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

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:

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

ARTICLE 167

CENTRAL SERVICE TECHNICIANS

SECTION 8800. INTRODUCTION.

8801. DEFINITION OF CENTRAL SERVICE TECHNICIAN.

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

8803. REQUIREMENTS FOR A PROFESSIONAL LICENSE.

8804. MANDATORY CONTINUING EDUCATION FOR CENTRAL SERVICE TECHNICIANS.

8805. EXEMPTIONS.

S 8800. INTRODUCTION. THIS ARTICLE APPLIES TO CENTRAL SERVICE TECHNICIANS. THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED IN ARTICLE ONE HUNDRED THIRTY OF THIS TITLE APPLY TO THIS ARTICLE.

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

2. A CENTRAL SERVICES TECHNICIAN OVERSEER IS AN INDIVIDUAL WHO IS LICENSED AS A CENTRAL SERVICES TECHNICIAN PURSUANT TO THIS ARTICLE AND WHO OTHERWISE MEETS THE EDUCATIONAL, TRAINING, AND EXPERIENCE QUALIFICATIONS 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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S 8802. PRACTICE OF CENTRAL SERVICE TECHNICIAN AND USE OF THE TITLE. ONLY A PERSON LICENSED OR EXEMPT UNDER THIS ARTICLE MAY PERFORM CENTRAL SUPPLY SERVICES OR USE THE TITLE CENTRAL SERVICE TECHNICIAN.

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

A. FILE AN APPLICATION WITH THE DEPARTMENT.

B. RECEIVE AN EDUCATION IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS.

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

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

E. BE A UNITED STATES CITIZEN OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES.

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

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

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

S 8804. MANDATORY CONTINUING EDUCATION FOR CENTRAL SERVICE TECHNICIANS. 1. (A) EACH CENTRAL SERVICE TECHNICIAN LICENSED PURSUANT TO THIS ARTICLE, REQUIRED TO REGISTER TRIENNIALLY WITH THE DEPARTMENT TO PRACTICE IN THIS STATE, SHALL COMPLY WITH THE PROVISIONS OF THE MANDATORY CONTINUING EDUCATION REQUIREMENTS, EXCEPT AS SET FORTH IN PARAGRAPHS (B) AND (C) OF THIS SUBDIVISION. CENTRAL SERVICE TECHNICIANS WHO DO NOT SATISFY THE MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT PRACTICE UNTIL THEY HAVE MET SUCH REQUIREMENTS AND HAVE BEEN ISSUED A REGISTRATION OR CONDITIONAL REGISTRATION CERTIFICATE.

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

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

(D) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS ENABLING OR AUTHORIZING THE DEPARTMENT TO REQUIRE OR IMPLEMENT CONTINUING COMPETENCY TESTING OR CONTINUED COMPETENCY CERTIFICATION FOR CENTRAL SERVICE TECHNICIANS.

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

SECTION OCCURS LESS THAN TWO YEARS FROM SUCH EFFECTIVE DATE, BUT ON OR AFTER JANUARY FIRST, TWO THOUSAND TEN, SHALL COMPLETE CONTINUING EDUCATION HOURS ON A PRORATED BASIS AT THE RATE OF ONE HOUR PER MONTH FOR THE PERIOD BEGINNING JANUARY FIRST, TWO THOUSAND TEN UP TO THE FIRST REGISTRATION DATE THEREAFTER. A LICENSEE WHO HAS NOT SATISFIED THE MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT BE ISSUED A TRIENNIAL REGISTRATION CERTIFICATE BY THE DEPARTMENT AND SHALL NOT PRACTICE UNLESS AND UNTIL A CONDITIONAL REGISTRATION CERTIFICATE IS ISSUED AS PROVIDED IN SUBDIVISION THREE OF THIS SECTION. THE INDIVIDUAL LICENSEE SHALL DETERMINE THE SELECTION OF COURSES OR PROGRAMS OF STUDY PURSUANT TO SUBDIVISION FOUR OF THIS SECTION. CONTINUING EDUCATION HOURS TAKEN DURING ONE TRIENNIUM MAY NOT BE CARRIED OVER OR OTHERWISE CREDITED OR TRANSFERRED TO A SUBSEQUENT TRIENNIUM.

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

4. AS USED IN THIS SECTION, "ACCEPTABLE FORMAL CONTINUING EDUCATION" SHALL MEAN FORMAL PROGRAMS OF LEARNING WHICH ARE APPROVED AS ACCEPTABLE CONTINUING EDUCATION BY THE DEPARTMENT TO FULFILL THE MANDATORY CONTINUING EDUCATION REQUIREMENTS, AND WHICH MEET THE STANDARDS PRESCRIBED BY REGULATIONS OF THE COMMISSIONER TO FULFILL THE MANDATORY CONTINUING EDUCATION REQUIREMENT.

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

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

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

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

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

3. CENTRAL SERVICES SHALL BE EVALUATED AS PART OF THE HOSPITAL'S ONGOING QUALITY ASSURANCE PROGRAM.

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

5. THERE SHALL BE WRITTEN POLICIES AND PROCEDURES FOR THE DECONTAMINATION AND STERILIZATION ACTIVITIES PERFORMED IN CENTRAL SERVICES AND ELSEWHERE IN THE HOSPITAL, AND FOR RELATED REQUIREMENTS. THESE POLICIES AND PROCEDURES SHALL INCLUDE, BUT NOT BE LIMITED TO PROVISIONS FOR:

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

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

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

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

(E) MAINTAINING AND RECORDING TIME AND TEMPERATURE FOR EACH STERILIZATION CYCLE AND AERATION CYCLE, IF ANY, WITH PROVISIONS FOR RECORDS TO BE KEPT AT LEAST ONE YEAR;

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

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

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

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

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

(IV) PROVIDE FOR QUALITY ASSURANCE MONITORING TO EVALUATE EFFECTIVENESS;

(H) THE USE OF CHEMICAL INDICATORS WITH EACH CYCLE AND WEEKLY BACTERIOLOGICAL SPORE MONITORING FOR ALL STERILIZERS;

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

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

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