

4702

2011-2012 Regular Sessions

I N S E N A T E

April 14, 2011

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to requiring master plumbers engaged in the installation, repair or maintenance of medical gas piping or engaged in the instruction to be licensed by the department of state

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The general business law is amended by adding a new article
2 28-F to read as follows:

3 ARTICLE 28-F
4 MEDICAL GAS PIPING

5 SECTION 491. DEFINITIONS.

6 492. LICENSE REQUIRED.

7 493. POWERS OF THE SECRETARY OF STATE.

8 494. LICENSE; MEDICAL GAS PIPING INSTALLATION AND MAINTENANCE.

9 495. LICENSE; MEDICAL GAS PIPING INSTRUCTION.

10 496. VIOLATIONS.

11 497. TRANSITION PROVISIONS.

12 S 491. DEFINITIONS. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT
13 REQUIRES OTHERWISE:

14 1. "DEPARTMENT" MEANS THE DEPARTMENT OF STATE.

15 2. "MEDICAL GAS PIPING" MEANS MEDICAL GAS PIPING WITHIN ANY HEALTH
16 CARE FACILITY LICENSED PURSUANT TO THE PUBLIC HEALTH LAW, AND LOCATED
17 AFTER THE SOURCE VALVE AND INTENDED FOR PATIENT USE.

18 3. "SECRETARY" MEANS THE SECRETARY OF STATE.

19 S 492. LICENSE REQUIRED. 1. NO PERSON SHALL ENGAGE IN THE INSTALLA-
20 TION, IMPROVEMENT, REPAIR OR MAINTENANCE OF MEDICAL GAS PIPING UNLESS HE
21 OR SHE HAS BEEN ISSUED A LICENSE THEREFOR PURSUANT TO THIS ARTICLE.

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

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2. NO PERSON SHALL PROVIDE INSTRUCTION REGARDING THE INSTALLATION, IMPROVEMENT, REPAIR OR MAINTENANCE OF MEDICAL GAS PIPING UNLESS HE OR SHE HAS BEEN ISSUED A LICENSE THEREFOR PURSUANT TO THIS ARTICLE.

S 493. POWERS OF THE SECRETARY OF STATE. IN ADDITION TO THE POWERS AND DUTIES PROVIDED ELSEWHERE IN THIS ARTICLE, THE SECRETARY SHALL HAVE THE POWER TO:

1. APPOINT A SUFFICIENT NUMBER OF ASSISTANTS, INSPECTORS AND OTHER EMPLOYEES AS MAY BE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ARTICLE AND TO PRESCRIBE THEIR DUTIES;

2. EXAMINE THE QUALIFICATIONS AND FITNESS OF APPLICANTS FOR LICENSES AND PROSPECTIVE APPLICANTS THEREFOR;

3. KEEP RECORDS OF ALL LICENSES ISSUED, SUSPENDED OR REVOKED, AND ORDERS DIRECTING THE CESSATION OF UNLICENSED ACTIVITIES; AND

4. ADOPT SUCH RULES AND REGULATIONS AS MAY BE NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS ARTICLE.

S 494. LICENSE; MEDICAL GAS PIPING INSTALLATION AND MAINTENANCE. 1. EVERY PERSON TO ENGAGE IN THE INSTALLATION, IMPROVEMENT, REPAIR OR MAINTENANCE OF MEDICAL GAS PIPING SHALL MAKE APPLICATION TO THE SECRETARY FOR A LICENSE THEREFOR. SUCH APPLICATION SHALL BE IN A FORM AND MANNER PRESCRIBED BY THE SECRETARY AND SHALL CONTAIN SUCH INFORMATION AS, IN THE SECRETARY'S JUDGMENT, IS REASONABLE AND NECESSARY TO DETERMINE THE QUALIFICATION AND FITNESS FOR LICENSING OF THE APPLICANT.

2. EVERY APPLICANT FOR A LICENSE TO ENGAGE IN THE INSTALLATION, IMPROVEMENT, REPAIR OR MAINTENANCE OF MEDICAL GAS PIPING SHALL BE OF GOOD MORAL CHARACTER AND SHALL PROVIDE EVIDENCE TO THE SECRETARY THAT HE OR SHE:

A. (1) IS A MASTER PLUMBER, OR A JOURNEYMAN PLUMBER WHO HAS SUCCESSFULLY COMPLETED AN APPRENTICESHIP PROGRAM ACCREDITED AND APPROVED BY THE FEDERAL DEPARTMENT OF LABOR,

(2) IS AN APPRENTICE PLUMBER WHO HAS SUCCESSFULLY COMPLETED NOT LESS THAN THREE YEARS OF AN APPRENTICESHIP PROGRAM ACCREDITED AND APPROVED BY THE FEDERAL DEPARTMENT OF LABOR,

(3) IS A PIPE FITTER OR STEAM FITTER EMPLOYED BY A PLUMBING CONTRACTOR, OR

(4) IS CERTIFIED IN HIS OR HER AREA OF EXPERTISE IN ACCORDANCE WITH THE NATIONAL FIRE PROTECTION ASSOCIATION STANDARDS;

B. HAS SUCCESSFULLY COMPLETED NOT LESS THAN THIRTY-TWO HOURS OF CLASSROOM TRAINING RELATING TO THE MOST RECENT EDITION OF THE STANDARD ON GAS AND VACUUM SYSTEMS ISSUED BY THE NATIONAL FIRE PROTECTION ASSOCIATION; AND

C. (1) HAS PASSED AN EXAMINATION OFFERED BY THE NATIONAL INSPECTION TESTING AND CERTIFICATION CORPORATION OR ANY SUBSTANTIALLY EQUIVALENT EXAMINATION APPROVED BY THE SECRETARY, THAT DEMONSTRATES THE APPLICANT'S COMPETENCE TO INSTALL, IMPROVE, REPAIR OR MAINTAIN MEDICAL GAS PIPING,

(2) HAS PASSED AN EXAMINATION AS A BRAZER OFFERED BY THE AMERICAN WELDING SOCIETY, AND HAS SUCCESSFULLY COMPLETED A TRAINING PROGRAM IN THE INSTALLATION OF MEDICAL GAS PIPING APPROVED BY A MAJOR MEDICAL GAS PRODUCER, OR

(3) IS CERTIFIED IN ACCORDANCE WITH THE APPROPRIATE AMERICAN SOCIETY OF SANITARY ENGINEERING STANDARDS FOR THE OPERATIONS TO BE PERFORMED.

3. ANY PERSON WHO WILL ENGAGE ONLY IN BRAZING INCIDENTAL TO THE INSTALLATION, IMPROVEMENT, REPAIR OR MAINTENANCE OF MEDICAL GAS PIPING SHALL BE LICENSED BY THE DEPARTMENT IF HE OR SHE IS OF GOOD MORAL CHARACTER AND PROVIDES EVIDENCE TO THE SECRETARY THAT HE OR SHE:

1 A. (1) IS A MASTER PLUMBER, OR A JOURNEYMAN PLUMBER WHO HAS SUCCESS-
2 FULLY COMPLETED AN APPRENTICESHIP PROGRAM ACCREDITED AND APPROVED BY THE
3 FEDERAL DEPARTMENT OF LABOR,

4 (2) IS AN APPRENTICE PLUMBER WHO HAS SUCCESSFULLY COMPLETED NOT LESS
5 THAN THREE YEARS OF AN APPRENTICESHIP PROGRAM ACCREDITED AND APPROVED BY
6 THE FEDERAL DEPARTMENT OF LABOR,

7 (3) IS A PIPE FITTER OR STEAM FITTER EMPLOYED BY A PLUMBING CONTRAC-
8 TOR, OR

9 (4) IS CERTIFIED IN HIS OR HER AREA OF EXPERTISE IN ACCORDANCE WITH
10 THE NATIONAL FIRE PROTECTION ASSOCIATION STANDARDS;

11 B. HAS SUCCESSFULLY COMPLETED NOT LESS THAN TWENTY HOURS OF CLASSROOM
12 TRAINING RELATING TO THE PERFORMANCE OF BRAZING DUTIES REQUIRED IN THE
13 INSTALLATION, IMPROVEMENT, REPAIR OR MAINTENANCE OF MEDICAL GAS PIPING;
14 AND

15 C.(1) HAS PASSED AN EXAMINATION OFFERED BY THE NATIONAL INSPECTION
16 TESTING AND CERTIFICATION CORPORATION OR ANY SUBSTANTIALLY EQUIVALENT
17 EXAMINATION APPROVED BY THE SECRETARY THAT DEMONSTRATES THE APPLICANT'S
18 COMPETENCE IN PERFORMING BRAZING INCIDENTAL TO THE INSTALLATION,
19 IMPROVEMENT, REPAIR OR MAINTENANCE OF MEDICAL GAS PIPING,

20 (2) HAS PASSED AN EXAMINATION AS A BRAZER OFFERED BY THE AMERICAN
21 WELDING SOCIETY AND HAS SUCCESSFULLY COMPLETED A TRAINING PROGRAM IN THE
22 BRAZING OF MEDICAL GAS PIPING BY A MAJOR MEDICAL GAS PRODUCER, OR

23 (3) IS CERTIFIED IN ACCORDANCE WITH THE APPROPRIATE AMERICAN SOCIETY
24 OF SANITARY ENGINEERING STANDARDS FOR THE OPERATIONS TO BE PERFORMED.

25 S 495. LICENSE; MEDICAL GAS PIPING INSTRUCTION. 1. EVERY PERSON TO
26 ENGAGE IN PROVIDING INSTRUCTION REGARDING THE INSTALLATION, IMPROVEMENT,
27 REPAIR OR MAINTENANCE OF MEDICAL GAS PIPING SHALL MAKE APPLICATION TO
28 THE SECRETARY FOR A LICENSE THEREFOR. SUCH APPLICATION SHALL BE IN A
29 FORM AND MANNER PRESCRIBED BY THE SECRETARY AND SHALL CONTAIN SUCH
30 INFORMATION AS, IN THE SECRETARY'S JUDGMENT, IS REASONABLE AND NECESSARY
31 TO DETERMINE THE QUALIFICATIONS AND FITNESS FOR LICENSING OF THE APPLI-
32 CANT.

33 2. EVERY APPLICANT FOR A LICENSE TO PROVIDE INSTRUCTION REGARDING THE
34 INSTALLATION, IMPROVEMENT, REPAIR OR MAINTENANCE OF MEDICAL GAS PIPING
35 SHALL BE OF GOOD MORAL CHARACTER AND SHALL PROVIDE EVIDENCE TO THE
36 SECRETARY THAT HE OR SHE:

37 A. (1) IS A MASTER PLUMBER OR JOURNEYMAN PLUMBER, OR A PIPE FITTER OR
38 STEAM FITTER EMPLOYED BY A PLUMBING CONTRACTOR, OR

39 (2) HAS BEEN ACTIVELY ENGAGED IN THE PRACTICE OF INSTALLING MEDICAL
40 GAS PIPING, OR IS CERTIFIED IN HIS OR HER AREA OF EXPERTISE IN ACCORD-
41 ANCE WITH THE NATIONAL FIRE PROTECTION ASSOCIATION STANDARDS FOR AT
42 LEAST FIVE CONSECUTIVE YEARS PRECEDING THE DATE OF APPLICATION FOR A
43 LICENSE;

44 B. HAS SUCCESSFULLY COMPLETED NOT LESS THAN FORTY HOURS OF INSTRU-
45 TIONAL TRAINING IN THE FIELD OF MEDICAL GAS PIPING INSTALLATION,
46 IMPROVEMENT, REPAIR AND MAINTENANCE AS APPROVED BY THE SECRETARY; AND

47 C.(1) HAS PASSED AN EXAMINATION OFFERED BY THE NATIONAL INSPECTION
48 TESTING AND CERTIFICATION CORPORATION OR ANY SUBSTANTIALLY EQUIVALENT
49 EXAMINATION APPROVED BY THE SECRETARY THAT DEMONSTRATES THE APPLICANT'S
50 COMPETENCE TO TEACH IN THE FIELD OF MEDICAL GAS PIPING INSTALLATION,
51 IMPROVEMENT, REPAIR AND MAINTENANCE,

52 (2) HAS PASSED AN EXAMINATION AS A BRAZER OFFERED BY THE AMERICAN
53 WELDING SOCIETY AND HAS SUCCESSFULLY COMPLETED A TRAINING PROGRAM IN
54 INSTRUCTIONAL TRAINING APPROVED BY A MAJOR MEDICAL GAS PRODUCER, OR

55 (3) IS CERTIFIED IN ACCORDANCE WITH THE APPROPRIATE AMERICAN SOCIETY
56 OF SANITARY ENGINEERING STANDARDS FOR THE OPERATIONS BEING PERFORMED.

1 S 496. VIOLATIONS. THE DEPARTMENT SHALL HAVE THE POWER TO REVOKE OR
2 SUSPEND ANY LICENSE, OR IN LIEU THEREOF TO IMPOSE A FINE NOT EXCEEDING
3 ONE THOUSAND DOLLARS PAYABLE TO THE DEPARTMENT, OR REPRIMAND ANY LICEN-
4 SEE OR DENY ANY APPLICATION FOR A LICENSE OR RENEWAL THEREOF UPON PROOF:

5 1. THAT THE APPLICANT OR LICENSEE HAS VIOLATED ANY OF THE PROVISIONS
6 OF THIS ARTICLE OR ANY RULE OR REGULATION PROMULGATED PURSUANT THERETO;

7 2. THAT THE APPLICANT OR LICENSEE HAS PRACTICED FRAUD, DECEIT OR
8 MISREPRESENTATION;

9 3. THAT THE APPLICANT OR LICENSEE HAS MADE A MATERIAL MISSTATEMENT IN
10 THE APPLICATION FOR OR RENEWAL OF HIS OR HER LICENSE; OR

11 4. THAT THE APPLICANT OR LICENSEE HAS DEMONSTRATED INCOMPETENCE OR
12 UNTRUSTWORTHINESS IN HIS OTHER ACTIONS.

13 S 497. TRANSITION PROVISIONS. 1. ANY PERSON WHO HAS ENGAGED IN THE
14 INSTALLATION, IMPROVEMENT, REPAIR OR MAINTENANCE OF MEDICAL GAS PIPING
15 FOR NOT LESS THAN THREE CONSECUTIVE YEARS PRIOR TO THE EFFECTIVE DATE OF
16 THIS ARTICLE MAY BE LICENSED PURSUANT TO SECTION FOUR HUNDRED
17 NINETY-FOUR OF THIS ARTICLE IF SUCH PERSON HAS MET THE REQUIREMENTS OF
18 PARAGRAPH C OF SUBDIVISION TWO OF SUCH SECTION WITHIN TWO YEARS OF THE
19 EFFECTIVE DATE OF THIS ARTICLE.

20 2. ANY PERSON WHO HAS ENGAGED ONLY IN BRAZING INCIDENTAL TO THE
21 INSTALLATION, IMPROVEMENT, REPAIR OR MAINTENANCE OF MEDICAL GAS PIPING
22 FOR NOT LESS THAN THREE CONSECUTIVE YEARS PRECEDING THE EFFECTIVE DATE
23 OF THIS ARTICLE MAY BE LICENSED PURSUANT TO SUBDIVISION THREE OF SECTION
24 FOUR HUNDRED NINETY-FOUR OF THIS ARTICLE IF SUCH PERSON HAS MET THE
25 REQUIREMENTS OF PARAGRAPH C OF SUCH SUBDIVISION WITHIN TWO YEARS OF THE
26 EFFECTIVE DATE OF THIS ARTICLE.

27 S 2. This act shall take effect on the first of January next succeed-
28 ing the date on which it shall have become a law.