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2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. GIBSON, WEISENBERG, BARRON, MILLMAN, CASTRO, ARROYO, MAYERSOHN -- Multi-Sponsored by -- M. of A. BOYLAND, DINOWITZ, HOOPER, MAISEL, NOLAN, TOWNS -- read once and referred 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:

1 Section 1. The public health law is amended by adding a new article
2 37-A to read as follows:

3 ARTICLE 37-A

4 KIDNEY DIALYSIS PATIENT
5 CARE TECHNICIANS

6 SECTION 3720. DEFINITIONS.

7 3721. TRAINING.

8 3722. PRACTICE OF KIDNEY DIALYSIS PATIENT CARE.

9 3723. EXEMPTION.

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

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

18 2. "KIDNEY DIALYSIS PATIENT CARE TECHNICIAN TRAINEE" MEANS ANY PERSON,
19 NOT LICENSED TO PRACTICE MEDICINE OR NURSING, OR AS A PHYSICIAN ASSIST-
20 ANT OR SPECIALIST ASSISTANT, WHO PERFORMS KIDNEY DIALYSIS SERVICES ON A
21 HUMAN AND HAS ENROLLED IN OR COMPLETED THE TRAINING REQUIRED BY SECTION

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

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1 THIRTY-SEVEN HUNDRED TWENTY-ONE OF THIS ARTICLE AND HAS NOT REGISTERED
2 PURSUANT TO SECTION THIRTY-SEVEN HUNDRED TWENTY-TWO OF THIS ARTICLE.

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

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

12 (A) KIDNEY DIALYSIS PROVIDERS;

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

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

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

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

22 (B) AN OVERVIEW OF KIDNEY DIALYSIS THERAPY; AND

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

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

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

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

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

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