

STATE OF NEW YORK

5406

2023-2024 Regular Sessions

IN ASSEMBLY

March 10, 2023

Introduced by M. of A. GUNTHER, WOERNER, SANTABARBARA, TAYLOR, L. ROSEN-
THAL, 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 Assem-
bly, do enact as follows:

1 Section 1. The public health law is amended by adding a new section
2 2831 to read as follows:

3 § 2831. 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
23 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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1 years immediately prior to the effective date of this section. In furth-
2 erance of this paragraph, any contractor or employer of persons func-
3 tioning as an infection preventionist on the effective date of this
4 section shall confirm in writing to each employee or contractor his or
5 her employment in a capacity functioning as an infection preventionist
6 in a general hospital as of the effective date of this section; or

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

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

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

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

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

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

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

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

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

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