

878

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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Introduced by M. of A. BRONSON -- read once and referred to the Committee on Health

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.

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

18    2. A PERSON SHALL NOT FUNCTION AS A CENTRAL SERVICE TECHNICIAN IN A  
19    HEALTHCARE FACILITY AND A HEALTHCARE FACILITY SHALL NOT EMPLOY OR OTHER-  
20    WISE CONTRACT FOR THE SERVICES OF A CENTRAL SERVICE TECHNICIAN UNLESS  
21    THE PERSON MEETS ONE OF THE FOLLOWING:

22    (A) HOLDS AND MAINTAINS THE CERTIFIED REGISTERED CENTRAL SERVICE TECH-  
23    NICIAN CREDENTIAL ADMINISTERED BY THE INTERNATIONAL ASSOCIATION OF

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

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1 HEALTHCARE CENTRAL SERVICE MATERIEL MANAGEMENT (IAHCSMM) OR THE CERTI-  
2 FIED STERILE PROCESSING AND DISTRIBUTION TECHNICIAN CREDENTIAL ADMINIS-  
3 TERED BY THE CERTIFICATION BOARD FOR STERILE PROCESSING AND DISTRIB-  
4 UTION, INC. (CBSPD) OR ANOTHER CREDENTIALING AGENCY ACCEPTABLE TO THE  
5 COMMISSIONER; OR

6 (B) PROVIDES EVIDENCE THAT THE PERSON WAS EMPLOYED OR OTHERWISE  
7 CONTRACTED FOR THE SERVICES AS A CENTRAL SERVICE TECHNICIAN IN A HEALTH-  
8 CARE FACILITY ON OR IN THE TWO YEARS IMMEDIATELY PRIOR TO THE EFFECTIVE  
9 DATE OF THIS SECTION. IN FURTHERANCE OF THIS PARAGRAPH, ANY CONTRACTOR  
10 OR EMPLOYER OF PERSONS FUNCTIONING AS A CENTRAL SERVICE TECHNICIAN ON  
11 THE EFFECTIVE DATE OF THIS SECTION SHALL CONFIRM IN WRITING TO SUCH  
12 EMPLOYEE OR CONTRACTOR HIS OR HER EMPLOYMENT IN A CAPACITY FUNCTIONING  
13 AS A CENTRAL SERVICE TECHNICIAN IN A HEALTHCARE FACILITY AS OF THE  
14 EFFECTIVE DATE OF THIS SECTION; OR

15 (C) IS A STUDENT OR INTERN PERFORMING THE FUNCTIONS OF A CENTRAL  
16 SERVICE TECHNICIAN IF THE STUDENT OR INTERN IS UNDER THE DIRECT SUPER-  
17 VISION OF AN APPROPRIATELY LICENSED OR CERTIFIED HEALTHCARE PROFESSIONAL  
18 AND IS FUNCTIONING WITHIN THE SCOPE OF THE STUDENT'S OR INTERN'S TRAIN-  
19 ING.

20 3. A CENTRAL SERVICE TECHNICIAN THAT DOES NOT MEET THE REQUIREMENTS  
21 OF PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION SHALL HAVE TWELVE  
22 MONTHS FROM THE DATE OF HIRE TO OBTAIN THE CERTIFIED REGISTERED CENTRAL  
23 SERVICE TECHNICIAN CREDENTIAL OR THE CERTIFIED STERILE PROCESSING AND  
24 DISTRIBUTION TECHNICIAN CREDENTIAL.

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

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

38 (A) INTERNATIONAL ASSOCIATION OF CENTRAL SERVICE MATERIEL MANAGEMENT  
39 OR CERTIFICATION BOARD FOR STERILE PROCESSING AND DISTRIBUTION, INC. FOR  
40 A CENTRAL SERVICE TECHNICIAN UNDER PARAGRAPH (A) OF SUBDIVISION TWO OF  
41 THIS SECTION; OR

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

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

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

55 7. NOTHING IN THIS SECTION SHALL PROHIBIT ANY HEALTHCARE PROFESSIONAL  
56 FROM PERFORMING CENTRAL SERVICE TECHNICIANS' TASKS OR FUNCTIONS IF THE

1 PERSON IS ACTING WITHIN THE SCOPE OF HIS OR HER PRACTICE. NOTHING IN  
2 THIS SECTION SHALL MEAN THAT ANY INDIVIDUAL NOT LICENSED PURSUANT TO  
3 TITLE EIGHT OF THE EDUCATION LAW MAY PERFORM TASKS OR FUNCTIONS LIMITED  
4 TO THE SCOPE OF PRACTICE OF A HEALTHCARE PROFESSIONAL UNDER SUCH TITLE.  
5 8. THE DEPARTMENT SHALL ENFORCE THE PROVISIONS OF THIS SECTION IN  
6 ACCORDANCE WITH SECTION TWENTY-EIGHT HUNDRED THREE OF THIS CHAPTER.  
7 9. THE COMMISSIONER SHALL MAKE, ADOPT, PROMULGATE AND ENFORCE SUCH  
8 RULES AND REGULATIONS AS HE OR SHE MAY DEEM APPROPRIATE TO EFFECTUATE  
9 THE PURPOSES OF THIS SECTION.  
10 S 2. This act shall take effect on the sixtieth day after it shall  
11 have become a law.