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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2004



ENROLLED

House Bill No. 4641

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



Passed March 12, 2004

In Effect Ninety Days from Passage

FILED

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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 §30-7B-1, §30-7B-2, §30-7B-3, §30-7B-4, §30-7B-5 and §30-7B-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 §30-7B-1, §30-7B-2, §30-7B-3, §30-7B-4, §30-7B-5 and §30-7B-6, all to read as follows:

ARTICLE 7B. DELEGATION OF DIALYSIS CARE.

§30-7B-1. Definitions.

1 As used in this article:

2 (1) “Approved dialysis technician training program” means
3 any board approved program used to train dialysis technicians
4 including, but not limited to, a board approved dialysis facil-
5 ity-sponsored training program or another state approved
6 program.

7 (2) “Board” means the West Virginia board of examiners
8 for registered professional nurses.

9 (3) “Dialysis care” means performing and monitoring
10 dialysis procedures which includes initiating and discontinuing
11 dialysis, drawing blood, and administering the following
12 medications:

13 (A) Heparin either to prime the pump, initiate treatment or
14 for administration throughout the treatment, in an amount
15 prescribed by a physician or other practitioner duly authorized
16 to so prescribe. This may be done either intravenously, periph-
17 erally via a fistula needle or in another clinically acceptable
18 manner;

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

21 (C) Intradermal anesthetic in an amount prescribed by a
22 physician or other practitioner duly authorized to so prescribe.

23 (4) “Direct supervision” means initial and ongoing direc-
24 tion, procedural guidance, observation, and evaluation, and the
25 on-site presence of a registered nurse or physician.

26 (5) “West Virginia dialysis technician or dialysis techni-
27 cian” means an individual who has successfully completed an
28 approved dialysis technician training program and who has
29 achieved national certification as a dialysis technician, or an

30 individual who meets the requirements set forth in the board's
31 rule pertaining to dialysis technicians practicing prior to the
32 first day of July, two thousand four.

§30-7B-2. Authority to delegate care.

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

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

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

8 (3) The dialysis technician provides the care under the
9 direct supervision of the registered professional nurse.

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

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

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

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

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

§30-7B-4. Rulemaking authority.

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

4 (1) Prescribe standards for training programs;

5 (2) Prescribe testing standards and requirements;

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

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

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

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

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

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

1 (a) Facilities which provide dialysis care through the
2 employment of dialysis technicians shall determine that the
3 dialysis technicians in their employment have met the standards
4 and requirements of this article and the legislative rules
5 promulgated pursuant to this article, including determining
6 whether any dialysis technician is listed on the nurse aide abuse

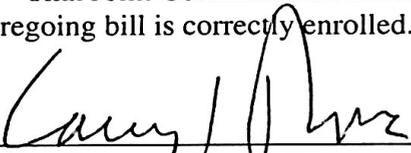
7 registry with a substantiated finding of abuse, neglect or
8 misappropriation of property.

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

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

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

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



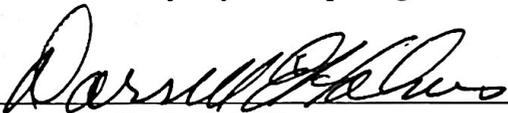
Chairman Senate Committee



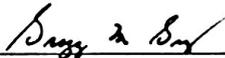
Chairman House Committee

Originating in the House.

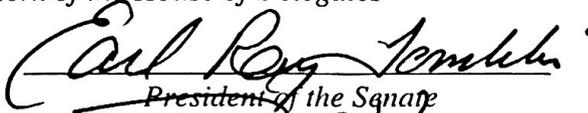
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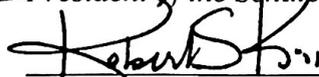
Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 5th
day of April, 2004.



Governor

PRESENTED TO THE

GOVERNOR

DATE 3.31.04

TIME 10:30 AM