BOARDS AND COMMISSIONS

Board of Nursing

(Amended at ARRS Committee)

201 KAR 20:474. Continuing approval and periodic evaluation of dialysis technician training programs.

RELATES TO: KRS 314.035, 314.131(1), 314.137

STATUTORY AUTHORITY: KRS 314.131(1), 314.137

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.137 requires the board to promulgate administrative regulations to regulate dialysis technicians and includes establishing required standards for training programs. This administrative regulation establishes the requirements for continued approval of dialysis technician training programs.

Section 1. Renal Dialysis Center Survey and Certification.

(1) The board shall retain jurisdiction over dialysis technician training programs and may conduct site visits or other investigations into any allegation that may constitute a violation of 201 KAR 20:472 or this administrative regulation. The board may conduct a site visit at any time during normal business hours, and may also conduct site visits when the Centers for Medicaid and Medicare Services (CMS) conducts a survey or site visit of the renal dialysis center utilized by the dialysis technician training program.

(2) A dialysis technician training program shall notify the board regarding CMS site visits:

(a) Within thirty (30) days following the site visit that it has occurred; and

(b) Within ninety (90) days following the close of the site visit, the program shall forward all correspondence and reports from CMS concerning the site visit, any statement of deficiencies, subsequent plan of correction, and the continued approval certification.

Section 2. Dialysis Technician Training Program Evaluation.

(1) To verify continued compliance with 201 KAR 20:472, the program shall submit progress reports or periodic supplemental reports, completed questionnaires, surveys, and other related documents as requested by the board.

(2) A dialysis technician training program shall perform a systematic review of the training program that results in continuing improvement. This process shall result in an evaluation report that is submitted to the board on an annual basis.

(3) Data collection for the evaluation report shall be on-going and shall reflect aggregate analysis and trending.

(4) The evaluation report shall include specific responsibilities for data collection methods, individuals or groups responsible, frequency of data collection, indicators of achievement, findings, and outcomes for evaluating the following aspects of the dialysis technician training program:

(a) Organization and administration of the dialysis technician training program;

(b) Curriculum;

(c) Teaching and learning methods including distance education;

(d) Faculty evaluation;

(e) Student achievement of program outcomes;

(f) Student completion rates;

(g) Student certification achievement rates; and

(h) Clinical resources.

(5) If a dialysis technician training program utilizes distance education for didactic instruction, it shall evaluate and assess the educational effectiveness of its distance

education program to ensure that the distance education is substantially comparable to face to face education.

(6) The evaluation report shall provide evidence that the outcomes of the evaluation process are used to improve the quality and strength of the dialysis technician training program.

Section 3. Voluntary Closure of a Dialysis Technician Training Program.

(1) A dialysis technician training program that intends to close shall submit written notification to the board at least six (6) months prior to the planned closing date.

(2) The dialysis technician training program may choose one (1) of the following procedures for closing:

(a) The dialysis technician training program shall continue to operate until the last class enrolled has completed training;

1. The program shall continue to meet the standards until all students enrolled have completed the program;

2. The official closing of the program shall be the date on the certificate of the last graduate; and

3. The dialysis technician training program shall notify the board in writing of the official closing date; or

(b) The dialysis technician training program shall close the program following the transfer of students to other approved dialysis technician training programs;

1. The program shall continue to meet the standards until all students have transferred;

2. The names of students who have transferred to approved programs and the date of the last student transfer shall be submitted to the board by the renal dialysis center; and

3. The date of the last student transfer shall be the official closing date of the program.

(3) Custody of records.

(a) The dialysis technician training program that continues to operate shall retain responsibility for the records of the students and graduates. The board shall be advised of the arrangement made to safeguard the records.

(b) The dialysis technician training program that ceases to exist shall transfer training logs and certificates of completion of each student and graduate to a third party vendor approved by the Council for Postsecondary Education for safekeeping.

Section 4. Continued Approval of a Dialysis Technician Training Program.

(1) To receive continued approval, a dialysis technician training program shall:

(a) File a completed Application for Dialysis Technician Training Program, as incorporated by reference in 201 KAR 20:472;

(b) Submit an annual program evaluation summary report as required by Section 2(2) of this administrative regulation;

(c) Submit a list of current faculty including the name, title, and credential identifying the educational and professional qualifications of each instructor; and

(d) Pay a fee of $1,000.

(2)

(a) The material required to be submitted by subsection (1) of this section shall be submitted at least ninety (90) days prior to the end of the current approval period.

(b) If any of the material required to be submitted pursuant to subsection (1) of this section is submitted less than ninety (90) days, but more than thirty (30) days prior to the end of the current approval period, an additional fee of $300 shall be charged. Nonpayment of this fee shall result in denial of the application for continued approval.

(c) If material required to be submitted pursuant to subsection (1) of this section is submitted less than thirty (30) days prior to the end of the current approval period, the material shall not be accepted. The program shall lapse at the end of the current approval period and the renewal fee shall be forfeited.

(3) Continued approval shall be based on compliance with the standards established in 201 KAR 20:472 and this administrative regulation.

(4) Continued approval shall be granted for a two (2) year period.

(5) If a program fails to seek renewal of its approval status thirty (30) days prior to the end of the current approval period, the approval shall lapse at the end of the current approval period.

Section 5. Reinstatement of Dialysis Technician Training Programs.

(1) A program with lapsed approval shall cease all training activity until provided with written notice of the reinstatement of approval.

(2) A dialysis training program that has closed or that has a lapsed or withdrawn approval status may seek to reinstate approval as follows:

(a) File a completed Application for Dialysis Technician Training Program, as incorporated by reference in 201 KAR 20:472;

(b) If applicable, file evidence of compliance with the requirements of any order issued by the board in accordance with Section 8 of this administrative regulation; and

(c) Pay a fee of $1,000.

Section 6. Site Visits.

(1) A representative of the board may conduct a site visit at any time during normal business hours.

(2) The following situations may be cause for a site visit to determine if the standards of 201 KAR 20:472 and this administrative regulation are being met:

(a) Change of status by CMS or an accrediting body recognized by CMS;

(b) Providing false or misleading information to students or the public concerning the dialysis technician training program;

(c) A written complaint received from faculty, students, or the general public relating to a violation of 201 KAR 20:472 or this administrative regulation;

(d) A change in physical facilities;

(e) Information received by the board that may indicate a violation of 201 KAR 20:472 or this administrative regulation; and

(f) Failure to submit reports as required by 201 KAR 20:472 or this administrative regulation.

Section 7. Action Following Site Visit.

(1)

(a) Following a site visit and prior to board consideration, a draft of the site visit report shall be made available to the program administrator for review and correction of factual data.

(b) The program administrator shall be available during the discussion of the report at the board committee to provide clarification.

(c) If the site visit results in a finding of non-compliance with 201 KAR 20:472 or this administrative regulation by the dialysis technician training program, a letter shall be sent to the program administrator regarding any requirements to be met.

(d) The board shall notify in writing the dialysis technician training program of the time frame within which it shall meet the requirements. The board shall verify that the requirements have been met.

(2)

(a) If the dialysis technician training program is unable to meet the requirements in the time set by the board, it may request additional time. The board may grant or deny this request based on the rationale for the request.

(b) If the board denies the request for additional time, it shall begin the process established in Section 8 of this administrative regulation.

Section 8. Withdrawal of Approval.

(1) If the standards are not being met, the board shall send written notice to the program administrator of the affected dialysis technician training program of its intent to withdraw approval. The written notice shall be sent return receipt requested.

(2) When making this determination, the board shall consider the following factors:

(a) The number and severity of the deficiencies;

(b) The length of time in which the deficiencies have existed; and

(c) Any exigent circumstances.

(3) Within thirty (30) days of receipt of the written notice, the program administrator of the affected program may request an administrative hearing pursuant to KRS Chapter 13B. If an administrative hearing is not requested, program approval shall be withdrawn and the dialysis technician training program shall be closed. A closed program shall comply with Section 3 of this administrative regulation.

(4)

(a) If a program of nursing requests an administrative hearing, that hearing shall be held within sixty (60) days of the request.

(b) The hearing shall be held before a hearing officer designated by the board pursuant to KRS Chapter 13B.

(c) If the order of the board is adverse to the dialysis technician training program, the board may impose the following costs:

1. The cost of the stenographic services;
2. The cost of any expert witness, including travel;
3. Travel for other witnesses;
4. Document reproduction costs; and
5. The cost of the hearing officer which shall be $400 per day.

(5)

(a) The dialysis technician training program that has been closed shall assist a currently enrolled student to transfer to an approved dialysis technician training program.

(b) A dialysis technician training program that fails to assist students as required in this subsection shall be ineligible for reinstatement for at least one (1) year.

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