

New York State's Clinical Laboratory Technology Professions



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

- Clinical Laboratory Technologists (13,843 NY licensees)
- Restricted Licensees
- Clinical Laboratory Technicians (1,944 NY licensees)
- Cytotechnologists (562 NY licensees)
- Histotechnicians (447 NY licensees)

* *Chap. 466 of the Laws of 2022* establishes a new profession, Histotechnology, effective 1/24/2024.



PART 1:

New York State Education Department (NYSED) Regulation of Professions

New York Law and Licensed Professions

New York State 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.

*The New York State Board of Regents (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”)

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

New York State Boards for Professions

State Board for Clinical Laboratory Technology (CLT Board)

New York Law establishes more than 30 State Boards for Professions to advise and assist NYSED and Regents in matters relating to licensed professions. The Regents appoints an Executive Secretary to each State Professional Board.

The **CLT Board** assists the Regents and NYSED to regulate the Clinical Laboratory Technology professions. It meets 4 times a year. **CLT Board** Members may participate in legal proceedings that affect Clinical Laboratory Technology practitioner licenses.

The Education Law defines the size and composition of the **CLT Board**.

Minimum number of CLT Board Members: 12

- 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



PART 2: LICENSE REQUIREMENTS

LICENSE OVERVIEW

CLINICAL LABORATORY TECHNOLOGIST

License (full) Limited Permit (LP) Provisional Permit (PP) Restricted License

CLINICAL LABORATORY TECHNICIAN

Certificate Limited Permit (LP)

CYTOTECHNOLOGIST

License Limited Permit (LP)

HISTOTECHNICIAN

Certificate Limited Permit (LP) Provisional Permit (PP)

HISTOTECHNOLOGIST (starting 24 January 2024)

License Limited Permit (LP)

LICENSE REQUIREMENTS - - Clinical Laboratory Technologist (full)

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 requirements in ONE item (1,2,3,4,5,6,7, or 8) below:
 1. NYSED registered bachelor's or master's degree clinical laboratory technology program or a substantially equivalent program (as determined by NYSED)
 2. NAACLS accredited medical laboratory scientist program (bachelor's or master's degree)
 3. Bachelor's or higher degree in biology, chemistry, or physical sciences (acceptable to NYSED) -and- NYSED registered clinical laboratory technology advanced certificate program or a substantially equivalent program (as determined by NYSED)
 4. Bachelor's or higher degree in biology, chemistry, or physical sciences (acceptable to NYSED) -and- NAACLS accredited medical laboratory scientist program (credit bearing certificate program or hospital-based non credit bearing program)
 5. Current Certification: ASCP (MLS) ASCPi (MLS) or AMT (MLS)
 6. Clinical laboratory technology license in a jurisdiction acceptable to NYSED (i.e., California, Hawaii).
 7. Bachelor's degree in a laboratory or natural science (acceptable to NYSED) – and- 2 years experience while licensed as a clinical laboratory technician a jurisdiction acceptable to NYSED (i.e., New York, California)
 8. Bachelor's degree in a laboratory or natural science (acceptable to NYSED) –and- 2 years experience as an ASCP or AMT certified medical laboratory technician
- pass the license exam: ASCP (MLS) -or- ASCPi (MLS) *(if taken after 1/12015)*
- submit to NYSED a license application and required fees.

RESTRICTED LICENSE - Clinical Laboratory Technology

NYSED issues Restricted Licenses in the following categories: Histocompatibility; Cytogenetics; Stem Cell Processes; Flow Cytometry/Cellular Immunology, Toxicology; *Molecular Testing, and Molecular Testing (Enhanced)*

To qualify for a Restricted License, 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 a training program acceptable to NYSED)
- submit to NYSED a license application and required fees.

LICENSE REQUIREMENTS: Clinical Laboratory Technician

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 requirements in one item (1, 2, 3, or 4) below:
 1. NYSED registered clinical laboratory technician program or a substantially equivalent program (as determined by NYSED)
 2. NAACLS accredited associate degree medical laboratory technician program
 3. Current certification: ASCP (MLT), ASCPi (MLT), or AMT (MLT)
 4. Clinical Laboratory Technician or Medical Laboratory Technician license in a jurisdiction acceptable to NYSED (i.e., California, Hawaii, Montana)
- pass license exam: ASCPi (MLT) *(after 10/1/2014)* -or- ASCP (MLT)
- submit to NYSED a license application and required fees

LICENSE REQUIREMENTS: Cytotechnologists

To be licensed as a Cytotechnologist in New York State, you must:

- be of good moral character
- be at least 18 years of age
- meet requirements in one of the items (1,2,3, 4, or 5) below:
 1. NYSED registered bachelors or master's degree cytotechnologist program or a substantially equivalent program (as determined by NYSED)
 2. A Commission on Accreditation of Allied Health Education Programs (CAAHEP) accredited bachelors or masters degree cytotechnology program.
 3. Bachelor's or higher degree program in biology, chemistry, or physical sciences (acceptable to NYSED) - and- NYSED registered advanced certificate cytology program or a substantially equivalent program (as determined by NYSED)
 4. Current certification: ASCP (CT), ASCPi (CT), ASCP (SCT), or ASCPi (SCT)
 5. Cytotechnology license in a jurisdiction acceptable to NYSED (i.e., California, Hawaii)
- pass license exam: ASCPi (CT) (*after 4/1/2015*) -or- ASCP (CT)
- submit to NYSED a license application and required fees

LICENSE REQUIREMENTS: Histotechnicians

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 requirements in one of the items (1,2, or 3) below:
 1. NYSED registered histotechnician program or a substantially equivalent program (as determined by NYSED)
 2. NAACLS accredited associate or higher degree histotechnician program
 2. Current histotechnician certification: ASCP (HT) ASCPi (HT)
 3. Histotechnician licensure in a jurisdiction acceptable to NYSED (West Virginia Histologist)
- pass license exam – ASCPi (HT) *(after 4/1/2015)* or ASCP (HT) *or ASCPi (HTL) (after 10/1/2014) or ASCP (HLT) until Histotechnologist profession is established*
- submit to NYSED a license application and required fees

Limited Permits & Provisional Permits

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.

*Clinical Laboratory Technologists, Clinical Laboratory Technicians, Cytotechnologists, Histotechnician

NYSED issues **provisional permits** to persons who have applied for a provisional permit and a *Clinical Laboratory Technologist* or a *Histotechnician* license and have met education and experience criteria acceptable to NYSED.

A limited permit or provisional permit holder provides clinical laboratory technology services under the supervision of a clinical laboratory director. Each limited permit or provisional permit is valid for up to *two years and is not renewable*.

New Profession: Histotechnologist

This new profession will become effective on January 24, 2024. NYSED is developing regulations governing histotechnologists, which will (hopefully) be adopted in December 2023. Below is a list of POTENTIAL requirements for a histotechnologist license, which may change or may be included in regulation.

Potential Histotechnologist license requirements:

- be of good moral character
- be at least 18 years of age
- meet requirements in ONE item (1,2,3,4,5,6,7,or 8) below:
 1. NYSED registered bachelor's or master's degree histotechnologist program or a substantially equivalent program (as determined by NYSED)
 2. NAACLS accredited histotechnologist program (bachelor's or master's degree)
 3. Bachelor's or higher degree in biology, chemistry, or physical sciences (acceptable to NYSED) and NYSED registered histotechnologist certificate program or a substantially equivalent program (as determined by NYSED)
 4. Bachelor's or higher degree in biology, chemistry, or physical sciences (acceptable to NYSED) and NAACLS accredited histotechnologist program (credit bearing certificate program or hospital-based program)
 5. Current Certification: ASCP (HLT) or ASCPi (HLT)
 6. Histotechnologist license in another jurisdiction acceptable to NYSED.
 7. Bachelor's degree in a laboratory or natural science (acceptable to NYSED) and 2 years experience while licensed as a histotechnician in a jurisdiction acceptable to NYSED (i.e. New York)
 8. Bachelor's degree in a natural science or a clinical laboratory science (acceptable to NYSED) and 2 years experience certified as an ASCP (HT) or ASCPi (HT)
- pass the license exam – ASCP (HLT) - or - ASCPi (HLT) (*if taken after 1/12015*)
- submit to NYSED a license application and required fees.



PART 3: PROFESSIONAL PRACTICE

“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 judgement and responsibility, as determined by the department.”

“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.”

“Cytotechnologist means a clinical laboratory practitioner who, pursuant to 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 judgement and responsibility, as determined by the department.”

“**Histotechnician** 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

Chapter 466 of the Laws of 2022, effective 1/24/2024

*“**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

RESTRICTED LICENSES

HISTOCOMPATIBILITY practice includes: techniques for counting, sorting, and characterizing cells suspended in a fluid stream based on their physical properties and expression of cell surface molecules; specimen preparation, fluidics and electronics; fluorochrome selection; antibody selection; the design of flow cytometry procedures; specific clinical applications; and related laboratory operations (including quality control, safety, and instrument operation and maintenance).

CYTOGENETICS practice includes: chromosome structure/behavior and its correlation with phenotype and recognition and interpretation of chromosomal abnormalities; general laboratory principles and skills; clinical cytogenetics; general knowledge of human genetics; infection control and aseptic technique, quality control, and quality assurance; laboratory mathematics; the collection, handling, preparation and processing of pertinent specimens; the use of appropriate cell culture techniques; the principles and techniques for harvesting specimens or cell cultures; and the principles and techniques of chromosome banding, staining, analysis, and instrumentation.

STEM CELL PROCESS practice includes: techniques for handling stem cell specimens in the laboratory; enumeration and characterization of stem cells; ABO/Rh confirmatory typing; and reagent preparation; and related laboratory operations (including quality control, safety, instrument operation and maintenance).

FLOW CYTOMETRY/CELLULAR IMMUNOLOGY practice includes: techniques for counting, sorting, and characterization of cells suspended in a fluid stream based on their physical properties and expression of cell surface molecules; general laboratory principles and skills; infection control and aseptic technique; instrumentation and equipment; quality control and quality assurance; the basic principles of flow cytometry, including specimen preparation, fluidics and electronics; fluorochrome selection; antibody selection; the design of flow cytometry procedures, including routine standardization and quality management; and specific clinical applications

TOXICOLOGY practice includes: laboratory methods in toxicology, including qualitative and quantitative determination of xenobiotics present in biological specimens; purification, separation, and extraction techniques; immunoassay techniques; preparation and processing of biological specimens for toxicological analysis; review and certification of toxicology results; and related laboratory operations (including quality control, safety, and instrument operation and maintenance).

MOLECULAR TESTING practice includes molecular testing in the fields of infectious diseases, genetics, pharmacogenomics, and oncology. Formerly known as “Molecular Diagnosis (restricted)”.

MOLECULAR TESTING (ENHANCED) practice includes molecular testing in National Cancer Center Designated Cancer Centers or Designated Teach Hospitals. Formerly known as “Molecular Diagnosis (unrestricted)”.



PART 4: PROFESSIONAL MISCONDUCT

Professional Misconduct Laws

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.

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

Examples of professional misconduct:

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.

ANYONE can file a professional misconduct complaint against a New York State license clinical laboratory technology practitioner.

Call: 1-800-442-8106

EMAIL: conduct@nysed.gov

NYSED's Professional Misconduct Enforcement Process

NYSED's Office of the Professions (OP) investigates, prosecutes, and adjudicates cases of professional misconduct.

Process for handling professional misconduct cases:

- OP staff investigate professional misconduct complaints filed against licensed professionals (including Clinical Laboratory Technology practitioners).
- OP staff determine whether there is sufficient evidence that the licensed professional committed professional misconduct. If there is not, the case is closed.
- OP staff file formal professional misconduct charges against the licensed professional based on the evidence obtained during the investigation.

Case Resolution

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.

***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.*

Professional Assistance Program

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 5: Current Issues

Implementation of Chapter 466 of the Laws of 2022

Chapter 466 of the Laws of 2022 allows NYSED to license additional qualified people as clinical laboratory practitioners. It also establishes a new profession, histotechnology (effective 24 January 2024).

Completed

NYSED, in collaboration with the State Board for Clinical Laboratory Technology (CLT Board):

- adopted regulations to allow NYSED to license additional clinical laboratory technologists, clinical laboratory technicians, cytotechnologists, and histotechnicians (December 2022).
- identified additional pathways/options/criteria for qualifying for a NY Clinical Laboratory Technology practitioner license (i.e., professional licensure in other states, national certification, or graduation from an accredited education program)

NYSED streamlined license processes, and updated license application forms and simplified NYSED's Clinical Laboratory website content.

Ongoing

- NYSED (in consultation with the CLT Board) is developing regulations for the new Histotechnologist profession (to be adopted December 2023).
- NYSED is also developing licensure processes, application forms and NYSED web content for Histotechnologist profession.

Implementation of Chapter 186 of the Laws of 2023

Chapter 186 of the Laws of 2023 (effective 30 June 2023) changed the names of and scope of practice of restricted licenses:

Restricted License Old Name: Molecular Diagnosis to the extent such Molecular Diagnosis is included in Genetic Testing Molecular and Molecular Testing Oncology (restricted)

Restricted License New Name: Molecular Testing

Restricted License Old Name: Molecular Diagnosis including but not limited to Genetic Testing-Molecular and Molecular Oncology for employment in Cancer Centers and Designated Teaching Hospitals (unrestricted)

Restricted License New Name: Molecular Testing (Enhanced)

Completed or In Progress

NYSED (in collaboration with the State Board for Clinical Laboratory Technology):

- On 12 September 2023, adopted emergency regulations that govern restricted licenses in molecular testing and eliminate outdated education certification requirement that applied to all restricted license professions. Regulations to be permanently adopted December 2023 or January 2024.
- Developing guidance for Molecular Testing Training Programs

Ongoing

- NYSED is also updating licensure processes, application forms, and web content.

... More in Work in Progress

- NYSED improved (simplified) Web Content for Clinical Laboratory Technology professions.
- NYSED advocated for measures to alleviate the clinical laboratory workforce shortage.
- NYSED is updating and streamlining regulatory requirements for professional education programs for clinical laboratory professions.
- NYSED identified and implemented addition options for qualifying for a license, as permitted by law.
- NYSED is updating its clinical laboratory technology professional education regulations, to harmonize them with national standards and eliminate outdated requirements.
- Clarified requirements for qualifying for restricted license training programs and liberalized the supervision requirements.
- Redesigned and streamlined OP's licensure processes for Clinical Laboratory Professions

WE NEED CLINICAL LABORATORY TECHNOLOGY BOARD MEMBERS!

THANK YOU!!!