

1014

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. BING, GALEF, TITUS, GUNTHER, CLARK, KOON, STIRPE, LUPARDO, MAGNARELLI, RAMOS -- Multi-Sponsored by -- M. of A. ALESSI, CHRISTENSEN, COLTON, CYMBROWITZ, EDDINGTON, FARRELL, HOOPER, JOHN, LATIMER, LAVINE, V. LOPEZ, MAYERSOHN, MILLER, PHEFFER, TOWNS, WEISENBERG -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to central service technicians; and to amend the public health law, in relation to the provision of central supply services

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

1 Section 1. The education law is amended by adding a new article 167 to
2 read as follows:

3 ARTICLE 167

4 CENTRAL SERVICE TECHNICIANS

5 SECTION 8800. INTRODUCTION.

6 8801. DEFINITION OF CENTRAL SERVICE TECHNICIAN.

7 8802. PRACTICE OF CENTRAL SERVICE TECHNICIAN AND USE OF THE
8 TITLE.

9 8803. REQUIREMENTS FOR A PROFESSIONAL LICENSE.

10 8804. MANDATORY CONTINUING EDUCATION FOR CENTRAL SERVICE TECHNI-
11 CIANS.

12 8805. EXEMPTIONS.

13 S 8800. INTRODUCTION. THIS ARTICLE APPLIES TO CENTRAL SERVICE TECHNI-
14 CIANS. THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED IN ARTICLE
15 ONE HUNDRED THIRTY OF THIS TITLE APPLY TO THIS ARTICLE.

16 S 8801. DEFINITION OF CENTRAL SERVICE TECHNICIAN. 1. THE PRACTICE OF
17 THE PROFESSION OF A CENTRAL SERVICES TECHNICIAN IS DEFINED AS A PERSON
18 WHO PROVIDES THE SERVICES OF DECONTAMINATION, PREPARATION, PACKAGING,
19 STERILIZATION, AND STORAGE OF REUSABLE MEDICAL INSTRUMENTATION OR
20 DEVICES IN HOSPITALS.

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

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1 2. A CENTRAL SERVICES TECHNICIAN OVERSEER IS AN INDIVIDUAL WHO IS
2 LICENSED AS A CENTRAL SERVICES TECHNICIAN PURSUANT TO THIS ARTICLE AND
3 WHO OTHERWISE MEETS THE EDUCATIONAL, TRAINING, AND EXPERIENCE QUALIFICA-
4 TIONS FOR AN OVERSEER AS DETERMINED BY THE COMMISSIONER.

5 S 8802. PRACTICE OF CENTRAL SERVICE TECHNICIAN AND USE OF THE TITLE.
6 ONLY A PERSON LICENSED OR EXEMPT UNDER THIS ARTICLE MAY PERFORM CENTRAL
7 SUPPLY SERVICES OR USE THE TITLE CENTRAL SERVICE TECHNICIAN.

8 S 8803. REQUIREMENTS FOR A PROFESSIONAL LICENSE. 1. TO QUALIFY FOR A
9 LICENSE AS A CENTRAL SERVICE TECHNICIAN, AN APPLICANT MUST FULFILL THE
10 FOLLOWING REQUIREMENTS:

11 A. FILE AN APPLICATION WITH THE DEPARTMENT.

12 B. RECEIVE AN EDUCATION IN ACCORDANCE WITH THE COMMISSIONER'S REGU-
13 LATIONS.

14 C. HAVE EXPERIENCE IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS.

15 D. BE OF GOOD MORAL CHARACTER, AS DETERMINED BY THE DEPARTMENT.

16 E. BE A UNITED STATES CITIZEN OR AN ALIEN LAWFULLY ADMITTED FOR PERMA-
17 NENT RESIDENCE IN THE UNITED STATES.

18 F. PAY AN INITIAL FEE OF ONE HUNDRED FIFTY DOLLARS, AND A TRIENNIAL
19 REGISTRATION FEE OF ONE HUNDRED FIFTY DOLLARS THEREAFTER.

20 2. A. TO QUALIFY AS A CENTRAL SERVICES TECHNICIAN OVERSEER, A PERSON
21 MUST BE LICENSED UNDER SUBDIVISION ONE OF THIS SECTION AND MUST MEET THE
22 EDUCATIONAL, TRAINING, AND EXPERIENCE QUALIFICATIONS DETERMINED BY THE
23 COMMISSIONER.

24 B. THE COMMISSIONER SHALL ESTABLISH MINIMUM EDUCATIONAL, TRAINING, AND
25 EXPERIENCE CRITERIA AS QUALIFICATIONS FOR A CENTRAL SERVICES TECHNICIAN
26 OVERSEER.

27 S 8804. MANDATORY CONTINUING EDUCATION FOR CENTRAL SERVICE TECHNI-
28 CIANS. 1. (A) EACH CENTRAL SERVICE TECHNICIAN LICENSED PURSUANT TO THIS
29 ARTICLE, REQUIRED TO REGISTER TRIENNIALLY WITH THE DEPARTMENT TO PRAC-
30 TICE IN THIS STATE, SHALL COMPLY WITH THE PROVISIONS OF THE MANDATORY
31 CONTINUING EDUCATION REQUIREMENTS, EXCEPT AS SET FORTH IN PARAGRAPHS (B)
32 AND (C) OF THIS SUBDIVISION. CENTRAL SERVICE TECHNICIANS WHO DO NOT
33 SATISFY THE MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT PRAC-
34 TICE UNTIL THEY HAVE MET SUCH REQUIREMENTS AND HAVE BEEN ISSUED A REGIS-
35 TRATION OR CONDITIONAL REGISTRATION CERTIFICATE.

36 (B) CENTRAL SERVICE TECHNICIANS SHALL BE EXEMPT FROM THE MANDATORY
37 CONTINUING EDUCATION REQUIREMENT FOR THE TRIENNIAL REGISTRATION PERIOD
38 DURING WHICH THEY ARE FIRST LICENSED. IN ACCORDANCE WITH THE INTENT OF
39 THIS SECTION, ADJUSTMENTS TO THE MANDATORY CONTINUING EDUCATION REQUIRE-
40 MENT MAY BE GRANTED BY THE DEPARTMENT FOR REASONS OF HEALTH, CERTIFIED
41 BY AN APPROPRIATE HEALTH CARE PROFESSIONAL, FOR EXTENDED ACTIVE DUTY
42 WITH THE ARMED FORCES OF THE UNITED STATES, OR FOR OTHER GOOD CAUSE
43 ACCEPTABLE TO THE DEPARTMENT WHICH MAY PREVENT COMPLIANCE.

44 (C) A LICENSED CENTRAL SERVICE TECHNICIAN NOT ENGAGED IN CENTRAL
45 SUPPLY SHALL BE EXEMPT FROM THE MANDATORY CONTINUING EDUCATION REQUIRE-
46 MENT UPON THE FILING OF A STATEMENT WITH THE DEPARTMENT DECLARING SUCH
47 STATUS. ANY LICENSEE WHO RETURNS TO THE PUBLIC PRACTICE OF CENTRAL
48 SUPPLY SERVICES DURING THE TRIENNIAL REGISTRATION PERIOD SHALL NOTIFY
49 THE DEPARTMENT PRIOR TO REENTERING THE PROFESSION AND SHALL MEET SUCH
50 MANDATORY CONTINUING EDUCATION REQUIREMENTS AS SHALL BE PROMULGATED BY
51 REGULATION OF THE COMMISSIONER IN CONSULTATION WITH THE BOARD.

52 (D) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS ENABLING OR AUTHOR-
53 IZING THE DEPARTMENT TO REQUIRE OR IMPLEMENT CONTINUING COMPETENCY TEST-
54 ING OR CONTINUED COMPETENCY CERTIFICATION FOR CENTRAL SERVICE TECHNI-
55 CIANS.

1 2. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGIS-
2 TRATION SHALL COMPLETE THIRTY-SIX HOURS OF ACCEPTABLE FORMAL CONTINUING
3 EDUCATION, A MAXIMUM OF TWELVE HOURS OF WHICH MAY BE SELF-INSTRUCTIONAL
4 COURSEWORK AS APPROVED BY THE DEPARTMENT. ANY CENTRAL SERVICE TECHNICIAN
5 WHOSE FIRST REGISTRATION DATE FOLLOWING THE EFFECTIVE DATE OF THIS
6 SECTION OCCURS LESS THAN TWO YEARS FROM SUCH EFFECTIVE DATE, BUT ON OR
7 AFTER JANUARY FIRST, TWO THOUSAND TEN, SHALL COMPLETE CONTINUING EDUCA-
8 TION HOURS ON A PRORATED BASIS AT THE RATE OF ONE HOUR PER MONTH FOR THE
9 PERIOD BEGINNING JANUARY FIRST, TWO THOUSAND TEN UP TO THE FIRST REGIS-
10 TRATION DATE THEREAFTER. A LICENSEE WHO HAS NOT SATISFIED THE MANDATORY
11 CONTINUING EDUCATION REQUIREMENTS SHALL NOT BE ISSUED A TRIENNIAL REGIS-
12 TRATION CERTIFICATE BY THE DEPARTMENT AND SHALL NOT PRACTICE UNLESS AND
13 UNTIL A CONDITIONAL REGISTRATION CERTIFICATE IS ISSUED AS PROVIDED IN
14 SUBDIVISION THREE OF THIS SECTION. THE INDIVIDUAL LICENSEE SHALL DETER-
15 MINE THE SELECTION OF COURSES OR PROGRAMS OF STUDY PURSUANT TO SUBDIVI-
16 SION FOUR OF THIS SECTION. CONTINUING EDUCATION HOURS TAKEN DURING ONE
17 TRIENNIUM MAY NOT BE CARRIED OVER OR OTHERWISE CREDITED OR TRANSFERRED
18 TO A SUBSEQUENT TRIENNIUM.

19 3. THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL REGIS-
20 TRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING EDUCATION
21 REQUIREMENTS ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION BUT WHO
22 AGREES TO MAKE UP ANY DEFICIENCIES AND TAKE ANY ADDITIONAL EDUCATION
23 WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDITIONAL REGIS-
24 TRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE TRIEN-
25 NIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL
26 BE DETERMINED BY THE DEPARTMENT BUT SHALL NOT EXCEED ONE YEAR. ANY
27 LICENSEE WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR FAILURE TO
28 COMPLETE THE REQUIRED CONTINUED EDUCATION AND WHO CONTINUES TO PROVIDE
29 CENTRAL SUPPLY SERVICES WITHOUT SUCH REGISTRATION MAY BE SUBJECT TO
30 DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF
31 THIS TITLE.

32 4. AS USED IN THIS SECTION, "ACCEPTABLE FORMAL CONTINUING EDUCATION"
33 SHALL MEAN FORMAL PROGRAMS OF LEARNING WHICH ARE APPROVED AS ACCEPTABLE
34 CONTINUING EDUCATION BY THE DEPARTMENT TO FULFILL THE MANDATORY CONTINU-
35 ING EDUCATION REQUIREMENTS, AND WHICH MEET THE STANDARDS PRESCRIBED BY
36 REGULATIONS OF THE COMMISSIONER TO FULFILL THE MANDATORY CONTINUING
37 EDUCATION REQUIREMENT.

38 5. CENTRAL SERVICE TECHNICIANS SHALL CERTIFY AT EACH TRIENNIAL REGIS-
39 TRATION AS TO HAVING SATISFIED THE MANDATORY CONTINUING EDUCATION
40 REQUIREMENTS OF THIS SECTION, SHALL MAINTAIN ADEQUATE DOCUMENTATION OF
41 COMPLETION OF ACCEPTABLE FORMAL CONTINUING EDUCATION TO SUPPORT SUCH
42 CERTIFICATION AND SHALL PROVIDE SUCH DOCUMENTATION TO THE DEPARTMENT
43 UPON REQUEST. FAILURE TO PROVIDE SUCH DOCUMENTATION UPON REQUEST OF THE
44 DEPARTMENT SHALL BE AN ACT OF MISCONDUCT SUBJECT TO DISCIPLINARY
45 PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

46 S 8805. EXEMPTIONS. ANY REGISTERED PROFESSIONAL NURSE SHALL NOT BE
47 REQUIRED TO BE LICENSED PURSUANT TO THIS ARTICLE TO PERFORM FLASH STERI-
48 LIZATION ON AN EMERGENCY BASIS IN OPERATING ROOMS. THE CENTRAL SERVICES
49 TECHNICIAN OVERSEER SHALL BE RESPONSIBLE FOR DEVELOPING POLICIES AND
50 PROCEDURES TO ENSURE THAT SUCH FLASH STERILIZATIONS ARE DONE SAFELY AND
51 PROPERLY.

52 S 2. The public health law is amended by adding a new section 2804-b
53 to read as follows:

54 S 2804-B. CENTRAL SERVICES. 1. EACH HOSPITAL SHALL ENSURE THE
55 PROVISION OF CENTRAL SERVICES FOR THE DECONTAMINATION, PREPARATION,
56 PACKAGING, STORAGE, HANDLING, AND STERILIZATION OF REUSABLE MEDICAL

1 INSTRUMENTATION OR DEVICES. THE HOSPITAL SHALL CONFORM TO CURRENT,
2 ACCEPTABLE STANDARDS OF PRACTICE FOR CENTRAL SUPPLY SERVICES. THE
3 CENTRAL SERVICES UNIT OF EACH HOSPITAL SHALL EMPLOY ONLY CENTRAL SERVICE
4 TECHNICIANS LICENSED UNDER ARTICLE ONE HUNDRED SIXTY-SEVEN OF THE EDUCA-
5 TION LAW TO PERFORM THE TASKS OF PROVIDING CENTRAL SUPPLY SERVICES.

6 2. CENTRAL SERVICES SHALL BE UNDER THE DIRECTION OF AN INDIVIDUAL
7 QUALIFIED BY EDUCATION, TRAINING AND EXPERIENCE TO SUPERVISE THE PERSON-
8 NEL AND FUNCTIONS OF SUCH SERVICES, AND WHO SHALL BE RESPONSIBLE TO THE
9 CHIEF EXECUTIVE OFFICER EITHER DIRECTLY, OR THROUGH A DESIGNATED DEPART-
10 MENT HEAD. SUCH PERSON SHALL BE DESIGNATED AS AN OVERSEER AS DEFINED IN
11 SECTION EIGHTY-EIGHT HUNDRED ONE OF THE EDUCATION LAW.

12 3. CENTRAL SERVICES SHALL BE EVALUATED AS PART OF THE HOSPITAL'S ONGO-
13 ING QUALITY ASSURANCE PROGRAM.

14 4. THE FUNCTIONAL DESIGN AND WORKFLOW PATTERNS IN CENTRAL SERVICES
15 SHALL PROVIDE FOR THE SEPARATION OF SOILED AND CONTAMINATED SUPPLIES
16 FROM THOSE THAT ARE CLEAN AND STERILE.

17 5. THERE SHALL BE WRITTEN POLICIES AND PROCEDURES FOR THE DECONTAM-
18 INATION AND STERILIZATION ACTIVITIES PERFORMED IN CENTRAL SERVICES AND
19 ELSEWHERE IN THE HOSPITAL, AND FOR RELATED REQUIREMENTS. THESE POLICIES
20 AND PROCEDURES SHALL INCLUDE, BUT NOT BE LIMITED TO PROVISIONS FOR:

21 (A) THE DECONTAMINATION, CLEANING, PREPARATION AND STERILIZATION OF
22 PATIENT CARE SUPPLIES AND EQUIPMENT;

23 (B) THE SEPARATION OF SOILED OR CONTAMINATED SUPPLIES AND EQUIPMENT
24 FROM CLEAN AND STERILIZED SUPPLIES AND EQUIPMENT;

25 (C) THE ASSEMBLY, WRAPPING, STORAGE, HANDLING AND DISTRIBUTION OF
26 STERILE SUPPLIES AND EQUIPMENT IN CENTRAL SERVICES AND ALL OTHER AREAS
27 OF THE HOSPITAL AS APPLICABLE;

28 (D) REQUIREMENTS FOR AERATION OF GAS-STERILIZED ITEMS;

29 (E) MAINTAINING AND RECORDING TIME AND TEMPERATURE FOR EACH STERILIZA-
30 TION CYCLE AND AERATION CYCLE, IF ANY, WITH PROVISIONS FOR RECORDS TO BE
31 KEPT AT LEAST ONE YEAR;

32 (F) THE LABELING OF EACH STERILIZED ITEM WITH THE DATE STERILIZED,
33 CYCLE AND EXPIRATION DATE INDICATING THE SHELF LIFE OF THE STERILIZED
34 ITEM IF THE HOSPITAL CHOOSES TO USE TIME-RELATED STERILITY CRITERIA WITH
35 ESTABLISHED EXPIRATION DATING OF IN-HOUSE REPROCESSED AND STERILIZED
36 SUPPLIES AND EQUIPMENT;

37 (G) EVENT-RELATED STERILITY ASSURANCE IF THE HOSPITAL CHOOSES TO USE
38 SUCH CRITERIA FOR STERILITY ASSURANCE. SUCH STERILITY ASSURANCE SHALL:

39 (I) COMPLY WITH GENERALLY ACCEPTED STANDARDS FOR STERILITY ASSURANCE
40 SUCH AS THOSE ENDORSED BY THE ASSOCIATION FOR THE ADVANCEMENT OF MEDICAL
41 INSTRUMENTATION, THE JOINT COMMISSION ON THE ACCREDITATION OF HEALTHCARE
42 ORGANIZATIONS OR OTHER SUCH ENTITIES RECOGNIZED AS APPROPRIATE BY THE
43 COMMISSIONER;

44 (II) BE BASED ON THE RESULTS OF AN EVALUATION OF CURRENT HOSPITAL
45 POLICIES AND PROCEDURES FOR HANDLING STERILE SUPPLIES;

46 (III) BE ADDRESSED THROUGH INSERVICE EDUCATION OF STAFF; AND

47 (IV) PROVIDE FOR QUALITY ASSURANCE MONITORING TO EVALUATE EFFECTIVE-
48 NESS;

49 (H) THE USE OF CHEMICAL INDICATORS WITH EACH CYCLE AND WEEKLY BACTERI-
50 OLOGICAL SPORE MONITORING FOR ALL STERILIZERS;

51 (I) THE ROTATION AND REPROCESSING OF STERILE EQUIPMENT AND SUPPLIES;
52 AND

53 (J) THE ROUTINE CHECKING AND REMOVAL OF OUTDATED OR DAMAGED STERILE
54 SUPPLIES AND EQUIPMENT OR SUPPLIES OR EQUIPMENT WHICH NO LONGER MEET THE
55 STERILITY STANDARDS OF THE EVENT-RELATED STERILITY ASSURANCE CRITERIA

1 AND THE RECALL OF SUCH SUPPLIES AND EQUIPMENT FROM ALL AREAS OF THE
2 HOSPITAL.

3 S 3. This act shall take effect January 1, 2010. Effective immediate-
4 ly the addition, amendment, and/or repeal of any rule or regulation
5 necessary for the timely implementation of this act on its effective
6 date is hereby authorized to be made on or before such effective date.