

3636

2009-2010 Regular Sessions

I N S E N A T E

March 25, 2009

Introduced by Sen. OPPENHEIMER -- read twice and ordered printed, and when printed to be committed 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.

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

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

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

4 S 8803. REQUIREMENTS FOR A PROFESSIONAL LICENSE. 1. TO QUALIFY FOR A
5 LICENSE AS A CENTRAL SERVICE TECHNICIAN, AN APPLICANT MUST FULFILL THE
6 FOLLOWING REQUIREMENTS:

7 A. FILE AN APPLICATION WITH THE DEPARTMENT.

8 B. RECEIVE AN EDUCATION IN ACCORDANCE WITH THE COMMISSIONER'S REGU-
9 LATIONS.

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

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

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

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

16 2. A. TO QUALIFY AS A CENTRAL SERVICES TECHNICIAN OVERSEER, A PERSON
17 MUST BE LICENSED UNDER SUBDIVISION ONE OF THIS SECTION AND MUST MEET THE
18 EDUCATIONAL, TRAINING, AND EXPERIENCE QUALIFICATIONS DETERMINED BY THE
19 COMMISSIONER.

20 B. THE COMMISSIONER SHALL ESTABLISH MINIMUM EDUCATIONAL, TRAINING, AND
21 EXPERIENCE CRITERIA AS QUALIFICATIONS FOR A CENTRAL SERVICES TECHNICIAN
22 OVERSEER.

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

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

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

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

52 2. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGIS-
53 TRATION SHALL COMPLETE THIRTY-SIX HOURS OF ACCEPTABLE FORMAL CONTINUING
54 EDUCATION, A MAXIMUM OF TWELVE HOURS OF WHICH MAY BE SELF-INSTRUCTIONAL
55 COURSEWORK AS APPROVED BY THE DEPARTMENT. ANY CENTRAL SERVICE TECHNICIAN
56 WHOSE FIRST REGISTRATION DATE FOLLOWING THE EFFECTIVE DATE OF THIS

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

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

27 4. AS USED IN THIS SECTION, "ACCEPTABLE FORMAL CONTINUING EDUCATION"
28 SHALL MEAN FORMAL PROGRAMS OF LEARNING WHICH ARE APPROVED AS ACCEPTABLE
29 CONTINUING EDUCATION BY THE DEPARTMENT TO FULFILL THE MANDATORY CONTINU-
30 ING EDUCATION REQUIREMENTS, AND WHICH MEET THE STANDARDS PRESCRIBED BY
31 REGULATIONS OF THE COMMISSIONER TO FULFILL THE MANDATORY CONTINUING
32 EDUCATION REQUIREMENT.

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

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

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

49 S 2804-B. CENTRAL SERVICES. 1. EACH HOSPITAL SHALL ENSURE THE
50 PROVISION OF CENTRAL SERVICES FOR THE DECONTAMINATION, PREPARATION,
51 PACKAGING, STORAGE, HANDLING, AND STERILIZATION OF REUSABLE MEDICAL
52 INSTRUMENTATION OR DEVICES. THE HOSPITAL SHALL CONFORM TO CURRENT,
53 ACCEPTABLE STANDARDS OF PRACTICE FOR CENTRAL SUPPLY SERVICES. THE
54 CENTRAL SERVICES UNIT OF EACH HOSPITAL SHALL EMPLOY ONLY CENTRAL SERVICE
55 TECHNICIANS LICENSED UNDER ARTICLE ONE HUNDRED SIXTY-SEVEN OF THE EDUCA-
56 TION LAW TO PERFORM THE TASKS OF PROVIDING CENTRAL SUPPLY SERVICES.

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

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

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

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

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

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

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

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

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

27 (F) THE LABELING OF EACH STERILIZED ITEM WITH THE DATE STERILIZED,
28 CYCLE AND EXPIRATION DATE INDICATING THE SHELF LIFE OF THE STERILIZED
29 ITEM IF THE HOSPITAL CHOOSES TO USE TIME-RELATED STERILITY CRITERIA WITH
30 ESTABLISHED EXPIRATION DATING OF IN-HOUSE REPROCESSED AND STERILIZED
31 SUPPLIES AND EQUIPMENT;

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

34 (I) COMPLY WITH GENERALLY ACCEPTED STANDARDS FOR STERILITY ASSURANCE
35 SUCH AS THOSE ENDORSED BY THE ASSOCIATION FOR THE ADVANCEMENT OF MEDICAL
36 INSTRUMENTATION, THE JOINT COMMISSION ON THE ACCREDITATION OF HEALTHCARE
37 ORGANIZATIONS OR OTHER SUCH ENTITIES RECOGNIZED AS APPROPRIATE BY THE
38 COMMISSIONER;

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

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

42 (IV) PROVIDE FOR QUALITY ASSURANCE MONITORING TO EVALUATE EFFECTIVE-
43 NESS;

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

46 (I) THE ROTATION AND REPROCESSING OF STERILE EQUIPMENT AND SUPPLIES;
47 AND

48 (J) THE ROUTINE CHECKING AND REMOVAL OF OUTDATED OR DAMAGED STERILE
49 SUPPLIES AND EQUIPMENT OR SUPPLIES OR EQUIPMENT WHICH NO LONGER MEET THE
50 STERILITY STANDARDS OF THE EVENT-RELATED STERILITY ASSURANCE CRITERIA
51 AND THE RECALL OF SUCH SUPPLIES AND EQUIPMENT FROM ALL AREAS OF THE
52 HOSPITAL.

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