

# STATE OF NEW YORK

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5692--A

Cal. No. 833

2019-2020 Regular Sessions

## IN SENATE

May 13, 2019

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Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the education law, in relation to restricted clinical laboratory licenses in toxicology

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

1 Section 1. Subdivision 1 of section 8610 of the education law, as  
2 added by chapter 204 of the laws of 2008, paragraph (b) as amended by  
3 chapter 276 of the laws of 2014, is amended to read as follows:

4 1. Restricted clinical laboratory license.

5 (a) The department may issue a restricted license pursuant to which  
6 the restricted licensee may receive a certificate to perform certain  
7 examinations and procedures within the definition of clinical laboratory  
8 technology set forth in subdivision one of section eighty-six hundred  
9 one of this article, provided that such a restricted licensee may  
10 perform examinations and procedures only in those of the following areas  
11 which are specifically listed in his or her certificate: histocompati-  
12 bility, cytogenetics, stem cell process, flow cytometry/cellular immu-  
13 nology and molecular diagnosis to the extent such molecular diagnosis is  
14 included in genetic testing-molecular and molecular oncology, and toxi-  
15 cology (under paragraph (b-1) of this subdivision).

16 (b) Notwithstanding paragraph (a) of this subdivision, restricted  
17 licensees employed at National Cancer Institute designated cancer  
18 centers or at teaching hospitals that are eligible for distributions  
19 pursuant to paragraph (c) of subdivision three of section twenty-eight  
20 hundred seven-m of the public health law may receive a certificate that

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

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1 also includes the practice of molecular diagnosis including but not  
2 limited to genetic testing-molecular and molecular oncology, and  
3 restricted licensees employed at national cancer institute designated  
4 cancer centers may receive a certificate that includes the use of mass  
5 spectrometry or any tests and procedures acceptable to the commissioner  
6 of health, in consultation with the commissioner, in the field of  
7 proteomics, provided that such certificate holders may practice in such  
8 additional areas only at such centers, teaching hospitals or other sites  
9 as may be designated by the commissioner.

10 (b-1) Only individuals employed in a New York state department of  
11 health authorized toxicology laboratory, operating under the direction  
12 of a clinical laboratory director, may obtain a certificate in toxicolo-  
13 gy.

14 (c) To qualify for a restricted license, an applicant shall:

15 (i) file an application with the department;

16 (ii) have received an education, including a bachelor's degree in the  
17 biological, chemical, or physical sciences or in mathematics from a  
18 program registered by the department or determined by the department to  
19 be the substantial equivalent;

20 (iii) have completed a training program with a planned sequence of  
21 supervised employment or engagement in activities appropriate for the  
22 area of certification, which training program is satisfactory to the  
23 department in quality, breadth, scope and nature and is provided by an  
24 entity that shall be responsible for the services provided. The training  
25 program shall be described and attested to by the clinical director of  
26 the laboratory in which it is located prior to the beginning of the  
27 program. The duration of the training program shall be one year of full-  
28 time training in the specific areas in which the applicant is seeking  
29 certification or the part-time equivalent thereof, as determined by the  
30 department, and the successful completion of such program shall be  
31 certified by a laboratory director who is responsible for overseeing  
32 such program;

33 (iv) be at least eighteen years of age;

34 (v) be of good moral character as determined by the department; and

35 (vi) pay a fee of one hundred seventy-five dollars for an initial  
36 restricted license and a fee of one hundred seventy dollars for each  
37 triennial registration period.

38 (d) Each restricted licensee shall register with the department as  
39 required of licensees pursuant to section sixty-five hundred two of this  
40 title and shall be subject to the disciplinary provisions applicable to  
41 licensees pursuant to subarticle three of article one hundred thirty of  
42 this title.

43 § 2. This act shall take effect on the one hundred twentieth day after  
44 it shall have become a law. Effective immediately, the commissioner of  
45 education shall make regulations and take other actions reasonably  
46 necessary to implement this act on that date.