

PROPOSED LANGUAGE:

Article 3.5

HEMODIALYSIS TRAINING AND CERTIFICATION

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§ 1247 SHORT TITLE

This article shall be known and may be cited as the Hemodialysis Technician Training and Certification Act***

§ 1247.2 DEFINITIONS

For the purpose of this article, the following terms have the following meaning:

~~(a) “Immediate supervision” means supervision of dialysis treatment in the same room in which the dialysis treatment is being performed.~~

“Chronic dialysis Clinic or Unit” means: a specialty clinic or unit of a clinic or a general acute care hospital for the treatment of patients with end-stage renal disease, which is licensed pursuant to section 1204(b)(2) or has a special permit for chronic dialysis unit in a general acute care hospital licensed pursuant to section 1250(a) of the Health and Safety Code.

~~(b) “Department” means the State Department of Health Services.~~

“Clinical training” means that portion of the training program which includes instructions and demonstration of patient care skills relating to dialysis treatment by an instructor and a return demonstration of competence in these skills by the hemodialysis technician trainee.

~~(c) “Hemodialysis technician” means an unlicensed health care provider who is employed by a hemodialysis clinic or unit for the purpose of participating in the direct treatment of patients undergoing hemodialysis.~~

“Competency examination” means an examination, as required in section 1247.49, conducted by a training agency at the completion of a training program to validate the trainees’ knowledge of dialysis treatment and determine their clinical competency.

~~(b) “Department” as used in this article means the State Department of Health Services.~~

(e) “Hemodialysis technician” means an unlicensed health care provider who is certified under this article and employed by a chronic hemodialysis clinic or unit for the purpose of participating in the direct treatment of patients undergoing hemodialysis as provided in section 1247.3 or employed by a home dialysis agency for the purpose participating in direct treatment of patients undergoing hemodialysis as provided in sections 1794.14 and 1794.15 of the Health and Safety Code.

~~(f) “Immediate supervision” means that a supervisor shall be physically present in the same room while clinical skills are being performed. The immediate supervision shall be provided by a licensed physician and surgeon or licensed registered nurse.~~

~~Supervision of dialysis treatment in the same room in which the dialysis treatment is being performed.~~

(g) “Trainee” means an individual in training as a hemodialysis technician who is under immediate supervision.

(h) “Training agency” means a chronic dialysis clinic or unit within a general acute care hospital as defined respectively in Sections 1204 and 1250 of the Health and Safety Code, an accredited college, accredited university, regional occupational center, adult education center or private school, which provides a hemodialysis technician training

and testing program. As used in this article "accredited" has the same meaning as defined in section 94712 of the Education Code.

(i) "Training Director" means a registered nurse who shall be responsible for the development, management and supervision of the training and competency testing program.

(j) "Training program" means a hemodialysis technician training program as authorized by this article to prepare trainees for certification as hemodialysis technicians.

§ 1247.3 Treatment of patients; venipuncture and arterial puncture; administration of medications; immediate supervision. ~~of home treatment.~~

The treatment of patients by a hemodialysis technician includes performing venipuncture and arterial puncture for the purpose of providing dialysis treatment for a patient. The treatment of patients includes the administration of local anesthetics, heparin, and sodium chloride solutions. The administration of these medications shall be pursuant to protocol established by the medical director of the chronic hemodialysis clinic or unit and shall be under the immediate supervision of a licensed physician and surgeon or a licensed registered nurse. The administration of local anesthetics shall be limited to intradermal, subcutaneous, or topic administration. Hemodialysis technicians who treat patients in the home and are certified by the Board of Nephrology Examination for Nurses and Technicians are exempted from the requirements of immediate supervision until January 1, 1991. Hemodialysis technicians employed by a home dialysis agency and providing services in accordance with sections 1794.14 and 1794.15 of the Health and Safety Code are exempt from the requirement of immediate supervision as defined in this article.

§ 1247.4 MINIMUM STANDARDS FOR TRAINING AND TESTING PROGRAMS; STAFF AND SERVICES; PROGRAM FLEXIBILITY.

(a) The department shall adopt rules and regulations, by July 1, 2001, prescribing minimum standards for training and testing programs, certification of hemodialysis technicians who are certified pursuant to paragraph (2), (3), and (4) of subdivision (a) of Section 1247.6 and minimum standards for the approval for operating a training program.

The regulations adopted by the department shall prescribe minimum standards for staffing with qualified licensed personnel, and shall include training and testing in the administration of local anesthetics, heparin and chloride solutions.

(b) These regulations shall permit program flexibility by the use of alternate concepts, methods, procedures, techniques, equipment or personnel qualifications as long as the statutory requirements are met and the use has the prior written approval of the department. The approval of the department shall provide for the terms and conditions under which the alternative is granted. Requests for program flexibility shall be submitted on a standardized form and in the format provided by the department with supporting documentation.

1247.41 Hemodialysis technician trainee qualifications.

An enrollee for a hemodialysis technician training and testing program shall comply with the following qualifications/education: a high school diploma or graduate equivalent degree (GED),

1247.43 Training program approval required.

(a) No training program shall be operated without approval by the department. A training program shall be operated by a training agency as defined in subdivision (h) of section 1247.2 and shall meet the requirements of this article and the regulations adopted pursuant to this article.

(b) Nothing in this article shall be construed to require a chronic dialysis clinic or unit of a general acute care hospital to operate a training program.

§ 1247.45 Training program approval application

(A) An applicant for approval as a training program shall submit the following to the department: a completed written application on a form provided by the department; a copy of the program curriculum which details the course content and number of hours assigned to classroom and clinical training sessions; disclosure of ownership information; disclosure of the identity and qualifications of the training director, instructors and preceptors, and any other information required by the department for the proper administration and enforcement of the article.

(b) Training agencies operated by private schools and public educational institutions shall contract with a chronic dialysis clinic or unit to provide a clinical setting in which to conduct the clinical training portion of their program. The training agencies shall submit a copy of the contract to the department with the application.

The responsibilities, functions, objectives and terms of agreement shall be delineated in writing and signed by authorized representatives of all parties to the agreement.

(c) Upon determination that the applicant fails to comply with the requirements for approval, the department shall give a written notice by certified mail of the reasons for the determination and the right to appeal the determination.

1247.46 Provider identification training number

The department shall issue a provider identification number to all training agencies which operate an approved training program or continuing education program. A provider number is not transferable. The training agency shall use the identification number when corresponding with the department.

1247.47 Training program curriculum

The curriculum of a training program shall include at least the following:

(a) 180 hours of classroom instruction on the principles of dialysis treatment, body systems review, treatment modalities, renal diet and blood chemistries, infectious diseases, dialysis systems and equipment, routine dialysis care, hemodialysis vascular access, medical problems common during dialysis and complications of renal failure. the 180 hours of classroom instruction may be conducted in a chronic dialysis clinic or unit, accredited college, accredited university, regional occupational center, adult education center, or private school.

(b) 300 hours of supervised clinical training. The clinical training portion of the program shall include clinical instruction without patients present and clinical training with patients present. To ensure patient safety and quality of care, during clinical training, a trainee must demonstrate that he or she has sufficient knowledge to perform a clinical skill competently, prior to being assigned to perform the clinical skill.

1247.49 Testing Program.

(a) A training program shall conduct testing at the completion of training in curriculum required under section 1247.47 and regulations adopted under this article. Testing shall include:

(1) Written examination to validate knowledge of dialysis treatment and subjects covered in classroom curriculum.

(2) Completion of clinical skills checklist to determine clinical competency.

(b) The training director shall notify the department in writing of the trainees who have successfully completed the testing program, within seven (7) business days following the completion of the testing program

1247.5 Training programs and competency tests

~~A hemodialysis clinic or unit within a licensed clinic or hospital, as defined respectively in Sections 1204 and 1250 of the Health and Safety Code, may operate a hemodialysis and testing program. A hemodialysis technician training program and competency test, provided under this section or provided by an accredited college, an accredited university, or private training program, shall be approved by the department. shall comply with the regulations adopted pursuant to Section 1247.4, and which includes training and testing in the administration of local anesthetics, heparin, and sodium chloride solutions.~~

1247.51 Program site inspections and complaint investigations.

Any officer, employee or agent of the department may, upon presentation of proper identification, enter and inspect any program site, building, premises or records at any reasonable time to secure compliance with, or to prevent a violation of, any provision of this article or to conduct a complaint investigation.

Any person who attempts to impede, interfere, or prevent the work of an authorized department representative shall be guilty of a misdemeanor.

1247.52 Approved training programs list, inspections

(a) The department shall prepare and maintain a list of approved training programs for hemodialysis technician certification. The program listing shall include information on whether a training agency is currently training hemodialysis technicians, and the number of hemodialysis technicians that have successfully completed the program.

(b) The department shall inspect a representative sample of training programs. If the department determines that any training program is not complying with program requirements, written notice of violation shall be given to the program. If the program is not in compliance within a reasonable specified time, the department may give written notice of intent to revoke program approval. Programs may request reinstatement of program approval at any time.

(c) The training programs shall retain training records for a period of six years from the date the program was approved. These records shall be made available to the department for review upon request. Training programs shall retain individual course training records which include: the date and time of the training, course title, and name of the instructor. The training records of trainees who have completed the program shall be available to the department inspection for a period of six years from the date of completion of the program. Training records of trainees who failed to complete the program shall be retained for two years.

1247.54 Training program denial, suspension or revocation of approval ; causes.

(a) The department may deny, suspend, or revoke the approval of a training program for the following causes:

(1) Violation by the training program of any of the provisions of this chapter or of the rules and regulations promulgated under this chapter.

(2) Aiding, abetting or permitting the violation of any provision of this chapter or of the rules and regulations promulgated under this chapter.

(3) Conduct inimical to the public health, morals, welfare or safety of the people of California in the maintenance or operation of the training program for which the approval is issued.

(b) Proceedings to deny, suspend, or revoke program approval under this article shall be conducted in accordance with Section 100171 of the Health and Safety Code.

(c) Training programs dissatisfied with the department 's decision's to deny program approval may file a written appeal request with the department within twenty (20) business days of receipt of written notice of denial.

§ 1247.58 1247.8 Inspection of training, testing, and certification information

Each chronic hemodialysis unit or clinic not providing a training program shall have information available for inspection by the department survey teams which shows the local training program and competency test with which it contracts and the names of all hemodialysis technicians and hemodialysis technician trainees employed in the unit or clinic.

When ~~Where~~ a chronic hemodialysis unit or clinic does not provide or contract with a ~~adopt a local~~ training program, it shall provide proof that the hemodialysis technicians employed meet the requirements of ~~subdivision (a)~~ Section 1247.6.

1247.59 Reporting of changes.

(a) The training program shall notify the department in writing within ten days of any change in the following:

(1) Officers, general partners or other principals, administrators or managers. The notice shall include the name and principals business address of these individuals .

(2) Stockholders owning 5 per cent or more of a corporation. The notice shall include the name and principal mailing address of the new stockholder.

(3) Training director. The notice shall include the name and qualifications of the new training director.

(b) The training program shall notify the department in writing thirty (30) days prior to changing an approved training program curriculum.

1247.6 Technician; certification requirements ; application, training program and competency test approval.

(a) Except during training under immediate supervision, no person shall provide services as a hemodialysis technician without being certified by the department.

(1) Certification by the department based upon certification ~~as having been certified~~ by the Board of Nephrology Examination for Nurses and Technicians (Bonent).

(2) Certification by the department as having completed a department-approved training and testing program in a hemodialysis clinic or unit..

~~(3) Certification by the department as being a graduate of a local training and testing program operated by an accredited college, accredited university approved by the department or graduate of a private training program approved by the department or a graduate of a private training program approved by the department.~~

~~As used in this article, accredited has the same meaning as defined by Section 94714 of the Education Code.~~

Certification by the department as a graduate of a training and testing program which complies with this article and the regulations adopted under this article.

(b) This article does not apply to home dialysis patients, or patient helpers not employed by the licensed facility, who have undergone a home dialysis training program operated by a licensed clinic or hospital as defined in Sections 1204 and 1250 of the Health and Safety Code and have been certified by the medical director of the facility as being competent to perform dialysis treatment.

~~(c) A hemodialysis technician training program and competency test, that is approved by the department before January 1, 1998, shall not be required to be re-approved pursuant to this section or Section 1247.45 unless the department determines re-approval to be necessary to protect patient safety.~~

1247.61 Certified hemodialysis technician title

(a) Any person certified as a hemodialysis technician under this article may be known as a certified hemodialysis technician and may place the letters CHT after his or her name when working in a chronic dialysis clinic or unit.

(b) It is unlawful for any person not certified under this article to hold himself or herself out to be a certified hemodialysis technician. Any person making any false representation as being a certified hemodialysis technician is guilty of a misdemeanor.

~~1247.63— Certification period; renewal; in-service training or continuing education—~~

~~(a) Certification of a hemodialysis technician issued by the department pursuant to subdivision (a) of Section 1247.6 shall be valid for four years.—~~

~~(b) Those hemodialysis technicians certified by the department or the Board of Nephrology Examination for Nurses and Technicians (BONENT) before January 1, 1995, shall before January 1, 1996, apply to renew their certification, or in the case of those technicians certified by the Board of Nephrology Examination for Nurses and Technicians (BONENT) obtain department certification, by submitting the fee required by subdivision (n) of Section 1300 and proof of previous certification.—~~

~~The department shall automatically renew the certification of those hemodialysis technicians who were certified before January 1, 1995, and who apply for renewal pursuant to this subdivision:~~

~~(c) For renewals occurring on or after January 1, 1996, a hemodialysis technician applying for renewal of his or her certification shall submit proof that he or she has obtained 30 hours of in-service training or continuing education in dialysis care or general health care as a requirement for renewal of his or her certification:~~

~~(d) This section shall become inoperative on July 1, 2000, and as of January 1, 2001, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2001, deletes or extends the dates on which it becomes inoperative and is repealed. (Added by Stats.1994,c.1122 (A,B. 408), § 2. Amends Stats.1998,c.373 (S.B.1331), § 1.)~~

~~§1247.64 In-service or continuing education; sources:~~

~~A hemodialysis technician shall obtain the in-service training or continuing education required by 1247.71 from one or more of the following sources:~~

~~(a) Health-related courses offered by accredited postsecondary institutions:~~

~~(b) Health-related courses offered by continuing education providers approved by the California Board of Registered Nursing:~~

~~(c) Health-related courses offered by recognized health associations if the department determines the courses to be acceptable:~~

~~(d) Health-related, employer-sponsored in-service training or continuing education programs:~~

~~This section shall become inoperative on July 1, 2000, and, as of January 1, 2001, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2001, deletes or extends the dates on which it becomes inoperative and is repealed:~~

~~(Added by Stats. 1994, c.1122 (A.B.408), § 3. Amended by Stats. 1998, c.373 (S.B. 1331), § 2.)~~

1247.64 Renewal for certificates.

(a) Certificates issued under this article shall expire on the certificate holder's birthday. The first expiration shall be on the certificate holder's birthday not more than four years or less than 3 years from the initial certification and every four years thereafter.

(b) To renew an unexpired certificate, the certificate holder shall, on or before the certificate expiration date, apply for renewal on a form provided by the department, pay the renewal fee prescribed by this article, and submit documentation of the required continuing education training.

(c) The department shall give written notice to a certificate holder 90 days in advance of the renewal date, and shall include written information about the provisions of this section. Failure to receive the renewal notice does not relieve the certificate holder of the obligation to make a timely renewal. Failure to make a timely renewal shall result in expiration of the certificate.

(d) If the certificate is renewed more that 30 days after its expiration, the certificate holder, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this article. An expired certificate may be renewed at any time within two years after its expiration by filing an application for renewal on a form prescribed by the department, payment of the renewal fee in effect on the date the application is filed, and submission of documentation of the required continuing education training.

(e) If a certified hemodialysis technician applies for renewal more than two years after the expiration date, except as provided in subdivision (h), the certified hemodialysis technician shall complete an approved training program. The training program will assess the hemodialysis technician's knowledge and understanding of dialysis treatment, and need for classroom and clinical training. The training requirements will be modified to meet the individual hemodialysis technician's needs. At the conclusion of the program and prior to applying for certification renewal, the hemodialysis technician must pass a written examination and demonstrate competency of required skills as required by section 1247.49.

(f) A suspended certificate is subject to expiration and shall be renewed as provided in this article, but this renewal does not entitle the certificate holder, while the certificate remains suspended, and, until it is reinstated, to engage in the certified activity, or in any other activity or conduct in violation of the order or judgment by which the certificate was suspended. The certificate holder must submit a renewal application, fees, and documentation of continuing education training as required by this article.

(g) If reinstatement of a revoked certificate is approved by the department, the certificate holder, as a condition precedent to reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the date the application for reinstatement is approved.

(h) To renew a certificate, which has been expired for more than four years, a certificate holder who takes and achieves a passing grade on a competency test required by section 1247.49, without requiring additional training, may petition the department for certificate renewal. The certificate holder must submit the following documents to the department:

(1) documentation verifying a passing grade on the competency test

(2) payment of the application fees provided by this article.

(3) documentation of required continuing education training.

1247.65 Fees

(a) A fee of fifty dollars (\$50) shall be submitted with hemodialysis technician initial and renewal certification applications.

(b) The delinquency fee for late renewal is ten dollars (\$10).

(c) The duplicate fee for lost certificates is five dollars (\$5).

(d) The penalty for submitting insufficient funds or a fictitious check, draft or order on any bank or depository for payment of any fee to the department shall be ten dollars (\$10).

(e) Payment by mail for the required fee shall be by personal check, cashier's check, certified check or money order.

§ 1247.66 Certification denial, suspension, or revocation; causes; unprofessional conduct; proceedings; appeals.

(a) The department may deny, suspend, or revoke the certification of a hemodialysis technician if it finds that the hemodialysis technician is not in compliance with this article, or any regulations adopted by the department to administer this article.

(b) The department may deny, suspend, or revoke the certification of a hemodialysis technician for any of the following causes:

(1) Unprofessional conduct, which includes incompetence or gross negligence in carrying out his or her usual functions.

(2) Procuring a certificate by fraud, misrepresentation, or mistake.

(3) Making or giving any false statement or information in conjunction with the application for issuance or renewal of a certificate.

(4) Conviction of a crime substantially related to the qualifications, functions, and duties of a hemodialysis technician in which event the record of the conviction shall be conclusive evidence thereof.

(c) In addition to other acts constituting unprofessional conduct within the meaning of this article, all of the following constitute unprofessional conduct:

(1) Conviction for, or use of any controlled substance ~~narcotic drug~~, as defined in Division 10 (commencing with Section 11000 of the Health and Safety Code, or any dangerous drug, as defined in Article 7 (commencing with Section 4211) of Chapter 9, or alcoholic beverages, to an extent or in a manner dangerous or injurious to the hemodialysis technician or any other person, or the public, if such use impairs the ability to conduct, with safety to the public, the practice of a hemodialysis technician.

(2) Abuse, whether verbal, physical, or mental of a patient in a setting where health care is being rendered, or misappropriation of property of patients or others.

(3) Violating or attempting to violate directly or assisting in or abetting the violating of, or conspiring to violate any provision or term of, this article.

(d) In determining whether or not to deny the application for certification or to suspend or revoke certification pursuant to subdivision (b)(4), or (c), the department shall take into consideration the following factors as evidence of good character and rehabilitation:

(1) The nature and seriousness of the conduct or crime under consideration and its relationship to employment duties and responsibilities.

(2) Activities since conviction, including employment or participation in therapy or education, that would indicate changed behavior.

(3) The time that has elapsed since the commission of the conduct or offense referred to in paragraph (1) or (2) and the number of offenses.

(4) The extent to which the person has complied with any terms of parole, probation, restitution, or any other sanction lawfully imposed against the person.

(5) Any rehabilitation evidence, including character references, submitted regarding the person.

(6) Employment history and current employer recommendations.

(7) Circumstances surrounding the commission of the offense that would demonstrate the unlikelihood of repetition.

(8) The granting by the governor of a full and unconditional pardon.

(9) A certificate of rehabilitation from a superior court.

When the department determines that a certification shall be suspended, the

(A) department shall specify the period of actual suspension. The department may determine that the suspension shall be stayed, placing the certificate holder on probation with specified conditions for a period not to exceed two years. when the department determines that probation is the appropriate action, the certificate holder shall be notified that in lieu of the department proceeding with a formal action to suspend the certification and in lieu of an appeal pursuant to subdivision (h).

The certificate holder may request to enter into a diversion program agreement. A

(B) diversion program agreement shall specify terms and conditions related to matters, including, but not limited to work performance, rehabilitation, training counseling, progress reports and treatment programs. If a certificate holder successfully completes a diversion program, no action shall be taken upon the allegations that were the basis for the diversion agreement. Upon failure of the certificate holder to comply with the terms and conditions of the agreement, the department may proceed with a formal action to suspend or revoke the certification.

(f) A plea or verdict of guilty, or a conviction following a plea of nolo contendere shall be deemed a conviction within the meaning of this article. The department may deny an application for certification, suspend or revoke a certification based on a conviction as provided in this article when the judgment of conviction is entered or when an order granting probation is made suspending the imposition of sentence.

(g) Upon determination to deny an application for certification or to revoke or suspend a certificate, the department shall notify the applicant or certificate holder in writing by certified mail of all of the following:

(1) The reasons for the determination.

(2) The applicant's or certification holder's right to appeal the determination.

(h) (1) Upon written notification that the department has determined that an application shall be denied or a certificate shall be suspended or revoked, the applicant or

certificate holder may request an administrative hearing by submitting a written request to the department within 20 business days of receipt of the written notification. Upon receipt of a written request, the department shall hold an administrative hearing pursuant to the procedures specified in section 100171, except where those procedures are inconsistent with this section.

(2) A hearing under this section shall be conducted by a hearing officer or administrative law judge designated by the director at a location, other than work facility, convenient to the applicant or certificate holder.

The hearing shall be tape recorded and a written decision shall be sent by certified mail to the applicant or certificate holder, except as specified in subdivision (i), the effective date of an action to revoke or suspend a certificate shall be specified in the written decision, or if no administrative hearing is timely requested, the effective date shall be 21 business days from written notification of the department's determination to revoke or suspend.

(i) The department may revoke or suspend a certificate prior to any hearing when immediate action is necessary in the judgment of the director to protect the public welfare. Notice of this action, including a statement of the necessity of immediate action to protect the public welfare, shall be sent in accordance with subdivision (g).

(ii) If the certificate holder requests an administrative hearing pursuant to subdivision (h) the state department shall hold the administrative hearing as soon as possible but not later than 30 calendar days from receipt of the request for a hearing. A written hearing decision upholding or setting aside the action shall be sent by certified mail to the certificate holder within 30 calendar days of the hearing.

(j) Any suspended certificate holder who is determined by the department to have practiced as a hemodialysis technician during the term of the suspension shall have his or her certificate revoked.

(k) Upon a determination to deny an application or revoke or suspend a certificate, the department shall notify the employer of the applicant and certificate holder in writing of that determination, and whether the determination is final, or whether a hearing is pending relating to this determination.

~~§ 1247.7. Trainees; supervision~~

~~an employee in training shall be classified as a hemodialysis technician trainee and shall be under the immediate supervision of a licensed physician and surgeon licensed registered nurse whenever involved in the treatment of a patient, as described in section 1247.3.~~

~~§ 1247.63 1247.71 Certification period; renewal; in-service training or e-continuing education training.~~

~~(a) Certification of a hemodialysis technician issued by the department pursuant to subdivision (a) of Section 1247.6 shall be valid for four years.~~

~~(a) Those hemodialysis technicians certified by the department or the Board of Nephrology Examination for Nurses and Technicians (Bonent) before January 1, 1995, shall before January 1, 1996 apply to renew their certification, or in the case of those technicians certified by the Board of Nephrology Examination for Nurses and Technicians (Bonent) obtain department certification, by submitting the fee required by subdivision (n) of Section 1300 and proof of previous certification. The Department shall automatically renew the certification of those hemodialysis technicians who were certified before January 1, 1995, and who apply for renewal pursuant to this subdivision.~~

~~(c) For renewal occurring on or after January 1, 1996, a hemodialysis technician applying for renewal of his or her certification shall submit proof that he or she has obtained 30 hours of continuing education in dialysis care or general health care as a requirement for the renewal of his or her certification.~~

A hemodialysis technicians applying for certificate of renewal as required by this article shall submit proof that he or she has obtained 30 hours of continuing education training in dialysis care or general health care since the last certificate renewal as required by this article.

~~§1247.64-1247.74 In-service or e~~Continuing education sources.

A hemodialysis technician shall obtain the ~~in-service training or~~ continuing education required by 1247.71 from one or more of the following sources:

- (a) Health-related courses offered by accredited postsecondary institutions.
- (b) Health-related courses offered by continuing education providers approved by the California Board of Registered Nursing.
- (c) Health-related courses offered by recognized health associations if the department determines the courses to be acceptable.
- (d) Health-related, employer-sponsored ~~in-service training or~~ continuing education programs.

1247.76 Out of state and out of country certification program certificates.

An individual who obtained a hemodialysis technician certificate from an out of state or out of country training organization and is not Bonent certified must be certified by the department before he or she may work as a hemodialysis technician in California. The individual shall apply to the department for equivalency consideration for certification.

The individual shall submit a copy of a certificate of training and a copy of the program curriculum completed. Only original documents and transcripts from the out of state or out of country training organization shall be accepted by the department for review. If the training program completed meets the training standards under this article, the

department shall issue a certificate to the individual. If the department determines that the training program completed does not meet the training standards outlined herein, the individual will be informed of the additional training courses required to meet the requirements for certification.

Following the completion of the required courses, the individual shall submit to the department documents from the training agency verifying that the required courses and competency exam have been successfully completed. The department shall issue the individual a certificate upon full compliance with this article.

1247.78 Complaint investigations.

The department shall investigate complaints concerning misconduct by certified hemodialysis technicians and may take disciplinary action pursuant to section 1247.66.

§ 1247.8 Inspection of training, testing, and certification information

Each chronic hemodialysis unit or clinic not providing a training program shall have information available for inspection by the department survey teams which shows the local training program and competency test with which it contracts and the names of all hemodialysis technicians and hemodialysis technician trainees employed in the unit or clinic. Where a chronic hemodialysis unit or clinic does not provide or contract with a adopt a local training program and test, it shall provide proof that the hemodialysis technicians employed meet the requirements of subdivision (a) of Section 1247.6.

§ 1247.9. Chronic dialysis services

No person or entity shall provide chronic dialysis services to patients in this state requirements of subdivision (a) of Section 1247.6 unless the services are provided under the direction of a chronic dialysis clinic, licensed pursuant to Section 1204 of the Health and Safety Code, a home dialysis agency licensed pursuant to Chapter 11 (commencing with Section 1794.01 of Division 2 of the Health and Safety Code, or a general acute care hospital, licensed pursuant to Section 1250 of the Health and Safety Code.