

**NEW YORK STATE EDUCATION DEPARTMENT
STATE BOARD FOR CLINICAL LABORATORY TECHNOLOGY**

**Meeting Minutes
Friday September 1, 2023
11:00am-1:00 pm**

Members present Nader Okby, Chair; Kathleen M. Crowley, Vice Chair; Mary Ellen Clerkin; Kelly Cwikla; Adam N. Tegnander; Alyson L. Rutigliano; Maria Friedlander; Jeninne Wright

Members excused Angela Miczek

Extended member present Angela Tomei-Robinson

NYSED Staff present Suzanne Sullivan, RN, Executive Secretary; Eileen Avery, RN, Associate in Nursing Education; Stephanie Maes, Associate in Education; and Sara Fernandez

Guest Observers Amy Kellogg, Esq. (Harter Secrest & Emery LLP); Heather Evans (Hinman Staub); Eloise Aita, PhD President NYSCLA

Call to Order and Approval of Prior Meeting Minutes

The meeting was called to order at 11:15 AM. The April 28, 2023 Clinical Laboratory Board Meeting minutes were deferred due to lack of quorum.

Discussion of Proposed Regulations to Relating to Clinical Laboratory Technology Practitioner Restricted Licenses in Molecular Testing and Molecular Testing (Enhanced)

Ms. Sullivan described Chapter 186 of the Laws of 2023, which become effective on June 30, 2023. This law was enacted in response to shortage of laboratory workers who perform molecular tests (including tests that detect infectious diseases prevalent in New York State, such as COVID 19). Ms. Sullivan noted that the new law codified clinical laboratory workforce flexibilities allowed under Governor Hochul's Executive Order #4. For example, EO #4 allowed persons with restricted licenses to perform a broad array of molecular tests. Ms. Sullivan then described proposed emergency regulations that implement Chapter 186 of the Laws of 2023. She noted that the Board of Regents would adopt emergency regulations implementing this new law on September 12, 2023, and the rule be adopted permanently as early as January 2024.

Board Members agreed that the names of two restricted license "molecular diagnosis" professions should be changed to "Molecular Testing" and "Molecular Testing (Enhanced)."

Board Members engaged in a discussion of the proposed regulations. One participant recommended that Molecular Testing Training Programs offer education in nucleic acids and proteins rather than only nucleic acid chemistry, as noted in the proposed regulations. Board Members also discussed the differences between a restricted license in molecular testing and a restricted license in molecular testing(enhanced). Ms. Sullivan encouraged Board Members to email her with additional input relevant to the proposed regulations. Board Members agreed to continue this discussion at the next scheduled Clinical Laboratory Technology Board meeting.

Discussion of Proposed Written Guidelines for Molecular Testing Training Programs.

Board Members discussed the Guideline's minimum qualifications for Molecular Testing Training Program Directors and other staff who train supervise or trainees. Some Board Members questioned whether the Certificate of Qualification requirements for Molecular Testing Training Program Directors should be expanded. Ms. Sullivan invited stake holders and Board Members to submit written proposals for changes to the Certificate of Qualification requirements for consideration by the Board at the next meeting. Board Members also made suggestions for improving Molecular Testing Training Program content and practicum requirements. Some Board Members questioned whether training program requirements for a restricted licenses in molecular testing (enhanced) should include research. They acknowledged that research is performed National Cancer Institute and

Teaching Hospital Clinical Laboratory settings but noted that a professional license is not necessarily required to conduct research. Ms. Sullivan encouraged Board Members and stakeholders to email her with additional input relevant to Molecular Testing Training Programs. She stated that she would update the Guidance continue this discussion at the next scheduled Clinical Laboratory Technology Board meeting.

Discussion of potential changes to regulations governing registration of clinical laboratory technology programs.

Board Members discussed potential changes to Commissioner's regulations governing the registration of clinical laboratory technology education programs. Board Members agreed that the regulations could require a minimum of 500 clock hours (minimum) of clinical practicum education provided that the programs continue to offer clinical rotations fields (such as immunohematology) as currently required. Some Board Members suggested that the proposed regulations would benefit from more specific requirements for math/higher level of math.

Board Members considered a new provision in the proposed regulation that would allow the State Education Department to register clinical laboratory technology education programs that are offered by non-degree granting institutions, provided that the education program is accredited by a national accrediting organization that is acceptable to the State Education Department.

New Business

Ms. Sullivan sought input from Board Members regarding services that an unlicensed person may provide in a patient service center when preparing a blood specimen for transport to a clinical laboratory. Some Board Members reviewed a procedure for preanalytical specimen preparation for transport to a laboratory for highly specialized testing. Some Board Members noted that certain steps in the procedure should be performed by a licensed clinical laboratory technician under remote supervision. Ms. Sullivan requested that Board Members email by next week, whether they want to answer or further discussion on question.

Next meeting: October 27, 2023, at 11 am at 80 Wolf Road, Albany

The meeting adjourned at 1 PM.