

FEB 4 2004  
HUMAN RESOURCES

HOUSE FILE 2165  
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Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the regulation of renal dialysis facilities  
2 and providing for injunctive relief.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2165

1 Section 1. NEW SECTION. 135M.1 DEFINITIONS.

2 For the purposes of this chapter, unless the context  
3 otherwise requires:

4 1. "Department" means the department of inspections and  
5 appeals.

6 2. "Dialysis" means a process by which substances are  
7 removed from a patient's body by diffusion from one fluid  
8 compartment to another across a semipermeable membrane.

9 3. "End-stage renal disease" means end-stage renal disease  
10 as defined in section 135.45.

11 4. "Renal dialysis facility" means an outpatient facility  
12 which offers staff-assisted dialysis or training and support  
13 services for self-dialysis at home to end-stage renal disease  
14 patients, but does not include:

15 a. Facilities operated by the state or federal government.

16 b. Renal dialysis services provided by a licensed  
17 hospital.

18 5. "Self-dialysis at home" means dialysis performed by a  
19 patient at home when the patient has completed a course in  
20 self-dialysis.

21 6. "Staff-assisted dialysis" means dialysis performed by  
22 qualified staff of a renal dialysis facility.

23 Sec. 2. NEW SECTION. 135M.2 REGULATION OF RENAL DIALYSIS  
24 FACILITIES.

25 1. The department of inspections and appeals shall adopt  
26 rules for the regulation of renal dialysis facilities located  
27 in this state. The rules shall be consistent with the end-  
28 stage renal disease requirements for participation in the  
29 Medicare program.

30 2. In addition to and consistent with the end-stage renal  
31 disease requirements for participation in the Medicare  
32 program, the rules adopted by the department under this  
33 chapter shall include, but are not limited to, regulation of  
34 all of the following:

35 a. Qualifications of renal dialysis facility personnel.

- 1     b. Medical staffing.
- 2     c. Transfer agreements with hospitals to provide for the  
3 transfer of a patient for the provision of inpatient care and  
4 other hospital services.
- 5     d. The rights and responsibilities of patients.
- 6     e. Disaster preparedness.
- 7     f. Infection control.
- 8     g. Incident and accident reports.
- 9     3. The rules relating to disaster preparedness shall  
10 include all of the following:
- 11     a. That a renal dialysis facility have written policies  
12 and procedures for emergencies that address fire, natural  
13 disaster, and medical emergencies. The emergency procedures  
14 developed shall be individualized for each patient to include  
15 an appropriate evacuation from the facility or the patient's  
16 home and the emergency telephone numbers needed for each  
17 patient.
- 18     b. That a renal dialysis facility familiarize personnel  
19 and patients with the policies and procedures developed  
20 pursuant to paragraph "a".
- 21     c. That the renal dialysis facility familiarize each  
22 patient with the procedure for disconnecting the patient's  
23 dialysis equipment in the event of an emergency.
- 24     d. That in the event of a medical emergency, renal  
25 dialysis facility personnel shall contact the patient's  
26 physician or surgeon, as designated by the patient, and follow  
27 the instructions provided by the physician or surgeon. If the  
28 patient's physician or surgeon is not available, the renal  
29 dialysis facility personnel shall contact the hospital with  
30 which the facility has a transfer agreement to seek  
31 instructions and shall follow the instructions provided by the  
32 hospital personnel.
- 33     Sec. 3. NEW SECTION. 135M.3 INSPECTIONS -- INJUNCTION.
- 34     1. The department shall coordinate efforts with the end-  
35 stage renal disease network established by federal law to

1 provide for inspection of renal dialysis facilities. The  
2 facilities shall be inspected on at least an annual basis.

3 2. The department may request that the attorney general  
4 bring an action to enjoin the operation of a renal dialysis  
5 facility if the department finds that the facility is in  
6 violation of this chapter and the department determines that  
7 an imminent threat to the health and safety of a patient of  
8 the facility exists.

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EXPLANATION

10 This bill relates to the regulation of renal dialysis  
11 facilities, defined by the bill as outpatient facilities which  
12 offer staff-assisted dialysis or training and support services  
13 for self-dialysis at home to end-stage renal disease patients.  
14 Renal disease facilities under the bill do not include  
15 facilities operated by the state or federal government or  
16 renal dialysis services provided by a licensed hospital.

17 The bill directs the department of inspections and appeals  
18 to adopt rules for the regulation of renal dialysis facilities  
19 located in this state. The rules are to be consistent with  
20 the end-stage renal disease requirements for participation in  
21 the Medicare program.

22 The rules are to include, but are not limited to,  
23 qualifications of renal dialysis facility personnel, medical  
24 staffing, transfer agreements with hospitals, the rights and  
25 responsibilities of patients, disaster preparedness, infection  
26 control, and incident and accident reports.

27 The bill specifies that the rules relating to disaster  
28 preparedness are to include that a renal dialysis facility  
29 have written policies and procedures for emergencies that  
30 address fire, natural disaster, and medical emergencies; that  
31 such a facility familiarize personnel and patients with the  
32 policies and procedures; that the facility familiarize each  
33 patient with the procedure for disconnecting the patient's  
34 dialysis equipment in the event of an emergency; and whom  
35 facility personnel are to contact in the event of a medical

1 emergency.  
2 The bill directs the department to coordinate efforts with  
3 the end-stage renal disease network established by federal law  
4 to provide for inspection of renal dialysis facilities. The  
5 network contracts with the centers for Medicare and Medicaid  
6 services of the United States department of health and human  
7 services to ensure the administration of the end-stage renal  
8 disease program under the Medicare program. The bill requires  
9 the facilities to be inspected on at least an annual basis.  
10 The bill also provides for injunctive relief if the  
11 department finds that a facility is in violation of the Code  
12 chapter and the department determines that an imminent threat  
13 to the health and safety of a patient of the facility exists.

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