

STATEMENT OF EMERGENCY

201 KAR 20:470E

(1) Nature of the emergency: Governor Beshear has declared a State of Emergency due to the COVID19 pandemic per Executive Order 2020-215.

(2) An ordinary administrative regulation is not sufficient due to the immediacy of the need for dialysis technicians.

(3) An ordinary administrative regulation will not be filed with the Regulations Compiler because these measures are meant to be temporary and in effect only for the duration of the State of Emergency.



Andy Beshear, Governor



Dina Byers, President
Kentucky Board of Nursing

1 GENERAL GOVERNMENT CABINET

2 Board of Nursing

3 (Emergency Administrative Regulation)

4 201 KAR 20:470E. Dialysis technician credentialing requirements and training program standards.

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

6 STATUTORY AUTHORITY: KRS 314.131(1), 314.137

7 NECESSITY, FUNCTION AND CONFORMITY: KRS 314.137 requires the board to promulgate
8 administrative regulations to regulate dialysis technicians. This administrative regulation establishes the
9 requirements for dialysis technician training programs and for credentialing dialysis technicians.

10 Section 1. Definitions.

11 (1) "Approved dialysis technician training program" means a program to train dialysis technicians
12 that is approved by the board in accordance with Sections 7 through 10 of this administrative regulation.

13 (2) "Central venous catheter" means a catheter that is inserted in such a manner that the distal tip
14 is located in the superior vena cava.

15 (3) "Conviction" is defined by KRS 314.011(21).

16 (4) "Dialysis technician applicant" means an individual who has applied for a dialysis technician
17 credential.

18 (5) "Dialysis technician trainee" means an individual who is enrolled in an approved dialysis
19 technician training program.

20 (6) "Supervision" means:

1 (a) Initial and ongoing direction, procedural guidance, observation, and evaluation by a registered
2 nurse or physician; and

3 (b) While a patient is being dialyzed the registered nurse or physician is in the immediate clinical
4 area.

5 Section 2. Requirements for Dialysis Technician Credential.

6 (1)(a) An individual who applies to be credentialed as a dialysis technician in order to engage in
7 dialysis care shall:

8 1. File with the board the completed Application for Dialysis Technician Credential;

9 2. Have completed an approved dialysis technician training program or an out-of-state dialysis
10 training program pursuant to paragraph (b) of this subsection;

11 3. Pay the fee established in Section 12 of this administrative regulation;

12 4. Provide a criminal record check by the Department of Kentucky State Police (KSP) and the
13 Federal Bureau of Investigation (FBI);

14 5. Use the FBI Applicant Fingerprint Card;

15 6. Pay any required fee to the KSP and the FBI;

16 7. Complete the criminal record check within six (6) months of the submission date of the
17 Application for Dialysis Technician Credential;

18 8. Provide to the board a certified or attested copy of the court record of any misdemeanor or
19 felony conviction from any jurisdiction, except for:

20 a. Traffic-related misdemeanors (other than DUI); or

21 b. Misdemeanors older than five (5) years; and

22 9. Provide to the board a letter of explanation that addresses each conviction identified pursuant to
23 subparagraph 8. of this paragraph.

1 (b)1. If the dialysis technician applicant has completed an out-of-state dialysis technician training
2 program, the applicant shall submit the training program curriculum and evidence of completion to the
3 board.

4 2.a. The board or its designee shall evaluate the applicant's training program to determine its
5 comparability with the standards as established in Section 7 of this administrative regulation.

6 b. The board or its designee shall advise an applicant if the training program is not comparable and
7 specify what additional components shall be completed to meet the requirements of Section 7 of this
8 administrative regulation.

9 3. A dialysis technician applicant who has completed an out-of-state dialysis technician training
10 program shall be required to complete that portion of a board-approved dialysis technician training program
11 related to specific portions of the legal and ethical aspects of practice as established in the Dialysis
12 Technician Training Program Guide.

13 4. An applicant shall submit evidence to the board of successful completion of the following
14 sections of the Dialysis Technician Training Program Guide:

- 15 a. State and Federal Regulations Governing Dialysis;
- 16 b. The Principles and Legal Aspects of Documentation, Communication and Patient Rights;
- 17 c. The Roles of the Dialysis Technician and other Multidisciplinary Team Members; and
- 18 d. Principles Related to Patient Safety.

19 5. A dialysis technician applicant who has completed an out-of-state dialysis technician training
20 program shall submit the completed Checklist for Dialysis Technician Competency Validation signed by the
21 applicant's immediate supervisor in Kentucky. The Checklist for Dialysis Technician Competency Validation
22 shall be filed after the submission of the Application for Dialysis Technician Credential.

1 6. A dialysis technician applicant who has completed an out-of-state dialysis technician training
2 program shall submit evidence of:

3 a. Successful completion of a comprehensive, written final examination from a board approved
4 dialysis technician training program; or

5 b. Dialysis technician certification issued within the past two (2) years by the Nephrology Nursing
6 Certification Commission, the Board of Nephrology Examiners Nursing and Technology, or the National
7 Nephrology Certification Organization.

8 (2) An individual shall be exempt from the credentialing requirement while enrolled in an approved
9 dialysis technician training program. The individual shall use the title dialysis technician trainee.

10 (3) Upon approval, pursuant to subsection (1) of this section, of the Application for Dialysis
11 Technician Credential, the board shall initially issue the dialysis technician credential for twenty-four (24)
12 months following the month of issuance. The credential shall lapse on the last day of the credentialing
13 period.

14 (4)(a) An applicant for a dialysis technician credential may engage in dialysis care as a dialysis
15 technician applicant upon:

- 16 1. Receipt by the board of the Application for Dialysis Technician Credential; and
- 17 2. Meeting the requirements of subsection (6) of this section.

18 (b) The dialysis technician applicant shall only practice dialysis care as an applicant until:

- 19 1. The credential is issued; or
- 20 2. The application is denied by the board.

21 (5) An Application for Dialysis Technician Credential submitted for initial credentialing shall be valid
22 for six (6) months from the date of receipt by the board.

1 (6) A felony or misdemeanor conviction shall be reviewed to determine, based on Section 6(2)(c) of
2 this administrative regulation, if:

3 (a) The Application for Dialysis Technician Credential shall be processed with no further action; or

4 (b) The Application for Dialysis Technician Credential shall be processed only after:

5 1. The applicant has entered into an agreed order with the board with terms and conditions as
6 agreed by the parties; or

7 2. If the parties are unable to agree on terms and conditions, a hearing is held pursuant to KRS
8 314.091 and 201 KAR 20:162, and a final decision is entered by the board.

9 (7) An applicant shall not be credentialed until a report is received from the FBI pursuant to the
10 request submitted pursuant to subsection (1)(a)5 of this section and any conviction is addressed by the
11 board.

12 Section 3. Renewal. (1) To be eligible for renewal of the credential, the dialysis technician shall
13 submit, no later than one (1) month prior to the expiration date of the credential:

14 (a) The completed Application for Renewal of the Dialysis Technician Credential; and

15 (b) The fee established in Section 12 of this administrative regulation.

16 (2) Upon approval of the Application for Renewal of the Dialysis Technician Credential, the
17 credential shall be renewed for twenty-four (24) months. The credential shall lapse on the last day of the
18 credentialing period.

19 (3) A dialysis technician shall report to the board at renewal the name of the national certification
20 program that has issued the technician's certification and provide a copy of the certification certificate to the
21 board.

22 Section 4. Reinstatement. (1) Before beginning practice as a dialysis technician or a dialysis
23 technician applicant, the individual shall meet the requirements of this section. If the dialysis technician

1 credential has lapsed for a period of less than one (1) credentialing period, the individual may reinstate the
2 credential. The reinstatement shall be accomplished by:

- 3 (a) Submitting the completed Application for Dialysis Technician Credential;
- 4 (b) Paying the fee established in Section 12 of this administrative regulation;
- 5 (c) Providing a criminal record check by the KSP and the FBI;
- 6 (d) Using the FBI Applicant Fingerprint Card;
- 7 (e) Paying any required fee to the KSP and the FBI;
- 8 (f) Completing the criminal record check within six (6) months of the submission date of the
9 Application for Dialysis Technician Credential;
- 10 (g) Providing to the board a certified or attested copy of the court record of any misdemeanor or
11 felony conviction, except for:
 - 12 1. Traffic-related misdemeanors (other than DUI); or
 - 13 2. Misdemeanors older than five (5) years; and
- 14 (h) Providing to the board a letter of explanation that addresses each conviction identified pursuant
15 to paragraph (g) of this subsection.

16 (2) If the dialysis technician credential has lapsed for more than one (1) credentialing period, the
17 dialysis technician may reinstate the credential. The reinstatement shall be accomplished by:

- 18 (a) Completing a dialysis technician training program approved by the board pursuant to the criteria
19 established in the Dialysis Technician Training Program Guide before submitting the Application for Dialysis
20 Technician Credential. While enrolled in a training program, the individual shall be referred to as a dialysis
21 technician trainee;
- 22 (b) Submitting the completed Application for Dialysis Technician Credential;
- 23 (c) Paying the fee established in Section 12 of this administrative regulation;

1 (d) Submitting the Checklist for Dialysis Technician Competency Validation signed by the
2 individual's immediate supervisor;

3 (e) Providing a criminal record check by the KSP and the FBI;

4 (f) Using the FBI Applicant Fingerprint Card;

5 (g) Paying any required fee to the KSP and the FBI;

6 (h) Completing the criminal record check within six (6) months of the submission date of the
7 Application for Dialysis Technician Credential;

8 (i) Providing to the board a certified or attested copy of the court record of any misdemeanor or
9 felony conviction, except for:

10 1. Traffic-related misdemeanors (other than DUI); or

11 2. Misdemeanors older than five (5) years; and

12 (j) Providing to the board a letter of explanation that addresses each conviction identified pursuant
13 to paragraph (i) of this subsection.

14 (3) An Application for Dialysis Technician Credential submitted for reinstatement shall be valid for
15 six (6) months from the date of receipt by the board.

16 (4) Upon approval of the Application for Dialysis Technician Credential pursuant to Section 2(1) of
17 this administrative regulation, the credential shall be reinstated for twenty-four (24) months following the
18 month of issuance. The credential shall lapse on the last day of the credentialing period.

19 (5) An applicant shall not be credentialed until a report is received from the FBI pursuant to the
20 request submitted pursuant to subsection (2)(f) of this section and any conviction is addressed by the
21 board.

22 (6) Temporary Work Permit. (1)(a) An applicant seeking reinstatement of a dialysis technician
23 credential who meets all of the requirements of subsections (1) and (2) of this section, except for
24 subsection (1)(c), (d), and (e) or subsection (2)(e), (f), and (g) of this section, shall be issued a temporary

1 work permit, unless reinstatement of the credential is denied or restricted in accordance with Section 2(6)
2 and Section 6 of this administrative regulation.

3 (b) The temporary work permit shall be issued for six (6) months and may be reissued.

4 Section 5. Scope of Practice. (1) The scope of practice of a dialysis technician shall include the
5 following and shall be performed under the direct, on-site supervision of a registered nurse or a physician:

6 (a) Preparation and cannulation of peripheral access sites (arterial-venous fistulas and arterial-
7 venous grafts);

8 (b) Initiating, delivering, or discontinuing dialysis care;

9 (c) Administration of the following medications only:

10 1. Heparin 1:1000 units or less concentration either to prime the pump, initiate treatment, or for
11 administration throughout the treatment, in an amount prescribed by a physician, physician's assistant, or
12 advanced registered nurse practitioner. The dialysis technician shall not administer heparin in
13 concentrations greater than 1:1000 units;

14 2. Normal saline via the dialysis machine to correct dialysis-induced hypotension based on the
15 facility's medical protocol. Amounts beyond that established in the facility's medical protocol shall not be
16 administered without direction from a registered nurse or a physician; and

17 3. Intradermal lidocaine, in an amount prescribed by a physician, physician's assistant, or
18 advanced practice registered nurse;

19 (d) Assistance to the registered nurse in data collection;

20 (e) Obtaining a blood specimen via a dialysis line or a peripheral access site;

21 (f) Responding to complications that arise in conjunction with dialysis care; and

22 (g) Performance of other acts as delegated by the registered nurse pursuant to 201 KAR 20:400.

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

1 (a) Dialysis care for a patient whose condition is determined by the registered nurse to be critical,
2 fluctuating, unstable, or unpredictable;

3 (b) The connection and disconnection of patients from, and the site care and catheter port
4 preparation of, percutaneously or surgically inserted central venous catheters; and

5 (c) The administration of blood and blood products.

6 Section 6. Discipline of a Dialysis Technician. (1) The board shall have the authority to discipline a
7 dialysis technician for:

8 (a) Failure to safely and competently perform the duties of a dialysis technician as established in
9 Section 5 of this administrative regulation;

10 (b) Practicing beyond the scope of practice as established in Section 5 of this administrative
11 regulation;

12 (c) Conviction of any felony, or a misdemeanor involving drugs, alcohol, fraud, deceit, falsification
13 of records, a breach of trust, physical harm or endangerment to others, or dishonesty under the laws of any
14 state or of the United States. The record of conviction or a copy thereof, certified by the clerk of the court or
15 by the judge who presided over the conviction, shall be conclusive evidence;

16 (d) Obtaining or attempting to obtain a credential by fraud or deceit;

17 (e) Abusing controlled substances, prescription medications, or alcohol;

18 (f) Personal misuse or misappropriation for use of others of any drug placed in the custody of the
19 dialysis technician for administration;

20 (g) Falsifying or in a negligent manner making incorrect entries or failing to make essential entries
21 on essential records;

22 (h) Having a dialysis technician credential disciplined by another jurisdiction on grounds sufficient
23 to cause a credential to be disciplined in this Commonwealth;

- 1 (i) Practicing without filing an Application for Dialysis Technician Credential or without holding a
2 dialysis technician credential;
- 3 (j) Abuse of a patient;
- 4 (k) Theft of facility or patient property;
- 5 (l) Having disciplinary action on a professional or business license;
- 6 (m) Violating any lawful order or directive previously entered by the board;
- 7 (n) Violating any applicable requirement of 201 KAR Chapter 20;
- 8 (o) Having been listed on the nurse aide abuse registry with a substantiated finding of abuse,
9 neglect, or misappropriation of property; or
- 10 (p) Having violated the confidentiality of information or knowledge concerning any patient, except
11 as authorized or required by law.
- 12 (2) The discipline may include the following:
- 13 (a) Immediate temporary suspension of the credential, following the procedure established in KRS
14 314.089;
- 15 (b) Reprimand of the credential;
- 16 (c) Probation of the credential for a specified period of time, with or without limitations and
17 conditions;
- 18 (d) Suspension of the credential for a specified period of time;
- 19 (e) Permanent revocation of the credential; or
- 20 (f) Denying the Application for Dialysis Technician Credential.
- 21 (3) The board shall follow the procedures established in and have the authority established in KRS
22 314.091, 201 KAR 20:161, and 201 KAR 20:162 for management and resolution of complaints filed against
23 a dialysis technician.

1 (4) In addition to the provisions of subsection (3) of this section, the board may impose a civil
2 penalty of up to \$10,000.

3 Section 7. Dialysis Technician Training Program Standards. (1) Program administrator. Each
4 dialysis technician training program shall have a registered nurse who holds a current Kentucky license,
5 temporary work permit, or multistate privilege, with at least one (1) year of experience in dialysis care, who
6 shall be administratively responsible for planning, development, implementation, and evaluation of the
7 dialysis technician training program.

8 (a) The name, title, and credentials identifying the educational and professional qualifications of the
9 program administrator shall be provided to the board.

10 (b) A change in the program administrator shall be reported to the board within thirty (30) days of
11 the change.

12 (2) Faculty qualifications.

13 (a) The dialysis technician training program shall be taught by multidisciplinary faculty with
14 expertise in the subject matter.

15 (b) The name, title, and credentials identifying the educational and professional qualifications of
16 each didactic and clinical instructor shall be provided to the board.

17 (3) The dialysis technician training program shall be based upon the Dialysis Technician Training
18 Program Guide.

19 (4) The dialysis technician training program syllabus shall include:

20 (a) Prerequisites for admission to the program;

21 (b) Program outcomes. The outcomes shall provide statements of measurable competencies to be
22 demonstrated by the learner; supportive content identified;

23 (c) Content. The content shall be described in outline format with corresponding time frame and
24 testing schedules;

1 (d) Teaching methods. The activities of both instructor and learner shall be specified. These
2 activities shall be congruent with stated objectives and content and shall reflect application of adult learning
3 principles;

4 (e) Instructional or reference materials. All required instructional reference materials shall be
5 identified; and

6 (f) Evaluation. There shall be:

7 1. Clearly defined criteria for evaluating the learner's achievement of program outcomes; and

8 2. A process for annual program evaluation by trainees, program administrator, faculty, and
9 employers.

10 (5) Any proposed substantive changes to the dialysis technician training program syllabus after
11 initial submission shall be submitted to the board in writing and shall not be implemented without approval
12 from the board pursuant to the criteria established in the Dialysis Technician Training Program Guide.

13 (6) Trainee clinical practice requirements. The dialysis technician trainee enrolled in a dialysis
14 technician training program shall practice dialysis care incidental to the training program only under the
15 supervision of a faculty member or the faculty member's designee.

16 (7) The dialysis technician training program shall be at least 400 hours in length. A minimum of 200
17 hours shall be didactic.

18 (8) Completion requirements. Requirements for successful completion of the dialysis technician
19 training program shall be clearly specified.

20 (a) The requirements shall include demonstration of clinical competency and successful completion
21 of a comprehensive, written final examination.

22 (b) The final examination shall be administered only during the final forty (40) hours of the training
23 program.

1 (c) There shall be a statement of policy regarding a trainee who fails to successfully complete the
2 training program.

3 (9) The program shall establish a written records retention plan describing the location and length
4 of time records shall be maintained. At a minimum, the following records shall be maintained by the
5 program:

6 (a) Provider name, dates of program offerings, and sites of the training program;

7 (b) The program code number issued by the board; and

8 (c) Trainee roster, with a minimum of name, date of birth, Social Security number, and program
9 completion date.

10 (10) An individual who successfully completes the training program shall receive a certificate of
11 completion that documents the following:

12 (a) Name of individual;

13 (b) Title of training program, date of completion, and location;

14 (c) Provider's name;

15 (d) The program code number issued by the board; and

16 (e) Name and signature of program administrator.

17 (11) The program shall submit the List of Dialysis Technician Training Program Graduates within
18 three (3) working days of the program completion date.

19 (12)(a) The program shall notify the board in writing within thirty (30) days of a training program
20 closure.

21 (b) The notification shall include:

22 1. The date of closing;

23 2. A copy of the program trainee roster from the date of the last renewal to the date of closing;

1 3. The location of the program's records as established in subsection (9) of this section; and

2 4. The name and address of the custodian of the records.

3 (13) A dialysis technician training program that conducts either the didactic portion or the clinical
4 portion in this state shall be required to be approved by the board pursuant to the criteria established in the
5 Dialysis Technician Training Program Guide, and the program shall meet the requirements of this section.

6 Section 8. Dialysis Technician Training Program Initial Approval. (1) To receive initial approval, a
7 dialysis technician training program shall:

8 (a) File a completed Application for Dialysis Technician Training Program Approval; and

9 (b) Pay the fee established in Section 12 of this administrative regulation.

10 (2) Board approval for a dialysis technician training program shall be:

11 (a) Based on compliance with the standards established in Section 7 of this administrative
12 regulation; and

13 (b) Granted for a two (2) year period from the date of approval.

14 (3) Upon approval, the board shall issue a program code number.

15 Section 9. Continued Board of Approval of a Dialysis Technician Training Program. (1) To receive
16 continued approval, a dialysis technician training program shall:

17 (a) File a completed Application for Dialysis Technician Training Program Approval;

18 (b) Submit an annual program evaluation summary report and any actions taken as a result of the
19 evaluation as required by Section 7(4)(f) of this administrative regulation;

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

22 (d) Submit a copy of the program trainee roster for the past two (2) years as required by Section
23 7(9)(c) of this administrative regulation; and

1 (e) Pay the fee established in Section 12 of this administrative regulation.

2 (2) The completed Application for Dialysis Technician Training Program Approval shall be
3 submitted at least two (2) months prior to the end of the current approval period.

4 (3) Continued approval shall be based on compliance with the standards established in Section 7
5 of this administrative regulation.

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

7 (5) If a program fails to maintain continued approval, the approval shall lapse.

8 Section 10. Reinstatement of Dialysis Technician Training Programs. A program with lapsed
9 approval that seeks to reinstate that approval shall:

10 (1) File a completed Application for Dialysis Technician Training Program Approval; and

11 (2) Pay the fee established in Section 12 of this administrative regulation.

12 Section 11. Board Actions on Dialysis Technician Training Programs. (1) A representative of the
13 board may make a site visit to a dialysis technician training program to evaluate compliance with 201 KAR
14 Chapter 20.

15 (2) The board shall prepare a report of the site visit, identifying deficiencies for the training program
16 if applicable, and shall include recommendations and requirements to be met in order to maintain
17 compliance with standards.

18 (3) The program administrator shall submit to the board a response to the site visit report.

19 (4) Based on the report of deficiencies, the training program's response, and any other relevant
20 evidence, the board shall grant approval, continue approval, continue approval with stipulations, or propose
21 to deny or withdraw approval of the program.

22 (5) A dialysis technician training program administrator may request a review of a board decision
23 concerning approval. A review shall be conducted using the procedure established in this subsection.

1 (a) A written request for the review shall be filed with the board within thirty (30) days after the date
2 of notification of the board action that the dialysis technician training program administrator contests.

3 (b) The board, or the board's designee, shall conduct a review. The dialysis technician training
4 program administrator may appear in person to present reasons why the board's decision should be set
5 aside or modified.

6 (c) The dialysis technician training program administrator shall be notified of the board's decision.

7 (6) The board shall deny or withdraw approval of a program after an administrative hearing
8 conducted pursuant to KRS Chapter 13B.

9 Section 12. Fees. (1) The application fee for the initial credential shall be seventy (70) dollars.

10 (2) The credential renewal fee shall be seventy (70) dollars.

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

12 (4) The dialysis technician training program initial approval fee shall be \$950.

13 (5) The dialysis technician training program continued approval fee shall be \$800.

14 (6) The dialysis technician training program reinstatement fee shall be \$950.

15 (7) An additional fee of twenty-five (25) dollars shall be charged for an Application for Renewal of
16 Dialysis Technician Credential that is filed after the deadline for filing.

17 (8) An additional fee of \$150 shall be charged for an Application for Dialysis Technician Training
18 Program Approval that is filed after the deadline for continued approval filing.

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

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

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

4 (12) A fee of twenty-five (25) dollars shall be charged for a duplicate application form that is issued
5 due to the failure to maintain a current mailing address as required by Section 13 of this administrative
6 regulation.

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

9 (14) All fees shall be nonrefundable.

10 Section 13. Miscellaneous Requirements. (1) Any person credentialed by the board as a dialysis
11 technician shall maintain a current mailing address with the board and immediately notify the board in
12 writing of a change of mailing address.

13 (2)(a) Holding a credential shall constitute consent by the dialysis technician to service of notices or
14 orders of the board. Notices and orders shall be sent to the mailing address on file with the board.

15 (b) Any notice or order of the board mailed or delivered to the mailing address on file with the board
16 shall constitute valid service of the notice or order.

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

20 (b) Upon learning of any failure to notify the board pursuant to this subsection, the board shall
21 initiate an action for immediate temporary suspension until the person submits the required notification.

1 (4) Any dialysis technician credentialed by the board shall immediately notify the board in writing if
2 any professional or business license that is issued to the person by any agency of the commonwealth or
3 any other jurisdiction:

4 (a) Is surrendered or terminated under threat of disciplinary action;

5 (b) Is refused, limited, suspended, or revoked; or

6 (c) If renewal of continuance is denied.

7 (5) If the board has reasonable cause to believe that any dialysis technician is unable to practice
8 with reasonable skill and safety or has abused alcohol or drugs, it shall require the person to submit to a
9 chemical dependency evaluation or a mental or physical examination by a practitioner it designates.

10 (a) Holding a credential shall constitute:

11 1. Consent by the dialysis technician to a chemical dependency evaluation, mental examination, or
12 physical examination if directed in writing by the board. The direction to submit to an evaluation or
13 examination shall contain the basis for the board's concern that the technician is unable to practice safely
14 and effectively; and

15 2. Waiver of objections to the admissibility of the examining practitioner's testimony or examination
16 reports on the grounds of privileged communication.

17 (b) The dialysis technician shall bear the cost of chemical dependency evaluation, mental
18 examination, or physical examination ordered by the board.

19 (c) Upon failure of the dialysis technician to submit to a chemical dependency evaluation, mental
20 examination, or physical examination ordered by the board, unless due to circumstances beyond the
21 person's control, the board shall initiate an action for immediate temporary suspension pursuant to KRS
22 314.089 or deny an application until the person submits to the required examination.

1 (d) If a chemical dependency evaluation, mental examination, or physical examination pursuant to
2 this subsection results in a finding that indicates that the dialysis technician is unable to practice with
3 reasonable skill and safety or has abused alcohol or drugs, the dialysis technician shall be subject to
4 disciplinary procedures as established in Section 6 of this administrative regulation.

5 Section 14. Due process procedures, including appeal, pertaining to this administrative regulation
6 shall be conducted in accordance with KRS Chapter 13B.

7 Section 15. Incorporation by Reference. (1) The following materials are incorporated by reference:

8 (a) "Application for Dialysis Technician Training Program Approval", Kentucky Board of Nursing,
9 6/2006;

10 (b) "Application for Dialysis Technician Credential", Kentucky Board of Nursing, 1/2016;

11 (c) "Application for Renewal of Dialysis Technician Credential", Kentucky Board of Nursing, 5/2018;

12 (d) "Checklist for Dialysis Technician Competency Validation", Kentucky Board of Nursing, 9/2007;

13 (e) "Dialysis Technician Training Program Guide", August 14, 2001, Kentucky Board of Nursing;

14 and

15 (f) "List of Dialysis Technician Training Program Graduates", Kentucky Board of Nursing, 9/2007.

16 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the
17 Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222-5172, Monday
18 through Friday, 8 a.m. to 4:30 p.m.

Emergency Administrative Regulation

201 KAR 20:470E.

Dialysis technician credentialing requirements and training program standards.

Adopted: March 26, 2020.



Dina Byers, President
Kentucky Board of Nursing

3/26/2020
Date

**REGULATORY IMPACT ANALYSIS
AND TIERING STATEMENT**

Administrative Regulation No. 201 KAR 20:470E. Dialysis technician credentialing requirements and training program standards.

.Agency Contact Person: Morgan Ransdell, Morgan.Ransdell@ky.gov, 502-429-3339

(1) Provide a brief summary of:

(a) What this administrative regulation does: This emergency administrative regulation creates a temporary work permit for dialysis technicians (DT) applying for reinstatement. At this time, applicants cannot obtain a criminal record check from the State Police or the FBI. This will allow them to work as a DT during the State of Emergency without the criminal record check.

(b) The necessity of this administrative regulation: This emergency administrative regulation is necessary because of the State of Emergency declared by the Governor and the need for DTs.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by providing for the ability of a DT applying for reinstatement to work as a DT.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by providing for the ability of a DT applying for reinstatement to work as a DT.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

(b) The necessity of the amendment to this administrative regulation:

(c) How the amendment conforms to the content of the authorizing statutes:

(d) How the amendment will assist in the effective administration of the statutes:

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: DTs applying for reinstatement of a license, number unknown.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: They will have to apply for reinstatement.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The reinstatement fee is \$100.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): They will be able to work as a DT.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There is no additional cost.

(b) On a continuing basis: There is no additional cost.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Agency funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase is needed.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: It does not.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering was not applied as the changes apply to all equally.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 201 KAR 20:470E
Contact Person: Morgan Ransdell
Email address: Morgan.Ransdell@ky.gov
Phone number: (502) 429-3339

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Board of Nursing.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 314.137.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? No additional cost.

(d) How much will it cost to administer this program for subsequent years? No additional cost.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):
Expenditures (+/-):
Other Explanation: