

4134--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 1, 2013

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Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law and the public health law, in relation to Methicillin-Resistant Staphylococcus Aureus protection and education

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

1     Section 1. The education law is amended by adding a new section 921 to  
2     read as follows:  
3     S 921. MRSA AND OTHER INFECTIOUS SKIN DISEASE PROTECTION AND EDUCA-  
4     TION. 1. LEGISLATIVE INTENT. THE LEGISLATURE FINDS AND DETERMINES THAT  
5     METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS (MRSA) IS A VERY SERIOUS  
6     HEALTH CONCERN FOR THE PEOPLE OF THE STATE OF NEW YORK. MRSA IS A BACTE-  
7     RIA THAT CAN LEAD TO THE OUTBREAK OF SERIOUS INFECTIONS. DUE TO ITS  
8     COMMON RESISTANCE TO MANY MODERN ANTIBIOTICS, IT IS VERY OFTEN DIFFICULT  
9     TO TREAT, AND CAN RESULT IN EXTENDED HOSPITALIZATION, SERIOUS ILLNESS,  
10    AND EVEN DEATH.  
11    THE LEGISLATURE FURTHER FINDS AND DETERMINES THAT AS A SERIOUS HEALTH  
12    RISK, IT IS IMPORTANT FOR THE STATE OF NEW YORK TO PROMOTE EDUCATION AND  
13    AWARENESS ON HOW TO PREVENT THE SPREAD OF SUCH INFECTIOUS DISEASES AS  
14    MRSA, DEVELOP PROTOCOLS AND PROCEDURES TO HELP AVOID TRANSMISSION OF  
15    MRSA, AND THEREBY PROTECT THE PUBLIC HEALTH OF THE PEOPLE OF THE STATE  
16    OF NEW YORK. SUCH EDUCATION, PROTOCOLS AND PROCEDURES ARE ESPECIALLY  
17    IMPORTANT WHERE THE RISKS OF TRANSMISSION ARE SIGNIFICANT, INCLUDING IN  
18    OUR PUBLIC AND PRIVATE SCHOOLS, WHERE SUCH EDUCATION, PROTOCOLS AND  
19    METHODS CAN BE DEPLOYED TO LESSEN THE CHANCE AND RISK OF INFECTION.  
20    THE LEGISLATURE ADDITIONALLY FINDS AND DETERMINES THAT ONE AREA IN  
21    WHICH SUCH EDUCATION, PROTOCOLS AND METHODS COULD BE ESPECIALLY USEFUL

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

LBD01060-03-4

1 IS WITH RESPECT TO SCHOOL ATHLETIC FACILITIES AND EVENTS. THE PADDING  
2 USED IN SCHOOL ATHLETIC FACILITIES AND EVENTS, ALTHOUGH VERY IMPORTANT  
3 FOR THE SAFETY OF SCHOOL ATHLETES, HAS PROVEN TO BE A MEDIUM WHICH CAN  
4 PERMIT THE BREEDING OF HARMFUL BACTERIA, INCLUDING MRSA, THAT CAN LEAD  
5 TO INFECTIOUS AND POTENTIALLY LIFE-THREATENING DISEASES. WITHOUT PROPER  
6 EDUCATION, PROTOCOLS AND PROCEDURES, THESE IMPORTANT SAFETY SURFACES CAN  
7 BECOME CONTAMINATED, EXPOSING PARTICIPANTS TO THE DANGER OF CONTRACTING  
8 INFECTIONS AND THE RESULTING ILLNESSES. IN WRESTLING, IN PARTICULAR, THE  
9 SKIN TO SKIN CONTACT BETWEEN COMPETITORS, AND THE ROUTINE EXPOSURE TO  
10 THESE PADDING SURFACES, MAKE THE NEED FOR SUCH EDUCATION, PROTOCOLS AND  
11 PROCEDURES ESPECIALLY IMPORTANT.

12 THE LEGISLATURE ALSO FINDS AND DETERMINES THAT EDUCATING STUDENTS AND  
13 THEIR SUPERVISORS, AND PROMOTING THE PUBLICATION OF PROTOCOLS AND PROCE-  
14 DURES, WITH RESPECT TO MRSA, INFECTIOUS SKIN DISEASES, AND HOW TO  
15 PREVENT THEM, CAN SIGNIFICANTLY CURB THEIR SPREAD. BY INFORMING  
16 STUDENTS AND COACHES OF THE IMPORTANCE OF GOOD HYGIENE, AMONG OTHER  
17 THINGS, THE SPREAD OF MRSA CAN BE DRASTICALLY DIMINISHED. SHOWERING  
18 IMMEDIATELY AFTER PRACTICES AND MATCHES HAVE PROVEN TO DECREASE INCI-  
19 DENCES OF INFECTIOUS SKIN DISEASES. THAT BY DIRECTING THE NEW YORK  
20 STATE EDUCATION DEPARTMENT AND THE NEW YORK STATE DEPARTMENT OF HEALTH,  
21 TO WORK TOGETHER TO DEVELOP IMPORTANT EDUCATION, PROTOCOLS AND PROCE-  
22 DURES NECESSARY TO ADDRESS THIS VERY SERIOUS HEALTH CONCERN, AND BY  
23 ENABLING SUCH DEPARTMENTS TO ASSIST SCHOOLS, THEIR ATHLETIC FACILITIES  
24 AND OTHER PUBLIC INSTITUTIONS, TO HELP PREVENT THE SPREAD OF MRSA AND  
25 INFECTIOUS SKIN DISEASES, THIS LEGISLATION SEEKS TO PROMOTE THE PUBLIC  
26 HEALTH AND SAFETY OF STUDENTS, ATHLETES, AND THE PEOPLE OF THE STATE OF  
27 NEW YORK.

28 2. THE METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS (MRSA) AND INFEC-  
29 TIOUS SKIN DISEASE INFORMATIONAL PROGRAM. THE DEPARTMENT, IN CONSULTA-  
30 TION WITH THE DEPARTMENT OF HEALTH, SHALL DEVELOP A MRSA AND INFECTIOUS  
31 DISEASE EDUCATION PROGRAM. THE MRSA AND INFECTIOUS DISEASE EDUCATION  
32 PROGRAM SHALL CONSIST OF A PROGRAM TO DISSEMINATE INFORMATION, THROUGH  
33 THE DEPARTMENT'S WEBPAGE, THAT DESCRIBES THE CONDITIONS THAT CONTRIBUTE  
34 TO MRSA AND INFECTIOUS DISEASE. SUCH INFORMATION SO DISSEMINATED SHALL  
35 ALSO PRESCRIBE CLEANING METHODS, PROTOCOLS AND PROCEDURES THAT CAN  
36 ERADICATE THE CONTAMINATION OF MRSA AND OTHER INFECTIOUS SKIN DISEASES.

37 3. INTERSCHOLASTIC WRESTLING HEALTH TRAINING AND EDUCATION PROGRAM.  
38 THE DEPARTMENT, IN CONSULTATION WITH THE NEW YORK PUBLIC HIGH SCHOOL  
39 ATHLETIC ASSOCIATION, AND THE DEPARTMENT OF HEALTH, SHALL DEVELOP AN  
40 INTERSCHOLASTIC WRESTLING HEALTH TRAINING AND EDUCATION PROGRAM, WHICH  
41 SHALL CONSIST OF AN ONLINE HEALTH TRAINING AND EDUCATION PROGRAM FOR  
42 INTERSCHOLASTIC WRESTLING COACHES AND STUDENT ATHLETES PARTICIPATING IN  
43 INTERSCHOLASTIC WRESTLING ON THE SUBJECT OF CONDITIONS THAT CONTRIBUTE  
44 TO MRSA AND INFECTIOUS SKIN DISEASE, AS WELL AS CLEANING METHODS, PROTO-  
45 COLS AND PROCEDURES THAT CAN ERADICATE THE CONTAMINATION OF MRSA AND/OR  
46 OTHER INFECTIOUS SKIN DISEASES. COMPLETION OF SUCH INTERSCHOLASTIC WRES-  
47 TLING HEALTH TRAINING AND EDUCATION PROGRAM SHALL BE MANDATORY FOR ALL  
48 INTERSCHOLASTIC WRESTLING COACHES AND STUDENT ATHLETES PARTICIPATING IN  
49 INTERSCHOLASTIC WRESTLING ON AN ANNUAL BASIS. THE TRAINING MUST BE  
50 COMPLETED WITHIN TWO WEEKS OF THE COMMENCEMENT OF PRACTICES OR PRIOR TO  
51 PARTICIPATION IN ANY INTERSCHOLASTIC WRESTLING SCRIMMAGE, MATCH, OR  
52 TOURNAMENT, WHICHEVER IS SOONER. ANY STUDENT NOT IN COMPLIANCE SHALL BE  
53 BARRED FROM PARTICIPATION UNTIL SUCH TIME THE STUDENT COMES WITHIN  
54 COMPLIANCE WITH THIS SECTION. THE INTERSCHOLASTIC WRESTLING HEALTH  
55 TRAINING AND EDUCATION PROGRAM SHALL BE PLATFORMED UPON A WEBSITE SPON-  
56 SORED BY THE DEPARTMENT. THE DEPARTMENT SHALL MAINTAIN AN ON-LINE

1 REGISTRY CONTAINING THE NAMES OF ALL STUDENTS AND COACHES WHO HAVE  
2 CERTIFIED COMPLETION OF THE TRAINING PROGRAM.

3 4. REGULATIONS. THE COMMISSIONER SHALL HAVE THE AUTHORITY TO PROMUL-  
4 GATE RULES AND REGULATIONS TO PREVENT THE SPREAD OF METHICILLIN-RESIS-  
5 TANT STAPHYLOCOCCUS AUREUS (MRSA).

6 5. DEFINITIONS. FOR PURPOSES OF THIS SECTION MRSA SHALL MEAN METHICIL-  
7 LIN-RESISTANT STAPHYLOCOCCUS AUREUS.

8 S 2. The public health law is amended by adding a new section 2111-a  
9 to read as follows:

10 S 2111-A. MRSA AND INFECTIOUS SKIN DISEASE PROTOCOL AND EDUCATION. 1.  
11 THE METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS (MRSA) AND INFECTIOUS  
12 SKIN DISEASE INFORMATIONAL PROGRAM. THE DEPARTMENT, IN CONSULTATION WITH  
13 THE EDUCATION DEPARTMENT, SHALL DEVELOP A MRSA AND INFECTIOUS SKIN  
14 DISEASE EDUCATION PROGRAM. THE MRSA AND INFECTIOUS SKIN DISEASE EDUCA-  
15 TION PROGRAM SHALL CONSIST OF A PROGRAM TO DISSEMINATE INFORMATION,  
16 THROUGH THE DEPARTMENT'S WEBPAGE, THAT DESCRIBES THE CONDITIONS THAT  
17 CONTRIBUTE TO MRSA AND INFECTIOUS SKIN DISEASE. SUCH INFORMATION SO  
18 DISSEMINATED SHALL ALSO PRESCRIBE CLEANING METHODS, PROTOCOLS AND PROCE-  
19 DURES THAT CAN ERADICATE THE CONTAMINATIONS OF MRSA AND OTHER INFECTIOUS  
20 SKIN DISEASES. THE PAGE MAINTAINED BY THE DEPARTMENT, UPON WHICH THE  
21 MRSA AND INFECTIOUS SKIN DISEASE EDUCATION PROGRAM SHALL BE PLATFORMED,  
22 SHALL ALSO CONTAIN A DOWNLOADABLE FACT SHEET ON MRSA, ITS ORIGINS,  
23 TREATMENT AND PREVENTION.

24 2. INTERSCHOLASTIC WRESTLING HEALTH TRAINING AND EDUCATION PROGRAM.  
25 THE DEPARTMENT, IN CONSULTATION WITH THE NEW YORK PUBLIC HIGH SCHOOL  
26 ATHLETIC ASSOCIATION, AND THE DEPARTMENT OF EDUCATION, SHALL ASSIST IN  
27 DEVELOPING AN INTERSCHOLASTIC WRESTLING HEALTH TRAINING AND EDUCATION  
28 PROGRAM, WHICH SHALL CONSIST OF AN ONLINE HEALTH TRAINING AND EDUCATION  
29 PROGRAM FOR INTERSCHOLASTIC WRESTLING COACHES AND STUDENT ATHLETES  
30 PARTICIPATING IN INTERSCHOLASTIC WRESTLING ON THE SUBJECT OF CONDITIONS  
31 THAT CONTRIBUTE TO MRSA AND INFECTIOUS SKIN DISEASE, AS WELL AS CLEANING  
32 METHODS, PROTOCOLS AND PROCEDURES THAT CAN ERADICATE THE CONTAMINATION  
33 OF MRSA AND/OR OTHER INFECTIOUS SKIN DISEASES WHICH SHALL BE HOSTED ON  
34 THE STATE EDUCATION DEPARTMENT WEBPAGE. COMPLETION OF SUCH INTERSCHO-  
35 LASTIC WRESTLING HEALTH TRAINING AND EDUCATION PROGRAM SHALL BE MANDATO-  
36 RY FOR ALL INTERSCHOLASTIC WRESTLING COACHES AND STUDENT ATHLETES  
37 PARTICIPATING IN INTERSCHOLASTIC WRESTLING.

38 3. POWERS OF THE DEPARTMENT. THE DEPARTMENT SHALL, IN CONSULTATION  
39 WITH THE STATE EDUCATION DEPARTMENT, PROMULGATE RULES AND REGULATIONS  
40 REGARDING THE CEASING OF PARTICIPATION IN, AND RESUMPTION OF PARTIC-  
41 IPATION IN, INTERSCHOLASTIC WRESTLING PRACTICES AND COMPETITIONS, WHEN A  
42 STUDENT HAS CONTRACTED AN INFECTIOUS SKIN DISEASE. SUCH RULES AND REGU-  
43 LATIONS SHALL SPECIFY WHEN A STUDENT ATHLETE SHALL DISCONTINUE PARTIC-  
44 IPATION, AS WELL AS DEFINE THE PROTOCOLS, REQUIREMENTS AND TIMING FOR  
45 THE RESUMPTION OF PARTICIPATION IN SUCH ATHLETIC CONTESTS.

46 4. REGULATIONS. THE COMMISSIONER SHALL HAVE THE AUTHORITY TO PROMUL-  
47 GATE RULES AND REGULATIONS TO PREVENT THE SPREAD OF METHICILLIN-RESIS-  
48 TANT STAPHYLOCOCCUS AUREUS (MRSA).

49 5. DEFINITIONS. FOR PURPOSES OF THIS SECTION MRSA SHALL MEAN METHICIL-  
50 LIN-RESISTANT STAPHYLOCOCCUS AUREUS.

51 S 3. This act shall take effect October 1, 2014; provided however that  
52 effective immediately, the addition, amendment and/or repeal of any rule  
53 or regulation necessary for the implementation of this act on its effec-  
54 tive date is authorized and directed to be made and completed on or  
55 before such effective date.