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

5189

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. DUANE -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to authorization to conduct clinical laboratory tests

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

Section 1. Subdivision 6 of section 571 of the public health law, as added by chapter 204 of the laws of 2008, is amended to read as follows:

6. "Qualified health care professional" means a physician, dentist, podiatrist, OPTOMETRIST, physician assistant, specialist assistant, nurse practitioner, or midwife, who is licensed and registered with the state education department.

S 2. Subdivision 1 of section 579 of the public health law, as separately amended by chapters 397 and 440 of the laws of 2004, is amended to read as follows:

1. This title is applicable to all clinical laboratories and blood banks operating within the state, except clinical laboratories and blood banks operated by the federal government and clinical laboratories operated by a licensed physician, osteopath, dentist, midwife, nurse practitioner, OPTOMETRIST or podiatrist who performs laboratory tests or procedures, personally or through his or her employees, solely as an adjunct to the treatment of his or her own patients; to the extent authorized by federal and state law, including the education law, and consistent with any applicable written practice agreement.

S 3. This act shall take effect immediately.

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

LBD11651-01-9