

BOARDS AND COMMISSIONS

Board of Nursing

(New Administrative Regulation)

201 KAR 20:478. Dialysis technician scope of practice, discipline, and miscellaneous requirements.

RELATES TO: KRS 314.021, 314.035, 314.089, 314.091, 314.103, 314.137, 314.991

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 scope of practice and disciplinary procedures for dialysis technicians.

Section 1. Scope of Practice.

(1) The scope of practice of a dialysis technician shall include the following and shall be performed under the direct, on-site supervision of a registered nurse, an advanced practice registered nurse, a physician, or a physician's assistant:

- (a) Preparation and cannulation of peripheral access sites (arterial-venous fistulas and arterial-venous grafts);
- (b) Initiating, delivering, or discontinuing dialysis care;
- (c) Administration of the following medications only:
 - 1. Heparin 1:1000 units or less concentration either to prime the pump, initiate treatment, or for administration throughout the treatment, in an amount prescribed by a physician, physician's assistant, or advanced practice registered nurse. The dialysis technician shall not administer heparin in concentrations greater than 1:1000 units;
 - 2. Normal saline via the dialysis machine to correct dialysis-induced hypotension based on the facility's medical protocol. Amounts beyond that established in the facility's medical protocol shall not be administered without direction from a registered nurse or a physician; and
 - 3. Intradermal lidocaine, in an amount prescribed by a physician, physician's assistant, or advanced practice registered nurse;
- (d) Assistance to the registered nurse in data collection;
- (e) Obtaining a blood specimen via a dialysis line or a peripheral access site;
- (f) Responding to complications that arise in conjunction with dialysis care; and
- (g) Performance of other acts as delegated by the registered nurse pursuant to 201 KAR 20:400.

(2) The scope of practice of a dialysis technician shall not include:

- (a) Dialysis care for a patient whose condition is determined by the registered nurse to be critical, fluctuating, unstable, or unpredictable;
- (b) The connection and disconnection of patients from, and the site care and catheter port preparation of, percutaneously or surgically inserted central venous catheters; and
- (c) The administration of blood and blood products.

Section 2. Discipline of a Dialysis Technician.

(1) The board shall have the authority to discipline a dialysis technician (DT) or a dialysis technician applicant (DTA) for:

- (a) Failure to safely and competently perform the duties of a DT or DTA as established in this administrative regulation;
- (b) Practicing beyond the scope of practice as established in this administrative regulation;

- (c) Conviction of any felony, or a misdemeanor involving drugs, alcohol, fraud, deceit, falsification of records, a breach of trust, physical harm or endangerment to others, or dishonesty under the laws of any state or of the United States. The record of conviction or a copy thereof, certified by the clerk of the court or by the judge who presided over the conviction, shall be conclusive evidence;
 - (d) Obtaining or attempting to obtain a credential by fraud or deceit;
 - (e) Abusing controlled substances, prescription medications, or alcohol;
 - (f) Use, or impairment as a consequence of use, of alcohol or drugs while on duty as a dialysis technician, dialysis technician trainee, or dialysis technician applicant;
 - (g) Possession or use of a Schedule I controlled substance;
 - (h) Personal misuse or misappropriation for use of others of any drug placed in the custody of the DT or DTA for administration;
 - (i) Falsifying or in a negligent manner making incorrect entries or failing to make essential entries on essential records;
 - (j) Having a dialysis technician credential disciplined by another jurisdiction on grounds sufficient to cause a credential to be disciplined in this Commonwealth;
 - (k) Practicing without filing an Application for Dialysis Technician Credential or without holding a dialysis technician credential;
 - (l) Abuse of a patient;
 - (m) Theft of facility or patient property;
 - (n) Having disciplinary action on a professional or business license;
 - (o) Violating any lawful order or directive previously entered by the board;
 - (p) Violating any applicable requirement of KRS Chapter 314 or 201 KAR Chapter 20;
 - (q) Having been listed on the nurse aide abuse registry with a substantiated finding of abuse, neglect, or misappropriation of property; or
 - (r) Having violated the confidentiality of information or knowledge concerning any patient, except as authorized or required by law.
- (2) The discipline may include the following:
- (a) Immediate temporary suspension of the credential, following the procedure established in KRS 314.089;
 - (b) Reprimand of the credential;
 - (c) Probation of the credential for a specified period of time, with or without limitations and conditions;
 - (d) Suspension of the credential for a specified period of time;
 - (e) Permanent revocation of the credential; or
 - (f) Denying the Application for Dialysis Technician Credential.
- (3) The board shall follow the procedures established in and have the authority established in KRS 314.091, 201 KAR 20:161, and 201 KAR 20:162 for management and resolution of complaints filed against a dialysis technician.
- (4) In addition to the provisions of subsection (3) of this section, the board may impose a civil penalty of up to \$10,000.

Section 3. Miscellaneous Requirements.

- (1) Any person credentialed by the board as a dialysis technician shall maintain a current mailing address and email address with the board and immediately notify the board in writing of a change of mailing address or email address.
- (2)
 - (a) Holding a credential shall constitute consent by the dialysis technician to service of notices or orders of the board. Notices and orders shall be sent to the mailing address on file with the board.
 - (b) Any notice or order of the board mailed or delivered to the mailing address on file with the board shall constitute valid service of the notice or order.

(3) Any dialysis technician credentialed by the board shall, within ninety (90) days of entry of the final judgment, notify the board in writing of any misdemeanor or felony conviction in this or any other jurisdiction.

(4) Any dialysis technician credentialed by the board shall, within ninety (90) days of entry of a sanction specified in this subsection, notify the board in writing if any professional or business license that is issued to the person by any agency of the commonwealth or any other jurisdiction:

- (a) Is surrendered or terminated under threat of disciplinary action;
- (b) Is refused, limited, suspended, or revoked; or
- (c) If renewal is denied.

(5) If the board has reasonable cause to believe that any DT or DTA is unable to practice with reasonable skill and safety or has abused alcohol or drugs, it shall require the person to submit to a substance use disorder evaluation or a mental or physical examination by a board approved practitioner.

(a) Holding a credential shall constitute:

- 1. Consent by the dialysis technician to a substance use disorder evaluation, mental examination, or physical examination if directed in writing by the board. The direction to submit to an evaluation or examination shall contain the basis for the board's concern that the technician is unable to practice safely and effectively; and
- 2. Waiver of objections to the admissibility of the examining practitioner's testimony or examination reports on the grounds of privileged communication.

(b) The dialysis technician shall bear the cost of substance use disorder evaluation, mental examination, or physical examination ordered by the board.

(c) Upon failure of the dialysis technician to submit to a substance use disorder evaluation, mental examination, or physical examination ordered by the board, unless due to circumstances beyond the person's control, the board shall initiate an action for immediate temporary suspension pursuant to KRS 314.089 or deny an application until the person submits to the required examination.

(d) If a substance use disorder evaluation, mental examination, or physical examination pursuant to this subsection results in a finding that indicates that the dialysis technician is unable to practice with reasonable skill and safety or has abused alcohol or drugs, the dialysis technician shall be subject to disciplinary procedures as established in this administrative regulation.

(6) Due process procedures, including appeal, pertaining to this administrative regulation shall be conducted in accordance with KRS Chapter 13B.

JESSICA WILSON, President

APPROVED BY AGENCY: April 15, 2021

FILED WITH LRC: May 18, 2021 at 1:10 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.