

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

**Meeting Minutes
Friday June 14, 2024
11:00am- 1:00 pm**

**80 Wolf Road,
3rd Floor, Rooms A and B,
Albany, NY
and
Via WebEx**

Members present: Nader Okby, Chair; Kathleen M. Crowley, Vice Chair; Mary Ellen Clerkin; Alyson L. Rutigliano; Angela Miczek; Maria Friedlander; Jeninne Wright; Adam N. Tegnander; Adrienne A. Boyd

Members excused: Kelly Cwikla

Extended members present: Angela Tomei-Robinson

Board Office Staff present: Suzanne Sullivan, Executive Secretary; Eileen Avery, Associate in Nursing Education; Kellie Murphy, Supervisor, Professions Connections

Guest Observers: Dr. Eloise Aita, President of the NYS Clinical Laboratory Association; Amy Kellogg, Harter, Secrest, and Emery Law for NYS

Call to Order and Approval of Prior Meeting Minutes

The meeting was called to order at 11:00 AM. The approval of minutes of the February 23, 2024, Clinical Laboratory Technology Board Meeting were deferred.

News

Ms. Sullivan announced that amended regulations govern professional education for clinical laboratory programs were permanently adopted. She also described exchanges between CMS and the New York State Department of Health (DOH) regarding amending the Public Health Law to align New York's clinical laboratory requirements more closely with federal CLIA requirements. She noted that a bill has been introduced in the New York State assembly and senate to address this issue. (A 09235 and S08966) The bill would amend the Public Health Law by aligning Clinical Laboratory Director Certificate of Qualification (CQ) requirements with CLIA requirements and updating cytotechnologist workload requirements, among other things.

Ms. Sullivan noted that NYSED's Professions Connections Program has improved its public information on New York's clinical laboratory technology professions. In addition, the Program added information and graphics for the histotechnology profession as well as the clinical laboratory technology restricted license professions. Ms. Sullivan noted that the Professions Connections Program makes career information regarding licensed professions available to the public and to high school guidance counselors.

Ms. Sullivan provided an update on NYSED's efforts to improve the process of licensing clinical laboratory practitioners. She noted that OP has begun approving Molecular Testing Training Programs for applicants for a

Restricted Licenses in Molecular Testing. NYSED staff do a substantive review of each Molecular Testing Training Program Plan.

Student Apprenticeship Programs

Ms. Sullivan provided an overview of federally regulated apprenticeship programs. She noted that apprenticeships combine paid on-the-job training with classroom instruction to prepare workers for highly skilled careers. In some cases, the federal or state government provides funding to certain employers to employ these “apprentices” to train them for jobs. Ms. Sullivan noted that in other states there are apprenticeship programs for students enrolled in clinical laboratory technician programs and suggested that apprenticeship programs may be suitable for some students enrolled in licensure qualifying clinical laboratory technology programs in New York.

Board Members discussed whether it is in the scope of practice of RNs who perform high complexity laboratory tests. Ms. Sullivan clarified that in hospitals with clinical laboratories, an RN may perform laboratory testing incidental to providing care to their patients as permitted by New York and federal law. RNs must meet education and experience requirements for high complexity testing services set forth in federal CLIA regulations (42 CFR sec. 493.1489). She noted that some RNs do not meet these CLIA regulatory requirements. Ms. Sullivan explained that in a physician practice that operates a physician office laboratory (POL), an RNs may perform laboratory testing for any physician practice patient, provided that the RN meets applicable federal CLIA regulatory requirements.

Discussion of Restricted Licenses in Stem Cell Processes

Ms. Sullivan thanked Board Members for their feedback regarding Stem Cell Process Restricted Licenses. Many Board Members expressed a preference for renaming the restricted license to “Cellular Therapies,” but also acknowledged that New York Law would need to be amended to do this. Board Members also discussed the types of services that that could be covered by a Stem Cell Process Restricted License as well as what could be covered in a Stem Cell Process Restricted License Training Program. Ms. Aita suggested that NYSCLA would offer a webinar on cellular therapies for Board Members who are interested.

Cytotechnologists

Ms. Sullivan sought input from Board Members of the scope of practice of cytotechnologist. In particular, she inquired about whether and under what circumstances a cytotechnologist should perform molecular tests. She acknowledged that cytotechnology practice guidance published on the OP website is open to varying interpretations. Board Members engaged in a discussion of a variety molecular testing services that could be performed competently by cytotechnologists. Some Board Members noted that some cytotechnology education programs offer students education on molecular testing. Ms. Sullivan thanked Board Members for their input and indicated that she would consult with OP legal counsel regarding cytotechnology scope of practice issues.

Meeting was adjourned at 12:30PM