

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:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "safer health care facility construction act".
3 § 2. Legislative findings and intent. The legislature finds that
4 adopting infection control risk assessment (ICRA) standards for environ-
5 mental infection control in health care facilities is a long-standing
6 recommendation of the Centers for Disease Control and Prevention (CDC).
7 The legislature further finds that the CDC is the leading national
8 organization in being a science-based, data driven, service organization
9 that is charged with protecting the public health. Leading health care
10 organizations such as the Cleveland Clinic, the Mayo Clinic, and Mass
11 General Hospital have all embraced the adoption of ICRA standards in
12 their health care facilities. Many of New York's leading health care
13 facilities have also worked to implement ICRA standards including
14 Buffalo General, the University of Rochester, Albany Medical Center,
15 Saint Peter's, United Health Services, and Westchester Medical Center.
16 Leading health care facilities both in New York state and around the
17 nation have adopted ICRA standards to confront the danger of health care
18 associated infections. On any given day, the CDC estimates that one in
19 thirty-one hospital patients has a health care associated infection.
20 These infections have direct medical costs of at least twenty-eight
21 billion dollars annually. They also account for an additional twelve
22 billion dollars in costs to society from early deaths and lost produc-
23 tivity. The legislature has recognized the need for enhanced patient and
24 worker safety having passed legislation to enact safe staffing levels in
25 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

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

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

11 § 2831. Infection control risk assessment. 1. (a) Notwithstanding any
12 other law or rule to the contrary, the commissioner shall promulgate
13 rules and regulations, which shall be known as the "Infection Control
14 Risk Assessment" or "ICRA" standards, to reduce the risk from infection
15 in all health care facilities, including hospitals, nursing homes, and
16 residential health care facilities as defined in section twenty-eight
17 hundred one of this article, licensed pursuant to this article. The
18 standards shall include, but not be limited to, minimum standards for
19 the design, construction, renovation, maintenance, and inspection of new
20 and existing health care facilities and minimum training standards for
21 persons performing construction work on health care facilities. The
22 commissioner is authorized to adopt by reference, with or without amend-
23 ment, any code or standard issued by a nationally recognized organiza-
24 tion upon a finding that adoption of the code or standard would promote
25 the purposes of ICRA standards.

26 (b) All construction work performed on a new health care facility and
27 on the expansion of an existing health care facility shall be compliant
28 with ICRA standards. The licensure application for a newly constructed
29 or an expanded health care facility shall include a copy of a certifi-
30 cate issued by the municipality in which the facility has been
31 constructed indicating that the facility is compliant with ICRA stand-
32 ards.

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

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

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

41 (b) The commissioner shall certify a person who satisfactorily
42 completes the certification training course and meets any other require-
43 ments for certification that may be established by the commissioner.

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

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

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

1 States department of labor occupational safety and health administration
2 penalties, recoverable in an action by the state attorney general.
3 § 4. This act shall take effect one year after it shall have become a
4 law. Effective immediately, the addition, amendment and/or repeal of any
5 rule or regulation necessary for the implementation of this act on its
6 effective date are authorized to be made and completed on or before such
7 effective date.