

STATE OF NEW YORK

5186--B

2019-2020 Regular Sessions

IN SENATE

April 12, 2019

Introduced by Sens. METZGER, FUNKE -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- 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:

Section 1. The public health law is amended by adding a new section 2828 to read as follows:

§ 2828. Infection preventionists. 1. For the purposes of this section, the terms:

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

(b) "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 general hospital and a general hospital 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; and (ii) holds and maintains certification in infection prevention and control

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

LBD01629-05-0

1 from a nationally accredited infection prevention and epidemiology
2 certification organization; or

3 (b) provides evidence that such person was employed or otherwise
4 contracted for the services as an infection preventionist in a general
5 hospital for a cumulative period of one year, occurring within four
6 years immediately prior to the effective date of this section. In furth-
7 erance of this paragraph, any contractor or employer of persons func-
8 tioning as an infection preventionist on the effective date of this
9 section shall confirm in writing to each employee or contractor his or
10 her employment in a capacity functioning as an infection preventionist
11 in a general hospital as of the effective date of this section; or

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

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

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

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

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

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

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

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

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

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