

STATE OF NEW YORK

8140--A

IN SENATE

April 6, 2018

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to a provisional permit for clinical laboratory technology; and to repeal subdivision 2 of section 8610 of the education law relating to a limited license for clinical laboratory technology

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 8608 of the education law, as amended by chapter
2 204 of the laws of 2008, is amended to read as follows:

3 § 8608. Limited and provisional permits. 1. Limited permit. On the
4 recommendation of the board, the department may issue a limited permit
5 to practice as a clinical laboratory practitioner to an applicant who
6 has met all requirements for licensure as a clinical laboratory technol-
7 ogist or cytotechnologist or certification as a clinical laboratory
8 technician or histological technician, except those relating to the
9 examination and provided that the individual is under the general super-
10 vision of the director of a clinical laboratory, as determined by the
11 department. This limited permit shall be valid for a period of not more
12 than one year, and may be renewed, at the discretion of the department,
13 for one additional year.

14 2. Provisional permit. (a) On the recommendation of the board, the
15 department may issue a provisional permit to practice as a clinical
16 laboratory practitioner to an applicant who is employed in a clinical
17 laboratory for the purpose of enabling the applicant to complete the
18 education requirements and/or to pass the exam required for licensure as
19 a clinical laboratory technologist or histological technician and
20 provided that the individual is under the general supervision of the
21 director of a clinical laboratory, as determined by the department, and
22 provided further that the applicant meets the requirements outlined in
23 paragraph (b) of this subdivision. This provisional permit shall be

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

LBD14791-04-8

1 valid for a period of not more than one year, and may be renewed, at the
2 discretion of the department, for one additional year.

3 (b) To qualify for a provisional permit, the applicant shall:

4 (i) file an application with the department;

5 (ii) have at least one of the following enumerated qualifications:

6 (A) be licensed as a clinical laboratory technologist, or the equiv-
7 alent as determined by the department, in another jurisdiction or
8 possess a current certification in a clinical laboratory technology from
9 a national certification organization acceptable to the department; or

10 (B) have received both an education, including a bachelor's degree in
11 the biological, chemical, or physical sciences, and training in a clin-
12 ical laboratory, provided that such education and training are accepta-
13 ble to the department; or

14 (C) have received a bachelor's degree in the biological, chemical, or
15 physical sciences or in mathematics, and have served as a research
16 assistant in a research laboratory, under the direction of the director
17 or the principal researcher of such research laboratory, working on the
18 research and development of any procedures and examinations to be
19 conducted by a laboratory, as defined in title five of article five of
20 the public health law, on material derived from the human body which
21 provides information for the diagnosis, prevention or treatment of a
22 disease or assessment of a human medical condition; or

23 (D) for those seeking a provisional permit as a histological techni-
24 cian, have received an education, including an associate's degree that
25 includes a minimum number of credit hours in the sciences, provided that
26 such education is acceptable to the department;

27 (iii) be at least eighteen years of age;

28 (iv) be of good moral character as determined by the department; and

29 (v) pay a fee of three hundred forty-five dollars for a provisional
30 permit provided that the fee for a provisional permit as a histological
31 technician shall be two hundred forty-five dollars.

32 (c) Each provisional permit shall be subject to the disciplinary
33 provisions applicable to licensees pursuant to subarticle three of arti-
34 cle one hundred thirty of this title.

35 3. The board of regents and the department are authorized to adopt
36 such rules and regulations as may be necessary to implement the
37 provisions of this section.

38 § 2. Subdivision 2 of section 8610 of the education law is REPEALED,
39 subdivision 3 is renumbered subdivision 2 and the section heading and
40 subdivision 4, as added by chapter 204 of the laws of 2008, are amended
41 to read as follows:

42 Restricted clinical laboratory [~~and limited~~] licenses.

43 [~~4.~~] 3. Nothing in this section shall restrict a clinical laboratory
44 practitioner, as defined in subdivision two of section eighty-six
45 hundred one of this article, from performing any of the examinations or
46 procedures which restricted clinical laboratory licensees [~~and limited~~
47 ~~licensees~~] are permitted to perform under this section and which such
48 clinical laboratory practitioner is otherwise authorized to perform.

49 § 3. This act shall take effect immediately.