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ARCHIVES DIVISION

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 333
OREGON HEALTH AUTHORITY
PUBLIC HEALTH DIVISION

FILED

11/28/2022 10:45 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Standards for the certification of hemodialysis technicians

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/21/2022 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
Public Health Division
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 12/16/2022

TIME: 9:00 AM

OFFICER: Staff

ADDRESS: Microsoft Teams - Video/teleconference call

Due to COVID-19 some public meetings are
being held virtually

Portland, OR 97232

SPECIAL INSTRUCTIONS:

Due to COVID-19, some public meetings are being held remotely. To provide oral testimony during this hearing, please contact publichealth.rules@odhsoha.oregon.gov to register and receive the link for the Microsoft Teams video conference. Alternatively, you may dial 971-277-2343, Phone Conference ID 300 482 747# for audio only.

Accessibility Statement: For individuals with disabilities or individuals who speak a language other than English, OHA can provide free help. Some examples are: sign language and spoken language interpreters, real-time captioning, braille, large print, audio, and written materials in other languages. If you need help with these services, please contact the Public Health Division at 971-673-1222, 711 TTY or publichealth.rules@odhsoha.oregon.gov at least 48 hours before the meeting. All relay calls are accepted. To best ensure our ability to provide a modification please contact us if you are considering attending the meeting and require a modification. The earlier you make a request the more likely we can meet the need.

NEED FOR THE RULE(S)

The Oregon Health Authority (Authority), Public Health Division, Health Care Regulation and Quality Improvement (HCRQI) section is proposing to permanently adopt, amend and repeal Oregon Administrative Rules in chapter 333, division 275 relating to the certification requirements for hemodialysis technicians in Oregon. Except for the emergency certification rules adopted in 2020 because of the COVID-19 pandemic, these administrative rules have not

been updated since 2001 and are being revised to incorporate updated processes and procedures and changes to Oregon and federal regulations. The proposed amendments seek to:

- Update language and terms used to reflect current terminology, technology and statutory references.
- Streamline information so subject matter is more easily found and understandable.
- Remove outdated language and inapplicable dates and clarify application process.
- Require fingerprint-based, national criminal records check at initial certification and remove crime tables so fitness is based on the requirements of the job.
- Implement provisions of military spouse temporary licensure in accordance with statute.
- Clarify training program requirements.
- Require reporting to the Authority changes in contact and other information related to the applicant.
- Specify fee amounts in rule text versus referring to a separate table.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

- ORS chapter 181A: https://www.oregonlegislature.gov/bills_laws/ors/ors181A.html
- ORS chapter 670: https://www.oregonlegislature.gov/bills_laws/ors/ors670.html
- ORS chapter 688: https://www.oregonlegislature.gov/bills_laws/ors/ors688.html
- 42 CFR 494: <https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-494?toc=1>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

Certified hemodialysis technicians (CHDT) provide patient care to vulnerable populations with permanent kidney failure. These rules have been amended to require that applicants for a hemodialysis technician certification obtain a nationwide, fingerprint based criminal records check rather than just an Oregon based criminal records check which may not identify crimes that have occurred in other states. The hemodialysis technician is responsible for covering the \$58.75 cost of the criminal records check

which may adversely impact some persons in these positions. Criminal records checks can disqualify criminal offenders who committed a crime but have learned from their mistake and have become responsible individuals. Black, Indigenous and Latino communities may be particularly affected due to biased policing and charging which have resulted in people of color disproportionately incarcerated. Specific crime lists have been removed from proposed rules and require that the Authority comply with rules adopted by the Department of Administrative Services under OAR chapter 125, division 7. The Authority may only take into consideration the relevancy of the crime to the requirements of the position and may not consider a conviction that is more than 10 years old; a charge or arrest for which there is no conviction; a conviction or charge related to marijuana if the charge is no longer a criminal offense; a driving under the influence of intoxicants charge if only one charge in the five-year period prior to the criminal records check; a deferred sentence, conditional discharge or participation in a diversion program; or a pending indictment for a crime.

These rules have also been amended to require that a CHDT retain national certification. Retaining national certification will ease portability across states which is helpful during times of health care surge. Currently a CHDT must pass the national certification exam in order to obtain initial certification and is not required to retain national certification for purposes of renewal. Although CHDTs are required to be certified by the state, and the federal Centers for Medicaid and Medicare Services requires an individual to be certified by the state or obtain national certification within 18 months of being hired, the average wages for these types of positions compared to the demands of the position are low. According to Ziprecruiter.com the average salary for these positions is approximately \$17/hour. As reported in the PHI Quality Care through Quality Jobs, November 2017, Issue Brief, women in the direct care workforce – and in particular women of color – are more likely to live in poverty than men. Direct care jobs do not provide economic stability to women of color and their families, they are generally more likely to live in poverty and rely

on public benefits than their counterparts, and they have smaller family incomes to rely on for support. The cost of retaining national certification is \$60 per year or \$210 to prepay for a four-year certification through the Board of Nephrology Examiners Nursing Technology (BONENT) or \$100 every three years through the Nephrology Nursing Certification Commission (NNCC). Additional costs to reobtain national certification after certification has lapsed is between \$100 to \$225 depending on how long the certification has lapsed. These costs, if not borne by the facility, may be difficult for these persons, however, the Authority is delaying proof of national certification for renewals for two years to allow persons time to prepare.

FISCAL AND ECONOMIC IMPACT:

There are currently 718 full CHDTs and 119 provisional CHDTs in Oregon. An applicant seeking initial certification will be required to pay the fingerprint-based criminal records check fee of \$58.75. A CHDT living out-of-state will be required to obtain and pay for the cost of a fingerprint based criminal records check every two years at time of renewal. There are approximately 224 CHDTs living out-of-state. The cost of the background check cannot exceed the cost charged to the Authority.

In addition to the Oregon certification fee of \$125.00 at time of renewal, a CHDT will be required beginning in the 2025 renewal cycle to show proof of current national certification. A CHDT who has chosen to let their national certification lapse will need to pay additional fees to reobtain their certification:

Reinstatement fees – BONENT

Expired 1-12 months

- Pay \$100 lapsed fee + \$60 annual fee (if not paid) (w/ proof of CE) or
- Retake exam \$225+any outstanding annual fees

Expired 13 months to 10 years

- \$200 Expired fee or (proof of CE)
- Retake exam \$225

Reinstatement fees - NNCC

Expired 1-18 months

- Pay \$100 + \$50 late fee (w/ proof of CE)
- Retake exam \$225 +\$50 late fee

Expired more than 18 months

- \$225 retake exam

It is unknown whether dialysis facilities or centers currently pay for the cost of an Oregon certificate or may pay for national certification or the certification exam fee for hemodialysis technicians. Payment of such fees by the facility or center would reduce the fiscal impact on individual certificate holders.

A CHDT who fails to submit a renewal application within specified time frames may be required to complete additional training. The Authority is uncertain whether these training programs offered by dialysis facilities result in a cost to the CHDT.

Per ORS 688.635, a hemodialysis technician must be under the direct supervision of a registered nurse or physician. The rules have been amended removing reference to supervision by a licensed practical nurse (LPN) which may result in

higher costs to an outpatient renal dialysis facility.

To allow time for a CHDT to prepare for the exam and the costs associated with reobtaining national certification, proof of current national certification will not be necessary for renewals until the 2025 renewal cycle reducing the immediate burden on certificate holders and dialysis facilities or centers that may cover the certification fees.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) The Oregon Health Authority, Public Health Division is expecting that additional staff time will be necessary to track and ensure completion of fingerprint based criminal records check as well as reviewing both extended and initial training programs. Persons seeking hemodialysis certification must pay a \$58.75 fee for a fingerprint based criminal records check. Persons who have let their national certification lapse will need to pay between \$100 to \$225 to reobtain certification. There is no anticipated cost to local government.

(2)(a) The Oregon Health Authority, Public Health Division does not collect or have access to data on the number of persons employed by licensed outpatient renal dialysis facilities and therefore cannot estimate with any accuracy how many facilities are a small business.

(b) Additional reporting, recordkeeping and other administrative duties are anticipated for outpatient renal dialysis facilities for the following requirements. The Authority acknowledges that many facilities may already comply with some of these provisions:

- Submitting extended and abbreviated training programs to the Authority for review including any proposed changes to training programs;
- Documentation requirements to ensure that a nurse educator or hemodialysis educator meet minimum qualifications.
- Criminal records check fees and national certification fees should the outpatient renal dialysis facility choose to pay the costs for these services.

(c) The Authority anticipates there may be additional labor costs to outpatient renal dialysis facilities related to documentation requirements.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

A RAC was convened that included outpatient renal dialysis facilities from rural Oregon. The Authority sent multiple correspondence seeking participants from dialysis facilities, communities of color, tribal nations, and other communities to participate.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

333-275-0001, 333-275-0010, 333-275-0020, 333-275-0030, 333-275-0040, 333-275-0045, 333-275-0050, 333-275-0060, 333-275-0070, 333-275-0080, 333-275-0085, 333-275-0087, 333-275-0090, 333-275-0100, 333-275-0110, 333-275-0120, 333-275-0130, 333-275-0140, 333-275-0150, 333-275-0160, 333-275-0170, 333-275-0175, 333-275-0180, 333-275-1000, 333-275-1010

AMEND: 333-275-0001

RULE SUMMARY: Amend 333-275-0001 – Minor corrections made for readability and added reference to scope of practice. Updates rule number references.

CHANGES TO RULE:

333-275-0001

Purpose ¶

The purpose of OAR 333-275-0001 through 333-275-~~10180~~ is to establish standards for the training, testing ~~and~~, certification, and scope of practice of hemodialysis technicians. These rules are adopted pursuant to ORS 688.625 through 688.665.

Statutory/Other Authority: ORS ~~688.625–35, 688.640, 688.650,~~ 688.665

Statutes/Other Implemented: ORS 688.625 - 688.665

RULE SUMMARY: Amend 333-275-0010 – Amends definitions for clarity. Removes definition for "Division" and replaces with "Authority." Aligns definitions with statute. Adds definition for "Criminal records check," "Declared emergency," "Hemodialysis Services," "Provisional certificate," and "These rules." Adds definitions for provider types. Removes definitions that are not used in rule or are no longer needed.

CHANGES TO RULE:

333-275-0010

Definitions ¶¶

As used in OAR chapter 333, division 275, unless the context requires otherwise, the following definitions apply:¶¶

- (1) "Abbreviated training program" means a training program consisting of a minimum of ~~sixteen~~ (16) hours of theory related to hemodialysis and/or supervised clinical learning experiences to train a hemodialysis technician or demonstrate the clinical competencies of an experienced hemodialysis technician.¶¶
- (2) "Authority" means the Oregon Health Authority, Public Health Division.¶¶
- (3) "Certificate" means a document issued by the Authority identifying the legal privilege and authorization to perform the specific functions and procedures of a hemodialysis technician in the State of Oregon.¶¶
- (34) "Certified Hemodialysis Technician" (CHDT) has the meaning given the term in ORS 688.625, and includes, but is not limited to, means a person who is certified by the Oregon Public Health Division to assist with the direct care of a patient undergoing hemodialysis.¶¶
- (45) "Competency" means the demonstration of knowledge in a specific area and the ability to perform specific skills and tasks in a safe, efficient manner.¶¶
- (5) ~~"Contact Hour" means a fifty (50) minute hour of training.~~¶¶
- (6) ~~"Continuing Education" is planned learning experiences beyond a basic technician educational program: These experiences are designed to promote the development of knowledge, improve skills and develop attitudes for the enhancement of patient care. The Division must determine the appropriateness of all continuing education programs relevant to dialysis.~~ ¶¶
- (7) "Criminal records check" means obtaining and reviewing criminal records and includes any or all of the following: ¶¶
 - (a) A check of criminal offender information and driving records conducted through use of the Law Enforcement Data System (LEDS) maintained by the Oregon State Police (OSP), in accordance with the rules adopted and procedures established by the OSP;¶¶
 - (b) A check of Oregon or other state criminal offender information, including through fingerprint identification or other means, conducted by the OSP at the Authority's request; or ¶¶
 - (c) A nationwide check of federal criminal offender information, including through fingerprint identification, conducted by the OSP through the Federal Bureau of Investigation (FBI). ¶¶
- (8) "Declared emergency" means:¶¶
 - (a) An emergency declared by the Governor under ORS 401.165;¶¶
 - (b) A public health emergency declared under ORS 433.441; or¶¶
 - (c) An emergency declared by the President of the United States and a public health emergency declared by the Secretary for Health and Human Services, and when the Centers for Medicare and Medicaid Services (CMS) has approved temporary modifications and waivers that apply to Oregon under Section 1135 of the Social Security Act.¶¶
- (79) "Dialysis" means a process by which dissolved substances are removed from a patient's body by diffusion from one fluid compartment to another across a semipermeable membrane. The two types of dialysis that are currently in common use are hemodialysis and peritoneal dialysis.¶¶
- (810) "Dialysis Facility or Center" means a place awarded conditional or unconditional status by the federal Health Care Financing AdministrationCenters for Medicare and Medicaid Services (CMS) to provide dialysis services.¶¶
- (911) "Direct Supervision" means that the a registered nurse, nurse practitioner, licensed practical nurse, or licensed physician is physically present and accessible in the immediate patient care area and available to intervene, if necessary."¶¶
- (10) "Division" means the Public Health Division, Oregon Health Authority.¶¶
- (11) "Division approved certification" means a process of national certification of hemodialysis technicians currently available or developed in the future, with requirements that, after review and approval by the Health Division, can be substituted wholly or partially for requirements of the Oregon certification of hemodialysis technicians program. Approved national certifications and requirements include, but are not limited to, the Board

of Nephrology Examiners for Nursing and Technology (BONENT) certification examination.¶

(12) "End-Stage Renal Disease" (ESRD) means that stage of renal impairment that appears irreversible and permanent, and requires either the replacement of kidney function through renal transplantation or the permanent assistance of those functions through dialysis in the dialysis facility or center, is actively involved in the direct oversight and training of the trainee hemodialysis technician or CHDT, and is accessible in the immediate patient care area and available to intervene, if necessary.¶

(13) "Extended training program" means a training program designed for the minimally experienced or inexperienced trainee hemodialysis technician to gain the skills necessary to become a CHDT.¶

(14) "Law Enforcement Data System (LEDS) Hemodialysis services" means a program organized within the Oregon State Police, Law Enforcement Data System Division, which provides a criminal justice telecommunications and information system for the State of Oregon, and is the control point for access to similar programs operated by other states and the federal government.¶

(15) "License" is a document division of health services related to dialysis and includes but is not limited to any of the activities described in OAR 333-275-0090(1).¶

(14) "National certification" means certification by a national credentialing the legal privilege and authorization to practice within a professional category or organization approved by the Authority.¶

(16) "National certification examination" means an examination that has documented validity, reliability, and interrater reliability, are provided on a national level, and are approved by the Oregon Public Health Division. Approved national certification examinations include, but are not limited to, the Board of Nephrology Examiners for Nursing and Technology (BONENT) certification.¶

(17) A "Preceptor" is an individual with a minimum of one (1) year of clinical hemodialysis experience who supervises and observes students providing direct patient care in a dialysis facility or center.¶

(18) "Registry" means the listing of Oregon Certified Hemodialysis Technicians maintained by the Division. The Registry contains identifying demographic information on each CHDT, the date of initial and most recent certification. Division sanctions against a CHDT certification are noted on the Registry. Findings of incompetence, unprofessional or dishonorable conduct, or mental or physical inability to perform the functions of a CHDT are not Authority.¶

(16) "Nurse practitioner" has the meaning given that term in ORS 678.010.¶

(17) "Physician" means a physician as defined in ORS 677.010 licensed by the Oregon Medical Board under ORS chapter 677.¶

(18) "Provisional certificate" means a document issued by the Authority identifying the legal privilege and authorization to perform the specific functions and procedures of a hemodialysis technician in the State of Oregon prior to the certificate holder passing a national certification exam.¶

(19) "Registered nurse" means a person licensed by the Oregon State Board of Nursing in accordance with ORS chapter 678.¶

(20) "Registry" means the list of Oregon certified hemodialysis technicians maintained only by the Registry Authority.¶

(21) "Subject individual" means the applicant for hemodialysis certification. These rules" means OAR 333-275-0001 through 333-275-1010.¶

(22) "Trainee Hemodialysis Technician" means an uncertified hemodialysis technician enrolled in an abbreviated or extended training program, working under the direct clinical supervision of a nurse educator, clinical preceptor, or hemodialysis technician educator.

Statutory/Other Authority: ORS 688.625–35, 688.640, 688.650, 688.665

Statutes/Other Implemented: ORS 688.625 - 688.665

AMEND: 333-275-0020

RULE SUMMARY: Amend 333-275-0020 – Removes dates that are no longer relevant. Clarifies that a person cannot function as a hemodialysis technician unless certified by the Authority. Specifies minimum qualifications. In order to be eligible for a renewal certificate dated July 1, 2025, a hemodialysis technician must provide evidence that they have a current national certification issued by the Board of Nephrology Examiners for Nursing and Technology (BONENT) or the Nephrology Nursing Certification Commission (NNCC). Reference to the national certifying organizations approved by the Authority were moved from OAR 333-275-0010 (Definitions) to this rule.

CHANGES TO RULE:

333-275-0020

~~Certification of Hemodialysis Technicians~~ Certification Required ¶

~~After January 1, 2000 hemodialysis technicians~~ (1) An individual must have a current, valid Oregon CHDT certificate and be listed on the CHDT Registry prior to ~~assuming or continuing~~ providing hemodialysis technician ~~services.~~ ¶

~~(12) A hemodialysis technician hired before January 1, 2000, and who has been employed as a hemodialysis technician for a minimum of 1,000 hours since January 1, 1998, must participate in a Division-approved, abbreviated hemodialysis technician training program and having done so, pass a Division-approved examination prior to person must meet the following minimum qualifications to be eligible for a certificate:~~ ¶

~~(a) Earned at least a high school diploma or equivalent, as indicated by proof of the following:~~ ¶

~~(A) Completion of high school or an equivalent educational level;~~ ¶

~~(B) Passage of an approved high school equivalency test, including but not limited to the General Education Development (GED) test; or~~ ¶

~~(C) Graduation from a post-secondary institution; and~~ ¶

~~(b) Current national certification. Evidence of successful completion of a Division-approved, national certification examination will be accep.~~ ¶

~~(3) If applying for a provisional certificated, as meeting the requirement for an examination.~~ ¶

~~(2) A hemodialysis technician hired after January 1, 2000, and who has been en applicant is not required to have successfully completed a national certification exam but instead must have successfully compleyed as a hemodialysis technician for a minimum of 1,000 hours within the preceding twenty-four (24) month period, must participate in a Division-approved, abbreviated hemodialysis technician training program and having done so, pass a Division-approved examination prior to certification. Evidence of successful completion of a Division-approved, national certification examination will be accepted as meeting the requirement for an examination.~~ ¶

~~(3) A training and skills competency requirements in OAR 333-275-0110.~~ ¶

~~(4) Licensed health providers are not required to obtain a CHDT certificate if provision of hemodialysis services falls within their licensed scope of practice.~~ ¶

~~(5) National credentialling organizations that certify hemodialysis technician hired after January 1, 2000, and who has not been employed as a hemodialysis technician for a minimum of 1,000 hours since January 1, 1998, muss and offer national certification exams approved by the Authority may be found at www.healthoregon.org/hflc and include, but participate in a Division-approved hemodialysis technician extended training program and having done so, pass a Division-approved examination prior to certificatione not limited to:~~ ¶

~~(a) The Board of Nephrology Examiners for Nursing and Technology (BONENT); and~~ ¶

~~(b) The Nephrology Nursing Certification Commission (NNCC).~~

Statutory/Other Authority: ~~ORS 688.625–40, 688.650, 688.665~~

Statutes/Other Implemented: ~~ORS 688.630(1), 688.640, 688.650, 688.665~~

AMEND: 333-275-0030

RULE SUMMARY: Amend 333-275-0030 – Clarifies application requirements. Requires a fingerprint-based, national criminal records check for all initial applicants. The applicant is responsible for paying the cost of the criminal records check. Requires an applicant who is licensed or certified by a health professional regulatory board to provide proof of licensure and disclosure of any actions or sanctions taken or pending against the license or certificate. Establishes that the Authority may use criminal records history or information obtained from a health professional regulatory board to determine fitness for certification. Specifies when the Authority may deny an application and allows the Authority to determine an application incomplete and reject the applications.

CHANGES TO RULE:

333-275-0030

Application for ~~Certificate and Certification of Hemodialysis Technicians by Exam~~ Certificate ¶

- (1) ~~An order to meet the prerequisites, the hemodialysis technician applicant for a hemodialysis certificate must:~~ ¶
- (a) ~~Provide evidencedocumentation that the applicant has received a high school diploma or its equivalent;~~ ¶
- (b) ~~Complete a Division approved hemodialysis technician training program;meets the qualifications specified in OAR 333-275-0020. Sufficient documentation includes a diploma or other document, or by facts, circumstances, or other indicators deemed sufficient by the Authority;~~ ¶
- (c) ~~Submit a complete an application for certification;~~ ¶
- (d) ~~Complete the required examination application within the deadlines and according to all instructions including remittance of required fee to the testing entity; andprescribed by the Authority;~~ ¶
- (c) Submit the applicable fee specified in OAR 333-275-0180; ¶
- (d) Consent to a criminal records check by fingerprint identification in accordance with ORS 181A.195, ORS 181A.200 and OAR chapter 125, division 7; and ¶
- (e) If the applicant is licensed or certified in a health-related occupation by a health professional regulatory board defined in ORS 676.160, provide proof of licensure and disclosure of any actions or sanctions taken or currently pending against the licensee. ¶
- (e2) ~~Complete a consent for a~~ The Authority may use the information obtained through criminal records check. ¶
- (2) ~~Application and fees for the hemodialysis technician certification examination must be submitted to the Division by the application deadline~~ history records, or a public query to a health professional regulatory board, to determine suitability for certification. ¶
- (3) The Authority shall deny any applicant who fails to provide written consent for a criminal records check or fails to complete requirements necessary for fingerprinting, where required. ¶
- (34) ~~Applications containing~~ They Authority may deny any applicant who submits fraudulent or misrepresented information shall be the basis for denial of certification. ¶
- (4) ~~Incomplete applications for certification become null and void one (1) year after date of last activity.~~ ¶
- (5) The Authority may deem an application incomplete if it does not include the information required by the Authority or is not accompanied by the appropriate fee. ¶
- (6) The Authority may reject an application that is incomplete. ¶
- (57) ~~If an~~ The applicant fails to appear for the examination, the applicant must resubmit the application and feesis responsible for the cost for a criminal records check which shall not exceed the cost charged to the Authority. ¶
- Statutory/Other Authority: ORS 688.625-40, 688.665
- Statutes/Other Implemented: ORS 688.640

RULE SUMMARY: Amend 333-275-0040 – Identifies the application review and approval process. Clarifies that the Authority shall conduct a fitness determination in accordance with OAR chapter 125, division 7 and repeals the crimes tables that specify types of crimes that are or may be a mandatory exclusion. Clarifies that the Authority may conduct an investigation based on the information obtained and to determine fitness.

CHANGES TO RULE:

333-275-0040

Criminal ConvApplication History Review and Approval ¶

(1) The ~~Public Health Division~~Authority shall conduct a criminal records check of all ~~n~~ applicants ~~prior to~~ certification.¶

(2) Failure to provide written consent for a criminal records check or failure to provide completed fingerprint cards for a Federal Bureau of Investigation (FBI) check, where required, shall be grounds for denial of an applicat in accordance with OAR chapter 125, division 7.¶

(32) Criminal offender~~Using the information will be obtained through the Oregon Law Enforcement Data System (LEDS). Nationwide criminal records checks, if necessary, shall be conducted by the Oregon State Police (OSP) through the FBI. In conducting criminal records checks on subject individuals, the Division shall act in accordance with its obligations under ORS 181.537.~~¶

(4) The Division has determined that serious felonies and misdemeanors involving violence or unauthorized sexual conduct with the vulnerable or disabled are fundamentally inconsistent with the responsibility of care for the dialysis patient and thereby related to the fitness of the hemodialysis technician to practice hemodialysis. ~~Conv~~criminal records check and in accordance with OAR chapter 127, division 7, the Authority shall determine whether the applicant is fit to perform the functions of crimes listed in Table 1 of this rule shall disqualify a CHDT subject individual from receiving certification, unless the subject individual provides sufficient evidence of suitability as described in section (7) of this rulea hemodialysis technician.¶

(53) The Division has determined that serious felonies and misdemeanors involving theft, fraud, or deception, crimes against the state and public justice, and major traffic violations may substantially jeopardize the safety of the dialysis patient and thereby are related to the fitness of the hemodialysis technician to practice hemodialysis. If any subject individual was convicted of a crime listed in Table 2 of this rule, [Table not included. See ED. NOTE.] the Division will seek to obtain and review information on all intervening circumstances and other background information related to criminal activity, subject to section (7) of this rule. Based on this information, the Division will make a decision whether to approve certification given the individual subject meets all other requirements ~~for~~If the applicant meets the requirements in ORS 688.625 through 688.665 and these rules, the Authority will issue the certificatione.¶

(64) These rules also apply to:¶

(a) Any attempts, solicitations or conspiracy to commit a crime listed in Table 1 or Table 2, and;¶

(b) Conviction of a crime, in another jurisdiction, which is the substantial equivalent of a crime listed in Table 1 or Table 2 or any attempts, solicitations or conspiracy to commit a crime, in another jurisdiction, which is the substantial equivalent of a crime listed in Table 1 or Table 2.¶

(7) Factors in Suitability Determination:¶

(a) Factors to be considered in determining suitability, based on information available to the Division and information provided by the subject individual, include:¶

(A) The nature of the crime;¶

(B) The facts that support the conviction;¶

(C) The making of a false statement on the consent for criminal records check related to the disqualifying crimes;¶

(D) The relevancy of the subject individual's criminal conviction history to the fitness of the hemodialysis technician to practice hemodialysis;¶

(E) Intervening circumstances relevant to the responsibilities and circumstances of the position, services or employment. Such circumstances include but are not limited to:¶

(i) Passage of time since the commission of the crime;¶

(ii) The age of the person at the time of the crime;¶

(iii) The likelihood of a repetition of offenses;¶

(iv) The commission of other relevant crimes, including the type and number of offenses;¶

(v) The recommendation of an employer.¶

(b) Under no circumstances shall a subject individual be barred from certification because of the existence or contents of a juvenile record, which has been expunged pursuant to ORS 419A.260 to 419A.262.If the applicant

does not meet the standards for a certificate, or the fitness determination results in a denial, the Authority may deny the application on the basis of information provided in the application or conduct an investigation in accordance with OAR 333-275-0120.¶¶

(85) Process for Federal Criminal Records Check:¶¶

(a) When conducting a criminal records check on a subject individual, the Division may conduct a federal criminal history check when:¶¶

(A) The subject individual has lived outside the state of Oregon any time during the preceding 18 months;¶¶

(B) The Oregon record shows "Multi-state Offender" status;¶¶

(C) The Division has information about the applicant having crimes in other states.¶¶

(b) An applicant subject to the federal criminal records check must submit to the Division:¶¶

(A) Properly completed FBI fingerprint cards;¶¶

(B) Properly completed consent for criminal records check form;¶¶

(C) A description of the crime and conviction if the subject individual acknowledges conviction of a crime; and¶¶

(D) The fee for the FBI check.¶¶

(9) A subject individual who passes the Oregon criminal records check but is waiting for the FBI criminal records check to be processed may receive a conditional certificate, based upon the Oregon criminal records check and a review of the application, if all other prerequisites are met. This conditional certificate is subject to revocation in the event the FBI criminal records check contains a disqualifying conviction.¶¶

(10) Criminal offender information is confidential and shall not be disclosed by the Division. A subject individual may inspect the subject individual's own Oregon record at the Division. The Division may not disclose FBI information to the subject individual or other persons or entities.¶¶

(11) If an applicant wishes to challenge the accuracy or completeness of information provided by OSP or the FBI, the subject individual must make a challenge directly to the department, bureau or agency providing that information and not through the contested case hearing process set forth in OAR 333-275-0170.¶¶

[ED. NOTE: Tables referenced are available from the agency.]Following an investigation, the Authority may: ¶¶

(a) Deny the application;¶¶

(b) Grant the application but place practice restrictions on the CHDT; or¶¶

(c) Grant the application. ¶¶

(6) Nothing in this rule precludes the Authority from taking an action authorized in ORS 688.655 and 688.660. Statutory/Other Authority: ORS 688.625–50, 688.665

Statutes/Other Implemented: ~~ORS 688.655(1)(c), 181.537~~65, ORS 181A.195, 181A.200, 670.280, 688.655

ADOPT: 333-275-0045

RULE SUMMARY: Adopt 333-275-0045 – Clarifies that if the Authority denies an application, it shall issue notice in accordance with ORS chapter 183.

CHANGES TO RULE:

333-275-0045

Denial of Certified Hemodialysis Technician Application

If the Authority intends to deny an application, it shall issue a Notice of Proposed Denial of License Application in accordance with ORS 183.411 through 183.470. Final actions taken by the Authority in denying an application or placing restrictions on a CHDT's practice shall be done in accordance with ORS chapter 183.

Statutory/Other Authority: ORS 688.665

Statutes/Other Implemented: ORS 688.655, 688.660, 688.665

AMEND: 333-275-0050

RULE SUMMARY: Amend 333-275-0050 – Minor corrections made for readability.

CHANGES TO RULE:

333-275-0050

Hemodialysis Technician Certification Expiration ¶

Each ~~initial~~ certification issued, unless sooner suspended or revoked, shall expire ~~one year after the next June 30 following successful completion of the required examination. Each subsequent certification issued under this section, unless sooner suspended or revoked, shall expire and June 30 of odd numbe~~ renewable after a period of ~~two~~ years.

Statutory/Other Authority: ORS 688.625–50, 688.665

Statutes/Other Implemented: ORS 688.650(~~5~~)

AMEND: 333-275-0060

RULE SUMMARY: Amend 333-275-0060 – Clarifies steps necessary for annual renewal of certificate and specifies that for a renewal certificate dated July 1, 2025, the applicant must provide proof of current, national certification by the BONENT or the NNCC. Modifies requirements for reinstatement of certification after certificate has expired if application for renewal is submitted after July 2, 2023 and before June 30, 2025.

CHANGES TO RULE:

333-275-0060

Hemodialysis Technician Certification Renewal ¶

~~Beginning January 1, 2000, CHDTs are required to renew certificate~~(1) An applicant for a renewal certificate effective July 1, 2025 or later must: ¶

~~(a) Submit a completed application prescribed by the Authority along with the required fee specified in OAR 333-275-0180; ¶~~

~~(b) Consent to a criminal records check in accordance with ORS 181A.195, ORS 181A.200 and OAR chapter 125, division 07 or before June 30 every second year; a fingerprint-based check if determined necessary by the Authority; and ¶~~

~~(c) Provide documentation of current national certification. ¶~~

~~(12) Application for renewal must be postmarked before midnight on May 31 to allow time for a review of the application; ¶~~

~~(2) The certificate shall automatically lapse if the certificate holder fails to renew of the renewal year. ¶~~

~~(3) A hemodialysis technician's certificate shall automatically lapse if the CHDT fails to submit a complete application, required fee, and documentation in section (1) of this rule by the appropriate renewal date and an individual who fails to renew by this deadline is considered delinquent; ¶~~

~~(34)(a) The Division may renew any lapsed certification upon payment of all past unpaid renewal and Authority may reinstate a certificate that is expired between July 2, 2023 and September 30, 2023 upon submission of the documents in subsections (1)(a) and (1)(b) of this rule including the delinquent fees; ¶~~

~~(4b) A CHDT who submits his/her an application for renewal greater than ninety (90) days after the June 30 renewal date must retake the extended Division-approved training program, and must retake the Division-approved examination, or show evidence of the successful completion of a Division-approved certification; between October 1, 2023 and June 30, 2024 must: ¶~~

~~(A) Complete an abbreviated hemodialysis technician training program, in addition to the requirements in subsections (1)(a) and (1)(b) of this rule and submission of the delinquent fee; and ¶~~

~~(B) Within 24 months from date of application, provide proof of 250 work hours at a dialysis facility or center and five hours of continuing education. ¶~~

~~(C) A CHDT who provides proof of current licensure or certification in another state or provides evidence of current national certification is not required to complete an abbreviated program or comply with paragraph (4)(b)(B) but shall submit the information specified in subsections (1)(a) and (1)(b) of this rule and pay the delinquent fee. ¶~~

~~(5c) Each application must be accompanied by a nonrefundable renewal fee payable to the DivisA CHDT who submits an application for renewal on or after July 1, 2024 and before June 30, 2025 must: ¶~~

~~(A) Complete an extended hemodialysis technician training program, in addition to the requirements in subsections (1)(a) and (1)(b) of this rule and submission of the delinquent fee; and ¶~~

~~(B) Within 24 months from date of application, provide proof of 500 work hours at a dialysis facility or center and 10 hours of continuing education; or ¶~~

~~(C) Provide proof of current national certification.~~

Statutory/Other Authority: ORS 688.625–50, 688.665

Statutes/Other Implemented: ORS 688.640(2)–, 688.650(5)

REPEAL: 333-275-0070

RULE SUMMARY: Repeal 333-275-0070 – The Authority is repealing this rule as it is requiring current, national certification by the BONENT or the NNCC for all initial applicants, effective July 1, 2023, and all renewal applicants by July 1, 2025. In order to remain certified by the BONENT or the NNCC, hemodialysis technicians are required to complete continuing education and therefore this rule will no longer be necessary.

CHANGES TO RULE:

~~333-275-0070~~

~~Requirements for Renewal of Certification~~

~~(1) A complete application form must be submitted for recertification.¶¶~~

~~(2) Employment Requirements for Renewal of Certification:¶¶~~

~~(a) At the time of certification renewal, the applicant must be prepared to provide evidence of a minimum of 1,000 hours worked as a CHDT during the twenty-four (24) month period immediately preceding certification renewal;¶¶~~

~~(b) An applicant who is unable to provide evidence of the minimum 1,000 hours worked as a CHDT during the twenty-four month period immediately preceding certification renewal or the prorated required hours worked as a CHDT according to the chart under section (4) of this rule, shall satisfy all of the requirements of a new applicant to obtain certification;¶¶~~

~~(c) Applicable hours worked as a CHDT are not limited to hours spent providing direct patient care but may include a variety of other tasks commensurate with the individual's abilities and job description.¶¶~~

~~(3) Continuing Education Requirements for Renewal of Certification:¶¶~~

~~(a) At the time of certification renewal, the applicant must be prepared to provide evidence of a minimum of twenty (20) contact hours of Division-approved continuing education accrued within the twenty-four (24) months immediately preceding renewal. The Oregon Public Health Division shall determine the appropriateness of all continuing education programs. For those CHDTs completing the training program, the training program hours may be applied towards the continuing education requirement as outlined in OAR 333-275-0110;¶¶~~

~~(b) An applicant who is unable to provide evidence of the minimum 20 hours of Division-approved continuing education during the twenty-four month period immediately preceding certification renewal, or the prorated required hours of Division-approved continuing education hours according to the chart under section (4) of this rule, shall satisfy all of the requirements of a new applicant to obtain certification.¶¶~~

~~(4) Prorated Requirements Based on Testing Schedule: The following table shall be applied to prorate the required number of hours worked as a CHDT and the required number of continuing education contact hours for those CHDTs receiving a certification less than twenty-four (24) months prior to the June 30 renewal date as per OAR 333-275-0050. See OAR 333-275-0180 Fees for the proration of the certification fee. [Table not included. See ED. NOTE.]¶¶~~

~~[ED. NOTE: Tables referenced are available from the agency.]~~

~~Statutory/Other Authority: ORS 688.625 – 688.665~~

~~Statutes/Other Implemented: ORS 688.645 & 688.650(3), (4)~~

AMEND: 333-275-0080

RULE SUMMARY: Amend 333-275-0080 – Removes dates that are no longer relevant. Clarifies requirements for obtaining provisional certification. Specifies document requirements and that the Authority will review and approve the application in accordance with 333-275-0040. Specifies that a provisional certificate holder has 12 months to pass national certification exam. Clarifies that if a provisional certificate holder does not pass the national exam within one year, it must be reported to the Authority. Specifies that a provisional certificate holder whose certificate was suspended for failure to obtain certification within one year must complete an abbreviated training program. Defines the term "educational institution."

CHANGES TO RULE:

333-275-0080

Hemodialysis Technician Provisional Certificates ¶

(1) A provisional certificate ~~is~~may be issued to:¶

~~(a) A hemodialysis technician who was hired prior to January 1, 2000, who has worked a minimum of 1,000 hours prior to January 1, 2000, and who is enrolled in a Division-approved abbreviate a person who has successfully completed a hemodialysis technician education and training program offered by an educational institution or an education and training program or has completed a Division-approved abbreviated training program that meets the requirements specified in OAR 333-275-0110, and who is waiting for a to take a national certification examination or;~~¶

~~(b) A.~~¶

(2) An applicant for a hemodialysis technician hired after January 1, 2000, who has provisional certificate must provide documentation that the applicant meets the qualifications specified in OAR 333-275-0020 and submit a completed an approved training program, and is waiting for a certification examination application in accordance with OAR 333-275-0030.¶

(3) The Authority will review and approve an application for a provisional certificate in accordance with OAR 333-275-0040.¶

~~(24) A provisional certificates are is valid for a period of six (6) months and armay be renewable two times from January 1, 2000 until January 1, 2001. After January 1, 2001, ed one time.~~¶

(5) A CHDT with a provisional certificate must:¶

(a) Apply for renewal of the certificate in accordance with OAR 333-275-0085; or¶

(b) Apply for full certification in accordance with OAR 333-275-0030, if eligible.¶

(6) A CHDT who holds a provisional certificates are renewable one (1) time only. The technician must apply for the renewal of the certificate three (3) calendar weeks pri has a maximum of 12 months from the date the original certificate was issued to pass a national certification exam specified in OAR 333-275-0020.¶

(a) A CHDT must report to the expiration date of the original provisional certificate. Authority if they have failed a national certification exam within the time period specified.¶

~~(3b) AThe Authority shall revoke a provisional certificate will be revoked pursuant to ORS 183.310 to 183.550 when a hemodialysis technician holding a provisional certificate fails a certification examinationpursuant to ORS 688.650 and ORS chapter 183 when a CHDT fails to pass a national certification exam within the time period specified in this rule.~~¶

(4c) A hemodialysis technician who CHDT whose provisional certificate has been revoked for failsure to pass thea national certification examination can:¶

(A) May work as a trainee hemodialysis technician until the next scheduled examination. Should a technician fail the examination a second time, that technician cannot practice within a dialysis facility as a technician in accordance with OAR 333-275-0100 until the next scheduled examination; and¶

(B) Must complete an abbreviated hemodialysis technician training program.¶

(7) As used in this rule, "educational institution" means a community college, college or university, or a licensed vocational school that is authorized or licensed by the Higher Education Coordinating Commission.

Statutory/Other Authority: ORS 688.625–40, 688.650, 688.665

Statutes/Other Implemented: ORS 688.650(2)40, 688.650

ADOPT: 333-275-0085

RULE SUMMARY: Adopt 333-275-0085 – Clarifies requirement for renewing a provisional certificate. Modifies requirements for reinstatement of provisional certification if application for renewal is submitted after expiration.

CHANGES TO RULE:

333-275-0085

Hemodialysis Technician Provisional Certificate Renewal

(1) An applicant to renew a provisional certificate must submit a complete provisional certificate renewal application and fee specified in OAR 333-275-0180 at least three calendar weeks prior to the expiration date of the original provisional certificate.¶

(2) A CHDT provisional certificate shall automatically lapse if the CHDT fails to timely comply with section (1) of this rule and an individual who fails to renew by this deadline is considered delinquent.¶

(3) The Authority may reinstate a provisional certificate that is expired for 90 calendar days or less upon submission of a complete provisional certificate renewal application and payment of the past unpaid renewal fee and delinquent fee.¶

(4) An applicant who submits a complete provisional certificate renewal application after 90 calendars from the date of expiration is not eligible for renewal.

Statutory/Other Authority: ORS 688.650, 688.665

Statutes/Other Implemented: ORS 688.655, 688.665

ADOPT: 333-275-0087

RULE SUMMARY: Adopt 333-275-0087 – Adds a provision for the Authority to issue a temporary license to a military spouse and requirements for issuing.

CHANGES TO RULE:

333-275-0087

Temporary Authorization to Practice for a Military Spouse

(1) As used in this rule, "military spouse" is the spouse of a member of the Armed Forces of the United States who is stationed in Oregon. ¶

(2) Pursuant to ORS 670.400, a temporary certificate to practice as a hemodialysis technician may be issued to a military spouse who: ¶

(a) Consents to a criminal record's check in accordance with OAR 333-275-0030(1)(d); ¶

(b) Provides proof of current licensure or certification as a hemodialysis technician in another state and be in good standing with that state's licensing or certifying body; or ¶

(c) Provides proof of current national certification. ¶

(3) A temporary certificate issued under this rule is valid until the earliest of the following: ¶

(a) Two years after the date of issuance; ¶

(b) The date the term of service of the military service member ends in Oregon; ¶

(c) The date the license or certification from the authorizing state expires; or ¶

(d) The date the Authority revokes or suspends the temporary certificate, or the certificate is surrendered. ¶

(4) A temporary certificate issued under this rule may not be renewed. A person may not continue to provide services as a CHDT unless the person is issued a full certification in accordance with OAR 333-275-0030.

Statutory/Other Authority: ORS 670.400, 688.640, 688.650

Statutes/Other Implemented: ORS 670.400, 688.640, 688.650

AMEND: 333-275-0090

RULE SUMMARY: Amend 333-275-0090 – Minor corrections made for readability. Clarifies that patient data collected must be communicated to the registered nurse. Removes reference to a licensed practical nurse being able to direct the administration of oxygen by a hemodialysis technician. Clarifies that altering any treatment prescribed by a physician is prohibited.

CHANGES TO RULE:

333-275-0090

Scope of Practice of Hemodialysis Technician ¶¶

~~(1) Authorized Functions of Certified Hemodialysis Technicians:~~ CHDTs who holds a full or provisional certification by the Oregon Public Health Division Authority may, under the direct supervision of a physician licensed under ORS Chapter 677 or a registered nurse licensed under ORS 678.010 to 678.410, nurse practitioner, or a registered nurse.¶¶

(a) Perform venipunctures for dialysis access;¶¶

(b) ~~Collect data, i.e. and communicate patient data, such as pre-weight, complaints, and vital signs, to be utilized by the registered nurse in developing the nursing assessment;~~¶¶

(c) Obtain lidocaine from a stock source and inject intradermal lidocaine in preparation for dialysis access;¶¶

(d) Obtain heparin from a stock source and administer a heparin bolus;¶¶

(e) Administer a bolus of normal saline;¶¶

(f) Connect a dialysis access to normal saline or heparinized normal saline;¶¶

(g) Initiate or discontinue dialysis treatment via central lines; and¶¶

(h) Administer oxygen on the basis of standing orders, facility dialysis facility or center protocol, or at the direction of a physician, ~~registered nurse, or licensed practical nurse.~~¶¶

~~(2) Prohibited functions of the Certified Hemodialysis Technician:~~ er, or registered nurse.¶¶

~~(2) A CHDTs who have~~ been certified by the Oregon Public Health Division may not Authority is prohibited from:¶¶

(a) Administering medications by oral, intramuscular, intravenous, or subcutaneous routes except as addressed in 333-275-0090(1) specified in section (1) of this rule;¶¶

(b) Performing arterial punctures outside of dialysis access;¶¶

(c) Determineing the frequency or duration of dialysis treatments;¶¶

(d) Administering blood or blood products;¶¶

(e) Accepting verbal or telephone orders from a physician or his/her a physician's representative; or altering any treatment prescribed by a physician; or¶¶

(f) Performing hemodialysis on a hospitalized intensive care unit patient.¶¶

~~(3) An individual facility~~ dialysis facility or center may elect to further limit the scope of practice of ~~hemodialysis technicians working in that facility. If so a CHDT working in the dialysis facility or center. If a dialysis facility or center limits the scope of practice of a CHDT, then the CHDT shall comply with that facility's job description~~ dialysis facility or center's limited scope.

Statutory/Other Authority: ORS 688.625–35, 688.665

Statutes/Other Implemented: ORS 688.635, 688.665

AMEND: 333-275-0100

RULE SUMMARY: Amend 333-275-0100 – Minor corrections made for readability. Adds definition for 'directly supervised.'

CHANGES TO RULE:

333-275-0100

Trainee Hemodialysis Technicians ¶

(1) A trainee hemodialysis technician may perform the duties of a CHDT only when it is an integral part of the training program, and the trainee hemodialysis technician is working under the direct ~~clinical~~ supervision of a nurse educator, ~~clinical preceptor, or technician educator. The duties of a CHDT are deter~~ or hemodialysis technician educator meeting the requirements in OAR 333-275-0110. ¶

(2) ~~The duties of a trainee hemodialysis technician are limited~~ by the scope of practice of ~~the~~ CHDT as defined under OAR 333-275-0090 and the job description of ~~the~~ hemodialysis technicians of the dialysis facility or center in which the clinical training occurs. The job description and duties of a trainee hemodialysis must not exceed the scope of practice of ~~the~~ CHDT. ¶

(23) ~~A~~ trainees hemodialysis technician must be selected without discrimination as to age, race, ethnicity, color, religion, gender identification, sexual preference, national origin, or marital status. ¶

(34) A person working as a trainee hemodialysis technician because the person failed to pass the certification examination as provided in OAR 333-275-0080(4) ~~must work under the direct clinical~~ is subject to all of the requirements of a trainee and must be directly supervision-~~ed~~ by a nurse educator, clinical preceptor, or technician educator or hemodialysis technician educator. ¶

(5) "Directly supervised" means supervision of dialysis treatment in the same room in which treatment is being performed and immediately available to furnish assistance and direction.

Statutory/Other Authority: ORS 688.625–~~35~~, 688.640, 688.665

Statutes/Other Implemented: ORS 688.640, 688.665

RULE SUMMARY: Amend 333-275-0110 – Clarifies training program requirements and specifies that a dialysis facility must have its abbreviated and extended training programs approved by the Authority. Separates training program requirements into separate rules for readability. Removes the clinical preceptor as a person who may conduct training programs. Clarifies documentation requirements.

CHANGES TO RULE:

333-275-0110

Approval Guidelines and Minimal Curriculums for Hemodialysis Technician Training Programs to Qualify for Continuing Education Credit Hemodialysis Technician Training Programs ¶

~~(1) In addition to a dialysis facility or continuing education center, a dialysis facility or center may provide an abbreviated training program of varying length of contact hours as an extended training program if the program complies with the requirements specified earlier, there shall be two (2) separate learning in this rule and by March 1, 2024 is approved by the Authority.~~ ¶

~~(a) An abbreviated training program is approved by the Division for training or continuing education credit. These are programs designed to train a CHDT with previous experience or assess the clinical competencies of an experienced CHDT.~~ ¶

~~(ab) An abbreviated extended training program to train a CHDT is a program designed for the minimally experienced or inexperienced trainee hemodialysis technician or demonstrate the clinical competencies of to gain the skills necessary to become a CHDT.~~ ¶

~~(2) An abbreviated training program and experienced hemodialysis technician is an extended training program must include the core curriculum criteria identified in Appendix A, "Approved Core Curriculum for Abbreviated and Extended Training Programs."~~ ¶

~~(3) An abbreviated training program must include at a minimum, of sixteen (16) hours of theory and/or supervised clinical learning experiences related to hemodialysis, as it is performed in a particular facility or hemodialysis facility or dialysis center.~~ ¶

~~(b4) An extended training program which is designed for the minimally experienced or inexperienced trainee to gain the skills necessary to become a CHDT. There shall be a minimum of eighty (80) hours of classroom study; and a minimum of one hundred sixty (160) hours of supervised clinical experience.~~ ¶

~~(a) 80) hours of classroom study; and a minimum of one hundred sixty (160) hours of supervised clinical experience.~~ ¶

~~(b) 160) hours of supervised clinical experience.~~ ¶

~~(25) Qualifications and Competencies of Faculty:~~ ¶

~~(a) The nurse educator shall be a registered nurse and shall hold a current unencumbered license to practice in Oregon.~~ ¶

~~(b) The nurse educator shall have an abbreviated training program or extended training program shall be conducted by a nurse educator or hemodialysis technician educator meeting the following requirements:~~ ¶

~~(a) A nurse educator shall:~~ ¶

~~(A) Be a registered nurse whose license is unencumbered;~~ ¶

~~(B) Have at least two (2) years of nursing practice experience including at least one (1) year of nursing experience in dialysis. Previous nursing experience in critical care and nursing education is desirable.~~ ¶

~~(c) The nurse educator shall have; and~~ ¶

~~(C) Have a minimum of nine (9) contact hours of continuing education annually in nephrology or be certified by a nationally recognized body.~~ ¶

~~(d) Clinical preceptors shall have at least one (1) year of clinical dialysis experience. Clinical preceptors shall demonstrate knowledge and skills in clinical hemodialysis and hold a current national certification.~~ ¶

~~(b) A hemodialysis technician:~~ ¶

~~(e) Technician educators will be must:~~ ¶

~~(A) Work under the supervision of a nurse educator. These technicians shall possess national certification by the Board of Nephrology Examiners for Nursing and Technology (BONENT) and have;~~ ¶

~~(B) Possess a current national certification;~~ ¶

~~(C) Have at least two (2) years experience in hemodialysis; and possess;~~ ¶

~~(D) Hold a current Oregon CHDT certification.~~ ¶

~~(f6) A CHDT under direct supervision of the nurse educator and/or approved clinical preceptor may be assigned to assist with the clinical experience or orientation of a hemodialysis technician trainees.~~ ¶

~~(37) Minimum Standards for Approval of Hemodialysis Technician Training Programs: A dialysis facility or center with an abbreviated training program or extended training program must document the requirements specified in section (5) of this rule for each educator.~~ ¶

(8) An abbreviated or extended training Pprograms for Continuing Education must meet the following minimum standards:¶¶

(a) Administration and Organization: The hemodialysis technician training program shall employ a nurse educator to administer the training program; he/she who shall be responsible for the development, implementation, and evaluation of the training program, arrangements for and supervision of trainee hemodialysis technicians' clinical experiences, and communications with the Health Care Regulation and Quality Improvement (HCRQI) section of the Division Authority.¶¶

(b) Objectives: There shall be written objectives for the training program, which serve as the basis for planning, implementing, and evaluating the program. The training program faculty shall develop the objectives. The training program objectives shall describe the knowledge and skills expected of thea CHDT, and shall be consistent with the authorized functions of thea CHDT and the approved required core curriculum.¶¶

(c) criteria identified in Appendix A.¶¶

(c) Evaluation: The training program's nurse educator shall develop a written systematic plan for curriculum and program evaluation.¶¶

(d) Training Program Record Retention Requirements: The program¶¶

(A) The dialysis facility or center shall maintain than employee orientation checklists and any appropriate certification documentation in each employees's personnel files as part of the permanent file.¶¶

(eB) The nurse educator wishall submit the objectives of theeach training program, the names and qualifications of the nurse educator(s) and elinical precep hemodialysis technician educator(s), the program curriculum, the program schedule, and the program evaluation plan to the Division prior to implementing the program to receive approval for continuing education credit applicable to the CHDT continuing education requirements. If both abbreviated and extended programs are to be offered by the hemodialysis facility or center, the above materials for each program must be submitted for Division approval. The materials must be sent to: Hemodialysis Technician Certification Program, Health Care Regulation and Quality Improvement, Suite #640, Oregon Health Division, PO Box 14450, Portland, OR 97293-0450 Authority upon request.¶¶

(4e) Curriculum:¶¶

(aA) The curriculum shall extend over a period of time sufficient to provide essential, sequenced learning experiences, which enable the trainee hemodialysis technician to develop competence and shall show evidence of an organized pattern of instruction consistent with principles of learning and sound educational practices.¶¶

(bB) Supervised clinical experience shall provide opportunities for the application of theory and for the achievement of stated objectives in a patient care setting and shall include clinical learning experiences to develop the skills required by technicians to provide safe patient care. The nurse educator and/or clinical preceptor must be physically present and accessible to the trainee hemodialysis technician when the trainee is in the patient care area.¶¶

(c2) Required cA dialysis facility ore curriculum content for both theenter licensed on or before July 1, 2023 that offers an abbreviated andor extended training programs can be found in Appendix A.¶¶

(5) Continuing education credit shall be approved for the actual hours spent in training in an initial abbreviated or an initial extended training program for a single, initial certification period; these hours are not transferrable to subsequent certification periods.¶¶

ED must submit the curriculum standards identified in section (8) of this rule for Authority review no later than January 1, 2024. ¶¶

(a) The Authority will review the material submitted and provide notification of approval or preliminary approval.¶¶

(b) Approval is based only on the material submitted for review and which the Authority approves. Any substantive changes to the material must be resubmitted to the Authority for review and approval. ¶¶

NOTE: Appendices referenced in this rule are available from the agency. at: healthoregon.org/hflc.

Statutory/Other Authority: ORS 688.625-40, 688.650, 688.665

Statutes/Other Implemented: ORS 688.640(2), 688.650(4)

RULE ATTACHMENTS DO NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

OAR 333-275-0110

Appendix A

**APPROVED CORE CURRICULUM FOR ABBREVIATED AND
EXTENDED TRAINING PROGRAMS**

1. Procedural / Administrative		
	Abbreviated Training Program	Extended Training Program
Patient care philosophy		X
New patient admission		X
Patient rights and responsibilities	X	X
Advance directives		X
Patient orientation		X
Care plans		X
Consent for dialysis & reuse		X
Patient grievance	X	X
Staff grievance	X	X
Abuse reporting	X	X
Confidentiality	X	X
Job description	X	X
Understanding of primary nurse responsibilities		X
Workplace violence		X
Ordering supplies		X
Incident reports / adverse patient outcomes	X	X
Employee health visit – lab work, Hepatitis B		X
Emergency equipment checklists		X
Safety committee		X
OSHA requirements for dialysis		X
Long term care plan & care plan review		X

Medication and common medications for patients at home		X
Visiting hours and visitor control		X
Bacteriology and infectious disease		X
Prevention & control of hepatitis and contagious disease		X
Universal Precautions	X	X
Handwashing	X	X
Wears appropriate personal protective equipment	X	
Isolation room preparation	X	X
Isolation technique	X	X
HIV & hepatitis policies / procedures		X
Unit safety inservices: MSDS, fire, evacuation, disaster, eyewash, oxygen shutoff, and phones		X
Emergency evacuation kit	X	X
Emergency procedure: oxygen administration, crash cart, use of portable suction, and obtaining monitor strip	X	X
Power failure	X	X
Communication skills – team building		X

2. Water Treatment	With Return Demonstrations	
	Abbreviated Training Program	Extended Training Program
Filter System		X

RO water		X
Testing / QA		X
Chlorine I chloramine testing		X
Complications		X
Role in monitoring water quality	X	X
Role of AAMI / AAMI standards		X
Disinfect central RO		X
Rinse out central RO		X

3. Dialysate Preparation	As defined by facility duties. With return Demonstrations	
	Abbreviated Training Program	Extended Training Program
Storage system		X
Contents of acid concentration	X	X
Changing potassium concentration	X	X
Mixing bicarbonate	X	X
Filling the tanks		X
Quality control monitoring		X
Documentation		X
Complications	X	X
Bleaching and disinfection of bicarbonate loop	X	X
Flushing out bicarbonate loop	X	X
Rinsing out bicarbonate	X	X
Using Bicarts (Cabe machine only)	X	X
Mixing acetate	X	X
Pumping concentrate	X	X

4. Machine checks and setup	With Return Demonstrations	
	Abbreviated Training Program	Extended Training Program
Extracorporeal blood circuit	X	X
Mode description		
Screens	X	X
Locate equipment and supplies		X
Prescription parameters & screens (time, hourly heparin, UF parameters, sodium setting, BP alarm limit)	X	X
Verify machine alarm check	X	X
Reporting mechanism for machine problems	X	X
Verify dialysate I bicarbonate and connect	X	X
PH, conductivity, temperature monitors and checks	X	X
Bypass mode	X	X
Blood circuit monitors	X	X
UF controller		X
Setup extracorporeal tubing using aseptic technique	X	X
Residual disinfectant testing	X	X
Verify dialyzer and place in holder (ID dialyzer verification & initials)	X	X
Prime system: new dialyzer, rinse reprocessed dialyzer	X	X
Complete machine checks	X	X
Accessory equipment: Na+ modeling, auto BP	X	X
Document	X	X

5. Reuse Procedures	For those units practicing reuse only	
	Abbreviated Training Program	Extended Training Program
Dialyzer preparation procedure	X	X
Calibrating equipment	X	X
Preprocessing dialyzers	X	X
Reprocessing dialyzers	X	X
Disinfecting reuse equipment	X	X
Disinfectant indicator I residual test	X	X
Documentation dialyzer reuse log	X	X

6. Pre-dialysis observation		
	Abbreviated Training Program	Extended Training Program
Inspection for volume status (Hypovolemia, hypervolemia, envolemia)	X	X
General patient condition	X	X
Calculating target loss	X	
Dry weight criteria	X	X
Automatic BP & monitoring BP	X	X
Physical observation	X	X
Weighing	X	X
Vital signs	X	X
Symptoms of distress	X	X
Access evaluation (bruit & thrill, visual inspection, ID arterial vs venous sides, and aseptic preparation)	X	X
Laboratory orders	X	X
Medication orders	X	X
Reporting mechanism	X	X

Complete documentation	X	X
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7. Initiation of treatment		
	Abbreviated Training Program	Extended Training Program
Implements correct dialysis prescription	X	X
Determines correct ultrafiltration goal	X	X
Determining blood flow rate	X	X
Lidocaine administration & complications	X	X
Prepares access	X	X
Double needles	X	X
Double lumen catheters	X	X
Inserts fistula needles (Cannulation of fistula, cannulation of synthetic graft)	X	X
Pre-dialysis lab draw (Lab draw: Hematocrit, blood glucose, monthly lab, special lab, lab processing procedure)	X	X
Connects correctly to subclavian catheter	X	X
Properly implements and maintains heparinization	X	X
Dumping blood circuit saline, if allowed	X	X
Connection of extracorporeal circuit (Connecting needle lines and blood lines)	X	X
Blood pump start-up	X	X
Setting correct prescription parameters (prescribed BFR)	X	X

Dialyze mode	X	X
Patient condition & comfort	X	X
Manual recirculation test	X	X
Set pre-determined OF goal	X	X
Complete initiation checklist	X	X
Post-initiation BP, pulse	X	X
Verification complete		X
Documentation complete	X	X

8. Monitoring on dialysis		
	Abbreviated Training Program	Extended Training Program
Patient tolerance	X	X
Vital signs	X	X
Correctly responds to machine alarms	X	X
Alarm codes		X
Documents observation and response to patient status	X	X
Vital signs taken as indicated	X	X
Machine parameters checked	X	X
Machine adjustments	X	X
Monitoring & troubleshooting alarm conditions (Low or high arterial pressure, low or high venous pressure, blood in dialysate, air in blood, maximum TMP, reverse TMP, power failure, low or high conductivity, low or high bicarb conductivity, and high temperature)	X	X
Heparinization initiated and monitored / (calculating the dose, loading dose,	X	X

maintenance dose, complications, heparin pump, tight heparin, heparin free, pork vs. Beef heparin, and PTT [clotting times])		
Appropriate report of change in status	X	X
Administer normal saline appropriately	X	X
Epogen history and application to ESRD patients		X
Recirculating blood in blood lines	X	X
Removing air from blood lines	X	X
Documentation complete	X	X

9. Termination of Treatment		
	Abbreviated Training Program	Extended Training Program
Check medication are given – Calcijex given by RN	X	X
Post treatment lab work drawn	X	X
Vital signs documented – BP (sitting & standing), pulse, and temperature	X	
Post treatment discharge vitals, weight, temperature	X	X
Machine parameters: liters processed, time dialyzed, time off, fluid removed	X	X
Return blood safely	X	X
Removal of access needles	X	X
Holding & dressing access sites	X	X

Needle site hemostasis	X	X
Access care for discharge	X	X
Discharge of patient	X	X
Condition of dialyzer <u>For those units practicing reuse only</u>	X	X
Patient's tolerance of treatment	X	X
Completion of documentation (Completion of treatment record)	X	X
Appropriate disposal of dialyzer & blood lines	X	X
Machine disinfection	X	X
Residual disinfectant test	X	X
Clean & disinfect machine & station (Cleaning chair)	X	X
Cleaning exterior of machine	X	X
Preparation for next use	X	X
Machine off	X	X
Disposition of linen		
End of day closing procedure	X	X

10. Special procedures		
	Abbreviated Training Program	Extended Training Program
Recirculate blood	X	X
Removing air from lines	X	X
Blood leak	X	X
Clotted dialyzer or blood lines	X	X
Manual operation of blood pump	X	X
Replacing a defective machine during treatment		X

Changing a dialyzer during dialysis		X
Troubleshooting machines for problems		X
Bathroom privileges during dialysis		X
Emergency transfer I patient personal effects		X
Arterial bloodline failure	X	X
Venous bloodline failure	X	X
Set-up hemodialysis machine in critical care	X	X
Intraoperative dialysis set-up		X
Early discontinuation – routine, clamp & cut	X	X

11. Patient Complications		
	Abbreviated Training Program	Extended Training Program
Prompt RN or MD notification of observed patient complications	X	X
Clotted access – procedure for referral to surgeon		X
Itching		X
Headache		X
Cramping	X	X
Restless legs		X
Seizures	X	X
Weakness		X
Nausea & vomiting		X
Shortness of breath		X
Hypotension – administering normal saline, Trendelenburg position, minimum UFR, and re-evaluation of BP	X	X

Hypertension		X
Angina		X
Arrhythmias		X
Allergic reaction	X	X
Cardiac / respiratory arrest	X	X
Anaphylactic reaction	X	X
Pyrogen reaction – vital signs & patient support, blood cultures, early discontinuation of treatment, and dialysate cultures	X	X
Dialyzer reaction – first use syndrome	X	X
Air foam embolus	X	X
Hemolysis of blood in circuit	X	X
Renalin reaction / infusion	X	X
Dialysis disequilibrium syndrome		X
Fistula' needle problems / complications during dialysis	X	X
Exsanguination	X	X
Hypovolemic shock	X	X
Identify risk factors in dialysis and follows CDC guidelines for infection control		X

12. Access Inspection and Care		
	Abbreviated Training Program	Extended Training Program
AV and graft access inspection	X	X
Subclavian catheter inspection and care	X	X
Femoral catheters	X	X
Insertion of needle	X	X

Responding to needle infiltration	X	X
Recognizing and reporting aneurysms	X	X
Utilize appropriate technique for recirculation study		X
Responds appropriately to clotted access	X	X
Appropriate response to needle problems intradiallytically	X	X

13. Laboratory specimen processing		
	Abbreviated Training Program	Extended Training Program
Correctly relates lab tubes to lab test		X
Handles, spins, and packages specimens to be sent		X
Performs hematocrit		
Performs blood glucose test	X	X
Blood and other cultures		X
Performs ACT's correctly		X
Recognizes role of CLIA regulations		X
HIV antibody testing		X
Type and crossmatch for transfusion		X
Venipuncture		X
Drawing blood samples from fistula needles	X	X
Obtaining blood samples from subclavian catheter	X	X
Frozen specimens		

14. Dietary intervention	
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	Abbreviated Training Program	Extended Training Program
Identify role of dietitian		X
Influence of fluid and electrolyte balance on treatment	X	X
Influence of protein balance in patient outcomes	X	X
Role in achieving accurate kinetic modeling results	X	X
Kinetic modeling protocol	X	X
The renal diet	X	X

15. Social services intervention		
	Abbreviated Training Program	Extended Training Program
Role of social services		X
identify support services available		X
Identify psycho-social issues common to ESRD patients		X
Transportation issues		X
Define advance directives		X
Discuss boundaries in your role in ESRD environment		X
Grievance procedure		X

16. Medical records		
	Abbreviated Training Program	Extended Training Program
Treatment flow form – monitor sheet		X
Standing orders		X
Doctor orders / verification		X
Patient assessment form		X
Progress notes		X

Transfusion records		X
Accurate documentation	X	X
Identifies appropriate information to document	X	X
Enters information into computer system accurately		X
Appropriate signatures		X
Makes corrections according to policy		X
Handles records confidentially		X
Handwriting is legible		X
Teaching sheet		X

17. Home services	If offered by facility.	
	Abbreviated Training Program	Extended Training Program
Home care resources for both in facility and home service patients		X
Home patient calls after hours		X
Home hemodialysis patient back-up		X
Access care for discharge	X	X
Discharge of patient	X	X
Condition of dialyzer <u>For those units practicing reuse only</u>	X	X
Patient's tolerance of treatment	X	X
Completion of documentation (Completion of treatment record)	X	X
Appropriate disposal of dialyzer & blood lines	X	X
Machine disinfection	X	X
Residual disinfectant test	X	X

Clean & disinfect machine & station (Cleaning chair)	X	X
Cleaning exterior of machine	X	X
Preparation for next use	X	X
Machine off	X	X
Disposition of linen		
End of day closing procedure	X	X

10. Special Procedures		
	Abbreviated Training Program	Extended Training Program
Recirculate blood	X	X
Removing air from lines	X	X

AMEND: 333-275-0120

RULE SUMMARY: Amend 333-275-0120 – Clarifies when the Authority may investigate an applicant and what the Authority may do during an investigation.

CHANGES TO RULE:

333-275-0120

Investigation ¶¶

~~The Oregon Health Division may investigate any evidence that appears to show that a certified hemodialysis technician is or may be medically incompetent, is or may be~~ (1) The Authority may conduct an investigation of an applicant or a CHDT if: ¶¶

(a) The Authority receives a report in accordance with ORS 688.655 or a complaint concerning an applicant or an CHDT; ¶¶

(b) The Authority suspects that the applicant or CHDT has failed to meet the requirements necessary for certificate renewal; ¶¶

(c) Personal or criminal history questions arise during a review of an application that raises questions about the applicant or a CHDTs ability to safely perform the duties of a hemodialysis technician; ¶¶

(d) A reportable action is received pursuant to OAR 333-275-0140; ¶¶

(e) The Authority receives any information that appears to show that an applicant or CHDT is or may be: ¶¶

(A) Medically incompetent; ¶¶

(B) Guilty of unprofessional or dishonorable conduct, or is or may be in accordance with OAR 333-275-0130; ¶¶

(C) Mentally or physically unable to safely function as a certified hemodialysis technician (as outlined in ORS 685.655(2)) CHDT; or ¶¶

(D) In violation of ORS chapter 688.625 through 688.665 or these rules. ¶¶

(2) During an investigation the Authority may: ¶¶

(a) Request additional information from the applicant or CHDT; or ¶¶

(b) Conduct an interview by electronic and telecommunication technologies such as video communication, teleconference, landline and wireless communications or in-person. ¶¶

(3) If during its investigation the Authority finds evidence that indicates that the continued practice of the CHDT constitutes an immediate danger to the public, the Authority may temporarily suspend the CHDT's certificate in accordance with ORS chapter 183.

Statutory/Other Authority: ~~ORS 688.625– 688.665~~

Statutes/Other Implemented: ~~ORS 670.280, 6885.655(2)~~

RULE SUMMARY: Amend 333-275-0130 – Updates terminology and includes reference to unprofessional conduct. Specifies that soliciting money, gifts or other items from a patient is considered unprofessional or dishonorable conduct. Adds failing to cooperate with an Authority investigation and failing to comply with the Authority's request for an assessment as unprofessional or dishonorable conduct. Additional minor corrections made for readability.

CHANGES TO RULE:

333-275-0130

Unprofessional or Dishonorable Conduct ~~Deregatory~~ Contrary to Recognized Standards for a Hemodialysis Technician ~~Defined~~ ¶

A CHDT whose conduct fails to conform to the standards for ~~certified hemodialysis technicians~~ a CHDT, or ~~who~~ that may adversely affect the health, safety, and welfare of the public, may be found to have committed unprofessional or dishonorable conduct for a CHDT. Such conduct shall include, but is not limited to, the following: ¶

(1) Conduct related to the patient's safety and integrity: ¶

(a) Failing to report through proper channels facts known regarding the incompetent, unethical, unsafe, or illegal practice of any health care provider; ¶

(b) Failing to respect the dignity and rights of patients, regardless of social or economic status, age, race, ~~religion,~~ sex ~~ethnicity, color, religion, gender identification,~~ sexual preference, national origin, marital status, nature of health problems or disability; ¶

(c) Engaging in sexual contact with a patient; ~~or~~ ¶

(d) Soliciting money, gifts or other items or services from a patient. ¶

(2) Conduct related to other federal or state ~~statute/rule~~ regulation violations: ¶

(a) Abusing a patient. The definition of abuse includes, but is not limited to, intentionally causing physical ~~and/or~~ mental harm or discomfort, striking a patient, intimidating, threatening, or harassing a patient; ¶

(b) Neglecting a patient. The definition of neglect includes, but is not limited to, carelessly allowing a patient to be in physical discomfort or be injured; ¶

(c) Failing to report actual or suspected incidents of patient abuse through the proper channels in the work-place and to ~~the~~ appropriate state agencies; ¶

(d) Aiding, abetting, or assisting an individual to violate or circumvent any law, rule or regulation intended to guide the conduct of a CHDTs or other health care providers. ¶

(3) Conduct related to communication: ¶

(a) Falsifying a patient or agency record; including, but not limited to, filling in another person's omissions, signing another person's name, recording care not given, or fabricating data or values; ¶

(b) Altering a patient or agency record: ~~this~~ at includes, but is not limited to, changing words , letters , or numbers from the original document to mislead the reader of the record; , adding to the record after the original time or date without indicating a late entry; ¶

(c) Destroying a patient record or agency record; ~~or~~ ¶

(d) Directing another person to falsify, alter, or destroy a patient or agency records. ¶

(4) Conduct related to clinical practice: ~~P~~ including, but not limited to, performing acts beyond the authorized scope of practice. ¶

(5) Conduct related to impaired function: ¶

(a) Practicing as a CHDT when unable or unfit to perform procedures ~~and/or~~ make decisions due to physical impairment as evidenced by documented deterioration of functioning in the practice setting ~~and/or~~ by the assessment of a health care provider qualified to diagnose physical condition or status; ¶

(b) Practicing as a CHDT when unable or unfit to perform procedures ~~and/or~~ make decisions due to psychological or mental impairment as evidenced by documented deterioration of functioning in the practice setting ~~and/or~~ by the assessment of a health care provider qualified to diagnose mental condition or mental status; ¶

(c) Practicing as a CHDT when physical or mental ability to practice is impaired by use of drugs, alcohol, or mind-altering substances. ¶

(6) Conduct related to certification violations: ¶

(a) Allowing another person to use one's CHDT certification ~~one~~ for any purpose; ¶

(b) Resorting to fraud, misrepresentation, or deceit during the application process for a certification ~~one~~, while taking the national certification exam, or while obtaining an initial certification ~~one~~ or renewal of a certification; ¶

(c) ~~CHDT~~ impersonating any applicant or acting as a proxy for the an applicant in any national certification

examination; or

(d) Disclosing the contents of the national certification examination or soliciting, accepting or compiling information regarding the contents of the examination, before during or after its administration.

(7) Failing to cooperate with the Authority in an investigation, including failure to comply with a request for information or documentation.

Statutory/Other Authority: ORS ~~688.625~~– 688.665

Statutes/Other Implemented: ORS 688.655(2), 688.665

AMEND: 333-275-0140

RULE SUMMARY: Amend 333-275-0140 – Clarifies the reporting obligations of a dialysis facility, provider, or hemodialysis technician including arrests, charges, or convictions; disciplinary restrictions placed on a hemodialysis technician; any actions taken by a health professional regulatory board; any legal action filed against a hemodialysis technician alleging misconduct; or a change in physical or mental health which may affect a hemodialysis technician's job performance.

CHANGES TO RULE:

333-275-0140

~~Duty to Report, Confidential Information, and Liability of Person who Report~~Reporting Obligations ¶

(1) Any dialysis facility or center, any ~~certified~~ hemodialysis technician certified under ORS 688.625 through ORS 688.6650, any physician licensed under ORS Chapter 677, or any registered nurse licensed under ORS 678.010 to 678.410 shall report to the Health Care Regulation and Quality Improvement section of the Oregon Health Division any information the person may have, nurse practitioner, or any registered nurse shall, using a written or electronic form prescribed by the Authority, report to the Authority within 10 calendar days of receiving or becoming knowledgeable of any information that appears to show that a CHDT is or may be m:¶

(a) ~~Medically incompetent or is or may be g:~~ ¶

(b) ~~Guilty of unprofessional or dishonorable conduct or is or may be m: or~~ ¶

(c) ~~Mentally or physically unable to safely function as a hemodialysis technician.~~ CHDT. ¶

(2) A CHDT shall report to the Authority the following: ¶

(a) ~~Any arrest, charge or conviction;~~ ¶

(2b) ~~Information provided to the Division pursuant to this section is confidential and shall not be subject to public disclosure, nor shall it be admissible as evidence in any judicial proce~~A disciplinary restriction placed on the scope of practice of the CHDT by a dialysis facility or center: ¶

(c) ~~Any action or sanction taken by a health professional regulatory board against the CHDT if the CDHT is licensed or certified in a health-related occupation;~~ ¶

(d) ~~A legal action being filed against the CHDT alleging misconduct or malpractice; or~~ ¶

(e) ~~A change in physical or mental health which may affect the CHDT's ability to perform the duties of a hemodialysis technician.~~ ¶

(3) ~~After receiving a report described in this rule, the Authority may conduct an investigation in accordance with OAR 333-275-0120.~~ ¶

(4) ~~A CHDT's failure to comply with the reporting requirements specified in (as outlined in section (1) or (2) of this rule may result in disciplinary action against the CHDT.~~ ¶

(5) ~~In accordance with ORS 685.655(4)).~~ ¶

(3) ~~Any, a person who reports or provides information to the Division~~Authority under this section and who provides information in good faith shall not be subject to an action for civil damage as a result thereof (as outlined in ORS 685.655(5)).

Statutory/Other Authority: ~~ORS 688.625– 688.665~~

Statutes/Other Implemented: ~~ORS 688.655(3)~~

AMEND: 333-275-0150

RULE SUMMARY: Amend 333-275-0150 – Minor corrections for readability and updates to terms. Specifies that failure to retain national certification is grounds for denying, suspending or revoking a certificate.

CHANGES TO RULE:

333-275-0150

Grounds for Denying, Suspending or Revoking Certificate ¶¶

~~Causes for denial, suspension or revocation of certificate:~~ In the manner prescribed in ORS 183.310 to 183.486 ~~chapter 183~~ for a contested case, ~~the Division~~ hearing, the Authority may deny, suspend, or revoke ~~any~~ the certificate to perform the duties of a certified hemodialysis technician for the following causes: ¶¶

~~(1) Failure to work as a hemodialysis technician 1000 hours over the 24 months preceding recertification or as prorated in OAR 333-275-0070; ¶¶~~

~~(2) Failure to complete the continuing education requirement of 20 contact hours over the 24 months preceding recertification or as prorated in OAR 333-275-0070~~ of any CHDT for the following causes: ¶¶

~~(1) Failure to retain national certification; ¶¶~~

~~(3) Failure to complete the consent form to a criminal records check; ¶¶~~

~~(4) Failure to pass the hemodialysis certification examination; ¶¶~~

~~(5) The use of fraud or deception in receiving a certificate; ¶¶~~

~~(6) Use of any controlled substance or intoxicating liquor to an extent or in a manner injurious to the certificate holder or others or to an extent that such impairs the ability to conduct safely the duties of a CHDT~~ alcohol or drugs to an extent or in a manner sufficient to impair the ability of the certificate holder to conduct safely the duties of a CHDT or that could pose a risk to the public; ¶¶

~~(7) The presence of a mental disorder~~ health condition that demonstrably affects a technician CHDT's

performance, as certified by two psychiatrists retained by the ~~Public Health Division, Oregon Health Authority; ¶¶~~

~~(8) Conviction of a CHDT for a criminal offense deemed by the Division~~ Authority to be related to the fitness of the CHDT to practice hemodialysis as in OAR 333-275-0040; ¶¶

~~(9) Suspension or revocation of a hemodialysis technician certificate~~ or license issued by another state; ¶¶

~~(10) Gross negligence or repeated negligence in rendering hemodialysis care; ¶¶~~

~~(11) The CHDT has been found to have committed or ¶¶~~

~~(9) Engaged in unprofessional or dishonorable conduct for a CHDT as outlined in OAR 333-275-0130.~~

Statutory/Other Authority: ORS ~~688.625–~~ 688.665

Statutes/Other Implemented: ORS 688.655

AMEND: 333-275-0160

RULE SUMMARY: Amend 333-275-0160 – Clarifies that actions taken by the Authority will be in accordance with ORS chapter 183. Removes extraneous information. Updates civil penalties that may be imposed.

CHANGES TO RULE:

333-275-0160

Disciplinary Action and Civil Penalty ¶

(1) ~~When a CHDT has admitted the facts of a complaint alleging the CHDT is in violation of one or more of the grounds for denying, suspending or revoking a certificate as listed in OAR 333-275-0150 or been found to have committed in accordance with ORS 183.310 to 183.550 of one or more of the grounds for denying, suspending or revoking a certificate as listed in OAR 333-275-0150; the Public Health Division~~Upon completion of an investigation, the Authority may take one or more of the following actions:¶

~~(a) Close the investigation may and take one or more of the following actions: no action;¶~~

~~(b) Issue a letter of reprimand;¶~~

~~(a) Place the CHDT on probation;¶~~

~~(b) Suspend the CHDT's certificate;¶~~

~~(c) Revoke or deny the CHDT's certificate;¶~~

~~(d) Place limitations on the ability of the CHDT to practice hemodialysis in Oregon;¶~~

~~(e) Assess the cost of disciplinary proceedings, not to exceed \$1,000, as a civil penalty;¶~~

~~(f) A or assess a civil penalty not to exceed \$1,000.¶~~

(2) ~~The Public Public Health Division may temporarily suspend the CHDT's certificate without a hearing Any disciplinary action taken by the Authority while simultaneously commencing proceedings under ORS 183.310 to 183.550 after receiving evidence that indicates that the continued practice of the CHDT constitutes an immediate danger to the public be done in accordance with ORS chapter 183.¶~~

(3) A civil penalty not to exceed \$1,000 may be imposed as provided in ORS 183.090745, in addition to disciplinary action against the CHDT's certificate. Disciplinary action against the CHDT certificate does not preclude imposing a civil penalty. Criminal conviction does not preclude imposition of a civil penalty for the same conduct.¶

~~(4) The civil penalty shall be payable to the Division by cash, cashier's check or money order.¶~~

~~(5) Civil penalties may be imposed pursuant to ORS 183.090745 according to the following schedule:¶~~

~~(a) Conviction of a criminal offense as defined in 333-275-0040 that relates to the fitness of the CHDT to practice hemodialysis - \$100-\$1000.¶~~

~~(b) Gross negligence or repeated negligence in rendering hemodialysis - \$500-\$1000.¶~~

~~(c) Use of any controlled substance or intoxicating liquor to an extent or in a manner injurious to the certificate holder or others or to an extent that such impairs the ability to conduct safely the duties of a CHDT alcohol or drugs to an extent or in a manner sufficient to impair the ability of the certificate holder to conduct safely the duties of a CHDT or that could pose a risk to the public - \$250-\$1000.¶~~

~~(d) The CHDT has been found to have committed Committed unprofessional or dishonorable conduct - \$100-\$1000.~~

Statutory/Other Authority: ORS ~~688.625~~– 688.665

Statutes/Other Implemented: ORS 688.660

REPEAL: 333-275-0170

RULE SUMMARY: Repeal 333-275-0170 – Rule is unnecessary given language adopted in other rules that the Authority will comply with ORS chapter 183.

CHANGES TO RULE:

~~333-275-0170~~

~~Hearings~~

~~An applicant or CHDT shall have an opportunity for a hearing on any decision to deny an application, to suspend or revoke a certificate, or to impose a civil penalty. Hearings are governed by ORS 183.310 to ORS 183.500.~~

~~Requests for hearings must be in writing and sent to: Section Manager, Health Care Regulation and Quality Improvement, Suite #640, Oregon Public Health Division, PO Box 14450, Portland, OR 97293-0450.~~

~~Statutory/Other Authority: ORS 688.625 – 688.665~~

~~Statutes/Other Implemented: ORS 183.310~~

ADOPT: 333-275-0175

RULE SUMMARY: Adopt 333-275-0175 – Creates requirement that hemodialysis technician must keep the Authority informed of any changes to legal name, contact information, current employer of record and contact information. Information must be reported within 30 days of change. Specifies that name changes must be accompanied with legal proof of name change. Specifies that the Authority may take disciplinary action if information is not reported.

CHANGES TO RULE:

333-275-0175

Responsibility to Notify the Authority of Changes

(1) In addition to the reporting obligations specified under OAR 333-275-0140, a CHDT must keep the Authority informed of the following:¶

(a) The current legal name of the CHDT which shall be considered the name of record;¶

(b) Current contact information, including mailing address, primary phone contact number, and electronic mail address; and¶

(c) Current employer(s) of record and the employer(s) mailing address(es).¶

(2) Any change to the information specified in section (1) of this rule must be submitted to the Authority no later than 30 calendar days after the change.¶

(3) To change the name of record, the CHDT must submit legal proof of the name change.¶

(4) Failure to report this information may result in disciplinary action against the CHDT.

Statutory/Other Authority: ORS 688.665

Statutes/Other Implemented: ORS 688.665

AMEND: 333-275-0180

RULE SUMMARY: Amend 333-275-0180 – Removes the reference to the fee table and incorporates fee language into the rule text. No changes to fees have been made.

CHANGES TO RULE:

333-275-0180

Fees for Hemodialysis Technician Certification and Certification Renewal ¶

~~Payment of fees will be accepted in the form of (1) Initial certification (based on money order, cashier's check, or cash (in exact amount only). Payment should be made out to the Oregon Health Division and sent to Section Manager, Health Care Regulation and Quality Improvement, Suite #640, Oregon Health Division, PO Box 14450, Portland, OR 97293-0450. Fees are non-refundable. Certified Hemodialysis Technician Schedule of Fees. Effective January 1, 2000: [Table not included. See ED. NOTE.]¶~~

~~[ED. NOTE: Tables referenced are available from the agency.]ths between initial certification until renewal): ¶~~

~~(a) 19-24 months - \$150.¶~~

~~(b) 13-18 months - \$112.50.¶~~

~~(c) 7-12 months - \$75.¶~~

~~(d) 1-6 months - \$37.50.¶~~

~~(2) Provisional certification:¶~~

~~(a) Initial - valid for 6 months - \$37.50.¶~~

~~(b) Renewal - valid for additional 6 months (one time only) - \$37.50.¶~~

~~(3) Certification renewal- \$150.¶~~

~~(4) Delinquent (late fee) - \$25.¶~~

~~(5) Duplicate or replacement certificate fee - \$25.¶~~

~~(6) As authorized by ORS 688.645, an application for certification renewal submitted or postmarked after May 31st of the renewal year must include a \$25 delinquent fee in addition to the certification renewal fee. ¶~~

~~(7) Fees established in this rule are non-refundable.~~

Statutory/Other Authority: ORS 688.625-40, 688.665

Statutes/Other Implemented: ORS 685.645

AMEND: 333-275-1000

RULE SUMMARY: Amend 333-275-1000 – Makes amendment to language including referencing "declared emergency" which is defined under 333-275-0010. Removes specific dates and replaces with time frame. Minor corrections to terms used.

CHANGES TO RULE:

333-275-1000

Provisional Certification During Declared Emergency

~~During a state of emergency declared by the Governor under ORS 401.165, or a public health emergency declared under ORS 433.441~~declared emergency, the following provisions apply:¶

(1) A provisional certificate issued under OAR 333-275-0080 that was valid ~~on March 8, 2020~~three months prior to an emergency declaration shall continue to be valid for a period determined by the ~~Division~~Authority, not to exceed six months or until the state of emergency is terminated, whichever is earlier. If the emergency still exists after six months, the ~~Division~~Authority may renew or continue the certification for ~~an additional six months~~time period determined by the Authority or until the state of emergency is terminated, whichever is earlier.¶

(2) A provisional certificate that expired ~~between December 19, 2019 and March 8, 2020~~90 calendar days or less prior to an emergency declaration may be renewed under OAR 333-275-0080 except that:¶

(a) The applicant must complete and submit documentation of completion of a ~~Division~~Authority-approved abbreviated training program consisting of a minimum of 16 hours of theory and 16 hours of supervised clinical learning experiences related to hemodialysis as it is performed in a particular facility or ~~dialysis facilities~~dialysis center.¶

(b) The applicant must be endorsed and submit an endorsement letter from the medical director of the sponsoring ~~dialysis facility or dialysis center~~ that intends to immediately employ the individual, in a paid or volunteer capacity.¶

(c) A certificate renewed under this section shall be valid for a period determined by the ~~Division~~Authority, not to exceed six months or until the state of emergency is terminated, whichever is earlier. If the emergency still exists after six months, the ~~Division~~Authority may renew or continue the certification for an additional ~~six months~~time period determined by the Authority or until the state of emergency is terminated, which is earlier.¶

(3) The ~~Division~~Authority may deny, suspend, or revoke a certificationone issued or renewed under this rule for any reason that it may deny, suspend, or revoke a certificate in ORS 688.625 through 688.665 or ~~OAR chapter 333, division 275.~~¶

~~(4) This rule will be suspended these rules.~~¶

(4) This rule is not in effect when the state of emergency or public health emergency is terminated.

Statutory/Other Authority: ORS 401.165, 401.168, 401.990, 413.042, 431A.005, 431A.010, 431A.015, 433.441, 688.635, 688.640, 688.650

Statutes/Other Implemented: ORS 688.640, 688.650

RULE SUMMARY: Amend 333-275-1010 – Minor corrections to terms used. Specifies that the Authority may require a criminal history check regardless of the home certifying state conducting a criminal history check.

CHANGES TO RULE:

333-275-1010

Emergency Certification

(1) Definitions:¶

(a) "Home certifying state" means the state that currently licenses or certifies an individual as a CHDT who is seeking an emergency certificate from the ~~Division~~Authority.¶

(b) "Emergency certificate" is a short-term certificate issued under this rule during an declared emergency or public health emergency to an applicant who is primarily licensed or certified as a CHDT in another state.¶

(2)(a) During an emergency declared under ORS 401.165 or a public health emergency declared under ORS 433.441, the ~~Division~~declared emergency, the Authority may grant an emergency certificate to an individual who:¶

(A) Is validly and currently licensed or certified as a CHDT in another state;¶

(B)(i) Has completed a ~~Division~~Authority-approved hemodialysis technician training program; or;¶

(ii) Has been employed as a certified or licensed CHDT in another state for a minimum of 1,000 hours within the preceding 24-month period;¶

(C) Is not subject to any adverse actions related to certification or licensure;¶

(D) Passed a ~~Division~~Authority-approved national certification examination;¶

(E) Is sponsored by a dialysis facility or center that intends to immediately employ the individual, in a paid or volunteer capacity;¶

(F)(i) Is not disqualified after completing the required criminal history check in OAR 333-275-0040; or¶

(ii) Demonstrates that the home certifying state conducted a criminal history check, the home certifying state is authorized to conduct both state and federal criminal history checks, and the applicant was not disqualified from certification; and¶

(G) Submits the required fee(s) in accordance with OAR 333-275-0180.¶

(b) An emergency certificate issued under this rule shall be valid for a period determined by the ~~Division~~Authority, not to exceed six months or until the state of emergency is terminated, whichever is earlier. If the emergency still exists after six months, the ~~Division~~Authority may renew or continue any emergency certificate for an additional six months.¶

(c) The ~~Division~~Authority may request any other information or verification prior to issuing an emergency certificate and may require a criminal history check under OAR 333-275-0040 notwithstanding subparagraph (2)(a)(F)(ii) of this rule.¶

(3) To apply for an emergency certificate, an applicant must submit:¶

(a) A complete application in a form provided by the ~~Division~~Authority including, but not limited to, the following:¶

(A) The applicant's name, permanent address, electronic mail address and telephone number;¶

(B) The name and contact information of the sponsoring dialysis facility or center; and¶

(C) Attestation that the applicant is not subject to any adverse actions related to certification or licensure.¶

(b) A copy of their current CHDT license or certificate from their home certifying state;¶

(c) Documentation that the applicant has passed a ~~Division~~Authority-approved national certification examination;¶

(d) Documentation that the applicant has:¶

(A) Completed a ~~Division~~Authority-approved hemodialysis technician training program; or;¶

(B) Been employed as a certified or licensed CHDT in another state for a minimum of 1,000 hours within the preceding 24-month period;¶

(e)(A) Written consent for a criminal record check and a completed fingerprint card for a Federal Bureau of Investigation (FBI) check, where required, and any associated fees; or¶

(B) Documentation demonstrating that the home certifying state conducted a criminal history check, the home certifying state is authorized to conduct both state and federal criminal history checks, and the applicant was not disqualified from certification; and¶

(f) All required fees in accordance with OAR 333-275-0180.¶

(4) The ~~Division~~Authority may deny, suspend, or revoke an emergency certificationone for any reason that it may deny, suspend, or revoke a certificate in ORS 688.625 through 688.665 or OAR chapter 333, division 275.¶

(5) An individual with an emergency certificationone must comply with ORS 688.625 through 688.665 and all rules adopted thereunder.¶

(6) This rule ~~will be suspended when the state of emergency or public health~~ is no longer in effect when the declared emergency is terminated.

Statutory/Other Authority: ORS 401.165, 401.168, 401.990, 413.042, 431A.005, 431A.010, 431A.015, 433.441, 688.635, 688.640, 688.650

Statutes/Other Implemented: ORS 688.640, 688.650