

STATE OF NEW YORK

8140

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

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.

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(i) file an application with the department;
(ii) have at least one of the following enumerated qualifications:
(A) be licensed as a clinical laboratory technologist, or the equivalent as determined by the department, in another jurisdiction; or
(B) have received both an education, including a bachelor's degree in the biological, chemical, or physical sciences, and training in a clinical laboratory, provided that such education and training are acceptable to the department; or
(C) have received a bachelor's degree in the biological, chemical, or physical sciences or in mathematics, and have served as a research assistant in a research laboratory, under the direction of the director or the principal researcher of such research laboratory, working on the research and development of any procedures and examinations to be conducted by a laboratory, as defined in title five of article five of the public health law, on material derived from the human body which provides information for the diagnosis, prevention or treatment of a disease or assessment of a human medical condition; or
(D) for those seeking a provisional permit as a histological technician, have received an education, including an associate's degree that includes a minimum number of credit hours in the sciences, provided that such education is acceptable to the department;
(iii) be at least eighteen years of age;
(iv) be of good moral character as determined by the department; and
(v) pay a fee of three hundred forty-five dollars for a provisional permit and registration, provided that the fee for a provisional permit and registration as a histological technician shall be two hundred forty-five dollars.
(c) Each provisional permit shall be subject to the disciplinary provisions applicable to licensees pursuant to subarticle three of article one hundred thirty of this title.

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

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 Subdivision 2 of section 8610 of the education law is REPEALED, subdivision 3 is renumbered subdivision 2 and the section heading and subdivision 4, as added by chapter 204 of the laws of 2008, are amended to read as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

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

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

§ 3. This act shall take effect immediately.