

878--A

Cal. No. 449

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 -- reported from said committee with amendments, ordered reprinted as amended and placed on the order of second 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 section  
2     2824 to read as follows:  
3     S 2824. CENTRAL SERVICE TECHNICIANS.     1. FOR THE PURPOSES OF THIS  
4     SECTION, THE TERMS:  
5     (A) "CENTRAL SERVICE TECHNICIAN" SHALL MEAN A PERSON WHO PROVIDES THE  
6     SERVICES OF DECONTAMINATION, PREPARATION, PACKAGING, STERILIZATION, AND  
7     STORAGE AND DISTRIBUTION OF REUSABLE MEDICAL INSTRUMENTATION OR DEVICES  
8     IN HEALTHCARE FACILITIES OTHER THAN IN THE COURSE OF PRACTICING AS A  
9     HEALTHCARE PROFESSIONAL.  
10    (B) "HEALTHCARE FACILITY" SHALL MEAN GENERAL HOSPITAL AS DEFINED BY  
11    SUBDIVISION TEN OF SECTION TWENTY-EIGHT HUNDRED ONE OF THIS ARTICLE OR A  
12    HOSPITAL AS DEFINED BY SUBDIVISION ONE OF SECTION TWENTY-EIGHT HUNDRED  
13    ONE OF THIS ARTICLE OPERATING AS A DIAGNOSTIC AND TREATMENT CENTER  
14    AUTHORIZED TO PROVIDE AMBULATORY SURGICAL SERVICES.  
15    (C) "HEALTHCARE PROFESSIONAL" SHALL MEAN A PERSON LICENSED OR CERTI-  
16    FIED PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW.  
17    2. A PERSON SHALL NOT FUNCTION AS A CENTRAL SERVICE TECHNICIAN IN A  
18    HEALTHCARE FACILITY AND A HEALTHCARE FACILITY SHALL NOT EMPLOY OR OTHER-  
19    WISE CONTRACT FOR THE SERVICES OF A CENTRAL SERVICE TECHNICIAN UNLESS  
20    THE PERSON MEETS ONE OF THE FOLLOWING:  
21    (A) (I) HAS SUCCESSFULLY PASSED A NATIONALLY ACCREDITED CENTRAL  
22    SERVICE EXAM FOR CENTRAL SERVICE TECHNICIANS; AND (II) HOLDS AND MAIN-

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

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1 TAINS ONE OF THE FOLLOWING CREDENTIALS ADMINISTERED BY A NATIONALLY  
2 ACCREDITED CENTRAL SERVICE TECHNICIAN CREDENTIALING ORGANIZATION: THE  
3 CERTIFIED REGISTERED CENTRAL SERVICE TECHNICIAN CREDENTIAL, THE CERTI-  
4 FIED STERILE PROCESSING AND DISTRIBUTION TECHNICIAN CREDENTIAL OR A  
5 SUBSTANTIALLY EQUIVALENT CREDENTIAL; 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 FOR A CUMULATIVE PERIOD OF ONE YEAR, OCCURRING WITHIN THE  
9 FOUR YEARS IMMEDIATELY PRIOR TO THE EFFECTIVE DATE OF THIS SECTION. IN  
10 FURTHERANCE OF THIS PARAGRAPH, ANY CONTRACTOR OR EMPLOYER OF PERSONS  
11 FUNCTIONING AS A CENTRAL SERVICE TECHNICIAN ON THE EFFECTIVE DATE OF  
12 THIS SECTION SHALL CONFIRM IN WRITING TO EACH EMPLOYEE OR CONTRACTOR HIS  
13 OR HER EMPLOYMENT IN A CAPACITY FUNCTIONING AS A CENTRAL SERVICE TECHNI-  
14 CIAN IN A HEALTHCARE FACILITY AS OF THE EFFECTIVE DATE OF THIS SECTION;  
15 OR

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

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

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

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

39 (I) THE ACCREDITING AGENCY OF A CENTRAL SERVICE TECHNICIAN QUALIFYING  
40 UNDER PARAGRAPH (A) OF SUBDIVISION TWO OF THIS SECTION; OR

41 (II) A HEALTHCARE FACILITY EMPLOYING OR CONTRACTING A CENTRAL SERVICE  
42 TECHNICIAN UNDER PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION.

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

47 6. A HEALTHCARE FACILITY MAY EMPLOY OR OTHERWISE CONTRACT WITH A  
48 PERSON WHO DOES NOT MEET THE REQUIREMENTS OF SUBDIVISION TWO OF THIS  
49 SECTION TO FUNCTION AS A CENTRAL SERVICE TECHNICIAN IN A HEALTHCARE  
50 FACILITY IF:

51 (A) AFTER A DILIGENT AND THOROUGH EFFORT HAS BEEN MADE, THE HEALTHCARE  
52 FACILITY IS UNABLE TO EMPLOY OR CONTRACT WITH A SUFFICIENT NUMBER OF  
53 QUALIFIED CENTRAL SERVICE TECHNICIANS WHO MEET THE REQUIREMENTS OF THIS  
54 SECTION;

1 (B) THE HEALTHCARE FACILITY MAKES A WRITTEN RECORD OF ITS EFFORTS  
2 UNDER PARAGRAPH (A) OF THIS SUBDIVISION AND RETAINS THE RECORD AT THE  
3 HEALTHCARE FACILITY; AND

4 (C) THE PERSON MEETS THE REQUIREMENTS OF PARAGRAPH (A) OF SUBDIVISION  
5 TWO OF THIS SECTION WITHIN TWO YEARS OF THE START OF EMPLOYMENT OR  
6 CONTRACTING FOR THE PERFORMANCE OF CENTRAL SERVICE TECHNICIAN DUTIES.

7 7. A HEALTHCARE FACILITY THAT EMPLOYS OR CONTRACTS WITH A CENTRAL  
8 SERVICE TECHNICIAN SHALL UPON REQUEST OF ANOTHER HEALTHCARE FACILITY, OR  
9 UPON REQUEST OF A CENTRAL SERVICE TECHNICIAN EMPLOYED BY, FORMERLY  
10 EMPLOYED BY OR CONTRACTED TO PERFORM AS A CENTRAL SERVICE TECHNICIAN AT  
11 THE HEALTHCARE FACILITY, VERIFY THE DATES OF EMPLOYMENT OR CONTRACT OF  
12 SUCH PERSON.

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

19 9. THE COMMISSIONER SHALL PROMULGATE REGULATIONS AS HE OR SHE MAY DEEM  
20 APPROPRIATE TO EFFECTUATE THE PURPOSES OF THIS SECTION.

21 S 2. This act shall take effect on the first day of the eighteenth  
22 month after it shall have become a law.