

# 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.