

HB 218 - Senate Statement - Google Docs.pdf

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DEPUTY MAJORITY WHIP

Health and Government
Operations Committee

Subcommittees

Chair, Health Occupations
and Long Term Care

Insurance and Pharmaceuticals

House Chair, Joint Committee on
Children, Youth, and Families



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

HB 218 - Health Occupations - Nursing - Dialysis Technicians

Senate Education, Health and Environment Committee

March 24, 2022

Thank you Chair Pinsky, Vice-Chair Kagan and Members of the Committee

Thank you for the opportunity to present HB 218 which is a minor change to Maryland health occupations statutes that will help to ease the workforce shortage faced by dialysis centers operating in the state. This legislation passed HGO and the House floor unanimously.

During discussions with various health care organizations to determine how to address the critical workforce shortages that are currently affecting care delivery, I became aware of the challenges faced by dialysis centers to hire individuals and then train them to be both CNAs and dialysis technicians. I also learned that **Maryland is the only state that requires dialysis technicians to be certified nursing assistants.**

In light of the statewide shortage of CNA's, House Bill 218 removes the requirement that dialysis technicians must be certified as a nursing assistant. This bill aligns Maryland with other states and maintains the requirement that, in order to practice as a dialysis technician, individuals will need to complete an approved dialysis training program and receive national certification.

Given the limited scope of duties performed by dialysis technicians, removing this dual certification will not impact the quality of care and will, in fact, strengthen quality by increasing the labor pool and providing an additional avenue for individuals to enter the healthcare workforce. **The Maryland Kidney Commission agrees and is in support of this legislation.**

When considered by HGO, AFSCME requested a clarification that the Dialysis Technician certification be maintained for state hospital facilities due to the critical care job responsibilities and need for cross-training for individuals employed in these facilities. **The amendment adopted by the House addresses the concerns of AFSCME and includes technical changes requested by the Board of Nursing.**

The HGO Committee determined the estimated costs in the fiscal note we received were inaccurate. Specifically, according to the Board of Nursing:

- 1) The Board of Nursing already has a process and software in place to approve this certification, therefore, there will only be a minimal need for software adjustments, which they estimated to be about \$50,000.
- 2) Further, in discussions with the Board of Nursing, it was determined that the number of new potential applicants in the fiscal note is vastly overestimated. The number of potential applicants utilized in the fiscal note reflects the number of applicants the Board has rejected over a course of many years. There are only around 1600 dialysis technicians licensed by the Board today who work in dialysis centers and this number will not increase significantly if this bill passes.

Removing the CNA requirement will make it easier for Dialysis centers to find and hire technicians when necessary due to normal turnover in the industry. Please note that HFAM submitted opposition testimony in the House by mistake and this testimony was subsequently withdrawn. **HFAM supports this legislation.** The bill was reported favorable in a unanimous vote by the Health and Government Operations Committee and by a vote of 134-0 on the House floor.

We face an unprecedented demand for workers across all sectors of healthcare. This bill takes a small but important step that will help dialysis centers boost their workforce and safely provide the same high quality life-saving services our constituents need.

Thank you and I urge a favorable report.

HB0218 - Senate_FAV_DaVita_Health Occs. - Nursing

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TO: The Honorable Paul G. Pinsky, Chair
Members, Senate Education, Health, and Environmental Affairs Committee
The Honorable Ariana B. Kelly

FROM: Danna L. Kauffman
Pamela Metz Kasemeyer

DATE: March 26, 2022

RE: **SUPPORT** – House Bill 218 – *Health Occupations – Nursing – Dialysis Technicians*

DaVita, Fresenius Medical Care, Independent Dialysis Foundation, and U.S. Renal Care, the leading providers of kidney care in Maryland, support House Bill 218. Simply stated, House Bill 218 removes the requirement that an individual be certified as a nursing assistant in order to receive certification as a dialysis technician (DT). Under the bill, to be a DT, an individual would still be required to complete a dialysis training program that is approved by the Maryland Board of Nursing (MBON) **AND** receive a national certification either through:

- Certified Clinical Hemodialysis Technician by the Nephrology Nursing Certification Commission; or
- Clinical Nephrology Technician by the National Nephrology Certification Organization; or
- Certified Hemodialysis Technician by the Board of Nephrology Examiners Nursing Technology.

As illustrated in the attached chart, Maryland is the only state that requires an individual to be a certified as a nursing assistant in order to work as a DT. The work performed by DTs is very different in scope than that often performed by a certified nursing assistant (CNA). For example, CNAs perform such tasks as assisting with oral hygiene; performing range of motion; measuring and recording urinary output; providing perineal care and catheter care; making an occupied bed; providing foot care and fingernail care; assisting in feeding and positioning; providing baths; and assisting with daily hygiene tasks.

Given that dialysis is performed in chronic, ambulatory settings, the tasks typically performed by CNAs are not being performed nor needed to be performed by DTs. Rather, DTs are trained to perform the following:

- Initiation of treatment
- Proper cannulation techniques of accesses

- Monitoring patients during treatment
- Termination of dialysis
- Identifying and addressing possible complications of dialysis
- Water treatment and dialysate preparation
- Operation of kidney dialysis equipment and machines.

As you know, Maryland is facing a significant health care worker shortage. Dialysis centers are equally affected and are competing with hospitals, nursing homes, assisted living, and other entities to hire CNAs. Dialysis centers then have the added requirement to train them DTs. It is important to note that dialysis centers are eligible to be approved by the MBON to teach the CNA DT Program. Unfortunately, MBON's approval process, both for the course and the instructors, is time-consuming and often creates additional angst in the hiring process. Consequently, the need to obtain both the CNA classification and the DT classification is proving to have a detrimental effect on the ability to staff dialysis centers, which creates service issues for ensuring that this life-saving service remains available to those in need. Equally important is the fact that there is no evidence available to demonstrate that Maryland patients receive a higher quality of care in Maryland than received in other states by this added requirement.

Therefore, we urge a favorable vote on House Bill 218.

For more information call:

Danna L. Kauffman
Pamela Metz Kasemeyer
410-244-7000

13a - HB 218 - EHEA- Kidney Commission - LOS.docx.

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Position: FAV



Maryland Commission on Kidney Disease

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

Adam Berliner, Chairman – Eva Schwartz., Executive Director
4201 Patterson Avenue, Baltimore, MD 21215 Phone: 410-764-4785

2022 SESSION POSITION PAPER

BILL NO: HB 218
COMMITTEE: Education, Health, and Environmental Affairs
POSITION: SUPPORT

TITLE: Health Occupations – Nursing – Dialysis Technicians

BILL ANALYSIS:

House Bill (HB) 218 will establish a separate category of certified dialysis technicians to be certified by the State Board of Nursing; repeal a requirement that a dialysis technician be a certified nursing assistant except under certain circumstances; alter the composition of the Board advisory committee; and authorize the Board to conduct site visits of certified dialysis technician training programs.

POSITION AND RATIONALE:

The Maryland Commission on Kidney Disease supports HB 218: Health Occupations – Nursing – Dialysis Technicians.

The mission of the Commission is to protect the citizens of Maryland and to promote quality health care in the field of nephrology and transplantation. As part of this mission, a core function of the Commission is to ensure that patients have access to safe dialysis services. The Commission believes that HB 218 will advance the mission of the Commission and will align Maryland more appropriately with the requirements in other states. In providing quality dialysis services, the key factor is ensuring that individuals have successfully completed a dialysis training program and received national certification through one of three programs. This bill maintains this important and necessary requirement. Being a certified nursing assistant is not necessary for the scope of work being performed in dialysis centers by these individuals. As we are all aware, Maryland is facing a critical workforce shortage in health care. The State must ensure that dialysis centers can be appropriately staffed by individuals with the needed skills to provide safe services. The Commission believes that HB 218 will assist in alleviating the hiring issues currently being experienced by centers while at the same time maintaining quality services.

For these reasons, the Commission respectfully urges a favorable report on HB 218. If you require additional information, please contact Eva Schwartz, Executive Director at eva.schwartz@maryland.gov or at (410) 764-4785.

The opinion of the Commission expressed in this document does not necessarily reflect that of the Department of Health or the Administration.

13b - X - HB 218 - EHEA - BON - LOSWA.docx.pdf

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Position: FWA



Board of Nursing

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

March 24, 2022

The Honorable Paul G. Pinsky
Chair, Senate Education, Health, and Environmental Affairs Committee
2 West Miller Senate Office Building
Annapolis, MD 21401-1991

RE: HB 218 – Health Occupations – Nursing – Dialysis Technicians – Letter of Support with Amendments

Dear Chair Pinsky and Committee Members:

The Maryland Board of Nursing (the Board) respectfully submits this letter of support with amendments for House Bill (HB) 218 – Health Occupations – Nursing – Dialysis Technicians. This bill establishes the separate category of certified dialysis technicians to be certified by the State Board of Nursing; repeals the requirement that a dialysis technician be a certified nursing assistant except under certain circumstances; alters the composition of the Board advisory committee; and authorizes the Board to conduct site visits of training programs.

Dialysis Technicians (DTs) serve as primary caregivers for patients undergoing dialysis treatment and those afflicted with acute or chronic renal disease. DTs work directly under and closely with registered nurses (RNs) as members of the patient care team. Through their education and training, DTs learn and understand the scientific principles of dialysis, the process of dialysis treatment, and how to respond to the physical and emotional needs of patients. A DT is responsible for assembling supplies and preparing machinery, testing monitors and machine functions, taking patient vital signs before and after treatment, monitoring patients and equipment, and adjusting blood flow and fluid removal rates.

To be eligible for certification as a dialysis technician in the state of Maryland, an individual must: (1) be certified as a certified nursing assistant (CNA); (2) complete a Board – approved dialysis technician training program; and (3) obtain national certification in accordance with 42 CFR §494.140(e)¹. The national landscape, in comparison, allows a dialysis technician to receive certification from three (3) nationally recognized DT authorities.

The Board believes the intent of HB 218 is to allow DTs to receive education and training specific to their scopes of practice without having to initially obtain CNA certification. The Board is in support of transitioning and streamlining the process of certification for dialysis technicians in accordance with federal requirements.

¹ COMAR 10.39.01.09 – Categories of CNA. <http://www.dsd.state.md.us/comar/comarhtml/10/10.39.01.09.htm>

The Board respectfully submits the following amendments to remove language related to the qualifications of dialysis technicians practicing in a state-owned hospital or facility. This language implies that the Board would need to both enforce hiring practices for state-owned hospitals and discipline individuals for not meeting dual certification. This language additionally creates a regulation that is unfamiliar and nonexistent in current practice. It ties two (2) certifications to a specific facility. This provision moves hiring accountability away from the hospital and onto the Board, which would be out of scope for a regulatory agency. The Board suggests that state-owned hospitals or facilities include in their job descriptions a requirement for applicants to hold active CNA and DT certificates.

Section 8-6A-02. On page 6. Line 19. Remove.

(a) ~~{Except}~~ **[SUBJECT TO SUBSECTION (E) OF THIS SECTION AND EXCEPT]** as...

Section 8-6A-02. On page 4. Lines 14 – 17. Remove.

[(E) AN INDIVIDUAL SHALL BE CERTIFIED BY THE BOARD TO PRACTICE AS A NURSING ASSISTANT AND AS A DIALYSIS TECHNICIAN BEFORE THE INDIVIDUAL MAY PRACTICE AS A DIALYSIS TECHNICIAN IN A STATE-OWNED HOSPITAL OR STATE-OWNED FACILITY]

For the reasons discussed above, the Board of Nursing respectfully submits this letter of support with amendments for HB 218.

I hope this information is useful. For more information, please contact Iman Farid, Health Policy Analyst, at (410) 585 – 1536 (iman.farid@maryland.gov) or Rhonda Scott, Deputy Director, at (410) 585 – 1953 (rhonda.scott2@maryland.gov).

Sincerely,



Gary N. Hicks
Board President

The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.