

New law provides for the certification and regulation of bio-recovery technicians.

New law defines the following words and phrases:

- (1) "Bio-recovery technician" means a person who possesses the necessary qualifications as recognized in this Subpart to identify, assess, contain, transport, biowash, remediate, and restore the aftereffects of trauma scenes, serious injuries, or illnesses containing human or organic blood and bodily fluid to prevent the spread of potentially infectious biomedical waste, blood-borne pathogens, and air-borne pathogens.
- (2) "Biowash" means the application of germicidal disinfectant, the removal and the neutralizing of potentially infectious biomedical waste thereby restoring the affected area to a neutral state.
- (3) "Bodily fluid" means saliva, blood, mucus, urine, semen, synovial fluid, spinal fluid, fecal matter, digestive fluids, vaginal secretions, pleural fluid, cerebrospinal fluid, peritoneal fluid, and amniotic fluid.
- (4) "Cerebrospinal fluid" means fluid that surrounds the brain and spinal cord.
- (5) "Commission" means the Louisiana Bio-Recovery Technician Certification Commission.
- (6) "Department" means the Department of Health and Hospitals.
- (7) "Etiologic" means pertaining to the beginning or cause of a disease.
- (8) "Health care and medical facilities" means facilities including but not limited to hospitals, clinics, dialysis facilities, birthing centers, abortion centers, emergency medical services, mental health facilities, physicians' offices, outpatient surgery centers, nursing and extended care facilities, podiatry offices, dental offices and clinics, veterinary medical facilities, medical laboratories, home health care services, diagnostic services, mortuaries, and blood and plasma collection centers and mobile units.
- (9) "Infectious diseases" means a disease caused by a pathogenic microorganism. The etiologic agent may be a bacterium, virus, fungus, or animal parasite and may be transmitted from another host or arise from the host's own indigenous microflora.
- (10) "Infectious waste" means that portion of potentially infectious biomedical waste which contains pathogens with sufficient virulence and quantity that exposure to the waste by a susceptible host could result in an infectious disease.
- (11) "Microflora" means the entire population of microorganisms present in or characteristic of a special location.
- (12) "Moral turpitude" means an act of baseness, vileness, or depravity in the duties which one person owes another, or to society in general, which is contrary to the usual, accepted, and customary rule of right and duty which a person should follow.
- (13) "Organic" means any of the following:
 - (a) Pertaining to or arising from an organ or organisms.
 - (b) Pertaining to substances derived from living organisms.
 - (c) Denoting chemical substances containing carbon.
- (14) "Pathogen" means any disease-producing microorganism.

- (15) "Peritoneal fluid" means fluid that surrounds the abdominal organs.
- (16) "Pleural fluid" means fluid that surrounds the lungs.
- (17) "Potentially infectious biomedical waste" means infectious waste as defined herein, and as may be defined in any other Louisiana law or code, as well as waste considered likely to be infectious by virtue of what it is or how it may have been generated in the context of health care or trauma scenes. It includes but is not limited to the following:
- (a) Cultures and stocks of infectious agents and associated biologicals, including cultures from medical and pathological laboratories, from research and industrial laboratories.
 - (b) Human pathological waste including tissue, organs, body parts, and fluids.
 - (c) Human blood, human blood products, blood collection bags, tubes, and vials.
 - (d) Sharps used or generated in health care or laboratory settings.
 - (e) Bandages, diapers, "blue pads", and other disposable materials if they have covered infected wounds or have been contaminated by patients isolated to protect others from the spread of infectious diseases.
- (18) "Remediate" means to act as a remedy.
- (19) "Synovial fluid" means the transparent fluid contained in joint cavities.

New law creates the Louisiana Bio-Recovery Technician Certification Commission and places it within DHH. Provides for appointment of members by the governor and requires that the commission include two certificated bio-recovery technicians, one member from DEQ, one Louisiana coroner, and the assistant secretary of the office of public health of DHH or his designee.

New law provides for the qualifications, terms, vacancies, powers, and duties of commission members.

New law provides that effective August 15, 2005, no person shall practice as a bio-recovery technician without a current certificate issued by the Louisiana Bio-Recovery Technician Certification Commission.

New law provides that applicants for certification must file an application along with fees to the commission and furnish proof that he:

- (1) Is a resident of Louisiana for at least two years prior to applying for initial certification.
- (2) Is 21 years of age.
- (3) Is of good moral character and temperate habits.
- (4) Is a graduate of a high school as evidenced by a diploma.
- (5) Has successfully completed 30 semester hours of postsecondary education at an accredited college, university, or technical college as evidenced by a certified transcript of credits from such institution.
- (6) Has served as an apprentice in blood-borne pathogens, infection/exposure control, and disease control through emergency medicine including but not limited to registered nursing, phlebotomy, emergency medical response training, or any other medically trained personnel with knowledge in blood-borne pathogens, infection/exposure control, and disease control for two years, as approved by the commission.
- (7) Has satisfactorily passed an examination conducted by the commission to practice the profession of a bio-recovery technician.

- (8) Meets any other criteria established by the commission.

New law provides for continuing education requirements to be established by rule and be a minimum of at least 12 hours per year.

New law provides that the commission administer a written examination at least once a year. Further provides that the commission may, by rule, specify certain circumstances in which a certificate without examination may be issued. Further provides for reciprocity.

New law authorizes the commission to assess certain fees.

New law requires that a certificate must be renewed annually on or before Jan. 15 of each calendar year by paying a renewal fee and submitting evidence of having completed the continuing education requirements.

New law provides that any person who violates these new laws shall be subject to prosecution and upon a first conviction shall be fined not more than \$500 or imprisoned for not more than six months, or both. Upon a second or subsequent conviction, the offender shall be imprisoned with or without hard labor for not more than two years and fined not more than \$5,000.

New law provides that the commission, through the department's legal services, may obtain an injunction without bond forbidding any person from violating or continuing to violate any of the provisions of this Subpart. This injunction shall not be subject to release upon bond.

New law provides that the commission shall have the power to conduct investigations, conduct disciplinary hearings, impose fines, and assess costs and shall suspend, revoke, or refuse to grant any certificate for causes including:

- (1) Conviction of a crime.
- (2) Fraud, deceit, or perjury in obtaining a certificate or permit.
- (3) Habitual drunkenness.
- (4) Habitual use of morphine, opium, cocaine, or any drug having a similar effect.
- (5) Defrauding the public or attempting to do so.
- (6) Impersonating a bio-recovery technician.
- (7) Acts of moral turpitude.
- (8) Violating any provisions of new law or any rules or regulations promulgated by the commission.

New law provides that a suspended or revoked certificate must be immediately surrendered to the commission.

New law requires bio-recovery technicians to comply with the sanitary code.

New law does not require health care and medical facilities to be certified to dispose of infectious waste, medical waste, and potentially infectious biomedical waste pursuant to the relevant provisions of the sanitary code.

Effective upon signature of governor (July 12, 2004).

(Adds R.S. 36:259(II) and 919.7 and R.S. 40:1236.15-1236.29)