

# STATE OF NEW YORK

5186--A

Cal. No. 762

2019-2020 Regular Sessions

## IN SENATE

April 12, 2019

Introduced by Sens. METZGER, FUNKE -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public health law, in relation to the employment of persons to function as infection preventionists in certain general hospitals

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The public health law is amended by adding a new section  
2 2827 to read as follows:

3 § 2827. Infection preventionists. 1. For the purposes of this section,  
4 the terms:

5 (a) "infection preventionist" shall mean a person designated by a  
6 general hospital to identify infectious disease processes, conduct  
7 surveillance and epidemiologic investigations, and develop plans to  
8 prevent and control the transmission of infectious agents within general  
9 hospitals.

10 (b) "professional" shall mean a person licensed or certified pursuant  
11 to title eight of the education law.

12 2. A person shall not function as an infection preventionist in a  
13 general hospital and a general hospital shall not employ or otherwise  
14 contract for the services of an infection preventionist unless such  
15 person meets one of the following:

16 (a) (i) has successfully passed an exam from a nationally accredited  
17 infection prevention and epidemiology accrediting organization; and (ii)  
18 holds and maintains certification in infection prevention and control  
19 from a nationally accredited infection prevention and epidemiology  
20 certification organization; or

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

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1 (b) provides evidence that such person was employed or otherwise  
2 contracted for the services as an infection preventionist in a general  
3 hospital for a cumulative period of one year, occurring within four  
4 years immediately prior to the effective date of this section. In furth-  
5 erance of this paragraph, any contractor or employer of persons func-  
6 tioning as an infection preventionist on the effective date of this  
7 section shall confirm in writing to each employee or contractor his or  
8 her employment in a capacity functioning as an infection preventionist  
9 in a general hospital as of the effective date of this section; or

10 (c) is a student or intern performing the functions of an infection  
11 preventionist if such student or intern is under the direct supervision  
12 of an appropriately certified infection preventionist and is functioning  
13 within the scope of the student's or intern's training.

14 3. An infection preventionist who does not meet the requirements of  
15 paragraph (b) of subdivision two of this section shall have thirty-six  
16 months from the date of hire to obtain the infection preventionist  
17 credential outlined in paragraph (a) of subdivision two of this section.

18 4. A general hospital may employ or otherwise contract with a person  
19 who does not meet the certification requirements required above to func-  
20 tion as an infection preventionist in a general hospital if:

21 (a) after a diligent and thorough effort has been made, if such gener-  
22 al hospital is unable to employ or contract with a sufficient number of  
23 qualified infection preventionists who meet the requirements of this  
24 section;

25 (b) such general hospital makes a written record of its efforts and  
26 retains such record at the general hospital; and

27 (c) the person obtains a credential as outlined in paragraph (a) of  
28 subdivision two of this section, within three years of the start of  
29 employment or contracting for the performance of infection prevention-  
30 ists duties.

31 5. A general hospital that employs or contracts with an infection  
32 preventionist shall, upon request of another general hospital, or upon  
33 request of an infection preventionist employed by, formerly employed by  
34 or contracted to perform as an infection preventionist at such general  
35 hospital, verify the dates of employment or contract of such person.

36 6. Nothing in this section shall prohibit any professional from  
37 performing an infection preventionists' tasks or functions if such  
38 person is acting within the scope of his or her practice. Nothing in  
39 this section shall authorize any individual not licensed pursuant to  
40 title eight of the education law to perform tasks or functions within  
41 the scope of practice of a professional under such title.

42 7. The commissioner shall promulgate regulations as he or she may deem  
43 appropriate to effectuate the purposes of this section.

44 § 2. This act shall take effect on the first of January next succeed-  
45 ing the date upon which it shall have become a law.