§ 8609. Exempt persons. This article shall not be construed to apply to:

1. the practice, conduct, activities, or services by any person licensed or otherwise authorized to practice medicine within the state pursuant to article one hundred thirty-one-B of this title, or by any person registered to perform services as a physician assistant or specialist assistant within the state pursuant to article one hundred thirty-one-B of this title, or by any person licensed to practice dentistry within the state pursuant to article one hundred thirty-three of this title, or by any person licensed to practice podiatry within the state pursuant to article one hundred forty-one of this title, or by any person certified as a nurse practitioner within the state pursuant to article one hundred thirty-nine of this title, or by any person licensed to perform services as a respiratory therapist or respiratory therapy technician under article one hundred sixty-four of this title, or any person licensed to practice midwifery within the state pursuant to article one hundred forty of this title, or a person licensed to practice nursing pursuant to article one hundred thirty-nine of this title, or a person licensed to practice pursuant to article thirty-five of the public health law; provided, however, that no such person shall use the titles licensed clinical laboratory technologist, licensed cytotechnologist, licensed histotechnologist, certified clinical laboratory technician, or certified histotechnician, unless licensed or certified under this article; or

2. clinical laboratory technology practitioners employed by the United States government or any bureau, division, or agency thereof, while in the discharge of the employee's official duties; or

3. clinical laboratory technology practitioners employed by the New York State Department of Health Wadsworth Center Laboratory or the New York City Department of Health and Mental Hygiene Public Health Laboratory, while in the discharge of the employee's official duties; or

4. clinical laboratory technology practitioners engaged in teaching or research, provided that the results of any examination performed are not

used in health maintenance, diagnosis or treatment of disease and are not added to the patient's permanent record; or

5. students or trainees enrolled in approved clinical laboratory science or technology education programs or training programs described in subparagraph (iii) of paragraph (c) of subdivision one of section eighty-six hundred ten of this article provided that these activities constitute a part of a planned course in the program, that the persons are designated by a title such as intern, trainee, fellow or student, and the persons work directly under the supervision of an individual licensed or exempt pursuant to subdivision one, two, four or eight of this section; or

6. persons employed by a clinical laboratory to perform supportive functions not related to the direct performance of laboratory procedures or examinations; or

7. persons who are working in facilities registered pursuant to section five hundred seventy-nine of the public health law and only perform waived tests as defined in section five hundred seventy-one of the public health law pursuant to such registration; or

8. a director of a clinical laboratory holding a valid certificate of qualification pursuant to section five hundred seventy-three of the public health law.