

By: Miles
(Longoria)

S.B. No. 1692

Substitute the following for S.B. No. 1692:

By: Klick

C.S.S.B. No. 1692

A BILL TO BE ENTITLED

AN ACT

relating to licensing requirements to operate an end stage renal disease facility and the provision of home dialysis care by a dialysis technician.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 251.012, Health and Safety Code, is amended to read as follows:

Sec. 251.012. EXEMPTIONS FROM LICENSING REQUIREMENT. The following facilities are not required to be licensed under this chapter:

(1) a home and community support services agency that is licensed under Chapter 142 with a home dialysis designation and that:

(A) has not more than five patients at any time as a total number of patients to whom the agency provides dialysis services; or

(B) is certified by the Centers for Medicare and Medicaid Services as an end stage renal disease facility under Medicare;

(2) a hospital licensed under Chapter 241 that provides dialysis only to individuals receiving:

(A) inpatient services from the hospital; or

(B) outpatient services due to a disaster declared by the governor or a federal disaster declared by the

1 president of the United States occurring in this state or another
2 state during the term of the disaster declaration;

3 (3) a hospital operated by or on behalf of the state as
4 part of the managed health care provider network established under
5 Chapter 501, Government Code, that provides dialysis only to
6 individuals receiving:

7 (A) inpatient services from the hospital; or

8 (B) outpatient services while serving a term of
9 confinement in a facility operated by or under contract with the
10 Texas Department of Criminal Justice;

11 (4) an end stage renal disease facility operated by or
12 on behalf of the state as part of the managed health care provider
13 network established under Chapter 501, Government Code, that
14 provides dialysis only to individuals receiving those services
15 while serving a term of confinement in a facility operated by or
16 under contract with the Texas Department of Criminal Justice; or

17 (5) the office of a physician, other than an ~~unless~~
18 ~~the~~ office ~~is~~ used primarily as an end stage renal disease
19 facility, that:

20 (A) has not more than five patients at any time as
21 a total number of patients to whom the office provides dialysis
22 services; or

23 (B) is certified by the Centers for Medicare and
24 Medicaid Services as an end stage renal disease facility under
25 Medicare.

26 SECTION 2. Subchapter C, Chapter 251, Health and Safety
27 Code, is amended by adding Section 251.033 to read as follows:

1 Sec. 251.033. PROVISION OF HOME DIALYSIS CARE IN NURSING
2 FACILITIES. (a) A dialysis technician may provide home dialysis
3 care in a nursing facility, including hemodialysis, only if:

4 (1) the care is provided under the personal
5 supervision of a registered nurse who is:

6 (A) in compliance with all commission rules
7 regarding training and competency for registered nurses to provide
8 care at end stage renal disease facilities; and

9 (B) employed by the same entity that employs the
10 dialysis technician; and

11 (2) the dialysis technician has complied with all
12 commission rules regarding training and competency for dialysis
13 technicians.

14 (b) For purposes of this section, "personal supervision"
15 means supervision of a dialysis technician by a registered nurse
16 who is physically present in the room during the administration of
17 dialysis services by the dialysis technician.

18 SECTION 3. As soon as practicable after the effective date
19 of this Act, the executive commissioner of the Health and Human
20 Services Commission shall adopt rules necessary to implement
21 Section 251.033, Health and Safety Code, as added by this Act.

22 SECTION 4. This Act takes effect September 1, 2021.