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I N S E N A T E

May 26, 2016

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, in relation to the licensure of pathologists' assistants

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

1 Section 1. The education law is amended by adding a new article 168 to
2 read as follows:

3 ARTICLE 168

4 LICENSED PATHOLOGISTS' ASSISTANTS

5 SECTION 8850. DEFINITIONS.

6 8851. PRACTICE AS PATHOLOGISTS' ASSISTANT AND USE OF THE TITLE
7 "PATHOLOGISTS' ASSISTANT".

8 8852. REQUIREMENTS FOR LICENSURE AS A PATHOLOGISTS' ASSISTANT.

9 8853. SPECIAL PROVISIONS; ELIGIBILITY.

10 8854. STATE COMMITTEE FOR PATHOLOGISTS' ASSISTANTS.

11 8855. LIMITED PERMITS.

12 8856. EXEMPTIONS AND EXEMPT PERSONS.

13 S 8850. DEFINITIONS. AS USED IN THIS ARTICLE: 1. THE TERM "PATHOLO-
14 GISTS' ASSISTANT" MEANS A PERSON LICENSED TO ASSIST PHYSICIANS WHO PRAC-
15 TICE PATHOLOGY BY PROVIDING SERVICES WITHIN THE PERMITTED SCOPE OF PRAC-
16 TICE FOR PATHOLOGISTS' ASSISTANTS AS DEFINED IN SUBDIVISION FOUR OF THIS
17 SECTION. ALL SUCH SERVICES SHALL BE PERFORMED UNDER THE DIRECTION AND
18 SUPERVISION OF A LICENSED PHYSICIAN WHO PRACTICES ANATOMIC PATHOLOGY.

19 2. THE TERM "DIRECTION AND SUPERVISION" MEANS CONTINUOUS DIRECTION AND
20 SUPERVISION, BUT SHALL NOT BE CONSTRUED AS NECESSARILY REQUIRING THE
21 PHYSICAL PRESENCE OF THE SUPERVISING PHYSICIAN AT THE TIME AND PLACE
22 WHERE SUCH SERVICES ARE PERFORMED.

23 3. THE TERM "PHYSICIAN" MEANS A PRACTITIONER OF MEDICINE LICENSED TO
24 PRACTICE MEDICINE PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE OF THIS
25 TITLE.

26 4. THE TERM "SCOPE OF PRACTICE FOR PATHOLOGISTS' ASSISTANTS" MEANS THE
27 PROVISION OF THE FOLLOWING SERVICES UNDER THE DIRECTION AND SUPERVISION
28 OF A LICENSED PHYSICIAN WHO PRACTICES ANATOMIC PATHOLOGY: (A) PREPARING

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

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1 GROSS TISSUE SECTIONS FOR PATHOLOGY ANALYSIS, INCLUDING BUT NOT LIMITED
2 TO, CUTTING, STAINING AS REQUIRED, DESCRIBING GROSS ANATOMIC FEATURES,
3 DISSECTING SURGICAL SPECIMENS, AND SUBMITTING TISSUES FOR BIO-BANKING,
4 HISTOLOGIC PROCESSING, OR OTHER ANALYSES; (B) PERFORMING HUMAN POSTMOR-
5 TEM EXAMINATIONS, INCLUDING BUT NOT LIMITED TO, SELECTION OF TISSUES AND
6 FLUIDS FOR FURTHER EXAMINATION, EXTERNAL EXAMINATION, DISSECTION, AND
7 GATHERING AND RECORDING INFORMATION FOR AUTOPSY REPORTS; AND (C) OTHER
8 FUNCTIONS AND RESPONSIBILITIES IN FURTHERANCE OF AND CONSISTENT WITH THE
9 FOREGOING AS DETERMINED BY THE DEPARTMENT. THE TERM DOES NOT INCLUDE THE
10 AUTHORITY TO DIAGNOSE OR PROVIDE A MEDICAL OPINION. SERVICES OF A
11 PATHOLOGISTS' ASSISTANT MUST BE PERFORMED IN A LABORATORY OR OTHER SITE
12 AUTHORIZED UNDER LAW TO PERFORM SUCH SERVICES.

13 5. THE TERM "COMMITTEE" MEANS THE STATE COMMITTEE FOR PATHOLOGISTS'
14 ASSISTANTS CREATED BY THIS ARTICLE.

15 S 8851. PRACTICE AS PATHOLOGISTS' ASSISTANT AND USE OF THE TITLE
16 "PATHOLOGISTS' ASSISTANT". ONLY PERSONS LICENSED OR OTHERWISE AUTHORIZED
17 TO PRACTICE AS A PATHOLOGISTS' ASSISTANT UNDER THIS ARTICLE SHALL PRAC-
18 TICE PATHOLOGIST ASSISTING OR USE THE TITLE "PATHOLOGISTS' ASSISTANT" OR
19 THE TERM "PATHOLOGISTS' ASSISTANT" ALONE OR IN COMBINATION WITH OTHER
20 TERMS AND PHRASES IN DESCRIBING THEIR SERVICES AND ACTIVITIES OR THE
21 DESIGNATION "PATH A".

22 S 8852. REQUIREMENTS FOR LICENSURE AS A PATHOLOGISTS' ASSISTANT. TO
23 QUALIFY FOR LICENSURE AS A "LICENSED PATHOLOGISTS' ASSISTANT", AN APPLI-
24 CANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

25 1. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

26 2. EDUCATION: RECEIVE AN EDUCATION, INCLUDING A BACHELOR'S OR HIGHER
27 DEGREE IN PATHOLOGISTS' ASSISTANT, GRANTED ON THE BASIS OF COMPLETION OF
28 A PROGRAM OF PATHOLOGISTS' ASSISTANT REGISTERED WITH THE DEPARTMENT OR
29 THE SUBSTANTIAL EQUIVALENT THEREOF, IN ACCORDANCE WITH THE COMMISSION-
30 ER'S REGULATIONS;

31 3. EXAMINATION: OBTAIN A PASSING SCORE ON AN EXAMINATION ACCEPTABLE TO
32 THE DEPARTMENT;

33 4. AGE: AT THE TIME OF APPLICATION BE AT LEAST TWENTY-ONE YEARS OF
34 AGE;

35 5. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPART-
36 MENT; AND

37 6. FEE: PAY A FEE DETERMINED BY THE DEPARTMENT FOR AN INITIAL LICENSE
38 AND FOR EACH TRIENNIAL REGISTRATION PERIOD.

39 S 8853. SPECIAL PROVISIONS; ELIGIBILITY. AN INDIVIDUAL WHO MEETS THE
40 REQUIREMENTS FOR A LICENSE AS A LICENSED PATHOLOGISTS' ASSISTANT EXCEPT
41 FOR EXAMINATION AND EDUCATION AND WHO HAS BEEN PERFORMING THE DUTIES OF
42 A PATHOLOGISTS' ASSISTANT FOR TWO OF THE FIVE YEARS PRIOR TO THE EFFEC-
43 TIVE DATE OF THIS ARTICLE MAY BE LICENSED WITHOUT MEETING ADDITIONAL
44 REQUIREMENTS, PROVIDED THAT SUCH INDIVIDUAL SUBMITS AN APPLICATION TO
45 THE DEPARTMENT WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THIS ARTICLE.
46 FOR THIS PURPOSE, THE APPLICANT'S SUPERVISING PHYSICIANS MUST ATTEST TO
47 THE APPLICANT'S EXPERIENCE AND COMPETENCE.

48 S 8854. STATE COMMITTEE FOR PATHOLOGISTS' ASSISTANTS. 1. A STATE
49 COMMITTEE FOR PATHOLOGISTS' ASSISTANTS SHALL BE APPOINTED BY THE BOARD
50 OF REGENTS UPON THE RECOMMENDATION OF THE COMMISSIONER AS A COMMITTEE OF
51 THE BOARD OF MEDICINE TO ADVISE SOLELY ON MATTERS RELATING TO PATHOLO-
52 GISTS' ASSISTANTS AND SHALL ASSIST ON MATTERS OF LICENSURE AND PROFES-
53 SIONAL CONDUCT. THE PATHOLOGISTS' ASSISTANT MEMBERS OF THE INITIAL
54 COMMITTEE NEED NOT BE LICENSED PRIOR TO THEIR APPOINTMENT BUT SHALL HAVE
55 MET ALL OTHER REQUIREMENTS OF LICENSING PURSUANT TO SECTION EIGHTY-EIGHT

1 HUNDRED FIFTY-THREE OF THIS ARTICLE EXCEPT THE FILING OF AN APPLICATION
2 AND PAYING A FEE.

3 2. THE COMMITTEE SHALL CONSIST OF NO FEWER THAN FIVE INDIVIDUALS, TO
4 BE COMPOSED OF A MINIMUM OF THE FOLLOWING:

5 (A) ONE LICENSED PHYSICIAN WHO PRACTICES PATHOLOGY;

6 (B) THREE LICENSED PATHOLOGISTS' ASSISTANTS; AND

7 (C) ONE PUBLIC REPRESENTATIVE.

8 S 8855. LIMITED PERMITS. 1. ELIGIBILITY. A PERSON WHO FULFILLS ALL
9 REQUIREMENTS FOR LICENSURE AS A PATHOLOGISTS' ASSISTANT EXCEPT THAT
10 RELATING TO THE EXAMINATION SHALL BE ELIGIBLE FOR A LIMITED PERMIT.

11 2. LIMIT OF PRACTICE. A PERMITTEE SHALL BE AUTHORIZED TO PRACTICE AS A
12 PATHOLOGISTS' ASSISTANT ONLY UNDER THE DIRECTION AND SUPERVISION OF A
13 LICENSED PHYSICIAN WHO PRACTICES ANATOMIC PATHOLOGY AND PURSUANT TO THE
14 ORDER AND DIRECTION OF THAT LICENSED PHYSICIAN.

15 3. DURATION. A LIMITED PERMIT SHALL EXPIRE ONE YEAR FROM THE DATE OF
16 ISSUANCE. A LIMITED PERMIT MAY BE EXTENDED FOR ONE ADDITIONAL YEAR FOR
17 GOOD CAUSE AS DETERMINED BY THE DEPARTMENT.

18 4. FEES. THE FEE FOR EACH LIMITED PERMIT SHALL BE DETERMINED BY THE
19 DEPARTMENT.

20 S 8856. EXEMPTIONS AND EXEMPT PERSONS. THIS ARTICLE SHALL NOT PROHIB-
21 IT:

22 1. THE PERFORMANCE OF ANY TASKS OR RESPONSIBILITIES BY ANY STUDENT
23 ENGAGED IN CLINICAL TRAINING IN A GENERAL HOSPITAL LICENSED PURSUANT TO
24 ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW, PROVIDED SUCH PRACTICE IS
25 LIMITED TO CLINICAL TRAINING THAT SHALL BE CARRIED OUT UNDER THE DIRECT
26 SUPERVISION OF A LICENSED PHYSICIAN WHO PRACTICES ANATOMIC PATHOLOGY; OR

27 2. THE PERFORMANCE OF ANY TASKS OR RESPONSIBILITIES BY ANY PERSON
28 LICENSED UNDER THIS TITLE, PROVIDED SUCH TASKS OR RESPONSIBILITIES ARE
29 PERMITTED BY THE ARTICLE GOVERNING THE PROFESSION PURSUANT TO WHICH SUCH
30 PERSON IS LICENSED; OR

31 3. THE PERFORMANCE OF ANY TASKS OR RESPONSIBILITIES BY ANY LEGALLY
32 QUALIFIED PATHOLOGISTS' ASSISTANTS OF ANY OTHER STATE OR TERRITORY WHO
33 IS SERVING IN THE ARMED FORCES OR THE PUBLIC HEALTH SERVICE OF THE
34 UNITED STATES OR WHO IS EMPLOYED BY THE VETERANS ADMINISTRATION, WHILE
35 ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES; OR

36 4. THE PERFORMANCE OF ANY TASKS AND RESPONSIBILITIES BY ANY INDIVIDUAL
37 LEGALLY CARRYING OUT THE EXAMINATIONS AND TESTS ENUMERATED IN SUBDIVI-
38 SION TWO OF SECTION FIVE HUNDRED SEVENTY-NINE OF THE PUBLIC HEALTH LAW.

39 S 2. This act shall take effect one year after it shall have become
40 law, provided, however, that section 8852 of the education law as added
41 by section one of this act shall take effect two years after this act
42 shall have become law; provided, further, that the department of educa-
43 tion is authorized to promulgate regulations that may be required and to
44 take other measures necessary to implement this article prior to the
45 effective date of this act, including appointment of the state committee
46 for pathologists' assistants, and acceptance and processing of applica-
47 tions for licensure.