

STATE OF NEW YORK

3441

2023-2024 Regular Sessions

IN ASSEMBLY

February 3, 2023

Introduced by M. of A. PRETLOW -- 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 kidney dialysis 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

KIDNEY DIALYSIS PATIENT

CARE TECHNICIANS

Section 3720. Definitions.

3721. Training.

3722. Practice of kidney dialysis patient care.

3723. Exemption.

§ 3720. Definitions. For the purposes of this article:

1. "Kidney dialysis patient care technician" means any person, not licensed to practice medicine or nursing, or as a physician assistant or specialist assistant, who performs kidney dialysis services on a human, is employed in an out-patient dialysis center or hospital dialysis unit, and has successfully completed the training requirements established pursuant to section thirty-seven hundred twenty-one of this article and the registration requirement of section thirty-seven hundred twenty-two of this article.

2. "Kidney dialysis patient care technician trainee" means any person, not licensed to practice medicine or nursing, or as a physician assistant or specialist assistant, who performs kidney dialysis services on a human, is employed or planning to be employed in an out-patient dialysis center or hospital dialysis unit, and has enrolled in or completed the training required by section thirty-seven hundred twenty-one of this

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

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

3 § 3721. Training. 1. The commissioner, in consultation with the
4 commissioner of education, shall establish standardized training
5 requirements for kidney dialysis patient care technicians.

6 2. Such training requirements established pursuant to this section and
7 the rules and regulations promulgated by the commissioner shall have
8 clearly defined criteria for evaluating, on an annual basis, each train-
9 ee's attainment of training goals and competency in provision of kidney
10 dialysis services. Kidney dialysis patient care technician training
11 programs may be conducted by:

12 (a) kidney dialysis providers;

13 (b) degree and non-degree granting institutions of higher education as
14 defined in section two of the education law, chartered, approved or
15 licensed by the board of regents; or

16 (c) any other entity approved by the commissioner to conduct such a
17 program.

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

20 (a) an overview of the roles and responsibilities of kidney dialysis
21 patient care technicians; and

22 (b) an overview of kidney dialysis therapy.

23 § 3722. Practice of kidney dialysis patient care. 1. Except as other-
24 wise provided by this article, no person shall provide kidney dialysis
25 services, as such services are defined by the commissioner, unless such
26 person has completed the training required pursuant to section thirty-
27 seven hundred twenty-one of this article, and has registered with the
28 department pursuant to subdivision two of this section.

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

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

37 § 3723. Exemption. 1. Nothing in this section shall prohibit a person
38 from providing dialysis care to himself or herself or in-home dialysis
39 care provided to a person by a friend or family member who does not
40 represent himself or herself to be a "kidney dialysis patient care tech-
41 nician".

42 2. The provisions of section thirty-seven hundred twenty-two of this
43 article shall not apply, until one year after the effective date of such
44 section, to any person who, on the effective date of such section, has
45 been providing kidney dialysis services for a period of not less than
46 two years.

47 § 2. This act shall take effect immediately; provided, however that
48 section 3722 of the public health law, as added by section one of this
49 act, shall take effect one year after the effective date of this act.
50 Effective immediately, the commissioner of health is authorized to
51 promulgate any rules and regulations necessary to implement the
52 provisions of this act on or before the effective date thereof.