

MEMORANDUM

TO: Hospital Dental Directors
New York State Dental Schools

FROM: Dr. David J. Miller, President-Elect
Dr. Mark Feldman, Executive Director

DATE: October 31, 2014

SUBJECT: New Hospital Sterilization Personnel Requirements

Beginning on January 1, 2015, Article 28 facilities that are either general hospitals or are diagnostic and treatment centers offering ambulatory surgical services will need to use "certified central service technicians" to perform sterilization duties. This new law does not apply to private dental offices or any other facilities.

Dental assistants licensed by the New York State Education Department are exempt from this certification requirement because such duties are part of their scope of practice. NYS licensed dental assistants can continue to do sterilization duties just as they do now. However, all other dental assistants would need to obtain this certification because, in the absence of a license from the Education Department, they have no scope of practice that they can rely on for exemption. Licensed dental hygienists also are exempt from this certification requirement - as well as the CE requirement for the "central service technician".

No one is truly "grandfathered" under the central service technician law, but any covered Article 28 facility has the discretion to allow a person who has been doing sterilization duties for at least one year within the last four years before the law takes effect to continue doing them. The facility must confirm this in writing to the employee. The employee then must complete ten hours of continuing education in central service technician duties every year to remain in that employment status (this would allow some flexibility for people who are unlicensed dental assistants).

Finally, a covered Article 28 facility still can hire a person not certified as a central service technician to perform sterilization duties if it documents in writing that they tried to hire a certified technician, but that there were not enough certified technicians available to hire. The person they hire instead must obtain central service technician certification within two years of

being hired.

The law states that, to be certified as a central service technician, an individual would need to meet the following requirements:

2. A person shall not function as a central service technician in a Healthcare facility and a healthcare facility shall not employ or otherwise contract for the services of a central service technician unless the person meets one of the following:

(a) (i) has successfully passed a nationally accredited central service exam for central service technicians; and (ii) holds and maintains one of the following credentials administered by a nationally accredited central service technician credentialing organization: the certified registered central service technician credential, the certified sterile processing and distribution technician credential or a substantially equivalent credential; or

(b) provides evidence that the person was employed or otherwise contracted for the services as a central service technician in a healthcare facility for a cumulative period of one year, occurring within the four years immediately prior to the effective date of this section. In furtherance of this paragraph, any contractor or employer of persons functioning as a central service technician on the effective date of this section shall confirm in writing to each employee or contractor his or her employment in a capacity functioning as a central service technician in a healthcare facility as of the effective date of this section; or

(c) is a student or intern performing the functions of a central service technician if the student or intern is under the direct supervision of an appropriately licensed or certified healthcare professional and is functioning within the scope of the student's or intern's training.

The bottom line for dental assistants is that those licensed by New York State are exempt (dentists and dental hygienists are also exempt, of course) and all other dental assistants are subject to this law. Certification as a central service technician is controlled by the New York State Department of Health, not the Education Department, as this is not considered to be a professional license/certification. A copy of the law is below for your reference.

New York State Public Health Law:

* § 2824. Central service technicians.

1. For the purposes of this section, the terms:

(a) "central service technician" shall mean a person who provides the services of decontamination, preparation, packaging, sterilization, and storage and distribution of reusable medical instrumentation or devices in healthcare facilities other than in the course of practicing as a healthcare professional.

(b) "healthcare facility" shall mean general hospital as defined by subdivision ten of section twenty-eight hundred one of this article or a hospital as defined by subdivision one of section twenty-eight hundred one of this article operating as a diagnostic and treatment center authorized to provide ambulatory surgical services.

(c) "healthcare professional" shall mean a person licensed or certified pursuant to title eight of the education law.

2. A person shall not function as a central service technician in a healthcare facility and a healthcare facility shall not employ or otherwise contract for the services of a central service technician unless the person meets one of the following:

(a) (i) has successfully passed a nationally accredited central service exam for central service technicians; and (ii) holds and maintains one of the following credentials administered by a nationally accredited central service technician credentialing organization: the certified registered central service technician credential, the certified sterile processing and distribution technician credential or a substantially equivalent credential; or

(b) provides evidence that the person was employed or otherwise contracted for the services as a central service technician in a healthcare facility for a cumulative period of one year, occurring within the four years immediately prior to the effective date of this section. In furtherance of this paragraph, any contractor or employer of persons functioning as a central service technician on the effective date of this section shall confirm in writing to each employee or contractor his or her employment in a capacity functioning as a central service technician in a healthcare facility as of the effective date of this section; or

(c) is a student or intern performing the functions of a central service technician if the student or intern is under the direct supervision of an appropriately licensed or certified healthcare professional and is functioning within the scope of the student's or intern's training.

3. A central service technician who does not meet the requirements of paragraph (b) of subdivision two of this section shall have eighteen months from the date of hire to obtain the certified registered central service technician credential or the certified sterile processing and distribution technician credential.

4. A person who qualifies to function as a central service technician in a healthcare facility under paragraphs (a) and (b) of subdivision two of this section must annually complete ten hours of continuing education credits to remain qualified to function as a central service technician.

5. (a) A central service technician shall document in writing good cause that prevents compliance with the continuing education requirement as prescribed in subdivision four of this section, which shall include any of the following reasons: a medical condition which requires an extended leave of absence and is documented by an appropriate healthcare professional, or extended active duty with the armed forces of the United States. If one of these conditions is met, an extension to meeting the continuing education requirement, as prescribed in subdivision four of this section, may be granted by:

- (i) the accrediting agency of a central service technician qualifying under paragraph (a) of subdivision two of this section; or
- (ii) a healthcare facility employing or contracting a central service technician under paragraph (b) of subdivision two of this section.

(b) If an extension is granted, a central service technician shall complete all past due continuing education requirements within ninety days upon resolution of the medical condition or termination of extended active duty with the armed forces of the United States.

6. A healthcare facility may employ or otherwise contract with a person who does not meet the requirements of subdivision two of this section to function as a central service technician in a healthcare facility if:

(a) after a diligent and thorough effort has been made, the healthcare facility is unable to employ or contract with a sufficient number of qualified central service technicians who meet the requirements of this section;

(b) the healthcare facility makes a written record of its efforts under paragraph (a) of this subdivision and retains the record at the healthcare facility; and

(c) the person meets the requirements of paragraph (a) of subdivision two of this section within two years of the start of employment or contracting for the performance of central service technician duties.

7. A healthcare facility that employs or contracts with a central service technician shall upon request of another healthcare facility, or upon request of a central service technician employed by, formerly employed by or contracted to perform as a central service technician at the healthcare facility, verify the dates of employment or contract of such person.

8. Nothing in this section shall prohibit any healthcare professional from performing central service technicians' tasks or functions if the person is acting within the scope of his or her practice. Nothing in this section shall mean that any individual not licensed pursuant to title eight of the education law may perform tasks or functions limited to the scope of practice of a healthcare professional under such title.

9. The commissioner shall promulgate regulations as he or she may deem appropriate to effectuate the purposes of this section.

* NB Effective January 1, 2015