

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

April 8, 2022

10 AM – 2 PM

Board Members Present: Chair - Nader Okby, Vice Chair - Kathleen M. Crowley, Mary Ellen Clerkin, Kelly Cwikla, Maria Friedlander, Michael Reiner, Alyson L. Rutigliano. Adam N. Tegnander, Jeninne Wright

Board Members Absent: Angela Miczek

Extended Members Present: Angela Tomei-Robinson

Department Personnel Present: Nancy Wiley, Acting Executive Secretary to the State Board for Clinical Laboratory Technology; Suzanne Sullivan, Executive Secretary to the State Boards for Nursing and Respiratory Therapy (departed at 12PM); David Hamilton, Assistant Commissioner for Professional Licensure and Practice; Owen Donovan, Coordinator of Professional Practice; Keith Westerling, Administrative Assistant

Members of the Public: Karen Roach (HANYS); Andrea Wade (Onondaga Community College); Sue Graham (SUNY Upstate; ASCP BOC); Amy Kellogg, Esq. (Harter Secrest & Emery LLP); Eloise Aita (NYSCLA); Susan Waltman (GNYHA); Rita Romano (Quadrant Laboratories; CNY CLMA); Charles Nystrum (1199); Janet Elliot (Adirondack Medical Center); Teri Baldwin (Adirondack Health); Theresa Dering (Garnett Health); Melissa Stemmer (SUNY Upstate); Melissa Allen (University of Rochester; NYSPA); Randy Mullin (Lewis County Health System); Rachel Hagerman (SUNY Broome Community College); Luis Chiriboga (NYU; National Society for Histotechnology); Lloyd Castillo (Quest); Kathleen Sales (SUNY Upstate); Tracey Graney (ASCLS - NY; Monroe Community College). Jules Laino (CBLPath); two other guests

Call to Order - The meeting of the Board was called to order at 10:04 a.m.

Welcome and Introductions of Guest and Board Members

Acting Executive Secretary Wiley introduced herself and welcomed the Board members, SED staff, 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 may observe the meeting but will not be able to address the Board. 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, SED staff, and members of the public introduced themselves.

Review and Approval of Minutes

Based on a **motion** made by Vice Chair Crowley and **seconded** by Member Clerkin, the Board **unanimously** approved the minutes of the November 16, 2021 Board meeting, with one minor typographical error correction.

Discussion and Updates

Board Vacancy

Education Law outlines the required statutory composition for each of the State Boards. We continue to have a vacancy for a public member and a licensed and currently registered cytotechnologist. Board members are encouraged to reach out to individuals. Interested applicants should review the materials located on the ‘Calls for Nominations’ link on the SED website: <http://www.op.nysed.gov/boards/bdnominationcalls.htm>

Posting for the Executive Secretary position

By statute, the psychology board must have a licensed psychologist in the Executive Secretary role. There is no plan to separate the boards. The Executive Secretary position was originally posted on the SED website in August 2021. The position was re-posted on February 22, 2022. The new posting changed the position to remove the Clinical Laboratory Technology board to replace it with the Respiratory Therapy Board. The Clinical Laboratory Technology board will be moved under the leadership of Suzanne Sullivan, Executive Secretary to the State Board for Nursing. Qualified licensed psychologists are encouraged to apply via the information on the posting in the Board packet.

COVID-19 and Staffing Shortages

Acting Executive Secretary Wiley reported that Executive Orders (EOs) 4.1 and 4 that pertain to clinical laboratory professionals are in effect until April 30, 2022.

[EO #4.1](#) - Effective until April 30, 2022 by [EO #4.7](#)

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](#) - Effective until April 30, 2022 by [EO #4.7](#)

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

ASCP examination cutoff date

On November 16, 2021, the Board voted unanimously to recommend the elimination of the September 1, 2001 examination cutoff date. On March 21, 2022, SED approved this recommendation. Acting Executive Secretary Wiley reported that individuals who passed the required licensing examination in each of the four laboratory professions should contact ASCP to request that their scores are transferred to the Department. Ms. Wiley reported that as of March 23, 2022, there were a total of 1,411 individuals who meet the education requirements but still need to pass the exam. It is unknown how many of those applicants have already passed the exam, prior to September 1, 2001. Of the total, 945 are clinical laboratory technology applicants, 372 are clinical laboratory technician applicants, 71 are histological technician applicants, and 23 cytotechnology applicants. Ms. Wiley encouraged attendees to spread the word.

Updates to Regulations

The draft regulations were discussed. Acting Executive Secretary Wiley reported that it is anticipated that the regulations will be presented to the Regents at the May Board of Regents meeting, scheduled for May 16th and 17th.

Cytotechnology Exam

Member Friedlander led a discussion regarding the department's website indicating acceptance of the ASCPi (international) examination for the Cytotechnologist exam. Since the international examination cannot be used for national certification as a Cytotechnologist, the information regarding the ASCPi (CT) exam should be removed from the Department website.

Legislation

Senate Bill S7020: Acting Executive Secretary Wiley reported that Senate will be amending S7020 to reflect the changes in the latest draft and then the Assembly will be introducing that version of the bill. We are just waiting for the budget process to finish and then we should see the bill amended in the Senate and introduced in the Assembly. 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).

FAQs

The Board discussed updates to the existing frequently asked questions. Suggested changes will be posted to the website once approved.

Restricted Licenses

Acting Executive Secretary Wiley reported that the board office has received several inquiries related to the training required for restricted license applicants. Counsel will report back on their interpretation of 8610(1)(c)(iii) and whether an applicant who has already gained the necessary training and experience may be issued a restricted license without completing the one year of training in New York.

Workforce Shortage

Acting Executive Secretary Wiley reported that the board packet contains letters from CLMA and ASCP BOC and an article from *CAP Today*.

Discipline

Since the last Board meeting in November 2021, there has been one disciplinary action against a Certified Clinical Laboratory Technician in December 2021; one disciplinary action against a Clinical Laboratory Technologist in January 2022; no actions in February 2022 and no posted actions in March 2022, to date.

Other Business

Staff changes: Acting Executive Secretary Wiley report that two members of the Board office have accepted promotional positions with other agencies. We anticipate that the positions will be posted as the budget allows.

Board members were reminded to submit travel/meeting vouchers.

Chair Okby raised the question regarding the possibility of SED attorneys attending a future meeting to discuss the regulatory process. Acting Executive Secretary Wiley will pass this information to the attorneys.

The next meeting date will be determined at a later time.

Adjournment – There being no further business, on a motion by Member Tegnander, seconded by Vice Chair Crowley, the meeting was adjourned at 12:38 PM.

Respectfully submitted,

Nancy Wiley
Acting Executive Secretary to the State Board for Clinical Laboratory Technology

DRAFT