

# STATE OF NEW YORK

9966

## IN ASSEMBLY

March 2, 2018

Introduced by M. of A. MAGNARELLI -- read once and referred to the  
Committee on Higher Education

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 Assem-  
bly, 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  
24 valid for a period of not more than one year, and may be renewed, at the  
25 discretion of the department, for one additional year.

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

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

LBD14791-02-8

1 (i) file an application with the department;  
2 (ii) have at least one of the following enumerated qualifications:  
3 (A) be licensed as a clinical laboratory technologist, or the equiv-  
4 alent as determined by the department, in another jurisdiction; or  
5 (B) have received both an education, including a bachelor's degree in  
6 the biological, chemical, or physical sciences, and training in a clin-  
7 ical laboratory, provided that such education and training are accepta-  
8 ble to the department; or  
9 (C) have received a bachelor's degree in the biological, chemical, or  
10 physical sciences or in mathematics, and have served as a research  
11 assistant in a research laboratory, under the direction of the director  
12 or the principal researcher of such research laboratory, working on the  
13 research and development of any procedures and examinations to be  
14 conducted by a laboratory, as defined in title five of article five of  
15 the public health law, on material derived from the human body which  
16 provides information for the diagnosis, prevention or treatment of a  
17 disease or assessment of a human medical condition; or  
18 (D) for those seeking a provisional permit as a histological techni-  
19 cian, have received an education, including an associate's degree that  
20 includes a minimum number of credit hours in the sciences, provided that  
21 such education is acceptable to the department;  
22 (iii) be at least eighteen years of age;  
23 (iv) be of good moral character as determined by the department; and  
24 (v) pay a fee of three hundred forty-five dollars for a provisional  
25 permit and registration, provided that the fee for a provisional permit  
26 and registration as a histological technician shall be two hundred  
27 forty-five dollars.  
28 (c) Each provisional permit shall be subject to the disciplinary  
29 provisions applicable to licensees pursuant to subarticle three of arti-  
30 cle one hundred thirty of this title.  
31 3. The board of regents and the department are authorized to adopt  
32 such rules and regulations as may be necessary to implement the  
33 provisions of this section.

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

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

39 [4] 3. Nothing in this section shall restrict a clinical laboratory  
40 practitioner, as defined in subdivision two of section eighty-six  
41 hundred one of this article, from performing any of the examinations or  
42 procedures which restricted clinical laboratory licensees [~~and limited~~  
43 ~~licensees~~] are permitted to perform under this section and which such  
44 clinical laboratory practitioner is otherwise authorized to perform.

45 § 3. This act shall take effect immediately.