

Assembly Bill No. 1202

Passed the Assembly September 8, 1999

Chief Clerk of the Assembly

Passed the Senate September 3, 1999

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 1999, at _____ o'clock ____M.

Private Secretary of the Governor



CHAPTER _____

An act to amend Sections 1247.4, 1247.63, 1247.64, 1247.66, and 1300 of, and to repeal Section 1247.95 of, the Business and Professions Code, relating to hemodialysis technicians.

LEGISLATIVE COUNSEL'S DIGEST

AB 1202, Firebaugh. Hemodialysis: technician training.

Existing law requires the State Department of Health Services to adopt rules and regulations prescribing minimum training standards for hemodialysis technicians who are certified, as specified.

This bill would require the department to do so by July 1, 2001.

Existing law provides for the regulation and training of hemodialysis technicians. Certain of these provisions relating to certification and training will become inoperative on July 1, 2000, and repeal these provisions on January 1, 2001.

This bill would repeal these inoperative and repeal dates, and make related and technical changes.

Existing law provides that certification of hemodialysis technicians is subject to review by the Joint Legislative Sunset Review Committee, as specified.

This bill would repeal those provisions.

Existing law provides that a violation of the provisions relating to hemodialysis technician training is a crime punishable as a misdemeanor.

This bill, by extending the operation of certain of these provisions, would create a new crime and thus would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.



The people of the State of California do enact as follows:

SECTION 1. Section 1247.4 of the Business and Professions Code is amended to read:

1247.4. The department shall adopt rules and regulations, by July 1, 2001, prescribing minimum training standards for hemodialysis technicians who are certified pursuant to paragraphs (2), (3), and (4) of subdivision (a) of Section 1247.6.

SEC. 2. Section 1247.63 of the Business and Professions Code is amended to read:

1247.63. (a) Certification of a hemodialysis technician issued by the department pursuant to subdivision (a) of Section 1247.6 shall be valid for four years.

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

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

SEC. 3. Section 1247.64 of the Business and Professions Code is amended to read:

1247.64. A hemodialysis technician may obtain the in-service training or continuing education required by subdivision (c) of Section 1247.63 from one or more of the following sources:



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

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

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

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

SEC. 4. Section 1247.66 of the Business and Professions Code is amended to read:

1247.66. (a) The department may deny, suspend, or revoke the certification of a hemodialysis technician if it finds that the hemodialysis technician is not in compliance with this article, or any regulations adopted by the department to administer this article.

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

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

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

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

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

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

(1) Conviction for, or use of, any narcotic drug, as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug, as defined in Article 7 (commencing with Section 4211) of Chapter 9, or alcoholic beverages, to an extent or in a



manner dangerous or injurious to the hemodialysis technician or any other person, or the public, to the extent that this use impairs the ability to conduct, with safety to the public, the practice of a hemodialysis technician.

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

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

SEC. 5. Section 1247.95 of the Business and Professions Code is repealed.

SEC. 6. Section 1300 of the Business and Professions Code is amended to read:

1300. The amount of application, registration, and license fees under this chapter shall be as follows:

(a) The application fee for a histocompatibility laboratory director's, clinical laboratory bioanalyst's, clinical chemist's, clinical microbiologist's, clinical laboratory toxicologist's, clinical cytogeneticist's, or clinical molecular biologist's license is thirty-eight dollars (\$38). This fee shall be sixty-three dollars (\$63) commencing on July 1, 1983.

(b) The annual renewal fee for a histocompatibility laboratory director's, clinical laboratory bioanalyst's, clinical chemist's, clinical microbiologist's, or clinical laboratory toxicologist's license is thirty-eight dollars (\$38). This fee shall be sixty-three dollars (\$63) commencing on July 1, 1983.

(c) The application fee for a clinical laboratory scientist's or limited clinical laboratory scientist's license is twenty-three dollars (\$23). This fee shall be thirty-eight dollars (\$38) commencing on July 1, 1983.

(d) The application and annual renewal fee for a cytotechnologist's license shall be fifty dollars (\$50) commencing on January 1, 1991.

(e) The annual renewal fee for a clinical laboratory scientist's or limited clinical laboratory scientist's license



is fifteen dollars (\$15). This fee shall be twenty-five dollars (\$25) commencing on July 1, 1983.

(f) The application fee for a clinical laboratory license is six hundred dollars (\$600).

(g) The annual renewal fee for a clinical laboratory license is five hundred fifty-seven dollars (\$557).

(h) The application fee for a certificate of accreditation issued pursuant to Section 1223 is one hundred fifty dollars (\$150).

(i) The annual renewal fee for a certificate of accreditation issued pursuant to Section 1223 is one hundred dollars (\$100).

(j) In addition, clinical laboratories providing cytology services shall pay an annual fee that shall be set by the department in an amount needed to meet but not exceed the department's costs of proficiency testing and special site surveys for these laboratories, and that shall be based upon the volume of cytologic slides examined by a laboratory. If the amount collected is less than or exceeds the amount needed for these purposes, the amount of fees collected from those laboratories in the following year shall be adjusted accordingly.

(k) The application fee for a trainee's license is eight dollars (\$8). This fee shall be thirteen dollars (\$13) commencing on July 1, 1983.

(l) The annual renewal fee for a trainee's license is five dollars (\$5). This fee shall be eight dollars (\$8) commencing on July 1, 1983.

(m) The application fee for a duplicate license is three dollars (\$3). This fee shall be five dollars (\$5) commencing on July 1, 1983.

(n) The delinquency fee is equal to the annual renewal fee.

(o) The director may establish a fee for examinations required under this chapter. The fee shall not exceed the total cost to the department in conducting the examination.

(p) The certification and renewal fees for hemodialysis technicians certified under subdivision (a) of Section 1247.6 shall be fifty dollars (\$50).



(q) The annual fee for a clinical laboratory subject to registration under paragraph (2) of subdivision (a) of Section 1265 and performing only those clinical laboratory tests or examinations considered waived under CLIA is fifty dollars (\$50). The annual fee for a clinical laboratory subject to registration under paragraph (2) of subdivision (a) of Section 1265 and performing only provider-performed microscopy, as defined under CLIA is seventy-five dollars (\$75). A clinical laboratory performing both waived and provider-performed microscopy shall pay an annual registration fee of seventy-five dollars (\$75).

(r) The costs of the department in conducting a complaint investigation, imposing sanctions, or conducting a hearing under this chapter shall be paid by the clinical laboratory. The fee shall be no greater than the fee the laboratory would pay under CLIA for the same type of activities and shall not be payable if the clinical laboratory would not be required to pay those fees under CLIA.

(s) The state, a district, city, county, city and county, or other political subdivision, or any public officer or body, shall be subject to the payment of fees established pursuant to this chapter or regulations adopted thereunder.

(t) In addition to the payment of registration or licensure fees, a clinical laboratory located outside the State of California shall reimburse the department for travel and per diem to perform any necessary onsite inspections at the clinical laboratory in order to ensure compliance with this chapter.

(u) Whenever a clinical laboratory has paid registration or compliance fees, or both, to HCFA under CLIA for the same period of time for which a license is issued under Section 1265, the fee required for the clinical laboratory license under subdivision (f) or (g), and as adjusted pursuant to Section 100450 of the Health and Safety Code, shall be reduced by the percentage of the total of all CLIA registration and compliance fees paid to HCFA by all California laboratories that are made



available to the department to carry out its functions as a CLIA agent in the federal fiscal year immediately prior to when the license fee is due.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



Approved _____, 1999

Governor

