

5988

2009-2010 Regular Sessions

I N A S S E M B L Y

February 23, 2009

Introduced by M. of A. MILLER, SAYWARD, BACALLES, BALL, THIELE, MOLINARO
-- Multi-Sponsored by -- M. of A. ALFANO, BARCLAY, BARRA, BURLING,
BUTLER, CONTE, CROUCH, DUPREY, ERRIGO, FINCH, HAWLEY, KOLB, P. LOPEZ,
OAKS, O'MARA, QUINN, RAIA, REILICH, SPANO, TEDISCO, TOWNSEND -- read
once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to requiring course work
and training in tick-borne diseases

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

1 Section 1. Section 6505-b of the education law, as amended by chapter
2 477 of the laws of 2008, is amended to read as follows:
3 S 6505-b. Course work or training in infection control practices. 1.
4 Every dentist, registered nurse, licensed practical nurse, podiatrist,
5 optometrist and dental hygienist practicing in the state shall, on or
6 before July first, nineteen hundred ninety-four and every four years
7 thereafter, complete course work or training appropriate to the profes-
8 sional's practice approved by the department regarding infection control
9 and barrier precautions, including engineering and work practice
10 controls, in accordance with regulatory standards promulgated by the
11 department, in consultation with the department of health, which shall
12 be consistent, as far as appropriate, with such standards adopted by the
13 department of health pursuant to section two hundred thirty-nine of the
14 public health law to prevent the transmission of HIV, HBV or HCV in the
15 course of professional practice. Each such professional shall document
16 to the department at the time of registration commencing with the first
17 registration after July first, nineteen hundred ninety-four that the
18 professional has completed course work or training in accordance with
19 this section, provided, however that a professional subject to the
20 provisions of paragraph (f) of subdivision one of section twenty-eight
21 hundred five-k of the public health law shall not be required to so
22 document. The department shall provide an exemption from this require-

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

LBD09448-01-9

1 ment to anyone who requests such an exemption and who (i) clearly demon-
2 strates to the department's satisfaction that there would be no need for
3 him or her to complete such course work or training because of the
4 nature of his or her practice or (ii) that he or she has completed
5 course work or training deemed by the department to be equivalent to the
6 course work or training approved by the department pursuant to this
7 section. The department shall consult with organizations representative
8 of professions, institutions and those with expertise in infection
9 control and HIV, HBV and HCV with respect to the regulatory standards
10 promulgated pursuant to this section.

11 2. EVERY PHYSICIAN, REGISTERED NURSE, LICENSED PRACTICAL NURSE, CLIN-
12 ICAL LABORATORY TECHNOLOGIST AND PHARMACIST PRACTICING IN THE STATE
13 SHALL, ON OR BEFORE JULY FIRST, TWO THOUSAND TEN AND EVERY FOUR YEARS
14 THEREAFTER, COMPLETE COURSE WORK OR TRAINING APPROPRIATE TO THE PROFES-
15 SIONAL'S PRACTICE APPROVED BY THE DEPARTMENT AND THE TICK-BORNE DISEASE
16 INSTITUTE WITHIN THE DEPARTMENT OF HEALTH REGARDING INFECTION CONTROL
17 AND BARRIER PRECAUTIONS FOR THE PURPOSES OF DIAGNOSING AND TREATING LYME
18 DISEASE. TRAINING AND ANY SUBSEQUENT COURSE WORK SHALL BE MADE IN
19 ACCORDANCE WITH REGULATORY STANDARDS PROMULGATED BY THE DEPARTMENT AS
20 WELL AS ANY OTHER CLINICAL DATA AND RECOMMENDATIONS SET FORTH IN FEDERAL
21 GUIDELINES. EACH SUCH PROFESSIONAL SHALL DOCUMENT TO THE DEPARTMENT AT
22 THE TIME OF REGISTRATION COMMENCING WITH THE FIRST REGISTRATION AFTER
23 JULY FIRST, TWO THOUSAND TEN THAT THE PROFESSIONAL HAS COMPLETED COURSE
24 WORK OR TRAINING IN ACCORDANCE WITH THIS SUBDIVISION. THE DEPARTMENT
25 SHALL PROVIDE AN EXEMPTION FROM THIS REQUIREMENT TO ANYONE WHO REQUESTS
26 SUCH AN EXEMPTION AND WHO (I) CLEARLY DEMONSTRATES TO THE DEPARTMENT'S
27 SATISFACTION THAT THERE WOULD BE NO NEED FOR HIM OR HER TO COMPLETE
28 SUCH COURSE WORK OR TRAINING BECAUSE OF THE NATURE OF HIS OR HER PRAC-
29 TICE OR (II) THAT HE OR SHE HAS COMPLETED COURSE WORK OR TRAINING
30 DEEMED BY THE DEPARTMENT TO BE EQUIVALENT TO THE COURSE WORK OR TRAINING
31 APPROVED BY THE DEPARTMENT PURSUANT TO THIS SECTION. THE DEPARTMENT
32 SHALL CONSULT WITH ORGANIZATIONS REPRESENTATIVE OF PROFESSIONS, INSTI-
33 TUTIONS AND THOSE WITH EXPERTISE IN LYME DISEASE INFECTION CONTROL AND
34 ANY OTHER RELATED AWARENESS ORGANIZATIONS WITH RESPECT TO THE REGULATORY
35 STANDARDS PROMULGATED PURSUANT TO THIS SECTION.

36 S 2. This act shall take effect immediately.