

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. JAFFEE, LUPARDO, 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

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

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

1 HUNDRED SIXTY-FIVE OF THE EDUCATION LAW. IN CONSULTATION WITH THE  
2 EDUCATION DEPARTMENT, THE DEPARTMENT SHALL (A) ESTABLISH STANDARDS OF  
3 EDUCATION FOR OUT-OF-STATE CLINICAL LABORATORY PRACTITIONERS, AND (B)  
4 DETERMINE WHETHER THE EDUCATIONAL COMPONENTS OF OTHER JURISDICTIONS'  
5 PERSONNEL LICENSING PROGRAMS ARE SIGNIFICANTLY COMPARABLE TO THE EDUCA-  
6 TIONAL REQUIREMENTS IN SECTIONS EIGHTY-SIX HUNDRED FIVE, EIGHTY-SIX  
7 HUNDRED SIX, AND EIGHTY-SIX HUNDRED SIX-A OF THE EDUCATION LAW.

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

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

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