S T A T E O F N E W Y O R K

1650--A

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. LAVALLE, DeFRANCISCO, RANZENHOFER, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

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

9. BY JULY FIRST, TWO THOUSAND FIFTEEN, THE DEPARTMENT SHALL ADOPT REGULATIONS THAT ESTABLISH QUALIFICATIONS FOR CLINICAL LABORATORY PRACTITIONERS PRACTICING IN OUT-OF-STATE LABORATORIES LICENSED UNDER THIS ARTICLE THAT ARE SUBSTANTIALLY EQUIVALENT TO QUALIFICATIONS ESTABLISHED BY THE EDUCATION DEPARTMENT, INCLUDING THE REQUIREMENT FOR AN EXAMINA-

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

LBD02606-02-4

TION ISSUED BY A RECOGNIZED ACCREDITING ORGANIZATION THAT IS SIMILAR TO THOSE EXAMS ADMINISTERED BY THE EDUCATION DEPARTMENT UNDER ARTICLE ONE HUNDRED SIXTY-FIVE OF THE EDUCATION LAW. IN CONSULTATION WITH THE EDUCATION DEPARTMENT, THE DEPARTMENT SHALL (A) ESTABLISH STANDARDS OF EDUCATION FOR OUT-OF-STATE CLINICAL LABORATORY PRACTITIONERS, AND (B) DETERMINE WHETHER THE EDUCATIONAL COMPONENTS OF OTHER JURISDICTIONS' PERSONNEL LICENSING PROGRAMS ARE SIGNIFICANTLY COMPARABLE TO THE EDUCATIONAL REQUIREMENTS IN SECTIONS EIGHTY-SIX HUNDRED FIVE, EIGHTY-SIX HUNDRED SIX, AND EIGHTY-SIX HUNDRED SIX-A OF THE EDUCATION LAW.

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

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

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