



Board of Nursing

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

February 1, 2022

The Honorable Shane E. Pendergrass
Chair, Health and Government Operations Committee
Room 241 House Office Building
Annapolis, MD 21401-1991

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

Dear Chair Pendergrass 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 a separate category of certified dialysis technicians to be certified by the State Board of Nursing. This bill repeals the requirement that a dialysis technician be a certified nursing assistant. HB 218 additionally authorizes the Board to conduct site visits of certified dialysis technician 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. Responsibilities of a DT in practice can include: assembling supplies and preparing machinery, testing monitors and machine functions, taking patient vital signs before and after treatment, monitoring patients and equipment, adjusting blood flow and fluid removal rates, etc.

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

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

Board is in support of transitioning and streamlining the process of certification for dialysis technicians in accordance with federal requirements.

The Board respectfully submits the following amendments to provide clarity and align the bill's language with current federal certification and renewal processes. The amendments additionally include a change in title for a number of sections.

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,

A handwritten signature in black ink, appearing to read 'G. Hicks', written in a cursive style.

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.

On page 2. Add Section Health Occ. § 8-205.

(a) In addition to the powers and duties set forth elsewhere in this title, the Board has the following powers and duties:

(2) To set standards for the practice of registered nursing, advanced practice registered nursing, licensed practical nursing, certified nursing assistants, **CERTIFIED DIALYSIS TECHNICIANS**, certified medication technicians, electrology, direct-entry midwifery, and certified midwifery;

On page 2. Section Health Occ. § 8-208(a)(2). Lines 4 – 7.

(2) “Applicant” means an individual who has submitted an application to the Board to be licensed as a registered nurse, licensed practical nurse, electrologist, licensed direct-entry midwife, or licensed certified midwife or to be certified as an advanced practice registered nurse, a nursing assistant, **DIALYSIS TECHNICIAN**, or medication technician in this State.

On page 3. Before Section 8-6A-01. Add Section Health Occ. § 8-510: Demonstration studies to evaluate regulation changes.

(a) The Board may conduct a demonstration study to evaluate a proposed change to regulations regarding nursing practices or the activities of nursing assistants, **DIALYSIS TECHNICIANS**, or medication technicians in a practice setting.

On page 3. Add amendment to title Subtitle 6A:

Title - Certification of Nursing Assistants, **DIALYSIS TECHNICIANS**, and Medication Technicians.

On page 3. Section Health Occ. § 8-6A-01(c): Definitions. Lines 28 – 31. On page 4. Lines 1 – 2.

(C) (1) “APPROVED DIALYSIS TECHNICIAN TRAINING PROGRAM” MEANS A COURSE OF TRAINING APPROVED BY THE BOARD THAT : [PREPARES THE APPLICANT FOR NATIONAL CERTIFICATION AND THAT MEETS THE REQUIREMENTS OF 42 C.F.R. § 494.140(E)(3).]

(I) PREPARES THE APPLICANT FOR NATIONAL CERTIFICATION;
AND
(II) MEETS THE REQUIREMENTS OF 42 C.F.R. 31 § 494.140(E)(3) AND THE REQUIREMENTS SET BY THE BOARD IN REGULATION.

(2) “APPROVED DIALYSIS TECHNICIAN TRAINING PROGRAM” INCLUDES THE COURSES REQUIRED FOR NATIONAL CERTIFICATION AS:

On page 5. Section Health Occ. § 8-6A-01(c): Definitions. Line 14.

(2) Does not include a **CERTIFIED DIALYSIS TECHNICIAN OR** certified medication technician.

On page 5. Add amendment to title Subtitle 8-6A-02.

Health Occ. § 8-6A-02(b): Certification to practice as nursing assistant, **DIALYSIS TECHNICIAN,** medication technician

On page 6. Section 8-6A-02. Lines 13 – 18.

(5) Performs medication technician tasks as a student while practicing under the direct supervision of qualified faculty; [or]

(6) PERFORMS DIALYSIS TECHNICIAN TASKS AS A STUDENT WHILE UNDER THE DIRECT SUPERVISION OF QUALIFIED FACULTY; OR

[(6)] **(7)** Works as a principal or school secretary, does not administer medication as a routine part of the position, and has completed training by the delegating nurse for the occasion where the individual may need to administer medication in the absence of the nurse or medication technician.

On page 8. Section Health Occ. § 8-6A-05. Remove Lines 6 – 7.

[3.] **4.** A portion of an approved nursing education program that the Board determines meets the requirements of a nursing assistant training program, **[DIALYSIS TRAINING COURSE]**, or medication administration course;

On page 8. Section Health Occ. § 8-6A-05. Add Lines 16 – 17.

(2) Subject to paragraph (1) of this subsection, an applicant for certification as a certified nursing assistant **OR DIALYSIS TECHNICIAN** shall submit to the Board:

On page 9. Add amendment to title 8-6A-07.

Health Occ. § 8-6A-07: Certificates; nursing assistants, medicine aides, **DIALYSIS TECHNICIANS,** medication technicians

On page 10. Section 8-6A-07. Lines 28 – 31.

[(h)] **(I)(1)** On receipt of the criminal history record information of an applicant for certification as a certified nursing assistant **OR DIALYSIS TECHNICIAN** forwarded to the Board in accordance with **§ 8-303** of this title, in determining whether to grant a certificate, the Board shall consider:

On page 11. Section 8-6A-08. Lines 16 – 17.

(i) First-class mail to the last known mailing address of the [nursing assistant or medication technician] **CERTIFICATE HOLDER**; or

On page 11. Section 8-6A-08. Lines 25 – 30.

(3) If a nursing assistant or [medication] **DIALYSIS** technician is required to have a criminal history records check before a certificate may be renewed, the Board shall send the nursing assistant or [medication] **DIALYSIS** technician the documents necessary for initiating the criminal history records check in conjunction with the renewal notice required under paragraph (1) of this subsection.

On page 12. Section 8-6A-08. Lines 27 – 31.

(4) [HAS COMPLETED 16 HOURS OF PRACTICE AS A DIALYSIS TECHNICIAN IN THE 2-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF RENEWAL;] PROVIDES SATISFACTORY EVIDENCE OF COMPLETION OF:

(I) BOTH:

1. 16 HOURS OF PRACTICE AS A DIALYSIS TECHNICIAN IN THE 2-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF [RENEWAL] EXPIRATION; AND

2. A 3-HOUR CONTINUING EDUCATION COURSE APPROVED BY THE BOARD; OR

(II) IF THE DIALYSIS TECHNICIAN DOES NOT MEET THE REQUIREMENTS LISTED UNDER ITEM (I) OF THIS ITEM, AN APPROVED DIALYSIS TECHNICIAN TRAINING PROGRAM; AND

On page 13. Section 8-6A-08. Lines 1 – 2.

[6] (5) HAS AN ACTIVE NATIONAL CERTIFICATION LISTED IN § 8-6A-01(C)(2) OF THIS SUBTITLE.

On page 14. Section 8-6A-08. Lines 1 – 6.

1. Selected applicants for certification as a certified nursing assistant **OR DIALYSIS TECHNICIAN** who renew their certificates every 2 years as determined by regulations adopted by the Board; and

2. Each former certified nursing assistant **OR DIALYSIS TECHNICIAN** who files for reinstatement under subsection [(g)] **(H)** of this section after failing to renew the certificate for a period of 1 year or more.

On page 21. Section Health Occ. § 8-701. Lines 31 – 34.

(H) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE AS A CERTIFIED DIALYSIS TECHNICIAN UNLESS [LICENSED] CERTIFIED BY THE BOARD TO PRACTICE AS A CERTIFIED DIALYSIS TECHNICIAN.