

SUBJECT: Allowing certain dialysis technicians to provide home dialysis care

COMMITTEE: Public Health — committee substitute recommended

VOTE: 8 ayes — Klick, Guerra, Allison, Jetton, Oliverson, Price, Smith, Zwiener
0 nays
3 absent — Campos, Coleman, Collier

SENATE VOTE: On final passage, April 26 — 31-0

WITNESSES: No public hearing.

BACKGROUND: Health and Safety Code ch. 251 requires a person to hold a license to operate an end stage renal disease facility, unless otherwise excepted.

Sec. 251.012 exempts certain facilities from licensure under ch. 251, including a licensed home and community support services agency with a home dialysis designation, a licensed hospital that provides dialysis to certain individuals, and the office of a physician unless the office is used primarily as an end stage renal disease facility.

Concerns have been raised that having only registered nurses allowed to oversee home dialysis care in nursing facilities increases its cost and limits its use, especially during disasters when individuals may be unable to leave the facility for treatment. Some have called for amending licensure requirements for certain facilities that provide end stage renal disease care and authorizing properly trained dialysis technicians, under the personal supervision of a registered nurse, to provide home dialysis care in a nursing facility.

DIGEST: CSSB 1692 would allow a dialysis technician to provide home dialysis care in a nursing facility, including hemodialysis, only if:

- the care was provided under the personal supervision of a

registered nurse who complied with certain training and competency rules of the Health and Human Services Commission (HHSC) and who was employed by the same entity that employed the dialysis technician; and

- the technician had complied with certain commission rules regarding training and competency.

"Personal supervision" would be defined as supervision of a dialysis technician by a registered nurse who was physically present in the room during the administration of dialysis services by the technician.

The bill would specify that exemptions from licensure under Health and Safety Code ch. 251 applied to a licensed home and community support services agency with a home dialysis designation and the office of a physician that:

- had a maximum of five patients at any time to whom the agency or office provided dialysis services; or
- was certified by the Centers for Medicare and Medicaid Services as an end stage renal disease facility under Medicare.

As soon as practicable after the bill's effective date, the executive commissioner of HHSC would have to adopt rules to implement the bill's provisions.

The bill would take effect September 1, 2021.