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

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I N S E N A T E

April 16, 2010

Introduced by Sen. PARKER -- 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 establishing training and registration requirements for kidney dialysis patient care technicians

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 37-A to read as follows:

ARTICLE 37-A
KIDNEY DIALYSIS PATIENT
CARE TECHNICIANS

SECTION 3720. DEFINITIONS.
3721. TRAINING.
3722. PRACTICE OF KIDNEY DIALYSIS PATIENT CARE.
3723. EXEMPTION.

S 3720. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE:

1. "KIDNEY DIALYSIS PATIENT CARE TECHNICIAN" MEANS ANY PERSON, NOT LICENSED TO PRACTICE MEDICINE OR NURSING, OR AS A PHYSICIAN ASSISTANT OR SPECIALIST ASSISTANT, WHO PERFORMS KIDNEY DIALYSIS SERVICES ON A HUMAN AND HAS SUCCESSFULLY COMPLETED THE TRAINING REQUIREMENTS ESTABLISHED PURSUANT TO SECTION THIRTY-SEVEN HUNDRED TWENTY-ONE OF THIS ARTICLE AND THE REGISTRATION REQUIREMENT OF SECTION THIRTY-SEVEN HUNDRED TWENTY-TWO OF THIS ARTICLE.

2. "KIDNEY DIALYSIS PATIENT CARE TECHNICIAN TRAINEE" MEANS ANY PERSON, NOT LICENSED TO PRACTICE MEDICINE OR NURSING, OR AS A PHYSICIAN ASSISTANT OR SPECIALIST ASSISTANT, WHO PERFORMS KIDNEY DIALYSIS SERVICES ON A HUMAN AND HAS ENROLLED IN OR COMPLETED THE TRAINING REQUIRED BY SECTION THIRTY-SEVEN HUNDRED TWENTY-ONE OF THIS ARTICLE AND HAS NOT REGISTERED PURSUANT TO SECTION THIRTY-SEVEN HUNDRED TWENTY-TWO OF THIS ARTICLE.

S 3721. TRAINING. 1. THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF EDUCATION, SHALL ESTABLISH TRAINING REQUIREMENTS FOR KIDNEY DIALYSIS PATIENT CARE TECHNICIANS.

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

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2. SUCH TRAINING REQUIREMENTS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER SHALL HAVE CLEARLY DEFINED CRITERIA FOR EVALUATING EACH TRAINEE'S ATTAINMENT OF TRAINING GOALS AND COMPETENCY IN PROVISION OF KIDNEY DIALYSIS SERVICES. KIDNEY DIALYSIS PATIENT CARE TECHNICIAN TRAINING PROGRAMS MAY BE CONDUCTED BY:

(A) KIDNEY DIALYSIS PROVIDERS;

(B) DEGREE AND NON-DEGREE GRANTING INSTITUTIONS OF HIGHER EDUCATION AS DEFINED IN SECTION TWO OF THE EDUCATION LAW, CHARTERED, APPROVED OR LICENSED BY THE BOARD OF REGENTS; OR

(C) ANY OTHER ENTITY APPROVED BY THE COMMISSIONER TO CONDUCT SUCH A PROGRAM.

3. THE TRAINING ESTABLISHED BY THIS SECTION SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING TOPICS:

(A) AN OVERVIEW OF THE ROLES AND RESPONSIBILITIES OF KIDNEY DIALYSIS PATIENT CARE TECHNICIANS;

(B) AN OVERVIEW OF KIDNEY DIALYSIS THERAPY; AND

(C) THE LEGAL ROLES AND RESPONSIBILITIES OF KIDNEY DIALYSIS PATIENT CARE TECHNICIANS.

S 3722. PRACTICE OF KIDNEY DIALYSIS PATIENT CARE. 1. EXCEPT AS OTHERWISE PROVIDED BY THIS ARTICLE, NO PERSON SHALL USE THE TITLE "KIDNEY DIALYSIS PATIENT CARE TECHNICIAN" NOR PROVIDE KIDNEY DIALYSIS SERVICES, AS SUCH SERVICES ARE DEFINED BY THE COMMISSIONER, UNLESS SUCH PERSON HAS COMPLETED THE TRAINING REQUIRED PURSUANT TO SECTION THIRTY-SEVEN HUNDRED TWENTY-ONE OF THIS ARTICLE, AND HAS REGISTERED WITH THE DEPARTMENT PURSUANT TO SUBDIVISION TWO OF THIS SECTION.

2. UPON THE SUCCESSFUL COMPLETION OF THE TRAINING REQUIRED PURSUANT TO SECTION THIRTY-SEVEN HUNDRED TWENTY-ONE OF THIS ARTICLE, A PERSON MAY REGISTER WITH THE DEPARTMENT TO BECOME A KIDNEY DIALYSIS PATIENT CARE TECHNICIAN.

3. A KIDNEY DIALYSIS PATIENT CARE TECHNICIAN AND A KIDNEY DIALYSIS PATIENT CARE TECHNICIAN TRAINEE SHALL BE AUTHORIZED TO PERFORM SUCH PROCEDURES AND ACTIVITIES AS THE COMMISSIONER SHALL DEEM APPROPRIATE FOR THE LEVEL OF TRAINING COMPLETED BY SUCH TECHNICIAN OR TRAINEE.

S 3723. EXEMPTION. THE PROVISIONS OF SECTION THIRTY-SEVEN HUNDRED TWENTY-TWO OF THIS ARTICLE SHALL NOT APPLY, UNTIL ONE YEAR AFTER THE EFFECTIVE DATE OF SUCH SECTION, TO ANY PERSON WHO, ON THE EFFECTIVE DATE OF SUCH SECTION, HAS BEEN PROVIDING KIDNEY DIALYSIS SERVICES FOR A PERIOD OF NOT LESS THAN TWO YEARS.

S 2. This act shall take effect on the three hundred sixty-fifth day after it shall have become a law; provided, however, the commissioner of health is immediately authorized and directed to promulgate any rules and regulations necessary to implement the provisions of section 3722 on the effective date thereof.