

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 111

(Senator Kramer)

Finance

Health and Government Operations

Health Care Facilities – Dialysis Treatment Services – Training (David Selby
Dialysis Parity Act)

This bill prohibits a “health care facility” from providing peritoneal dialysis or hemodialysis treatment services unless the individual performing the procedure is trained in the technique being performed. “Health care facility” includes a kidney dialysis center, a facility operated by the Maryland Department of Health (MDH) or a health officer, and a health care provider’s office. Each violation of this prohibition is subject to a civil penalty of up to \$5,000. MDH must adopt regulations to carry out the bill. **The bill takes effect July 1, 2022.**

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law:

Licensure of Kidney Dialysis Centers in Maryland

MDH’s Office of Health Care Quality (OHCQ) *licenses* all freestanding kidney dialysis centers under its regulations regarding freestanding ambulatory care facilities. A “kidney dialysis center” means a facility that provides hemodialysis or chronic peritoneal dialysis, but it does not include a center or service owned or operated by a hospital. Under these

regulations, a kidney dialysis center must be in compliance with all applicable federal, State, and local laws and regulations and must also submit a Medicare certification as a condition of licensure. The administrator of a kidney dialysis center must ensure that the center has a quality assurance program. MDH may cite health care facilities and community-based providers under its existing authority for the failure to appropriately train their staff to perform a dialysis procedure.

Maryland Commission on Kidney Disease

The Maryland Commission on Kidney Disease promotes quality health care in the field of nephrology and transplantation by certifying dialysis and transplant centers, receiving and resolving complaints from interested parties, and setting standards for the practice of chronic dialysis and transplantation that reflect new and emergent developments. The commission is charged with adopting physical and medical standards for the operation of dialysis and transplant centers. Although certification is voluntary, the commission *certifies* treatment centers that meet the standards it adopts for providing services to recipients. The commission inspects certified facilities annually. Treatment centers must also be licensed by OHCQ in order to treat patients, but this licensure is separate from certification.

Additional Comments: According to the National Kidney Foundation, a nurse or patient care technician generally performs dialysis treatments and typically receives in-depth training prior to performing such treatments.

Additional Information

Prior Introductions: SB 494 of 2020, a similar bill, passed in the Senate and received a hearing in the House Health and Government Operations Committee, but no further action was taken.

Designated Cross File: HB 484 (Delegate Cullison) - Health and Government Operations.

Information Source(s): National Kidney Foundation, Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - January 15, 2021
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Analysis by: Amberly Holcomb

Direct Inquiries to:
(410) 946-5510
(301) 970-5510