

2175

2011-2012 Regular Sessions

I N   S E N A T E

January 18, 2011

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Introduced by Sen. GOLDEN -- 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:

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

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

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

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

10 (A) KIDNEY DIALYSIS PROVIDERS;

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

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

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

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

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

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

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

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

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

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

43 S 2. This act shall take effect immediately; except that section 3722  
44 of the public health law, as added by section one of this act, shall  
45 take effect one year after the effective date of this act, and the  
46 commissioner of health is immediately authorized and directed to promul-  
47 gate any rules and regulations necessary to implement the provisions of  
48 such section 3722 on the effective date thereof.