STATE OF NEW YORK

5406

2023-2024 Regular Sessions

IN ASSEMBLY

March 10, 2023

Introduced by M. of A. GUNTHER, WOERNER, SANTABARBARA, TAYLOR, L. ROSENTHAL, BRABENEC, HEVESI, BRAUNSTEIN, REYES, BUTTENSCHON, SAYEGH -- read once and referred 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 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 2831 to read as follows:

§ 2831. 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 from a nationally accredited infection prevention and epidemiology certification organization; or

(b) provides evidence that such person was employed or otherwise contracted for the services as an infection preventionist in a general hospital for a cumulative period of one year, occurring within four

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

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years immediately prior to the effective date of this section. In furtherance of this paragraph, any contractor or employer of persons functioning 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 general hospital 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 certified infection preventionist 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 general hospital may employ or otherwise contract with a person who does not meet the certification requirements required above to function as an infection preventionist in a general hospital if:

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

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

(c) the person obtains a 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 general hospital that employs or contracts with an infection preventionist shall, upon request of another general hospital, or upon request of an infection preventionist employed by, formerly employed by or contracted to perform as an infection preventionist at such general hospital, verify the dates of employment or contract of such person.

6. Nothing in this section shall prohibit any 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 authorize any individual not licensed pursuant to title eight of the education law to perform tasks or functions within the scope of practice of a 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.