STATE OF NEW YORK

8185

IN SENATE

April 16, 2018

Introduced by Sen. FUNKE -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to the employment of persons to function as infection preventionists in certain healthcare facilities

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 section 2827 to read as follows:

§ 2827. Infection preventionists. 1. For the purposes of this section, the terms:

(a) "infection preventionist" shall mean a person designated by a healthcare facility to identify infectious disease processes, conduct surveillance and epidemiologic investigations, and develop plans to prevent and control the transmission of infectious agents within healthcare facilities.

(b) "healthcare facility" shall mean a general hospital as defined by subdivision ten of section twenty-eight hundred one of this article.

(c) "healthcare professional" shall mean a person licensed or certified pursuant to title eight of the education law.

2. A person shall not function as an infection preventionist in a healthcare facility and a healthcare facility shall not employ or otherwise contract for the services of an infection preventionist unless such person meets one of the following:

(a) (i) has successfully passed an exam from a nationally accredited infection prevention and epidemiology accrediting organization such as the certification board of infection control and epidemiology, inc.; and (ii) holds and maintains certification in infection prevention and control (CIC); or

(b) provides evidence that such person was employed or otherwise contracted for the services as an infection preventionist in a healthcare facility for a cumulative period of one year, occurring within four years immediately prior to the effective date of this section. In furtherance of this paragraph, any contractor or employer of persons func-

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

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tioning as an infection preventionist on the effective date of this section shall confirm in writing to each employee or contractor his or her employment in a capacity functioning as an infection preventionist in a healthcare facility as of the effective date of this section; or

(c) is a student or intern performing the functions of an infection preventionist if such student or intern is under the direct supervision of an appropriately licensed or certified healthcare professional and is functioning within the scope of the student's or intern's training.

3. An infection preventionist who does not meet the requirements of paragraph (b) of subdivision two of this section shall have thirty-six months from the date of hire to obtain the infection preventionist credential outlined in paragraph (a) of subdivision two of this section.

4. A healthcare facility may employ or otherwise contract with a person who does not meet the certification requirements required above to function as in an infection preventionist in a healthcare facility if:

(a) after a diligent and thorough effort has been made, if such healthcare facility unable to employ or contract with a sufficient number of qualified infection preventionists who meet the requirements of this section;

(b) such healthcare facility makes a written record of its efforts and retains such record at the healthcare facility; and

(c) the person obtains a CIC credential as outlined in paragraph (a) of subdivision two of this section, within three years of the start of employment or contracting for the performance of infection preventionists duties.

5. A healthcare facility that employs or contracts with an infection preventionist shall, upon request of another healthcare facility, or upon request of an infection preventionist employed by, formerly employed by or contracted to perform as an infection preventionist at such healthcare facility, verify the dates of employment or contract of such person.

6. Nothing in this section shall prohibit any healthcare professional from performing an infection preventionists' tasks or functions if such person is acting within the scope of his or her practice. Nothing in this section shall mean that any individual not licensed pursuant to title eight of the education law may perform tasks or functions limited to the scope of practice of a healthcare professional under such title.

7. The commissioner shall promulgate regulations as he or she may deem appropriate to effectuate the purposes of this section.

§ 2. This act shall take effect on the first of January next succeeding the date upon which it shall have become a law.