STATE OF NEW YORK

6347

2023-2024 Regular Sessions

IN SENATE

April 17, 2023

Introduced by Sen. WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to enacting the "safer health care facility construction act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as the "safer health care facility construction act".

§ 2. Legislative findings and intent. The legislature finds that adopting infection control risk assessment (ICRA) standards for environmental infection control in health care facilities is a long-standing recommendation of the Centers for Disease Control and Prevention (CDC). The legislature further finds that the CDC is the leading national organization in being a science-based, data driven, service organization that is charged with protecting the public health. Leading health care organizations such as the Cleveland Clinic, the Mayo Clinic, and Mass General Hospital have all embraced the adoption of ICRA standards in their health care facilities. Many of New York's leading health care facilities have also worked to implement ICRA standards including Buffalo General, the University of Rochester, Albany Medical Center, Saint Peter's, United Health Services, and Westchester Medical Center. Leading health care facilities both in New York state and around the nation have adopted ICRA standards to confront the danger of health care associated infections. On any given day, the CDC estimates that one in thirty-one hospital patients has a health care associated infection. These infections have direct medical costs of at least twenty-eight billion dollars annually. They also account for an additional twelve billion dollars in costs to society from early deaths and lost productivity. The legislature has recognized the need for enhanced patient and worker safety having passed legislation to enact safe staffing levels in hospitals and nursing homes. Additionally, the legislature also passed

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

LBD10572-03-3

the New York health and essential rights (NY HERO) act to protect New Yorkers from airborne infectious diseases. Therefore, the legislature finds and declares that it should be the policy of the state of New York to require all new construction, renovation, remediation, repair, and demolition projects in health care facilities regulated by the state department of health to use ICRA standards to save lives by reducing health care associated infections and to protect patients, visitors, and workers.

§ 3. The public health law is amended by adding a new section 2831 to read as follows:

§ 2831. Infection control risk assessment. 1. (a) Notwithstanding any other law or rule to the contrary, the commissioner shall promulgate rules and regulations, which shall be known as the "Infection Control Risk Assessment" or "ICRA" standards, to reduce the risk from infection in all health care facilities, including hospitals, nursing homes, and residential health care facilities as defined in section twenty-eight hundred one of this article, licensed pursuant to this article. The standards shall include, but not be limited to, minimum standards for the design, construction, renovation, maintenance, and inspection of new and existing health care facilities and minimum training standards for persons performing construction work on health care facilities. The commissioner is authorized to adopt by reference, with or without amendment, any code or standard issued by a nationally recognized organization upon a finding that adoption of the code or standard would promote the purposes of ICRA standards.

(b) All construction work performed on a new health care facility and on the expansion of an existing health care facility shall be compliant with ICRA standards. The licensure application for a newly constructed or an expanded health care facility shall include a copy of a certificate issued by the municipality in which the facility has been constructed indicating that the facility is compliant with ICRA standards.

(c) A person shall not perform construction work on a health care facility unless such person is certified by the commissioner as provided in subdivision two of this section.

(d) ICRA standards shall be deemed to fulfill the requirements of 10 NYCRR 405.11 related to infection control.

2. (a) The commissioner shall establish a certification program to assure the competency of persons to perform construction work on a health care facility in compliance with ICRA standards.

(b) The commissioner shall certify a person who satisfactorily completes the certification training course and meets any other requirements for certification that may be established by the commissioner.

(c) A certification shall be valid for a period not to exceed four years and shall be non-transferable. It shall be carried upon the person while performing construction work on a health care facility.

(d) A person may apply for recertification during the ninety day period before the certification expiration date or the ninety day period after the certification expiration date; except that a person who applies after the certification expiration date shall not perform any services for which certification is required until the certification is renewed. If a certification has expired for more than ninety days, the person shall be required to obtain a new certification.

3. In addition to any other remedy provided by law, the commissioner may impose a civil penalty per violation for non-compliance related to subdivisions one and two of this section in accordance with the United

States department of labor occupational safety and health administration penalties, recoverable in an action by the state attorney general.

§ 4. This act shall take effect one year 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.