S T A T E O F N E W Y O R K

697

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. GRISANTI -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to the employment of persons to function as central service technicians in certain health-care facilities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The public health law is amended by adding a new article 49-A to read as follows:

ARTICLE 49-A

CENTRAL SERVICE TECHNICIANS

SECTION 4920. CENTRAL SERVICE TECHNICIANS.

S 4920. CENTRAL SERVICE TECHNICIANS. 1. FOR THE PURPOSES OF THIS SECTION, THE TERMS:

(A) "CENTRAL SERVICE TECHNICIAN" SHALL MEAN A PERSON WHO PROVIDES THE SERVICES OF DECONTAMINATION, PREPARATION, PACKAGING, STERILIZATION, AND STORAGE AND DISTRIBUTION OF REUSABLE MEDICAL INSTRUMENTATION OR DEVICES IN HEALTHCARE FACILITIES OTHER THAN IN THE COURSE OF PRACTICING AS A HEALTHCARE PROFESSIONAL.

(B) "HEALTHCARE FACILITY" SHALL MEAN A HOSPITAL OR AN AMBULATORY SURGICAL CENTER AS DEFINED IN ARTICLE TWENTY-EIGHT OF THIS CHAPTER AND SUBJECT TO THE OVERSIGHT AND REGULATION OF THE DEPARTMENT.

(C) "HEALTHCARE PROFESSIONAL" SHALL MEAN A PERSON LICENSED OR CERTIFIED PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW.

2. A PERSON SHALL NOT FUNCTION AS A CENTRAL SERVICE TECHNICIAN IN A HEALTHCARE FACILITY AND A HEALTHCARE FACILITY SHALL NOT EMPLOY OR OTHERWISE CONTRACT FOR THE SERVICES OF A CENTRAL SERVICE TECHNICIAN UNLESS THE PERSON MEETS ONE OF THE FOLLOWING:

(A) HOLDS AND MAINTAINS THE CERTIFIED REGISTERED CENTRAL SERVICE TECHNICIAN CREDENTIAL ADMINISTERED BY THE INTERNATIONAL ASSOCIATION OF

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD04692-01-3

HEALTHCARE CENTRAL SERVICE MATERIEL MANAGEMENT (IAHCSMM) OR THE CERTIFIED STERILE PROCESSING AND DISTRIBUTION TECHNICIAN CREDENTIAL ADMINISTERED BY THE CERTIFICATION BOARD FOR STERILE PROCESSING AND DISTRIBUTION, INC. (CBSPD) OR ANOTHER CREDENTIALING AGENCY ACCEPTABLE TO THE COMMISSIONER; OR

(B) PROVIDES EVIDENCE THAT THE PERSON WAS EMPLOYED OR OTHERWISE CONTRACTED FOR THE SERVICES AS A CENTRAL SERVICE TECHNICIAN IN A HEALTHCARE FACILITY ON OR IN THE TWO YEARS IMMEDIATELY PRIOR TO THE EFFECTIVE DATE OF THIS SECTION. IN FURTHERANCE OF THIS PARAGRAPH, ANY CONTRACTOR OR EMPLOYER OF PERSONS FUNCTIONING AS A CENTRAL SERVICE TECHNICIAN ON THE EFFECTIVE DATE OF THIS SECTION SHALL CONFIRM IN WRITING TO SUCH EMPLOYEE OR CONTRACTOR HIS OR HER EMPLOYMENT IN A CAPACITY FUNCTIONING AS A CENTRAL SERVICE TECHNICIAN IN A HEALTHCARE FACILITY AS OF THE EFFECTIVE DATE OF THIS SECTION; OR

(C) IS A STUDENT OR INTERN PERFORMING THE FUNCTIONS OF A CENTRAL SERVICE TECHNICIAN IF THE STUDENT OR INTERN IS UNDER THE DIRECT SUPERVISION OF AN APPROPRIATELY LICENSED OR CERTIFIED HEALTHCARE PROFESSIONAL AND IS FUNCTIONING WITHIN THE SCOPE OF THE STUDENT'S OR INTERN'S TRAINING.

3. A CENTRAL SERVICE TECHNICIAN THAT DOES NOT MEET THE REQUIREMENTS OF PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION SHALL HAVE TWELVE MONTHS FROM THE DATE OF HIRE TO OBTAIN THE CERTIFIED REGISTERED CENTRAL SERVICE TECHNICIAN CREDENTIAL OR THE CERTIFIED STERILE PROCESSING AND DISTRIBUTION TECHNICIAN CREDENTIAL.

4. A PERSON WHO QUALIFIES TO FUNCTION AS A CENTRAL SERVICE TECHNICIAN IN A HEALTHCARE FACILITY UNDER PARAGRAPHS (A) AND (B) OF SUBDIVISION TWO OF THIS SECTION MUST ANNUALLY COMPLETE TEN HOURS OF CONTINUING EDUCATION CREDITS TO REMAIN QUALIFIED TO FUNCTION AS A CENTRAL SERVICE TECHNICIAN.

5. A CENTRAL SERVICE TECHNICIAN SHALL DOCUMENT IN WRITING GOOD CAUSE THAT PREVENTS COMPLIANCE WITH THE CONTINUING EDUCATION REQUIREMENT AS PRESCRIBED IN SUBDIVISION FOUR OF THIS SECTION, WHICH SHALL INCLUDE ANY OF THE FOLLOWING REASONS: A MEDICAL CONDITION WHICH REQUIRES AN EXTENDED LEAVE OF ABSENCE AND IS DOCUMENTED BY AN APPROPRIATE HEALTHCARE PROFESSIONAL OR EXTENDED ACTIVE DUTY WITH THE ARMED FORCES OF THE UNITED STATES. IF ONE OF THESE CONDITIONS IS MET, AN EXTENSION TO MEETING THE CONTINUING EDUCATION REQUIREMENT, AS PRESCRIBED IN SUBDIVISION FOUR OF THIS SECTION, MAY BE MADE BY:

(A) INTERNATIONAL ASSOCIATION OF CENTRAL SERVICE MATERIEL MANAGEMENT OR CERTIFICATION BOARD FOR STERILE PROCESSING AND DISTRIBUTION, INC. FOR A CENTRAL SERVICE TECHNICIAN UNDER PARAGRAPH (A) OF SUBDIVISION TWO OF THIS SECTION; OR

(B) A HEALTHCARE FACILITY FOR A CENTRAL SERVICE TECHNICIAN UNDER PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION.

IF AN EXTENSION IS GRANTED, A CENTRAL SERVICE TECHNICIAN SHALL COMPLETE ALL PAST DUE CONTINUING EDUCATION REQUIREMENTS WITHIN NINETY DAYS UPON RESOLUTION OF A MEDICAL CONDITION OR EXTENDED ACTIVE DUTY WITH THE ARMED FORCES OF THE UNITED STATES.

6. A HEALTH CARE FACILITY WHO EMPLOYS OR CONTRACTS WITH A CENTRAL SERVICE TECHNICIAN SHALL UPON REQUEST OF A CENTRAL SERVICE TECHNICIAN EMPLOYED BY, FORMERLY EMPLOYED BY OR CONTRACTED TO PERFORM AS A CENTRAL SERVICE TECHNICIAN AT THE HEALTH CARE FACILITY, VERIFY THE DATES OF EMPLOYMENT OR CONTRACT OF SUCH PERSON. THERE SHALL BE WORKING RELATIONSHIPS AMONG MEDICAL STAFF, NURSING STAFF AND CENTRAL SERVICE TECHNICIAN TO ASSURE THAT ALL PATIENT CARE NEEDS ARE MET.

7. NOTHING IN THIS SECTION SHALL PROHIBIT ANY HEALTHCARE PROFESSIONAL FROM PERFORMING CENTRAL SERVICE TECHNICIANS' TASKS OR FUNCTIONS IF THE

PERSON IS ACTING WITHIN THE SCOPE OF HIS OR HER PRACTICE. NOTHING IN THIS SECTION SHALL MEAN THAT ANY INDIVIDUAL NOT LICENSED PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW MAY PERFORM TASKS OR FUNCTIONS LIMITED TO THE SCOPE OF PRACTICE OF A HEALTHCARE PROFESSIONAL UNDER SUCH TITLE.

8. THE DEPARTMENT SHALL ENFORCE THE PROVISIONS OF THIS SECTION IN ACCORDANCE WITH SECTION TWENTY-EIGHT HUNDRED THREE OF THIS CHAPTER.

9. THE COMMISSIONER SHALL MAKE, ADOPT, PROMULGATE AND ENFORCE SUCH RULES AND REGULATIONS AS HE OR SHE MAY DEEM APPROPRIATE TO EFFECTUATE THE PURPOSES OF THIS SECTION.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.