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CLOSING THE SCOPE LOOPHOLE

NYS PATHOLOGISTS' ASSISTANT BOARD MEETING

8/27/26



Overview

- AAPA has received reports of licensed histotechnologists being trained and permitted to gross complex pathology specimens without an equivalent regulatory or competency safeguard for HTLs doing it.
- Patient safety concern: performing gross examination beyond an individual's authorized scope may increase the risk of:
 - Misdiagnosis or inadequate staging
 - Inappropriate treatment or surgery
 - Repeat procedures and increased healthcare costs
- Regulatory concern: Lack of clearly defined grossing tiers between HTLs and PAs creates potential for scope-of-practice encroachment and undermines New York's established PA licensure framework.

CURRENT NYS SCOPE OF PRACTICE



HTL

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 the exercise of independent judgment and responsibility as determined by the department.

PA

- Preparing gross tissue sections for pathology analysis, including but not limited to, cutting, staining as required, describing gross anatomic features, dissecting surgical specimens, and submitting tissues for bio-banking, histologic processing, or other analyses;
- Performing human postmortem examinations, including but not limited to, selection of tissues and fluids for further examination, external examination, dissection, and gathering and recording information for autopsy reports;

NYS HTL TRAINING & CURRICULUM REQUIREMENTS

ACCORDING TO THE NEW YORK STATE EDUCATION DEPARTMENT STATE BOARD FOR CLINICAL LABORATORY TECHNOLOGY, A HISTOTECHNOLOGISTS' EDUCATION REQUIRES:

A histotechnology program leading to a bachelor's or higher degree or post-baccalaureate advanced certificate, the combination of which shall:

- include coursework, which may include a laboratory component, in each of the following subject areas or their equivalent as determined by the department:
 - anatomy and physiology;
 - inorganic and organic chemistry;
 - histology;
 - histological techniques, including but not limited to; (i) specimen accessioning, **grossing**, fixation, processing, embedding, sectioning (including microtomy), and staining techniques; (ii) immunohistochemistry procedures; and (iii) molecular and cytology preparation techniques;
- laboratory operations relevant to histology services, including, but not limited to, quality control, quality assurance, equipment maintenance, record keeping, laboratory procedures, and safety; and
- include a supervised clinical experience of at least 500 clock hours of histotechnologist practice”

NYSED Frequently Asked Questions for Histotechnicians

Q: What are the regulatory requirements to perform gross examination

A: Grossing personnel must possess a license, such as, but not limited to, a physician or clinical laboratory technology practitioner license, or be otherwise authorized in statute or regulation to engage in the grossing process.

The response creates ambiguity about who may perform gross examinations and provides no clear limits for non-PA professionals, potentially allowing clinical laboratory practitioners to gross specimens without the specialized training required for PA licensure.

THE GROSSING LOOPHOLE

There is no law or regulation in NYS that explicitly authorizes HTLs/HTs or other lab personnel to gross, particularly complex/cancer specimens.

Grossing is included in HTL educational requirements, but not explicitly authorized in their scope, allowing “trained to gross” to potentially be interpreted as “authorized to gross” without clearly defining:

- What specimens may be grossed
- How complex those specimens may be
- What level of grossing competency is required

This has resulted in the inappropriate expansion of histotechnologist duties beyond those explicitly permitted by law.

TRAINING DIFFERENCES

HTL

- Primary focus: histology & tissue processing
- Training in accessioning, fixation, processing, embedding, microtomy & staining
- May receive selective grossing training, generally focused on biopsies and small/simple specimens
- Grossing included as a histotechnology technique
- ASCP HTL exam does not assess macroscopic examination of surgical specimens

PA

- Primary focus: anatomic pathology & diagnostic gross examination
- Extensive training in gross anatomy, pathology, morphology & disease processes, and tumor staging
- Gross examination is a core component of PA education and practice
- Clinical rotations that provide hands-on training in macroscopic examination of complex surgical and oncologic specimens, sampling, margins & staging

CONSEQUENCES & RISKS

PATIENT & DIAGNOSTIC SAFETY

- Gross examination directly impacts diagnosis, staging, and treatment.
- Errors can result in missed disease, inadequate sampling, inaccurate staging, or misdiagnosis.
- May lead to inappropriate treatment, repeat procedures, diagnostic delays, and increased healthcare costs.
- Creates liability exposure for the supervising pathologist and the lab.

PROFESSIONAL & REGULATORY RISKS

- Performing complex gross examination without the appropriate pathology-specific training or authorized scope.
- Blurs the distinction between HTL and PA education, competency, and licensure.
- Creates inconsistent standards for complex surgical and oncologic specimens.
- Potential professional encroachment and undermining of NYS's licensure framework.

GROSS EXAMINATION IS NOT SIMPLY SPECIMEN PREPARATION, IT IS A DIAGNOSTIC STEP THAT DIRECTLY INFLUENCES PATHOLOGY DIAGNOSIS, STAGING, AND PATIENT MANAGEMENT.

PROPOSAL

AAPA is not seeking to diminish the histotechnology profession or prohibit HTLs from grossing.

- Clarify existing regulatory language
- Define grossing tiers by specimen type and complexity limits for non-PA grossing personnel
- Distinguish appropriate HTL grossing from complex diagnostic gross examination requiring PA-level training
- Clarify, and amend if necessary, the scope-of-practice language to eliminate ambiguity

THE GOAL: Close a gap in the regulatory language to protect patient safety and diagnostic accuracy, not restrict the profession

PROPOSED FRAMEWORK *

PATHOLOGISTS' ASSISTANTS

Macroscopic examination of any and all specimen, ranging from small routine biopsies to complex oncologic specimen that require selective or representative sampling.

HISTOTECHNOLOGISTS

Macroscopic examination of small routine biopsies and low-complexity specimens that require entire tissue submission for microscopic examination without selective sampling.



**MOVING
FORWARD
TOGETHER**

THANK YOU

