



NEW YORK STATE CLINICAL LABORATORY ASSOCIATION

Memorandum in Support

A9966 (Assemblyman Magnarelli) Relates to a provisional permit for clinical laboratory technology; repealer

I am writing on behalf of the New York State Clinical Laboratory Association (“NYSCLA”) and the undersigned groups listed below (hereinafter “the Coalition”). NYSCLA is the statewide association for clinical laboratories throughout New York. We represent all categories of clinical laboratories from major reference labs to small independent labs; regional labs from New York City to Upstate NY; and, hospital labs serving small communities to large medical centers serving urban areas throughout the State.

In conjunction with our partners in the Coalition, we are writing to support this legislation, which will help in addressing a crisis within our industry. In 2004, New York State passed the Clinical Laboratory Technology Practice Act. Starting in 2006, pursuant to the Act, a person could not work in a clinical laboratory without an appropriate license. Since its original enactment, the Act has been amended several times to address issues that arose during implementation.

In the midst of the enactment and implementation of this legislation, the clinical laboratory industry has endured significant changes and now faces many substantial challenges. The industry has an aging population that will see a considerable turnover of personnel in the next two to five years. Additionally, the number of students graduating from clinical laboratory programs, and eligible for NYS licensure to practice within the State, is distressingly insufficient to address the workforce needs of the New York clinical labs. This is further coupled with the fact that there are many industries and out-of-state labs now fighting to hire and retain our experienced lab personnel and the students that are completing our programs. These factors have all led to a critical staffing shortage in our industry. Without immediate change, the shortage of licensed Clinical Laboratory personnel will result in considerable upheaval throughout New York in terms of patient care, jobs and commerce.

We have already seen some concerning results of the staffing shortage:

- Student placements for mandatory lab rotations are down in all areas of the state. Many labs have had to give up accepting students due to insufficient staff available to train while maintaining patient testing requirements.
- The lab industry has seen considerable consolidation in recent years and many of the acquired NY labs are being closed or downsized as work is moved to out-of-state labs where licensing requirements are less restrictive or absent.

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- Hospital labs are being scaled back to “rapid response labs” due to the inability to staff certain areas 24/7. As a result, patient testing is being delayed, often by days, as testing is forwarded to reference labs. These delays can lead to unnecessary increased medical costs in the form of extended patient hospital stays until all tests results are completed.

The Coalition supports the idea of licensure of clinical laboratory personnel, but the challenges facing the industry necessitate a review of the law and possible changes. We have met with the New York State Education Department (NYSED) about our concerns with the current licensing law as well as the looming shortage of personnel. While we have not worked out all of the issues yet, we did make progress in one particular area.

Since technical corrections to the Act that were passed and signed into law in 2008, there has been a Limited License provision that was intended to sunset. Each time the sunset is due to expire, the law has been extended. The Limited License allows a person to work in the laboratory, under appropriate supervision, when certain, but not all, licensing criteria are met. Once the person has completed whatever is missing from the full licensing requirements, the person can then apply for a full license. There are many people who have taken advantage of this Limited License, and it is an important tool for the industry.

In our conversations with NYSED, we have learned that there is some concern that this version of the license is not being used properly. In the minds of the Coalition, this license should be used by those who lack a few qualifications that would allow them to be fully licensed. It should be used while they complete education or sit for an appropriate exam. While they are working to resolve these final issues, they should be able to work under supervision and assuming that fundamental requirements have been met.

Pursuant to our conversations with NYSED, and after having vetted this idea with them on a technical level, we believe that the permanent solution to this problem is this legislation. Under this bill, a Provisional Permit would be created, which would replace the Limited License and not sunset. Specifically, this proposal would create a new permit that would allow an applicant to work, under supervision, pending the completion of work specific to New York rules and regulations. The permit would be good for one year and could be renewed for an additional year to allow for completion of all licensing deficiencies.

We strongly support this legislation to address workforce flexibility for the clinical laboratory industry in New York and urge its swift enactment.

Sincerely,



Eloise Aita, PhD
President, NYSCLA

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THE COALITION



Bassett Healthcare Network



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