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I N   S E N A T E

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Introduced by Sens. GRISANTI, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public health law, in relation to the employment of persons to function as central service technicians in certain health-care facilities

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     49-A to read as follows:

3                                 ARTICLE 49-A

4                                 CENTRAL SERVICE TECHNICIANS

5     SECTION 4920. CENTRAL SERVICE TECHNICIANS.

6     S 4920. CENTRAL SERVICE TECHNICIANS.     1. FOR THE PURPOSES OF THIS  
7     SECTION, THE TERMS:

8     (A) "CENTRAL SERVICE TECHNICIAN" SHALL MEAN A PERSON WHO PROVIDES THE  
9     SERVICES OF DECONTAMINATION, PREPARATION, PACKAGING, STERILIZATION, AND  
10    STORAGE AND DISTRIBUTION OF REUSABLE MEDICAL INSTRUMENTATION OR DEVICES  
11    IN HEALTHCARE FACILITIES OTHER THAN IN THE COURSE OF PRACTICING AS A  
12    HEALTHCARE PROFESSIONAL.

13    (B) "HEALTHCARE FACILITY" SHALL MEAN A HOSPITAL OR AN AMBULATORY  
14    SURGICAL CENTER AS DEFINED IN ARTICLE TWENTY-EIGHT OF THIS CHAPTER AND  
15    SUBJECT TO THE OVERSIGHT AND REGULATION OF THE DEPARTMENT.

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

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1 (C) "HEALTHCARE PROFESSIONAL" SHALL MEAN A PERSON LICENSED OR CERTI-  
2 FIED PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW.

3 2. A PERSON SHALL NOT FUNCTION AS A CENTRAL SERVICE TECHNICIAN IN A  
4 HEALTHCARE FACILITY AND A HEALTHCARE FACILITY SHALL NOT EMPLOY OR OTHER-  
5 WISE CONTRACT FOR THE SERVICES OF A CENTRAL SERVICE TECHNICIAN UNLESS  
6 THE PERSON MEETS ONE OF THE FOLLOWING:

7 (A) HOLDS AND MAINTAINS THE CERTIFIED REGISTERED CENTRAL SERVICE TECH-  
8 NICIAN CREDENTIAL ADMINISTERED BY THE INTERNATIONAL ASSOCIATION OF  
9 HEALTHCARE CENTRAL SERVICE MATERIEL MANAGEMENT (IAHCSMM) OR THE CERTI-  
10 FIED STERILE PROCESSING AND DISTRIBUTION TECHNICIAN CREDENTIAL ADMINIS-  
11 TERED BY THE CERTIFICATION BOARD FOR STERILE PROCESSING AND DISTRIB-  
12 UTION, INC. (CBSPD) OR ANOTHER CREDENTIALING AGENCY ACCEPTABLE TO THE  
13 COMMISSIONER; OR

14 (B) PROVIDES EVIDENCE THAT THE PERSON WAS EMPLOYED OR OTHERWISE  
15 CONTRACTED FOR THE SERVICES AS A CENTRAL SERVICE TECHNICIAN IN A HEALTH-  
16 CARE FACILITY ON OR IN THE TWO YEARS IMMEDIATELY PRIOR TO THE EFFECTIVE  
17 DATE OF THIS SECTION. IN FURTHERANCE OF THIS PARAGRAPH, ANY CONTRACTOR  
18 OR EMPLOYER OF PERSONS FUNCTIONING AS A CENTRAL SERVICE TECHNICIAN ON  
19 THE EFFECTIVE DATE OF THIS SECTION SHALL CONFIRM IN WRITING TO SUCH  
20 EMPLOYEE OR CONTRACTOR HIS OR HER EMPLOYMENT IN A CAPACITY FUNCTIONING  
21 AS A CENTRAL SERVICE TECHNICIAN IN A HEALTHCARE FACILITY AS OF THE  
22 EFFECTIVE DATE OF THIS SECTION; OR

23 (C) IS A STUDENT OR INTERN PERFORMING THE FUNCTIONS OF A CENTRAL  
24 SERVICE TECHNICIAN IF THE STUDENT OR INTERN IS UNDER THE DIRECT SUPER-  
25 VISION OF AN APPROPRIATELY LICENSED OR CERTIFIED HEALTHCARE PROFESSIONAL  
26 AND IS FUNCTIONING WITHIN THE SCOPE OF THE STUDENT'S OR INTERN'S TRAIN-  
27 ING.

28 3. A CENTRAL SERVICE TECHNICIAN THAT DOES NOT MEET THE REQUIREMENTS  
29 OF PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION SHALL HAVE TWELVE  
30 MONTHS FROM THE DATE OF HIRE TO OBTAIN THE CERTIFIED REGISTERED CENTRAL  
31 SERVICE TECHNICIAN CREDENTIAL OR THE CERTIFIED STERILE PROCESSING AND  
32 DISTRIBUTION TECHNICIAN CREDENTIAL.

33 4. A PERSON WHO QUALIFIES TO FUNCTION AS A CENTRAL SERVICE TECHNICIAN  
34 IN A HEALTHCARE FACILITY UNDER PARAGRAPHS (A) AND (B) OF SUBDIVISION TWO  
35 OF THIS SECTION MUST ANNUALLY COMPLETE TEN HOURS OF CONTINUING EDUCATION  
36 CREDITS TO REMAIN QUALIFIED TO FUNCTION AS A CENTRAL SERVICE TECHNICIAN.

37 5. A CENTRAL SERVICE TECHNICIAN SHALL DOCUMENT IN WRITING GOOD CAUSE  
38 THAT PREVENTS COMPLIANCE WITH THE CONTINUING EDUCATION REQUIREMENT AS  
39 PRESCRIBED IN SUBDIVISION FOUR OF THIS SECTION, WHICH SHALL INCLUDE ANY  
40 OF THE FOLLOWING REASONS: A MEDICAL CONDITION WHICH REQUIRES AN EXTENDED  
41 LEAVE OF ABSENCE AND IS DOCUMENTED BY AN APPROPRIATE HEALTHCARE PROFES-  
42 SIONAL OR EXTENDED ACTIVE DUTY WITH THE ARMED FORCES OF THE UNITED  
43 STATES. IF ONE OF THESE CONDITIONS IS MET, AN EXTENSION TO MEETING THE  
44 CONTINUING EDUCATION REQUIREMENT, AS PRESCRIBED IN SUBDIVISION FOUR OF  
45 THIS SECTION, MAY BE MADE BY:

46 (A) INTERNATIONAL ASSOCIATION OF CENTRAL SERVICE MATERIEL MANAGEMENT  
47 OR CERTIFICATION BOARD FOR STERILE PROCESSING AND DISTRIBUTION, INC. FOR  
48 A CENTRAL SERVICE TECHNICIAN UNDER PARAGRAPH (A) OF SUBDIVISION TWO OF  
49 THIS SECTION; OR

50 (B) A HEALTHCARE FACILITY FOR A CENTRAL SERVICE TECHNICIAN UNDER PARA-  
51 GRAPH (B) OF SUBDIVISION TWO OF THIS SECTION.

52 IF AN EXTENSION IS GRANTED, A CENTRAL SERVICE TECHNICIAN SHALL  
53 COMPLETE ALL PAST DUE CONTINUING EDUCATION REQUIREMENTS WITHIN NINETY  
54 DAYS UPON RESOLUTION OF A MEDICAL CONDITION OR EXTENDED ACTIVE DUTY WITH  
55 THE ARMED FORCES OF THE UNITED STATES.

1       6. A HEALTH CARE FACILITY WHO EMPLOYS OR CONTRACTS WITH A CENTRAL  
2 SERVICE TECHNICIAN SHALL UPON REQUEST OF A CENTRAL SERVICE TECHNICIAN  
3 EMPLOYED BY, FORMERLY EMPLOYED BY OR CONTRACTED TO PERFORM AS A CENTRAL  
4 SERVICE TECHNICIAN AT THE HEALTH CARE FACILITY, VERIFY THE DATES OF  
5 EMPLOYMENT OR CONTRACT OF SUCH PERSON. THERE SHALL BE WORKING RELATION-  
6 SHIPS AMONG MEDICAL STAFF, NURSING STAFF AND CENTRAL SERVICE TECHNICIAN  
7 TO ASSURE THAT ALL PATIENT CARE NEEDS ARE MET.

8       7. NOTHING IN THIS SECTION SHALL PROHIBIT ANY HEALTHCARE PROFESSIONAL  
9 FROM PERFORMING CENTRAL SERVICE TECHNICIANS' TASKS OR FUNCTIONS IF THE  
10 PERSON IS ACTING WITHIN THE SCOPE OF HIS OR HER PRACTICE. NOTHING IN  
11 THIS SECTION SHALL MEAN THAT ANY INDIVIDUAL NOT LICENSED PURSUANT TO  
12 TITLE EIGHT OF THE EDUCATION LAW MAY PERFORM TASKS OR FUNCTIONS LIMITED  
13 TO THE SCOPE OF PRACTICE OF A HEALTHCARE PROFESSIONAL UNDER SUCH TITLE.

14       8. THE DEPARTMENT SHALL ENFORCE THE PROVISIONS OF THIS SECTION IN  
15 ACCORDANCE WITH SECTION TWENTY-EIGHT HUNDRED THREE OF THIS CHAPTER.

16       9. THE COMMISSIONER SHALL MAKE, ADOPT, PROMULGATE AND ENFORCE SUCH  
17 RULES AND REGULATIONS AS HE OR SHE MAY DEEM APPROPRIATE TO EFFECTUATE  
18 THE PURPOSES OF THIS SECTION.

19       S 2. This act shall take effect on the sixtieth day after it shall  
20 have become a law.