

3442

2011-2012 Regular Sessions

I N S E N A T E

February 22, 2011

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law and the public health law, in relation to out-of-state clinical laboratory practitioners

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 8607 of the education law is amended by adding a
2 new subdivision 4 to read as follows:

3 4. PURSUANT TO SUBDIVISION NINE OF SECTION FIVE HUNDRED SEVENTY-SIX OF
4 THE PUBLIC HEALTH LAW, THE COMMISSIONER SHALL CONSULT WITH THE COMMIS-
5 SIONER OF HEALTH ON (A) THE ESTABLISHMENT OF STANDARDS OF EDUCATION FOR
6 OUT-OF-STATE CLINICAL LABORATORY PRACTITIONERS, AND (B) DETERMINING
7 WHETHER THE EDUCATIONAL COMPONENTS OF OTHER JURISDICTIONS' PERSONNEL
8 LICENSING PROGRAMS ARE SIGNIFICANTLY COMPARABLE TO THE EDUCATION
9 REQUIREMENTS ESTABLISHED BY THE DEPARTMENT IN PARAGRAPH (B) OF SUBDIVI-
10 SION ONE OF SECTION EIGHTY-SIX HUNDRED FIVE, PARAGRAPH (B) OF SUBDIVI-
11 SION TWO OF SECTION EIGHTY-SIX HUNDRED FIVE, SUBDIVISION TWO OF SECTION
12 EIGHTY-SIX HUNDRED SIX, AND SUBDIVISION TWO OF SECTION EIGHTY-SIX
13 HUNDRED SIX-A OF THIS ARTICLE.

14 S 2. Section 576 of the public health law is amended by adding a new
15 subdivision 9 to read as follows:

16 9. BY JULY FIRST, TWO THOUSAND TWELVE, THE DEPARTMENT SHALL ADOPT
17 REGULATIONS THAT ESTABLISH QUALIFICATIONS FOR CLINICAL LABORATORY PRAC-
18 TITIONERS PRACTICING IN OUT-OF-STATE LABORATORIES LICENSED UNDER THIS
19 ARTICLE THAT ARE SUBSTANTIALLY EQUIVALENT TO QUALIFICATIONS ESTABLISHED
20 BY THE EDUCATION DEPARTMENT, INCLUDING THE REQUIREMENT FOR AN EXAMINA-
21 TION ISSUED BY A RECOGNIZED ACCREDITING ORGANIZATION THAT IS SIMILAR TO
22 THOSE EXAMS ADMINISTERED BY THE EDUCATION DEPARTMENT UNDER ARTICLE ONE
23 HUNDRED SIXTY-FIVE OF THE EDUCATION LAW. IN CONSULTATION WITH THE
24 EDUCATION DEPARTMENT, THE DEPARTMENT SHALL (A) ESTABLISH STANDARDS OF
25 EDUCATION FOR OUT-OF-STATE CLINICAL LABORATORY PRACTITIONERS, AND (B)

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

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1 DETERMINE WHETHER THE EDUCATIONAL COMPONENTS OF OTHER JURISDICTIONS'
2 PERSONNEL LICENSING PROGRAMS ARE SIGNIFICANTLY COMPARABLE TO THE EDUCA-
3 TIONAL REQUIREMENTS IN SECTIONS EIGHTY-SIX HUNDRED FIVE, EIGHTY-SIX
4 HUNDRED SIX, AND EIGHTY-SIX HUNDRED SIX-A OF THE EDUCATION LAW.

5 S 3. The opening paragraph of subdivision 2 of section 575 of the
6 public health law is designated paragraph (a) and a new paragraph (b) is
7 added to read as follows:

8 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
9 COMMISSIONER SHALL REQUIRE AN ATTESTATION FROM THE DIRECTOR OF A CLIN-
10 ICAL LABORATORY LOCATED OUTSIDE OF NEW YORK STATE AND LICENSED OR SEEK-
11 ING LICENSURE UNDER THIS TITLE, THAT ALL CLINICAL LABORATORY PRACTITION-
12 ERS, AS DEFINED IN SECTION EIGHTY-SIX HUNDRED ONE OF THE EDUCATION LAW,
13 PRACTICING CLINICAL LABORATORY TECHNOLOGY ON OR INVOLVING NEW YORK STATE
14 SPECIMENS, UNLESS EXEMPT FROM LICENSURE OR CERTIFICATION PURSUANT TO
15 SECTION EIGHTY-SIX HUNDRED NINE OF THE EDUCATION LAW, WHO DO NOT HOLD
16 THE APPROPRIATE VALID LICENSE, PERMIT OR CERTIFICATE ISSUED PURSUANT TO
17 ARTICLE ONE HUNDRED SIXTY-FIVE OF THE EDUCATION LAW, MEET THE STANDARDS
18 AND REQUIREMENTS ESTABLISHED IN SUBDIVISION NINE OF SECTION FIVE HUNDRED
19 SEVENTY-SIX OF THIS TITLE. RECORDS OF ON-SITE REVIEWS OF CREDENTIALS
20 WILL BE MAINTAINED BY BOTH THE LABORATORY AND THE DEPARTMENT.

21 S 4. This act shall take effect on the one hundred eightieth day after
22 it shall have become a law.