

**New York State's  
Clinical Laboratory Technology Professions**



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SUZANNE SULLIVAN, RN, JD

EXECUTIVE SECRETARY

STATE BOARD FOR CLINICAL LABORATORY TECHNOLOGY

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# New York State Education Department (NYSED) Licensed Clinical Laboratory Technology Professionals

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- Clinical Laboratory Technologists (13,564 NY licensees)
- Restricted Licensees
- Clinical Laboratory Technicians (1,891 NY licensees)
- Cytotechnologists (411 NY licensees)
- Histological Technicians (soon to be renamed “Histotechnicians”) (277 NY licensees)

\* *Chap.466 of the Laws of 2022 establishes a new profession, Histotechnology, effective 12/31/2023.*



# PART 1: New York State Education Department (NYSED) Regulation of Professions

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## **New York Law and Licensed Professions**

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**New York's Education Law establishes more than 50 New York State licensed professions, including the Clinical Laboratory Technology Professions.**

**The Education Law requires NYSED and the New York State Board of Regents, with assistance from State Boards for Professions, to regulate these professions.**

## **New York State Board of Regents (“Regents”)**

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The Regents is a public governing body that oversees the regulation of education and most licensed professions in New York State. Its members are elected by the New York State legislature. The Regents meets almost every month to make policy decisions and discharge other duties under New York law.

# The Office of the Professions (“OP”)

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Under the guidance of the Regents, NYSED’s Office of the Professions (or “OP”) performs regulatory functions affecting New York State licensed professions.

- OP evaluates and approves professional education programs (i.e., Clinical Laboratory Technology education programs) offered by colleges, universities, and professional schools.
- OP processes more than 70,000 applications for professional licenses annually.
- OP investigates, prosecutes and adjudicates cases of professional misconduct involving licensed professionals.
- OP administers the Professional Assistance Program (PAP), which helps licensed professionals with substance abuse problems.

OP provides administrative support/staff to assist the State Boards for Professions

## State Boards for Professions

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New York's Education Law establishes more than 30 State Boards for Professions to advise and assist NYSED and the Regents in matters relating to licensed professions.

The **State Board for Clinical Laboratory Technology** assists the Regents and NYSED to regulate the Clinical Laboratory Technology Professions. It meets 4 times a year to make policy decisions and discharge other duties under New York law. Members of the State Board for Clinical Laboratory Technology may participate in hearings and other legal proceedings that affect licensed Clinical Laboratory Technology practitioners, as well as applicants for a license in these professions.

## Membership in the State Board for Clinical Laboratory Technology

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The Education Law defines the size and composition of the State Board for Clinical Laboratory Technology.

Minimum number of Board Members: 12

Effective 12/28/2022\*, specific requirements:

- 4 licensed clinical laboratory technologists
- 2 licensed cytotechnologists
- 1 certified clinical laboratory technician
- 1 **licensed histotechnologist** or histotechnician
- 1 representative from the diagnostic/manufacturing industry
- 1 director of a clinical laboratory who shall be a physician
- 2 public members

**\* Chapter 466 of the Laws of 2022, effective December 28,2022.**





# PART 2: LICENSE REQUIREMENTS

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# LICENSURE OVERVIEW

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## CLINICAL LABORATORY TECHNOLOGISTS

- License
- Limited Permit (LP)
- Provisional Permit (PP)

## CLINICAL LABORATORY TECHNICIANS

- Certificate
- Limited Permit

## CYTOTECHNOLOGISTS

- License
- Limited Permit

## CERTIFIED HISTOTECHNICIANS

- Certificate
- Limited Permit (LP)
- Provisional Permit (PP)

## RESTRICTED LICENSES

- LICENSE

**\*\* Note: Chapter 466 of the Laws of 2022 reforms license requirements for clinical laboratory professions listed above (except for restricted licenses) effective 12/28/2022.**

# FUTURE LICENSURE REQUIREMENTS - - Clinical Laboratory Technologists

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Effective 12/28/2022\*, to be licensed as a Clinical Laboratory Technologist in New York State, you must:

- be of good moral character;
- be at least 18 years of age;
- meet one of the education or “alternative” requirements listed in items 1-6 below;
  1. Graduate from a NYSED registered clinical laboratory technology program or a substantially equivalent program (as determined by NYSED).
  2. Graduate from a bachelor’s or higher degree program in biology, chemistry, or physical sciences with coursework acceptable to NYSED - and - graduate from a credit bearing clinical laboratory technology certificate program registered by NYSED or the “substantial equivalent” *or a clinical laboratory technology program accredited by a national accrediting organization acceptable to NYSED.*
  3. *Current ASCP MLS certification.*
  4. *Clinical laboratory technology licensure in a jurisdiction acceptable to NYSED.*
  5. *Graduate from a bachelor’s degree in a natural science or a clinical laboratory science with coursework acceptable to NYSED – and - 2 years of experience in a clinical laboratory while licensed as a clinical laboratory technician in New York or another jurisdiction acceptable to NYSED or while certified as a clinical laboratory technician by a national certification organization acceptable to NYSED.*
- pass license exam – ASCPi (MLS) after 1/12015 or ASCP (MLS); and,
- submit to NYSED a license application and required fees.

**\* Chapter 466 of the Laws of 2022, effective December 28,2022**

## RESTRICTED LICENSE - Clinical Laboratory Technology

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To qualify for a Restricted Licensee in New York State you must:

- be of good moral character;
- be at least 18 years of age;
- meet education requirements (i.e., minimum of a bachelor's degree in biology chemistry, physical sciences, or mathematics);
- meet experience requirements (complete training program acceptable to NYSED); and,
- submit to NYSED a license application and required fees.

## FUTURE LICENSE REQUIREMENTS: Clinical Laboratory Technician

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Effective 12/28/2022\*, to be licensed as a Clinical laboratory Technician in New York State, you must:

- be of good moral character;
- be at least 18 years of age;
- meet one of the education or “alternative” requirements listed in items 1-3 below:
  1. Graduate from a NYSED registered clinical laboratory technician program or a substantially equivalent program (as determined by NYSED).
  2. *Current clinical laboratory technician certification by a national certification organization acceptable to NYSED.*
  3. *Clinical laboratory technician licensure in a jurisdiction acceptable to NYSED.*
- pass license exam - ASCPi (MLT) after 10/1/2014 or ASCP (MLT); and
- submit to NYSED a license application and required fees.

**\* Chapter 466 of the Laws of 2022, effective December 28, 2022**

## FUTURE LICENSE REQUIREMENTS: Cytotechnologists

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Effective 12/28/2022\*, to be licensed as a Clinical laboratory Technician in New York State, you must:

- be of good moral character;
- be at least 18 years of age;
- meet one of the education or “alternative” requirements listed in items 1-4 below;
  1. Graduate from a NYSED registered cytotechnologist program or a substantially equivalent program (as determined by NYSED).
  2. Graduate from a bachelor’s or higher degree program in biology, chemistry, or physical sciences with coursework acceptable to NYSED - and - graduate from a credit bearing advanced certificate program in cytotechnology registered by NYSED or the “substantial equivalent”.
  3. *Current cytotechnology certification by a national certification organization acceptable to NYSED.*
  4. *Cytotechnology licensure in a jurisdiction acceptable to NYSED.*
- pass license exam – ASCPi (CT) after 4/1/2015 or ASCP (CT); and
- submit to NYSED a license application and required fees

***\* Chapter 466 of the Laws of 2022, effective December 28,2022***

## FUTURE LICENSE REQUIREMENTS: Histotechnicians (formerly Histological Technicians)

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Effective 12/28/2022\*, to be licensed as a Histotechnician in New York State, you must:

- be of good moral character;
- be at least 18 years of age;
- meet one of the education or “alternative” requirements listed in items 1-3 below:
  1. Graduate from a NYSED registered histotechnician program or a substantially equivalent program (as determined by NYSED) or *a histotechnician program accredited by a national accrediting organization acceptable to NYSED.*
  2. *Current histotechnician certification by a national certification organization acceptable to NYSED.*
  3. *Histotechnician licensure in a jurisdiction acceptable to NYSED.*
- pass license exam – ASCPi (HT) after 4/1/2015 or ASCP (HT) or ASCPi (HTL) after 10/1/2014 or ASCP (HLT); and,
- submit to NYSED a license application and required fees

**\* Chapter 466 of the Laws of 2022, effective December 28, 2022.**

## Limited Permits

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NYSED issues limited permits to persons who have applied for a license and limited permit and have met all requirements for licensure as Clinical Laboratory Technology practitioner in New York State except for passing a license examination.

A limited permit holder provides clinical laboratory technologist services under the supervision of a clinical laboratory director. Effective 12/28/2022\*, a limited permit is valid for up to *two years and is not renewable*.

***\* Chapter 466 of the Laws of 2022, effective December 28,2022.***



## Provisional Permits

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NYSED issues provisional permits to persons who have applied for a *Clinical Laboratory Technologist license or a Histotechnician license* and a provisional permit and have met educational and experience criteria acceptable to NYSED. Note: In general, persons qualifying for a PROVISIONAL PERMIT do not meet the education requirements and/or the license exam requirements for a license.

A provisional permit holder provides clinical laboratory technologist services under the supervision of a clinical laboratory director. *Effective 12/28/2022*, a provisional permit is valid for up to *two years and is not renewable*.

**\* *Chapter 466 of the Laws of 2022, effective December 28,2022***



## **PART 3: PROFESSIONAL PRACTICE**

## **CLINICAL LABORATORY TECHNOLOGISTS**

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“Clinical laboratory technologist” means a clinical laboratory practitioner who, pursuant to established and approved protocols of the department of health, performs clinical laboratory procedures and examinations and any other tests or procedures conducted by a clinical laboratory, including maintaining equipment and records, and performing quality assurance activities related to examination performance, and which require the exercise of independent judgment and responsibility, as determined by the department.

“Education Law §8601

## CLINICAL LABORATORY TECHNICIANS

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**“Clinical laboratory technician” means a clinical laboratory practitioner who performs clinical laboratory procedures and examinations pursuant to established and approved protocols of the department of health, which require limited exercise of independent judgement and which are performed under the supervision of a clinical laboratory technologist, laboratory supervisor, or director of a clinical laboratory.”**

“Education Law §8601

## CYTOTECHNOLOGISTS

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"Cytotechnologist" means a clinical laboratory practitioner who, pursuant to established and approved protocols of the department of health, performs cytological procedures and examinations and any other such tests including maintaining equipment and records and performing quality assurance activities related to examination performance, and which require the exercise of independent judgment and responsibility, as determined by the department.

“Education Law §8601

## HISTOTECHNICIANS

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"Histological technician" means a clinical laboratory practitioner who pursuant to established and approved protocols of the department of health performs slide based histological assays, tests, and procedures and any other such tests conducted by a clinical histology laboratory, including maintaining equipment and records and performing quality assurance activities relating to procedure performance on histological testing of human tissues and which requires limited exercise of independent judgment and is performed under the supervision of a laboratory supervisor, designated by the director of a clinical laboratory or under the supervision of the director of the clinical laboratory.

“Education Law §8601

## RESTRICTED LICENSE CATEGORIES

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- HISTOCOMPATIBILITY
- CYTOGENETICS
- STEM CELL PROCESS
- FLOW CYTOMETRY/CELLULAR IMMUNOLOGY
- MOLECULAR DIAGNOSIS (RESTRICTED)
- MOLECULAR DIAGNOSIS (Unrestricted)
- TOXICOLOGY

\*Education Law § 86

## FUTURE PROFESSION: HISTOTECHNOLOGISTS

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### **Chapter 466 of the Laws of 2022, effective 12/31/2023**

*"Histotechnologist" means a clinical laboratory practitioner who pursuant to established approved protocols of the department of health performs slide based histological assays, tests, and procedures and any other such tests conducted by a clinical histology laboratory, including maintaining equipment and records and performing quality assurance activities relating to procedure performance on histological testing of human tissues and which requires exercise of independent judgment and responsibility as determined by the department".*

*"Education Law §8601*





## PART 5: PROFESSIONAL MISCONDUCT

## Professional Misconduct Laws

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New York Law requires all New York State licensed clinical laboratory technology professionals to be of good moral character. Professional misconduct occurs when a New York State licensed clinical laboratory technology professional engages in behavior in violation of New York's professional misconduct laws.

Professional Misconduct laws:

- Title VIII of the Education law.
- Part 29 of Title VIII of the New York Code of Rules and Regulations.

## Examples of Professional Misconduct

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Examples of professional misconduct in the clinical laboratory technology professions may include:

- Engaging in acts of gross incompetence while practicing.
- Filing a false report or failing to file a report required by law.
- Being convicted of a crime (including crimes that have nothing to do with the profession).
- Willful failing to comply with laws governing the practice of clinical laboratory technology.
- Failing to use scientifically accepted infection prevention techniques.

## NYSED's Professional Misconduct Enforcement System

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The New York State Education Department's Office of the Professions (OP) investigates, prosecutes and adjudicates cases of professional misconduct involving licensed professionals.

**Anyone** can file a Professional Misconduct Complaint against a New York State licensed clinical laboratory technology practitioner.

Call 1-800-442-8106

EMAIL: [conduct@nysed.gov](mailto:conduct@nysed.gov)

# Professional Misconduct Enforcement Process

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OP's Process for handling professional misconduct cases:

- OP staff investigate professional misconduct complaints filed against Clinical Laboratory Technology practitioners and many other licensed professionals.
- OP staff determines whether there is sufficient evidence that the licensed professional committed professional misconduct. If there is not, the case is closed.
- OP files formal charges of professional misconduct against the licensed professional based on the evidence obtained during the investigation.
- Case Resolution
  - OP usually offers an opportunity to settle the case.
  - The licensed professional has the right to a Disciplinary Hearing.
  - Board of Regents Determination. (This is public information).

***\*Summary License Suspension:*** *OP can immediately inactivate a person's professional license due to very serious concerns for the safety of patients or other persons.*

# Discipline Case Resolution

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- Case Closed: At any point during a case, OP may close the case due to lack of evidence.
- Warning Letter: In cases of VERY minor or technical violations of professional conduct law, OP sends a warning letter to the licensed professional.
- Censure and Reprimand: In uncontested cases of minor or technical violations of professional conduct law, a written Censure and Reprimand settles the case against the licensed professional. The settlement may involve payment of a fine of up to \$500.
- Consent Order: A Consent Order is a written settlement agreement used in more serious cases of professional misconduct. Consent Orders must be approved by the Regents.
- Regents Determinations after a Disciplinary Hearing. If the Regents determines that the licensed professional committed professional misconduct, the penalties could include: a fine, license suspension, probation or license revocation.

## Professional Assistance Program

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NYSED's Professional Assistance Program or "PAP" helps health professionals who have substance abuse problems but have not harmed patients. Licensed professionals who participate in the PAP voluntarily surrender their licenses to NYSED while getting treatment for drug or alcohol problems. After a professional has received treatment and is fit to return to practice, NYSED restores his or her professional license and monitors him or her closely. Monitoring helps to ensure that the professional safely resumes professional practice.



**PART 6: Current Issues**



## Implementation of Chapter 466 of the Laws of 2022

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- Adopt Emergency Regulations that implement license reforms (November 2022)
- Redesign OP's licensure processes for Clinical Laboratory Professions before December 28, 2022.
- Review pending license applications to ascertain whether applicants will qualify for a license on or after December 28, 2022.
- Adopt regulations to establish the Histotechnologist profession and further streamline licensure processes before December 31, 2023.
- Develop OP licensure processes and application forms for Histotechnologist profession before December 28, 2022.
- Additional action to streamline licensure processes consistent with law, as needed.

## Clinical Laboratory Technology Board Office Staffing

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- Currently only 2 NYSED staff who must divide time to complete work for Nursing Professions and Clinical Laboratory Technology Professions. Additional assistance from other NYSED and contract staff, when available
- NYSED will soon start recruiting 1 additional staff to handle Clinical Laboratory Technology workload (i.e., handle license applications, work with State Board for Clinical Laboratory Technology, etc.)

## For More Information...

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Visit the New York State Office of the Professions Website at: <http://www.op.nysed.gov>

Contact us by regular mail:

New York State Board Office for Clinical Laboratory Technology

State Education Department

89 Washington Avenue

2<sup>nd</sup> Floor, West Wing

Albany, New York 12234

Contact us by EMAIL: [clinlabd@NYSED.gov](mailto:clinlabd@NYSED.gov)

Contact us by Phone: 518-474-3817 Option 1, ext. 120

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**Questions?**

