

New York State Education Department
State Board for Clinical Laboratory Technology
PUBLIC SESSION

WebEx Meeting Link:

<https://meetnydirect.webex.com/meetnydirect/j.php?MTID=m4ea52057dee447aec20037095e99e3e4>

Meeting number (access code): 177 659 5721

Meeting password: Clinlab

Join by phone: 1-518-549-0500

Public Session Agenda

November 16, 2021

9:00 AM – 2:00 PM

ATTENDANCE

Board Member	Term End Date	Present (P) Absent (A)
Mary Ellen Clerkin, Albany, Public Member	04/19/26	P
Kathleen M. Crowley, Hyde Park - Vice-Chair	11/14/25	P
Kelly Cwikla, Johnson City	04/13/25	A
Maria Friedlander, New York	12/13/25	P
Angela Miczek, Saratoga	11/17/24	P
Nader Okby, Westtown - Chair	10/17/26	P
Michael Reiner, Nanuet	01/14/23	P
Alyson L. Rutigliano, Middletown	03/12/23	P
Adam N. Tegnander, Amsterdam	01/22/23	P
Jeninne Wright, Kingston	12/13/25	P
Angela Tomei-Robinson, Mineola, Extended Board Member	12/14/25	P

Staff Members

Nancy Wiley, Acting Executive Secretary; Diane Martin, Associate in Professional Education, State Board Office

Members of the Public

Karen Roach (HANYs); Sue Graham (SUNY Upstate; CLMA); Amy Kellogg, Esq. (Harter Secrest & Emery LLP); Eloise Aita (NYSCLA); Susan Waltman (GNYHA); Cassandra Pineda (GNYHA); Zeynep Sumer (GNYHA); Rita Romano (CLMA); Scott Janke (HANYs); Kevin Jefferson, prospective applicant; Rishi (would not provide identifying information); and Kim (AMC. Would not provide last name).

Call to Order - The meeting of the Board was called to order at 9:04 a.m.

Welcome and Introductions of Guest and Board Members

Acting Executive Secretary Wiley introduced herself and welcomed the Board members and members of the public. Attendees were reminded that the meeting is a public session meeting of the Clinical Laboratory Technology Board and identified the Board members as volunteers who are

dedicated to public protection and are appointed by the Board of Regents. She thanked the Board members for the time that they have spent and continue to spend on matters affecting the clinical laboratory professions. Acting Executive Secretary Wiley reminded members of the public that they will be muted throughout the meeting and would not be allowed to speak. All general questions should be submitted to the chat window. Specific questions should be submitted to the clinical laboratory email box at CLINLABD@nysed.gov. Members of the board, followed by members of the public, introduced themselves.

Review and Approval of Minutes

Based on a **motion** made by Member Rutigliano and **seconded** by Member Clerkin, the Board **unanimously** approved the minutes of the January 15, 2021 Board meeting.

Discussion and Updates

Board Re-Appointments

Chair Okby was re-appointed for his second term on the Board by the Board of Regents at their September 2021 Board meeting.

Posting for Dr. Kathleen Doyle's Executive Secretary position

The Executive Secretary position was posted on the SED website in August 2021. By statute, the psychology board must have a licensed psychologist in the Executive Secretary role. There is no plan to separate the boards. Qualified licensed psychologists are encouraged to apply via the information on the posting.

Chair and Vice Chair

The Board voted unanimously to extend the terms for Chair Okby and Vice Chair Crowley until March 31, 2022 or until a permanent Executive Secretary is appointed.

COVID-19

Board members discussed Executive Orders 4.1 and 4 that pertain to clinical laboratory professionals, in effect until November 26, 2021.

[EO #4.1](#) - Effective until November 26, 2021

Temporary Suspension and Modification of Education Law and Regulations insofar as such modification authorized individuals to perform testing for the detection of SARS-CoV-2, or its antibodies, is modified only to the extent necessary to further allow such individuals to perform any clinical laboratory test on any specimen, including for the detection of SARS-CoV-2 and influenza, provided such individual is under appropriate supervision and meets the federal requirements for testing personnel appropriate to the assay or device authorized by the FDA or the New York State Department of Health.

[EO #4](#) - Extended until November 26, 2021

Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to allow **physician's assistants, registered professional nurses, licensed practical nurses, nurse practitioners, specialist assistants, respiratory therapists, respiratory therapist**

technicians, pharmacists, clinical nurse specialists, dentists, dental hygienists, registered dental assistants, midwives, perfusionists, clinical laboratory technologists, cytotechnologists, certified clinical laboratory technicians, certified histological technicians, licensed clinical social workers, licensed master social workers, podiatrists, physical therapists, physical therapist assistants, mental health counselors, marriage and family therapists, creative arts therapists, psychoanalysts and psychologists who have an unencumbered license and are currently in good standing in New York State but not registered in New York State to practice in New York State without civil or criminal penalty related to lack of registration.

Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to permit **graduates of State Education Department registered, licensure qualifying clinical laboratory technology and clinical laboratory technician education programs** to be employed to practice for 180 days immediately following successful completion of a New York State Registered licensure qualifying education program, in a clinical laboratory with a valid New York State permit, provided that the graduate files an application for a New York State clinical laboratory practitioner license and limited permit.

Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to allow **clinical laboratory practitioners** to perform testing in a clinical laboratory under remote supervision, provided a supervisor is on-site at least eight hours per week

Professional Practice Matters

Updates to Regulations

Board members reviewed updates to the Commissioner's Regulations, Parts 29.3; 52; and 79. **The Board voted unanimously to accept the draft Regulations, Parts 29, 52, and 79, as written.**

ASCP examination cutoff date

Acting Executive Secretary Wiley lead a discussion regarding the existing September 1, 2001 examination cutoff date. The date was originally chosen as it was a date that was 5 years prior to the date CLT licensure took effect in education law. The examination date is not outlined in statute or regulation, so the Board may consider changing or eliminating the cutoff date. Points of discussion included the assumption that once a person passes an examination in any of the professions, the scores are valid for life. By asking an individual to re-take the exam, the Department is essentially asking them to recertify. Once licensed, a clinical laboratory licensee must maintain competency, as outlined in Regulations. NYSDOH is required to review competency records during an inspection. Further, NYSDOH requires that employers provide 12 CE /year to all employees. Most other professions, most notably nursing and medicine, do not have cutoff dates for their examinations. Finally, the requirement of the existing September 1, 2001 examination date is preventing individuals from gaining NYS licensure, thereby further exacerbating the staffing shortages, causing potential harm to the public. **On a motion by Chair Okby, the Board voted unanimously to eliminate the September 1, 2001 examination date.**

Legislation

Acting Executive Secretary Wiley and Amy Kellogg, Esq. (Harter Secrest & Emery LLP) lead a discussion regarding Senate Bill S7020 – Clinical Laboratory Clean Up Bill. NYSCLA is hoping to get the bill introduced in the 2022 legislative session. The bill creates the histological technologist profession; allows for national licensing and certification to fulfill the education requirements for the CLT, CCLT, and Cytotechnologist professions; outlines a CCLT to CLT pathway; and corrects the fee for the provisional permits for CLT (\$345 to \$50) and CHT (\$245 to \$50).

Other Business

Acting Executive Secretary Wiley discussed ASCP’s renaming of the *Cytotechnologist* certification to *Cytologist* certification and CAAHEP’s requirement to increase the minimum education for a Cytologist to a master’s degree. We can continue to use the *Cytotechnologist* title and the existing education requirements unless and until the statute is updated.

Staff changes: E. Dowd has accepted another position within SED. She will be missed.

Reminder to Board members to submit meeting vouchers.

The next meeting date will be determined at a later time, pending the progress on the Regulations and an Executive Order to extend the provisions in Open Meetings Law, allowing for virtual meetings.

Eloise Aita (NYSCLA) extended her appreciation to the Board, the Education Committee, and Acting Executive Secretary Wiley for the work they have done on the Regulations.

Susan Waltman (HANYs) indicated that she, Eloise Aita (NYSCLA), Karen Roach (HANYs), and Zena Sumer (HANYs) participate with the Chairs of laboratory medicine and pathology on a monthly basis. She stated that the issue of workforce shortages is the single biggest issue that is facing the laboratories. Ms. Waltman extended her gratitude that the Board continues to update the public on their progress with the Regulations.

Adjournment – There being no further business, on a motion by Member Miczek, seconded by Member Rutigliano, the meeting was adjourned at 1:00 PM.

Respectfully submitted,

Nancy Wiley

Acting Executive Secretary to the State Board for Clinical Laboratory Technology