

STATE OF NEW YORK

2196--A

2017-2018 Regular Sessions

IN ASSEMBLY

January 17, 2017

Introduced by M. of A. PRETLOW, JAFFEE -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to establishing training and registration requirements for kidney dialysis patient care technicians

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The public health law is amended by adding a new article 37-B to read as follows:

ARTICLE 37-B

KIDNEY DIALYSIS PATIENT

CARE TECHNICIANS

Section 3720. Definitions.

3721. Training.

3722. Practice of kidney dialysis patient care.

3723. Exemption.

§ 3720. Definitions. For the purposes of this article:

1. "Kidney dialysis patient care technician" means any person, not licensed to practice medicine or nursing, or as a physician assistant or specialist assistant, who performs kidney dialysis services on a human, is employed in an out-patient dialysis center or hospital dialysis unit, and has successfully completed the training requirements established pursuant to section thirty-seven hundred twenty-one of this article and the registration requirement of section thirty-seven hundred twenty-two of this article.

2. "Kidney dialysis patient care technician trainee" means any person, not licensed to practice medicine or nursing, or as a physician assistant or specialist assistant, who performs kidney dialysis services on a human, is employed or planning to be employed in an out-patient dialysis center or hospital dialysis unit, and has enrolled in or completed the

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

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1 training required by section thirty-seven hundred twenty-one of this
2 article and has not registered pursuant to section thirty-seven hundred
3 twenty-two of this article.

4 § 3721. Training. 1. The commissioner, in consultation with the
5 commissioner of education, shall establish standardized training
6 requirements for kidney dialysis patient care technicians.

7 2. Such training requirements established pursuant to this section and
8 the rules and regulations promulgated by the commissioner shall have
9 clearly defined criteria for evaluating, on an annual basis, each train-
10 ee's attainment of training goals and competency in provision of kidney
11 dialysis services. Kidney dialysis patient care technician training
12 programs may be conducted by:

13 (a) kidney dialysis providers;

14 (b) degree and non-degree granting institutions of higher education as
15 defined in section two of the education law, chartered, approved or
16 licensed by the board of regents; or

17 (c) any other entity approved by the commissioner to conduct such a
18 program.

19 3. The training established by this section shall include, but not be
20 limited to, the following topics:

21 (a) an overview of the roles and responsibilities of kidney dialysis
22 patient care technicians; and

23 (b) an overview of kidney dialysis therapy.

24 § 3722. Practice of kidney dialysis patient care. 1. Except as other-
25 wise provided by this article, no person shall provide kidney dialysis
26 services, as such services are defined by the commissioner, unless such
27 person has completed the training required pursuant to section thirty-
28 seven hundred twenty-one of this article, and has registered with the
29 department pursuant to subdivision two of this section.

30 2. Upon the successful completion of the training required pursuant to
31 section thirty-seven hundred twenty-one of this article, a person may
32 register with the department to become a kidney dialysis patient care
33 technician.

34 3. A kidney dialysis patient care technician and a kidney dialysis
35 patient care technician trainee shall be authorized to perform such
36 procedures and activities as the commissioner shall deem appropriate for
37 the level of training completed by such technician or trainee.

38 § 3723. Exemption. 1. Nothing in this section shall prohibit a person
39 from providing dialysis care to himself or herself or in-home dialysis
40 care provided to a person by a friend or family member who does not
41 represent himself or herself to be a "kidney dialysis patient care tech-
42 nician".

43 2. The provisions of section thirty-seven hundred twenty-two of this
44 article shall not apply, until one year after the effective date of such
45 section, to any person who, on the effective date of such section, has
46 been providing kidney dialysis services for a period of not less than
47 two years.

48 § 2. This act shall take effect immediately; except that section 3722
49 of the public health law, as added by section one of this act, shall
50 take effect one year after the effective date of this act, and the
51 commissioner of health is immediately authorized and directed to promul-
52 gate any rules and regulations necessary to implement the provisions of
53 such section 3722 on the effective date thereof.