

7913--C

2009-2010 Regular Sessions

I N A S S E M B L Y

April 28, 2009

Introduced by M. of A. JAFFEE, LUPARDO, JOHN, KOON, LANCMAN, BURLING, BOYLAND, GUNTHER, SCHROEDER -- Multi-Sponsored by -- M. of A. CALHOUN, JEFFRIES, P. LOPEZ, PHEFFER, WEISENBERG -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, 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:

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 ELEVEN, THE DEPARTMENT SHALL ADOPT
17 REGULATIONS THAT ESTABLISH QUALIFICATIONS FOR CLINICAL LABORATORY PRAC-

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

LBD10576-11-0

1 TITIONERS PRACTICING IN OUT-OF-STATE LABORATORIES LICENSED UNDER THIS
2 ARTICLE THAT ARE SUBSTANTIALLY EQUIVALENT TO QUALIFICATIONS ESTABLISHED
3 BY THE EDUCATION DEPARTMENT, INCLUDING THE REQUIREMENT FOR AN EXAMINA-
4 TION ISSUED BY A RECOGNIZED ACCREDITING ORGANIZATION THAT IS SIMILAR TO
5 THOSE EXAMS ADMINISTERED BY THE EDUCATION DEPARTMENT UNDER ARTICLE ONE
6 HUNDRED SIXTY-FIVE OF THE EDUCATION LAW. IN CONSULTATION WITH THE
7 EDUCATION DEPARTMENT, THE DEPARTMENT SHALL (A) ESTABLISH STANDARDS OF
8 EDUCATION FOR OUT-OF-STATE CLINICAL LABORATORY PRACTITIONERS, AND (B)
9 DETERMINE WHETHER THE EDUCATIONAL COMPONENTS OF OTHER JURISDICTIONS'
10 PERSONNEL LICENSING PROGRAMS ARE SIGNIFICANTLY COMPARABLE TO THE EDUCA-
11 TIONAL REQUIREMENTS IN SECTIONS EIGHTY-SIX HUNDRED FIVE, EIGHTY-SIX
12 HUNDRED SIX, AND EIGHTY-SIX HUNDRED SIX-A OF THE EDUCATION LAW.

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

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

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