

# STATE OF NEW YORK

3705--A

2019-2020 Regular Sessions

## IN ASSEMBLY

January 30, 2019

Introduced by M. of A. GUNTHER, WOERNER, SANTABARBARA, LAVINE, TAYLOR, L. ROSENTHAL -- 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 the employment of persons to function as infection preventionists in certain general hospitals

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 2827 to read as follows:

3 § 2827. Infection preventionists. 1. For the purposes of this section,  
4 the terms:

5 (a) "infection preventionist" shall mean a person designated by a  
6 general hospital to identify infectious disease processes, conduct  
7 surveillance and epidemiologic investigations, and develop plans to  
8 prevent and control the transmission of infectious agents within general  
9 hospitals.

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

12 2. A person shall not function as an infection preventionist in a  
13 general hospital and a general hospital shall not employ or otherwise  
14 contract for the services of an infection preventionist unless such  
15 person meets one of the following:

16 (a) (i) has successfully passed an exam from a nationally accredited  
17 infection prevention and epidemiology accrediting organization; and (ii)  
18 holds and maintains certification in infection prevention and control  
19 from a nationally accredited infection prevention and epidemiology  
20 certification organization; or

21 (b) provides evidence that such person was employed or otherwise  
22 contracted for the services as an infection preventionist in a general

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

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1 hospital for a cumulative period of one year, occurring within four  
2 years immediately prior to the effective date of this section. In furth-  
3 erance of this paragraph, any contractor or employer of persons func-  
4 tioning as an infection preventionist on the effective date of this  
5 section shall confirm in writing to each employee or contractor his or  
6 her employment in a capacity functioning as an infection preventionist  
7 in a general hospital as of the effective date of this section; or

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

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

16 4. A general hospital may employ or otherwise contract with a person  
17 who does not meet the certification requirements required above to func-  
18 tion as an infection preventionist in a general hospital if:

19 (a) after a diligent and thorough effort has been made, if such gener-  
20 al hospital is unable to employ or contract with a sufficient number of  
21 qualified infection preventionists who meet the requirements of this  
22 section;

23 (b) such general hospital makes a written record of its efforts and  
24 retains such record at the general hospital; and

25 (c) the person obtains a credential as outlined in paragraph (a) of  
26 subdivision two of this section, within three years of the start of  
27 employment or contracting for the performance of infection prevention-  
28 ists duties.

29 5. A general hospital that employs or contracts with an infection  
30 preventionist shall, upon request of another general hospital, or upon  
31 request of an infection preventionist employed by, formerly employed by  
32 or contracted to perform as an infection preventionist at such general  
33 hospital, verify the dates of employment or contract of such person.

34 6. Nothing in this section shall prohibit any professional from  
35 performing an infection preventionists' tasks or functions if such  
36 person is acting within the scope of his or her practice. Nothing in  
37 this section shall authorize any individual not licensed pursuant to  
38 title eight of the education law to perform tasks or functions within  
39 the scope of practice of a professional under such title.

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

42 § 2. This act shall take effect on the first of January next succeed-  
43 ing the date upon which it shall have become a law.