

## BOARDS AND COMMISSIONS

### Board of Nursing

#### (New Administrative Regulation)

#### **201 KAR 20:476. Dialysis technician credentialing requirements for initial credentialing, renewal, and reinstatement.**

RELATES TO: KRS 314.035, 314.103, 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. This administrative regulation establishes the requirements for credentialing dialysis technicians, initially, by renewal, and by reinstatement.

#### Section 1. Requirements for Initial Dialysis Technician Credential.

(1) An individual who wants to be credentialed as a dialysis technician (DT) in order to engage in dialysis care shall:

- (a) File with the board the Application for Dialysis Technician Credential;
- (b) Pay the fee established in Section 4 of this administrative regulation;
- (c) Have completed a board approved DT training program;
- (d) Submit the Checklist for Dialysis Technician Competency Validation; and
- (e) Submit a criminal record check pursuant to subsection (3) of this section and meet the requirements of that subsection.

(2)

(a) In addition to the requirements of subsection (1)(a), (b), (d), and (e) of this section, an applicant who has completed an out of state DT training program that is not approved by the board and who does not hold certification from one of the certification organizations listed in subsection (4)(b) of this section shall submit to the board the training program's curriculum and evidence of completion of the training program.

1. The board or its designee shall evaluate the applicant's training program to determine its comparability with the standards as established in 201 KAR 20:472.

2. The board or its designee shall advise an applicant if the training program is not comparable and specify what additional components shall be completed to meet the requirements of 201 KAR 20:472, Section 6.

(b) In addition to the requirements of subsection (1)(a), (b), (d), and (e) of this section, an applicant who has completed an out of state DT training program that is not approved by the board and who holds certification from one of the certification organizations listed in subsection (4), paragraph (b) of this section shall complete an educational module that covers the information contained in 201 KAR 20:472, Section 6(2)(a)2.

(3)

(a) The criminal record check shall have been completed within six (6) months of the date of the application by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) using the FBI Applicant Fingerprint Card. The applicant shall pay any fee required by the KSP and the FBI.

(b) The applicant shall provide to the board a certified or attested copy of the court record of any misdemeanor or felony conviction in any jurisdiction, except for traffic-related misdemeanors (other than DUI) or misdemeanors that are older than five (5) years. The applicant shall provide to the board a letter of explanation that addresses each conviction.

(c) A felony or misdemeanor conviction shall be reviewed by the board to determine if the application shall be processed with no further action. If further action is deemed

necessary, the application shall not be processed unless the applicant has entered into an agreed order with the board. If the parties are unable to agree on terms and conditions for an agreed order, an administrative hearing shall be held.

- (4)
  - (a) After the applicant has met the requirements of subsection (1)(a), (b), (c), (d), and (e) of this section, the board shall issue a provisional credential to the applicant. The applicant shall be referred to as a DT Applicant. The DT Applicant shall practice dialysis care under the supervision of a registered nurse.
  - (b) The provisional credential shall expire eighteen (18) months from the date the application is received by the board. During that time, the applicant shall obtain certification from one of the following certification organizations:
    1. The Board of Nephrology Examiners Nursing Technology (BONENT);
    2. The Nephrology Nursing Certification Commission (NNCC); or
    3. The National Association of Nephrology Technicians/Technologists (NANT).
  - (c) If the applicant fails to obtain certification as set forth above, the application shall lapse. The applicant may reapply by completing the training program again and meeting the requirements of subsection (1)(a), (b), (c), (d), and (e) of this section. However, a provisional credential shall not be issued.
- (5) The DT Applicant shall only practice dialysis care as a DT Applicant until:
  - (a) The credential is issued;
  - (b) The application is denied by the board; or
  - (c) The application lapses.
- (6)
  - (a) Upon approval of the Application for Dialysis Technician Credential pursuant to subsection (1) of this section and the applicant's successful certification pursuant to subsection (4) of this section, the board shall issue the DT credential.
  - (b) If the credential is issued prior to May 1, it shall expire on October 31 of the current credentialing period as defined in 201 KAR 20:085, Section 2.
  - (c) If the credential is issued on or after May 1, it shall expire on October 31 of the succeeding credentialing period as defined in 201 KAR 20:085, Section 2.
  - (d) After the issuance of the initial DT credential, the credentialing period shall be as defined in 201 KAR 20:085, Section 2.

#### Section 2. Renewal.

- (1) To be eligible for renewal of the credential, the DT shall submit prior to the expiration date of the credential:
  - (a) The Application for Renewal of the Dialysis Technician Credential;
  - (b) The fee established in Section 4 of this administrative regulation; and
  - (c) Evidence of current certification by one of the organizations listed in Section 1(4)(b) of this administrative regulation.
- (2) If the application form is submitted on line, it shall be received by the board prior to midnight on the last day of the credentialing period.
- (3) If a paper application is submitted, it shall be received no later than the last day of the credentialing period. If the application is not received by the board until after the last day of the credentialing period, the application shall have been postmarked at least seven (7) days prior to the last day of the credentialing period.
- (4) All information needed to determine that an applicant meets the requirements for renewal of credential shall be received by the board no later than the last day of the credentialing period. If the information is not received by the board until after the last day of the credentialing period, in order to be considered by the board for the current renewal, the information shall have been postmarked at least seven (7) days prior to the last day of the credentialing period.

(5) Failure to comply with these requirements shall result in the credential lapsing. A person whose credential has lapsed shall comply with Section 3 of this administrative regulation to reinstate the credential.

### Section 3. Reinstatement.

(1) If the DT credential has lapsed for less than twelve (12) months, an individual may reinstate the credential as follows:

- (a) Submit the Application for Dialysis Technician Credential;
- (b) Provide evidence of certification from a DT certification organization listed in Section 1(4)(b) of this administrative regulation;
- (c) Pay the fee established in Section 4 of this administrative regulation; and
- (d) Provide a criminal record check by the Department of the Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) and comply with the requirements of subsection (2) of this section.

(2)

- (a) The criminal record check shall have been completed within six (6) months of the date of the application by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) using the FBI Applicant Fingerprint Card. The applicant shall pay any fee required by the KSP and the FBI.
- (b) The applicant shall provide to the board a certified or attested copy of the court record of any misdemeanor or felony conviction in any jurisdiction, except for traffic-related misdemeanors (other than DUI) or misdemeanors that are older than five (5) years. The applicant shall provide to the board a letter of explanation that addresses each conviction.
- (c) A felony or misdemeanor conviction shall be reviewed by the board to determine if the application shall be processed with no further action. If further action is deemed necessary, the application shall not be processed unless the applicant has entered into an agreed order with the board. If the parties are unable to agree on terms and conditions for an agreed order, an administrative hearing shall be held.

(3) If the DT credential has lapsed for more than twelve (12) months, an individual may reinstate the credential by one of the following methods.

(a) If the DT has not worked as a DT in another state, the individual shall:

1. Complete a DT training program approved by the board;
2. After completion of the training program, submit an Application for Dialysis Technician Credential;
3. The supervising registered nurse shall complete and submit the Checklist for Dialysis Technician Competency Validation to the board;
4. Pay the fee established by Section 4 of this administrative regulation;
5. Provide a criminal record check by the KSP and the FBI and comply with subsection (2) of this section; and
6. Provide evidence of certification from a DT certification organization listed in Section 1(4)(b) of this administrative regulation.

(b) If the DT has worked as a DT in another state, the individual shall:

1. Submit an Application for Dialysis Technician Credential;
2. Submit verification of working as a DT in another state;
3. Pay the fee established by Section 4 of this administrative regulation;
4. Provide a criminal record check by the KSP and the FBI and comply with subsection (2) of this section; and
5. Provide evidence of certification from a DT certification organization listed in Section 1(4)(b) of this administrative regulation.

(4) An application for Dialysis Technician Credential submitted for reinstatement shall be valid for one (1) year from the date of receipt by the board.

(5) Upon approval of the application, the credential shall be reinstated.

Section 4. Fees.

(1) The application fee for the initial credential shall be seventy (70) dollars.

(2) The credential renewal fee shall be thirty-five (35) dollars.

(3) The credential reinstatement fee shall be \$100.

(4) A fee of ten (10) dollars shall be charged for issuing a duplicate of the credential.

(5) A check submitted to the board for payment of a fee that is returned by the bank for nonpayment shall be assessed a return check fee of thirty-five (35) dollars.

(6) A fee of ten (10) dollars shall be charged for written verification of a dialysis technician credential. If submitted in list format, a fee of ten (10) dollars for the first name shall be assessed and a fee of one (1) dollar shall be assessed for each additional name.

(7) A fee of twenty-five (25) dollars shall be charged for a name change and the issuance of a new credential.

(8) All fees shall be nonrefundable.

Section 5. Material Incorporated by Reference.

(1) The following materials are incorporated by reference:

(a) "Application for Dialysis Technician Credential", 4/2021;

(b) "Application for Renewal of Dialysis Technician Credential", 4/2021; and

(c) "Checklist for Dialysis Technician Competency Validation", 4/2021.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the board's Web site at <https://kbn.ky.gov/legalopinions/Pages/laws.aspx>.

*JESSICA WILSON, President*

APPROVED BY AGENCY: April 15, 2021

FILED WITH LRC: May 18, 2021 at 1:07 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, August 23, 2021 at 10:00 a.m. (EDT) in the office of the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until end of day (11:59 p.m., EDT) Tuesday, August 31, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Morgan Ransdell, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, phone (502) 429-3339, email [Morgan.Ransdell@ky.gov](mailto:Morgan.Ransdell@ky.gov).