered Professional Nurses.*
2. *The Board of Examiners for Registered Professional Nurses should continue to work with representatives of the dialysis care industry to establish a set of mutually agreeable emergency rules and fees before the 2005 legislative session.*

Appendix A: Transmittal Letter

WEST VIRGINIA LEGISLATURE *Performance Evaluation and Research Division*

Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610
(304) 347-4890
(304) 347-4939 FAX



John Sylvia
Director

December 9, 2004

Jack E. Harrison
Goodwin & Goodwin, LLP
300 Summers St., Suite 1500
Charleston, West Virginia 25301-1678

Dear Mr. Harrison:

This is to transmit a draft copy of the Sunrise Report concerning the certification of Dialysis Technicians in the state of West Virginia. This report is scheduled to be presented to the Joint Committee on Government Organization during the January 9 - 11, 2005 interim session. We will inform you of the exact time and location once the information becomes available. It is expected that an individual representing the applicant be present at the meeting to orally respond to the report and answer any questions the committee may have.

If you would like to schedule an exit conference to discuss any concerns you may have with the report, please notify us between December 10 - December 14, 2004. We need your written response by noon on December 22, 2004, in order for it to be included in the final report. If you intend to distribute additional material to committee members at the meeting, please contact the House Government Organization staff at 340-3192 by Thursday, January 6, 2005 to make arrangements.

Sincerely,

A handwritten signature in black ink that reads "Denny Rhodes".

Denny Rhodes
Research Manager

Joint Committee on Government and Finance

WEST VIRGINIA LEGISLATURE
Performance Evaluation and Research Division

Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610
(304) 347-4890
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John Sylvia
Director

December 10, 2004

Laura S. Rhodes, RN, M.S.N.
Executive Secretary
Board of Registered Nurses
101 Dee Drive
Charleston, WV 25311-1620

Dear Executive Secretary Rhodes:

This is to transmit a draft copy of the Sunrise Report concerning the certification of Dialysis Technicians in the state of West Virginia. This report is scheduled to be presented to the Joint Committee on Government Organization during the January 9 - 11, 2005 interim session. We will inform you of the exact time and location once the information becomes available. It is expected that someone representing the agency be present at the meeting to orally respond to the report and answer any questions the committee may have.

If you would like to schedule an exit conference to discuss any concerns you may have with the report, please notify us between December 10 - December 14, 2004. We need your written response by noon on December 22, 2004, in order for it to be included in the final report. If you intend to distribute additional material to committee members at the meeting, please contact the House Government Organization staff at 340-3192 by Thursday, January 6, 2005 to make arrangements.

Sincerely,

A handwritten signature in cursive script that reads "Denny Rhodes".

Denny Rhodes
Research Manager

Joint Committee on Government and Finance

Appendix B: House Bill 4641

ENROLLED

H. B. 4641

(By Delegates Michael, Leach, Long,
Kominar,
Foster, Beane and Perdue)

[Passed March 13, 2004; in effect ninety days from
passage.]

AN ACT to amend the code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-7C-1, §30-7C-2, §30-7C-3, §30-7C-4, §30-7C-5 and §30-7C-6, all relating to the delegation of dialysis care; authorizing delegation under certain circumstances; providing for training and testing standards; providing for approval or disapproval of training programs and testing organizations; providing for exceptions to training and testing requirements; authorizing rulemaking and emergency rulemaking; requiring facilities to provide information to the board; and providing for the expiration of authority in absence of sunrise application.

Be it enacted by the Legislature of West Virginia:

That the code of West Virginia, 1931, as amended,

be amended by adding thereto a new article, designated §30-7C-1, §30-7C-2, §30-7C-3, §30-7C-4, §30-7C-5 and §30-7C-6, all to read as follows:

ARTICLE 7C. DELEGATION OF DIALYSIS CARE.

§30-7C-1. Definitions.

As used in this article:

(1) "Approved dialysis technician training program" means any board approved program used to train dialysis technicians including, but not limited to, a board approved dialysis facility-sponsored training program or another state approved program.

(2) "Board" means the West Virginia board of examiners for registered professional nurses.

(3) "Dialysis care" means performing and monitoring dialysis procedures which includes initiating and discontinuing dialysis, drawing blood, and administering the following medications: (A) Heparin either to prime the pump, initiate treatment or for administration throughout the treatment, in an amount prescribed by a physician or other practitioner duly authorized to so prescribe. This may be done either intravenously, peripherally via a fistula needle or in another clinically acceptable manner;

(B) Normal saline via the dialysis extracorporeal circuit as needed throughout the dialysis procedure; and

(C) Intradermal anesthetic in an amount prescribed

by a physician or other practitioner duly authorized to so prescribe.

(4) "Direct supervision" means initial and ongoing direction, procedural guidance, observation, and evaluation, and the on-site presence of a registered nurse or physician.

(5) "West Virginia 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.

§30-7C-2. Authority to delegate care.

(a) A person licensed as a registered professional nurse under the provisions of article seven of this chapter may delegate dialysis care to a dialysis technician if:

(1) The dialysis technician has completed the requirements set forth in this article and established by the board by rule;

(2) The registered professional nurse considers the dialysis technician to be competent; and

(3) The dialysis technician provides the care

under the direct supervision of the registered professional nurse.

(b) A person licensed as a registered professional nurse under the provisions of article seven of this chapter may not delegate dialysis care to a person who is listed on the nurse aide abuse registry with a substantiated finding of abuse, neglect or misappropriation of property.

§30-7C-3. Training and testing standards; approval.

(1) The board shall prescribe standards for an approved dialysis technician training program, and prescribe testing standards and requirements, by legislative rule.

(2) Persons and organizations providing training programs and testing services must be approved by the board.

(3) Approval may be denied or withdrawn for failure to meet the standards set out in code or rule, or failure to meet the requirements of section five of this article.

§30-7C-4. Rulemaking authority.

(a) The board shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of the code to:

(1) Prescribe standards for training programs;

(2) Prescribe testing standards and requirements;

(3) Prescribe requirements for persons and organizations providing training programs and testing services;

(4) Assess fees for the approval of training programs, tests and providers of training programs and testing services;

(5) Prescribe standards for individuals who are practicing as dialysis technicians prior to the first day of July, two thousand four, in the transition of meeting the requirements of this article; and

(6) Provide for any other requirements to carry out the purposes of this article.

(b) The board may promulgate emergency rules pursuant to the provisions of section fifteen, article three, chapter twenty-nine-a of this code for the purposes set forth in subsection (a) of this section.

§30-7C-5. Facilities to determine qualifications and provide information to board.

(a) Facilities which provide dialysis care through the employment of dialysis technicians shall determine that the dialysis technicians in their employment have met the standards and requirements of this article and the legislative rules promulgated pursuant to this article, including determining

whether any dialysis technician is listed on the nurse aide abuse registry with a substantiated finding of abuse, neglect or misappropriation of property.

(b) On or before the first day of July of each year, every facility in the state of West Virginia which provides dialysis care through the employment of dialysis technicians shall provide a list to the board of the names and addresses of all dialysis technicians employed at the facility.

§30-7C-6. Authority contingent upon submission of application to regulate dialysis technicians.

The authority to delegate the performance of dialysis care pursuant to the provisions of this article shall cease on the first day of August, two thousand five, unless an application to regulate dialysis technicians is submitted by the first day of December, two thousand four, in accordance with the provisions of article one-a of this chapter on or before that date.

Appendix C: Agency Response

LAW OFFICES

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Charleston

December 21, 2004

Mr. Denny Rhodes, Research Manager
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RECEIVED
DEC 22 2004

PERFORMANCE EVALUATION AND
RESEARCH DIVISION

Re: Dialysis Technicians

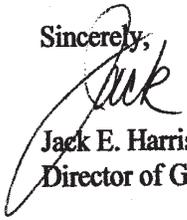
Dear Denny,

We are in receipt of your draft of the Dialysis Technicians report. We concur with all of your findings. We do not feel it necessary to schedule an exit conference.

Mike and I plan to be at the January 9-11 Interims to respond to any questions.

Thanks for the opportunity to reply to this Sunrise Report. We are appreciative of your time and effort in putting this report together. We feel this process will allow us to go forward with the endeavor to certify dialysis technicians and provide a measure of security to those patients receiving dialysis care.

Sincerely,


Jack E. Harrison
Director of Government Affairs

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

email:rnboard@state.wv.us
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STATE OF WEST VIRGINIA
BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES
101 Dee Drive, Suite 102
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R E C E I V E D
DEC 22 2004

PERFORMANCE EVALUATION AND
RESEARCH DIVISION

December 22, 2004

John Sylvia, Director
West Virginia Legislature Performance Evaluation and Research Division
Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, WV 25305

Dear Mr. Sylvia:

The West Virginia Board of Examiners for Registered Professional Nurses appreciates the opportunity to respond to the Legislative Auditor's report regarding the regulation of dialysis technicians. The appropriate mix of registered professional nurses and dialysis technicians provides an ideal environment for the stable individual receiving outpatient dialysis treatments. The Board agrees that the regulation of dialysis technicians will provide further assurance that the citizens are protected while receiving this life sustaining treatment.

Thank you for the opportunity to meet with you to discuss the report.

For the Board,

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

Laura Skidmore Rhodes, MSN, RN
Executive Director

