

# STATE OF NEW YORK

7521

## IN SENATE

January 19, 2018

Introduced by Sens. HANNON, O'MARA -- 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 clinical laboratory supervision

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

1 Section 1. The public health law is amended by adding a new section  
2 576-d to read as follows:

3 § 576-d. Clinical laboratory supervision. 1. (a) Each clinical labora-  
4 tory shall have one or more supervisors who shall, under the general  
5 direction of the director, supervise the technical personnel and report-  
6 ing of findings, perform tests requiring special scientific skills, and,  
7 in the absence of the director, be responsible for the proper perform-  
8 ance of all laboratory procedures.

9 (b) A director who qualifies as provided in regulations promulgated  
10 pursuant to section five hundred seventy-three of this title shall also  
11 be deemed qualified as a supervisor.

12 (c) Depending upon the size and functions of the clinical laboratory,  
13 the department may authorize the director to also serve as the supervi-  
14 sor of such laboratory.

15 (d) The supervisor shall be on the clinical laboratory premises or  
16 available by phone or synchronous two-way electronic audio visual commu-  
17 nications within thirty minutes during all hours in which tests are  
18 performed; provided, that if the supervisor is not on the laboratory  
19 premises and the person performing the test qualifies as a medical tech-  
20 nologist as provided in regulations promulgated pursuant to sections  
21 five hundred seventy-four and five hundred seventy-six of this title,  
22 and thirty-one hundred twenty-one of this chapter, the results of his or  
23 her work are reviewed by the supervisor or director during his or her  
24 next duty period, and a record is maintained to reflect the actual  
25 review.

26 (e) An individual who qualifies as a supervisor as provided in regu-  
27 lations promulgated pursuant to sections five hundred seventy-four and  
28 five hundred seventy-six of this title, and thirty-one hundred twenty-

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

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1 one of this chapter shall supervise technical personnel in the specialty  
2 of cytology only.

3 2. (a) For the purposes of this subdivision, "clinical laboratory  
4 improvement amendments" means the federal Clinical Laboratory Improve-  
5 ment Amendment of 1988, Public Law 100-578, as amended and any regu-  
6 lations or guidance issued thereunder.

7 (b) Every clinical supervisor shall meet one of the following require-  
8 ments:

9 (i) the supervisor is a physician licensed to practice medicine or  
10 osteopathy in the state, or who has earned a doctoral degree in a chemi-  
11 cal, physical or biological science from an accredited institution.  
12 "Accredited", as used in this paragraph, refers to accreditation by a  
13 nationally recognized accrediting agency or association, as determined  
14 by the United States commissioner of education. Such supervisor shall,  
15 subsequent to graduation, have had at least the required number of  
16 years' experience in one of the laboratory specialties in a clinical  
17 laboratory or blood bank having a director at the doctoral level, as  
18 provided for and consistent with the clinical laboratory improvement  
19 amendments. The clinical laboratory or blood bank shall be part of a  
20 hospital, health department, university, medical research institution,  
21 or other institution which provides equivalent training;

22 (ii) the supervisor holds a degree of master of arts or master of  
23 science in a chemical, physical or biological science from an accredited  
24 institution and, subsequent to graduation, has had at least the required  
25 number of years spent working in the designated laboratory specialty in  
26 a clinical laboratory having a director at the doctoral level, as  
27 provided for and consistent with the clinical laboratory improvement  
28 amendments. The clinical laboratory or blood bank shall be part of a  
29 hospital, health department, university, medical research institution or  
30 other institution which provides equivalent training;

31 (iii) the supervisor is qualified as a medical technologist as  
32 provided in regulations promulgated pursuant to sections five hundred  
33 seventy-four and five hundred seventy-six of this title, and thirty-one  
34 hundred twenty-one of this chapter and has had at least the required  
35 number of years of pertinent clinical laboratory experience, including  
36 training, subsequent to qualifying, spent working in a clinical labora-  
37 tory having a director at the doctoral level, as provided for and  
38 consistent with the clinical laboratory improvement amendments. The  
39 clinical laboratory or blood bank shall be part of a hospital, universi-  
40 ty, health department, medical research institution or other institution  
41 which provides equivalent training; or

42 (iv) the supervisor is qualified as a cytotechnologist as provided in  
43 regulations promulgated pursuant to sections five hundred seventy-four  
44 and five hundred seventy-six of this title, and thirty-one hundred twen-  
45 ty-one of this chapter and subsequent to qualifying, has had at least  
46 the required number of years of pertinent clinical laboratory experi-  
47 ence, including training, in cytotechnology in a laboratory having a  
48 doctoral level director qualified in cytopathology, as provided for and  
49 consistent with the clinical laboratory improvement amendments. The  
50 clinical laboratory shall be part of a hospital, health department,  
51 university, medical research institution, or other institution which  
52 provides equivalent training.

53 (c) With respect to individuals first qualifying prior to April first,  
54 nineteen hundred seventy-two, an exception to the requirements of  
55 subparagraph (i), (ii) or (iii) of paragraph (b) of this subdivision may  
56 be made if:

1 (i) the supervisor was performing the duties of a clinical laboratory  
2 supervisor at any time between July first, nineteen hundred sixty-one  
3 and September first, nineteen hundred seventy-one;

4 (ii) the supervisor has had at least fifteen years of pertinent clin-  
5 ical laboratory experience prior to September first, nineteen hundred  
6 seventy-one; provided, that, a minimum of thirty semester hours of cred-  
7 it toward a bachelor's degree in a chemical, physical or biological  
8 science, or thirty semester hours in an approved school of medical tech-  
9 nology shall reduce the required years of experience by two years, with  
10 any additional hours further reducing the required years of experience  
11 at the rate of fifteen hours for one year; and

12 (iii) he or she has performed the duties of a supervisor for at least  
13 two years during the qualifying fifteen years in:

14 (A) a clinical laboratory having a director at the doctoral level of a  
15 hospital, university, health department or medical research institution;  
16 or

17 (B) in a laboratory approved under the Medicare supplementary medical  
18 insurance program, provided also, that where qualifying years in a clin-  
19 ical laboratory described in clause (A) of this subparagraph are  
20 obtained after January thirtieth, nineteen hundred sixty-nine, such  
21 laboratory meets applicable conditions under the Medicare health insur-  
22 ance program, or under the regulations issued pursuant to the federal  
23 Clinical Laboratories Improvement Act of 1967.

24 § 2. This act shall take effect immediately.