

---

HOUSE BILL 2293

---

State of Washington

56th Legislature

1999 Regular Session

By Representatives Cody and Van Luven

Read first time . Referred to Committee on Health Care.

1 AN ACT Relating to the credentialing of hemodialysis technicians;  
2 amending RCW 18.130.040; and adding a new chapter to Title 18 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The certification of hemodialysis  
5 technicians will increase the level of professionalism in our renal  
6 dialysis facilities or centers, providing increased quality assurance  
7 for patients, health care providers, third-party payers, and the public  
8 in general. The legislature declares the certification of hemodialysis  
9 technicians to be in the interests of the public health, safety, and  
10 welfare.

11 NEW SECTION. **Sec. 2.** The definitions in this section apply  
12 throughout this chapter unless the context clearly requires otherwise.

13 (1) "Department" means the department of health.

14 (2) "Dialysis facility" means an entity awarded conditional or  
15 unconditional status as a renal dialysis treatment facility or center  
16 by the federal health care financing administration or equivalent  
17 authority as determined by the secretary.

1 (3) "End-stage renal disease" means a condition that requires  
2 either the replacement of kidney functions through renal  
3 transplantation or the permanent assistance of those functions through  
4 dialysis.

5 (4) "Hemodialysis technician" means a person certified by the  
6 secretary under this chapter.

7 (5) "Secretary" means the secretary of health or the secretary of  
8 health's designee.

9 NEW SECTION. **Sec. 3.** No person may represent himself or herself  
10 as a certified hemodialysis technician, nor use any title or  
11 description of services implying certification or other recognition by  
12 the state as a hemodialysis technician, without applying for  
13 certification, meeting the qualifications, and being certified by the  
14 department, unless otherwise exempted.

15 NEW SECTION. **Sec. 4.** (1) A hemodialysis technician may, under the  
16 direct supervision of a physician or registered nurse licensed by the  
17 department, perform functions and procedures as determined by the  
18 department by rule, in consultation with the medical quality assurance  
19 commission and the nursing quality assurance commission.

20 (2) A hemodialysis technician may not:

21 (a) Administer medications by oral, intramuscular, intravenous, or  
22 subcutaneous means except as specified under rules adopted under  
23 subsection (1) of this section;

24 (b) Determine the frequency, duration, or nature of dialysis  
25 treatments or alter any treatment prescribed by a licensed health  
26 professional;

27 (c) Engage in any health care activity requiring a license except  
28 as authorized under rules adopted under subsection (1) of this section.

29 NEW SECTION. **Sec. 5.** Nothing in this chapter shall be construed  
30 to prohibit or restrict:

31 (1) The practice by an individual licensed, certified, or  
32 registered under the laws of this state and performing services within  
33 the authorized scope of practice;

34 (2) The practice by an individual employed by the government of the  
35 United States while engaged in the performance of duties prescribed by  
36 the laws of the United States;

1 (3) The practice by a person who is a regular student in an  
2 educational program approved by the secretary, and whose performance of  
3 services is pursuant to a regular course of instruction or assignments  
4 from an instructor and under the general supervision of the instructor.

5 NEW SECTION. **Sec. 6.** In addition to any other authority provided  
6 by law, the secretary has the authority to:

7 (1) Adopt rules under chapter 34.05 RCW necessary to implement this  
8 chapter;

9 (2) Establish all certification, examination, and renewal fees in  
10 accordance with RCW 43.70.250;

11 (3) Establish forms and procedures necessary to administer this  
12 chapter;

13 (4) Issue certificates to applicants who have met the education,  
14 training, and examination requirements for certification and to deny a  
15 certificate to applicants who do not meet the minimum qualifications,  
16 except that proceedings concerning the denial of certificates based  
17 upon unprofessional conduct or impairment shall be governed by the  
18 uniform disciplinary act, chapter 18.130 RCW;

19 (5) Hire clerical, administrative, investigative, and other staff  
20 as needed to implement this chapter, and hire individuals certified  
21 under this chapter to serve as examiners for any practical  
22 examinations;

23 (6) Determine minimum training requirements and evaluate and  
24 designate those educational programs from which graduation will be  
25 accepted as proof of eligibility to take a qualifying examination for  
26 applicants for certification;

27 (7) Prepare, grade, and administer, or determine the nature of, and  
28 supervise the grading and administration of, examinations for  
29 applicants for certification;

30 (8) Determine whether alternative methods of training are  
31 equivalent to formal education, and establish forms, procedures, and  
32 criteria for evaluation of an applicant's alternative training to  
33 determine the applicant's eligibility to take any qualifying  
34 examination;

35 (9) Determine which states have credentialing requirements  
36 equivalent to those of this state, and issue credentials to individuals  
37 credentialed in those states without examinations;

- 1 (10) Define and approve any experience requirement for  
2 certification;
- 3 (11) Implement and administer a program for consumer education;
- 4 (12) Adopt rules implementing a continuing competency program;
- 5 (13) Maintain the official department record of all applicants and  
6 certificate holders; and
- 7 (14) Establish by rule the procedures for an appeal of an  
8 examination failure.

9 NEW SECTION. **Sec. 7.** The secretary shall keep an official record  
10 of all proceedings. A part of the record shall consist of a register  
11 of all applicants for certification under this chapter and the results  
12 of each application.

13 NEW SECTION. **Sec. 8.** (1) The secretary shall issue a certificate  
14 to any applicant who demonstrates to the secretary's satisfaction that  
15 the following requirements have been met:

16 (a) Graduation from an educational program approved by the  
17 secretary or successful completion of alternate training meeting  
18 established criteria;

19 (b) Successful completion of any approved examination; and

20 (c) Successful completion of any experience requirement established  
21 by the secretary.

22 (2) The secretary shall establish by rule what constitutes adequate  
23 proof of meeting the criteria.

24 (3) In addition, applicants shall be subject to the grounds for  
25 denial of a certificate or issuance of a conditional certificate under  
26 chapter 18.130 RCW.

27 (4) The secretary may provide for the issuance of a temporary or  
28 provisional certification for a person to practice as a hemodialysis  
29 technician until the person has taken and passed the next held  
30 certification examination available to the person and has received a  
31 certificate. The secretary may impose any conditions or limitations on  
32 a temporary or provisional certificate that the secretary considers  
33 reasonable and necessary to protect the public. A temporary or  
34 provisional certificate may be held only by a person who:

35 (a) Has not received a failing grade on a certification examination  
36 approved or administered by the secretary; and

1 (b)(i) Has successfully completed the initial training required by  
2 rule; or

3 (ii) Is currently working in this or another state as a  
4 hemodialysis technician and is enrolled in a program offering the  
5 initial training required by rule.

6 (5) Each person holding a certificate under this section shall  
7 submit, at the time of application for renewal of the certificate to  
8 the secretary, evidence of the applicant's satisfactory completion of  
9 any continuing education requirements prescribed by rule by the  
10 secretary.

11 NEW SECTION. **Sec. 9.** The secretary shall establish by rule the  
12 standards and procedures for approval of educational programs and  
13 alternative training. The secretary may utilize or contract with  
14 individuals or organizations having expertise in the profession or in  
15 education to assist in the evaluations. The secretary shall establish  
16 by rule the standards and procedures for revocation of approval of  
17 education programs. The standards and procedures set shall apply  
18 equally to educational programs and training in the United States and  
19 in foreign jurisdictions. The secretary may establish a fee for  
20 educational program evaluations.

21 NEW SECTION. **Sec. 10.** (1) The date and location of examinations  
22 shall be established by the secretary. Applicants who have been found  
23 by the secretary to meet the other requirements for certification shall  
24 be scheduled for the next examination following the filing of the  
25 application. The secretary shall establish by rule the examination  
26 application deadline.

27 (2) The secretary or the secretary's designees shall examine each  
28 applicant, by means determined most effective, on subjects appropriate  
29 to the scope of practice, as applicable. Such examinations shall be  
30 limited to the purpose of determining whether the applicant possesses  
31 the minimum skill and knowledge necessary to practice competently.

32 (3) The examination papers, all grading of the papers, and the  
33 grading of any practical work shall be preserved for a period of not  
34 less than one year after the secretary has made and published the  
35 decisions. All examinations shall be conducted under fair and wholly  
36 impartial methods.

1 (4) Any applicant failing to make the required grade in the first  
2 examination may take up to three subsequent examinations as the  
3 applicant desires upon prepaying a fee determined by the secretary  
4 under RCW 43.70.250 for each subsequent examination. Upon failing four  
5 examinations, the secretary may invalidate the original application and  
6 require such remedial education before the person may take future  
7 examinations.

8 (5) The secretary may approve an examination prepared or  
9 administered by a private testing agency or association of licensing  
10 agencies for use by an applicant in meeting the certification  
11 requirements.

12 NEW SECTION. **Sec. 11.** Applications for certification shall be  
13 submitted on forms provided by the secretary. The secretary may  
14 require any information and documentation which reasonably relates to  
15 the need to determine whether the applicant meets the criteria for  
16 certification provided for in this chapter and chapter 18.130 RCW.  
17 Each applicant shall pay a fee determined by the secretary under RCW  
18 43.70.250. The fee shall accompany the application.

19 NEW SECTION. **Sec. 12.** The secretary shall waive the examination  
20 and certify a person authorized to practice within the state of  
21 Washington if the secretary determines that the person meets commonly  
22 accepted standards of education and experience for the profession.  
23 This section applies only to those individuals who file an application  
24 for waiver within one year of the establishment of the authorized  
25 practice.

26 NEW SECTION. **Sec. 13.** An applicant holding a credential in  
27 another state may be credentialed to practice in this state without  
28 examination if the secretary determines that the other state's  
29 credentialing standards are substantially equivalent to the standards  
30 in this state.

31 NEW SECTION. **Sec. 14.** The secretary shall establish by rule the  
32 procedural requirements and fees for renewal of a certificate. Failure  
33 to renew shall invalidate the certificate and all privileges granted by  
34 the certificate. If a certificate has lapsed for a period longer than  
35 three years, the person shall demonstrate competence to the

1 satisfaction of the secretary by taking continuing education courses,  
2 or meeting other standards determined by the secretary.

3 NEW SECTION. **Sec. 15.** (1) The uniform disciplinary act, chapter  
4 18.130 RCW, shall govern the issuance and denial of certificates,  
5 unauthorized practice, and the discipline of persons certified under  
6 this chapter. The secretary shall be the disciplining authority under  
7 this chapter.

8 (2) Any dialysis facility, any hemodialysis technician certified  
9 under this chapter, any licensed physician, or any licensed registered  
10 nurse shall report to the secretary any information the person may have  
11 that appears to show that a hemodialysis technician is or may be  
12 medically incompetent or is or may be guilty of unprofessional conduct  
13 or is or may be mentally or physically unable to safely function as a  
14 hemodialysis technician.

15 NEW SECTION. **Sec. 16.** This chapter only applies to a business or  
16 profession regulated under the laws of this state if this chapter is  
17 specifically referenced in the laws regulating that business or  
18 profession.

19 **Sec. 17.** RCW 18.130.040 and 1998 c 243 s 16 are each amended to  
20 read as follows:

21 (1) This chapter applies only to the secretary and the boards and  
22 commissions having jurisdiction in relation to the professions licensed  
23 under the chapters specified in this section. This chapter does not  
24 apply to any business or profession not licensed under the chapters  
25 specified in this section.

26 (2)(a) The secretary has authority under this chapter in relation  
27 to the following professions:

28 (i) Dispensing opticians licensed under chapter 18.34 RCW;

29 (ii) Naturopaths licensed under chapter 18.36A RCW;

30 (iii) Midwives licensed under chapter 18.50 RCW;

31 (iv) Ocularists licensed under chapter 18.55 RCW;

32 (v) Massage operators and businesses licensed under chapter 18.108  
33 RCW;

34 (vi) Dental hygienists licensed under chapter 18.29 RCW;

35 (vii) Acupuncturists licensed under chapter 18.06 RCW;

1 (viii) Radiologic technologists certified and X-ray technicians  
2 registered under chapter 18.84 RCW;

3 (ix) Respiratory care practitioners licensed under chapter 18.89  
4 RCW;

5 (x) Persons registered or certified under chapter 18.19 RCW;

6 (xi) Persons registered as nursing pool operators under chapter  
7 18.52C RCW;

8 (xii) Nursing assistants registered or certified under chapter  
9 18.88A RCW;

10 (xiii) Health care assistants certified under chapter 18.135 RCW;

11 (xiv) Dietitians and nutritionists certified under chapter 18.138  
12 RCW;

13 (xv) Chemical dependency professionals certified under chapter  
14 18.205 RCW;

15 (xvi) Sex offender treatment providers certified under chapter  
16 18.155 RCW;

17 (xvii) Persons licensed and certified under chapter 18.73 RCW or  
18 RCW 18.71.205;

19 (xviii) Persons registered as adult family home providers and  
20 resident managers under RCW 18.48.020;

21 (xix) Denturists licensed under chapter 18.30 RCW; and

22 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW.

23 (b) The boards and commissions having authority under this chapter  
24 are as follows:

25 (i) The podiatric medical board as established in chapter 18.22  
26 RCW;

27 (ii) The chiropractic quality assurance commission as established  
28 in chapter 18.25 RCW;

29 (iii) The dental quality assurance commission as established in  
30 chapter 18.32 RCW;

31 (iv) The board of hearing and speech as established in chapter  
32 18.35 RCW;

33 (v) The board of examiners for nursing home administrators as  
34 established in chapter 18.52 RCW;

35 (vi) The optometry board as established in chapter 18.54 RCW  
36 governing licenses issued under chapter 18.53 RCW;

37 (vii) The board of osteopathic medicine and surgery as established  
38 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
39 18.57A RCW;



1 (viii) The board of pharmacy as established in chapter 18.64 RCW  
2 governing licenses issued under chapters 18.64 and 18.64A RCW;

3 (ix) The medical quality assurance commission as established in  
4 chapter 18.71 RCW governing licenses and registrations issued under  
5 chapters 18.71 and 18.71A RCW;

6 (x) The board of physical therapy as established in chapter 18.74  
7 RCW;

8 (xi) The board of occupational therapy practice as established in  
9 chapter 18.59 RCW;

10 (xii) The nursing care quality assurance commission as established  
11 in chapter 18.79 RCW governing licenses issued under that chapter;

12 (xiii) The examining board of psychology and its disciplinary  
13 committee as established in chapter 18.83 RCW; ((and))

14 (xiv) The veterinary board of governors as established in chapter  
15 18.92 RCW; and

16 (xv) Hemodialysis technicians certified under chapter 18.-- RCW  
17 (sections 1 through 16 and 18 of this act).

18 (3) In addition to the authority to discipline license holders, the  
19 disciplining authority has the authority to grant or deny licenses  
20 based on the conditions and criteria established in this chapter and  
21 the chapters specified in subsection (2) of this section. This chapter  
22 also governs any investigation, hearing, or proceeding relating to  
23 denial of licensure or issuance of a license conditioned on the  
24 applicant's compliance with an order entered pursuant to RCW 18.130.160  
25 by the disciplining authority.

26 (4) All disciplining authorities shall adopt procedures to ensure  
27 substantially consistent application of this chapter, the Uniform  
28 Disciplinary Act, among the disciplining authorities listed in  
29 subsection (2) of this section.

30 NEW SECTION. Sec. 18. If any provision of this act or its  
31 application to any person or circumstance is held invalid, the  
32 remainder of the act or the application of the provision to other  
33 persons or circumstances is not affected.

34 NEW SECTION. Sec. 19. Sections 1 through 16 and 18 of this act  
35 constitute a new chapter in Title 18 RCW.

--- END ---