STATE OF NEW YORK

3290

2023-2024 Regular Sessions

IN ASSEMBLY

February 2, 2023

Introduced by M. of A. JENSEN -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to establishing training and registration requirements for patient care technicians

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 article 37-B to read as follows:

ARTICLE 37-B
PATIENT CARE TECHNICIANS

Section 3720. Definitions.
3721. Training requirements for patient care technicians.
3722. Patient care technician; use of title and provision of services.
3723. Exemption.

§ 3720. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "Patient care technician" means any person, other than a healthcare professional or a certified nurse aide, who performs patient care technician services on a human in a hospital, a residential health care facility, or a home as part of the provision of home care services and has successfully completed the training requirements established pursuant to section thirty-seven hundred twenty-one of this article and the registration requirement established pursuant to section thirty-seven hundred twenty-two of this article.

2. "Patient care technician trainee" means any person, other than a healthcare professional or a certified nurse aide, who performs patient care technician services on a human in a hospital, a residential health care facility, or a home as part of the provision of home care services and has enrolled in or completed the training required by section thir-

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

LBD06276-01-3

ty-seven hundred twenty-one of this article and has not registered pursuant to section thirty-seven hundred twenty-two of this article.

3. "Hospital" means a hospital as defined in section twenty-eight hundred one of this chapter.

4. "Residential health care facility" means a residential health care facility as defined in section twenty-eight hundred one of this chapter.

5. "Home care services" means home care services as defined in section thirty-six hundred two of this chapter.

6. "Healthcare professional" means a person licensed or certified to practice a healthcare profession under title eight of the education law, acting within the scope of his or her practice.

7. "Certified nurse aide" means any person included in the nursing home nurse aide registry pursuant to section twenty-eight hundred three-j of this chapter.

§ 3721. Training requirements for patient care technicians. 1. The commissioner, in consultation with the commissioner of education, shall establish training requirements for patient care technicians.

2. The training requirements established pursuant to this section and the rules and regulations promulgated by the commissioner shall have clearly defined criteria for evaluating each trainee's attainment of training goals and competency in provision of patient care technician services. Patient care technician training programs may be conducted by:

(a) hospitals;

(b) residential health care facilities;

(c) home care services agencies;

(d) degree and non-degree granting institutions of higher education as defined in section two of the education law which are chartered, approved or licensed by the board of regents; or

(e) any other entity approved by the commissioner to conduct such a program.

3. The training established by this section shall include, but not be limited to, the following topics:

(a) an overview of the roles and responsibilities of patient care technicians in hospitals, residential care facilities and the home care environment;

(b) an overview of various patient care services provided in hospitals, residential care facilities and the home care environment; and

(c) the legal scope of practice for patient care technicians.

§ 3722. Patient care technician; use of title and provision of services. 1. Except as otherwise provided by this article, no person shall use the title "patient care technician" nor provide patient care technician services, as such services are defined by the commissioner, unless such person has completed the training required pursuant to section thirty-seven hundred twenty-one of this article, and has registered with the department pursuant to subdivision two of this section.

2. Upon the successful completion of the training required pursuant to section thirty-seven hundred twenty-one of this article, a person may register with the department to become a patient care technician.

3. A patient care technician and a patient care technician trainee shall be authorized to perform such procedures and activities as the commissioner shall deem appropriate for the level of training completed by such technician or trainee.

§ 3723. Exemption. The provisions of section thirty-seven hundred twenty-two of this article shall not apply until one year after the effective date of such section to any person who has been providing patient care technician services for a cumulative period of at a minimum

one year, with such cumulative period occurring within the four years immediately prior to the effective date of such section.

§ 2. This act shall take effect on the first day of the twelfth month after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.