



## Position Statement Regarding Minimum Staffing in End Stage Renal Disease Facilities

The End Stage Renal Disease Facility Licensing Rules, under 25 TAC §117.43(e) state the following:

*(4) A nurse or nurses functioning in the charge role shall be on site and available to the treatment area to provide patient care during all dialysis treatments.*

*(5) At least one licensed nurse shall be available on-site to provide patient care for every twelve patients or portion thereof. This may include the nurse(s) functioning in the charge role required by paragraph (4) of this subsection.*

*(6) If pediatric dialysis is provided, a registered nurse with experience or training in pediatric dialysis shall be available to provide care for pediatric dialysis patients smaller than 35 kilograms in weight.*

*(7) Sufficient direct care staff shall be on-site to meet the needs of the patients.*

*(A) The staffing level for a facility shall not exceed four patients per licensed nurse or patient care technician per patient shift. During treatment of eight or more patients, one of the licensed nurses qualified to function in the charge role shall not be included in this ratio.*

*(B) For pediatric dialysis patients, one licensed nurse shall be provided on-site for each patient weighing less than ten kilograms and one licensed nurse provided on-site for every two patients weighing from ten to 20 kilograms.*

The Department has been made aware that some facilities have routinely been assigning nursing staff the maximum allowed patient care load of 12 patients, while also requiring the same nurse to assume direct care responsibilities for 4 patients. These attempts to circumvent the minimum staffing requirements for nursing and direct care staff are considered a violation of the rules.

The intent of the rule regarding minimum nurse staffing is that, in order to be assigned 12 patients, the nurse must only be functioning in the nursing role (have no direct care responsibilities). A nurse who is functioning in the "direct care" role should be treated no differently than the tech who is functioning in the direct care role (except that he or she may safely assume some additional nursing duties for his or her 4 patients). The purpose of this limitation is to emphasize the importance of the degree of direct, continuous monitoring which the patient requires while being dialyzed. A nurse who is responsible for the direct care and monitoring of 4 patients can not safely be responsible for administering medications, performing assessments, completing patient teaching and providing oversight and direction to technicians, for an additional 8 patients.

Facilities will be expected to meet the intent of the rules as reflected in this position statement until these requirements are further clarified in the rules.

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