

Regular Session, 2012

HOUSE BILL NO. 515

BY REPRESENTATIVE NANCY LANDRY

HEALTH CARE/FACILITIES: Revises the La. Clinical Laboratory Personnel Law

1 AN ACT

2 To amend and reenact R.S. 37:1312(6) and (8), 1313(B)(5), and 1323(A)(introductory
3 paragraph), (1), and (2) and (C), to enact R.S. 37:1323(G), and to repeal R.S.
4 37:1313(B)(6), relative to the Louisiana Clinical Laboratory Personnel Law; to
5 provide for definitions; to provide relative to exemptions to licensure applicable to
6 licensed health care providers and allied health care professionals; to revise the
7 qualifications necessary for the licensure of clinical laboratory scientist-generalists
8 and clinical laboratory scientist-technicians; to provide for certification examinations
9 for clinical laboratory scientist-generalists and clinical laboratory scientist-
10 technicians; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 37:1312(6) and (8), 1313(B), and 1323(A)(introductory paragraph),
13 (1), and (2) and (C) are hereby amended and reenacted and R.S. 37:1323(G) is hereby
14 enacted to read as follows:

15 §1312. Definitions

16 As used in this Part, the following terms shall mean the following, unless the
17 context requires otherwise:

18 * * *

19 (6) "Clinical laboratory scientist-generalist" or "CLS-G" also known as a
20 "medical laboratory scientist" or "MLS" or "medical technologist" or "MT" means

1 an individual who performs clinical laboratory tests and procedures in all specialty
2 areas of a clinical laboratory which require the exercise of independent judgment and
3 responsibility, including but not limited to the performance of all laboratory tests as
4 stated in the Clinical Laboratory Improvement Amendments of 1988, as amended,
5 and the rules and regulations promulgated pursuant thereto. The clinical laboratory
6 scientist-generalist may perform the functions of all categories licensed in this Part
7 with the exception of the cytotechnologist.

8 * * *

9 (8) "Clinical laboratory scientist-technician" or "CLS-T" also known as a
10 "medical laboratory technician" or "MLT" means an individual who performs
11 medical laboratory tests and procedures of high and moderate complexity as defined
12 in 42 Code of Federal Regulations Part 493 et seq., ~~which do not require the exercise~~
13 ~~of independent judgment or responsibility~~ within any area of clinical laboratory
14 science with the exception of cytotechnology. The clinical laboratory
15 scientist-technician shall perform tests and procedures of high complexity under
16 supervision as defined in the Clinical Laboratory Improvement Amendments of
17 1988, as amended, and the rules and regulations promulgated pursuant thereto. The
18 clinical laboratory scientist-technician may perform the functions of the laboratory
19 assistant and the phlebotomist without additional licensure or certification.

20 * * *

21 §1313. Exemptions to licensure

22 * * *

23 B. This Part shall not apply to:

24 * * *

25 (5) Any individual currently licensed as a health care provider by an agency
26 of this state who, while practicing under such license, provides point of care testing
27 and meets the requirements of the Clinical Laboratory Improvement Act of 1988, 42
28 Code of Federal Regulations Part 493 et seq., as amended.

29 * * *

1 §1323. Qualifications of clinical laboratory scientist-generalist; clinical laboratory
2 scientist-specialist; clinical laboratory scientist-technician; cytotechnologist;
3 laboratory assistant; and phlebotomist

4 A. Each applicant for licensure as a clinical laboratory scientist-generalist
5 shall successfully pass a certification examination as specified in Subsection G of
6 this Section and meet one of the following educational requirements:

7 (1) ~~Possess a baccalaureate degree from an accredited college or university;~~
8 ~~fulfill the educational requirements necessary to enroll in a school of medical~~
9 ~~technology, complete one year of full-time clinical laboratory experience, or its~~
10 ~~equivalent, in an approved school of medical technology, and successfully complete~~
11 ~~a nationally recognized certification examination, as approved by the board upon~~
12 ~~recommendation by the committee. The required year of full-time clinical laboratory~~
13 ~~experience may be included in the curriculum for the baccalaureate degree or may~~
14 ~~be post-graduate. Possess a baccalaureate degree from a regionally accredited~~
15 ~~college or university, including courses in biological science, chemistry and~~
16 ~~mathematics, and have successfully completed a medical technologist program~~
17 ~~accredited by the National Accrediting Agency for Clinical Laboratory Sciences or~~
18 ~~"NAACLS" within the previous five years.~~

19 (2) ~~Complete the educational, clinical, and employment experience~~
20 ~~requirements, if any, necessary to be eligible for and successfully complete a~~
21 ~~nationally recognized certification examination, all of which are approved by the~~
22 ~~board upon recommendation by the committee. Possess a baccalaureate degree from~~
23 ~~a regionally accredited college or university, or an equivalent degree from a foreign~~
24 ~~institution as certified by a foreign transcript evaluation agency approved by the~~
25 ~~board, including sixteen semester hours or twenty-four quarter hours of biological~~
26 ~~science with at least three semester hours of microbiology; sixteen semester hours~~
27 ~~or twenty-four quarter hours of chemistry with at least three semester hours in~~
28 ~~organic chemistry or biochemistry; three semester hours of mathematics; and possess~~
29 ~~one of the following qualifications:~~

under supervision as defined in federal law and the rules and regulations promulgated pursuant to state law. Further, allows a clinical laboratory scientist-technician to perform the functions of the laboratory assistant and the phlebotomist without additional licensure or certification.

Proposed law specifies that a "clinical laboratory scientist-technician" will also be known as a "medical laboratory technician" or "MLT". Also, modifies the definition of "clinical laboratory scientist-technician" by removing the specification that the person can only perform medical laboratory tests and procedures of high and moderate complexity which do not require the exercise of independent judgment or responsibility within any area of clinical laboratory science. Further, prohibits a clinical laboratory scientist-technician from the performance of cytotechnology testing. Makes technical changes.

Present law (R.S. 37:1313(B)(5) and (6)) specifies that the clinical laboratory personnel law does not apply to any individual licensed as a health care provider or any other licensed allied health care professional.

Proposed law clarifies present law by specifying that the clinical laboratory personnel law does not apply to any individual currently licensed as a health care provider by an agency of this state who, while practicing under such license, provides point of care testing and meets the requirements of federal law. Also, proposed law repeals the exception applicable to other licensed allied health care professional.

Present law (R.S. 37:1323(A)(1) and (2)) requires that each applicant for licensure as a clinical laboratory scientist-generalist must meet one of the following requirements:

- (1) Possess a baccalaureate degree from an accredited college or university, fulfill the educational requirements necessary to enroll in a school of medical technology, complete one year of full-time clinical laboratory experience, or its equivalent, in an approved school of medical technology, and successfully complete a nationally recognized certification examination, as approved by the board upon recommendation by the committee. The required year of full-time clinical laboratory experience may be included in the curriculum for the baccalaureate degree or may be postgraduate.
- (2) Complete the educational, clinical, and employment experience requirements, if any, necessary to be eligible for and successfully complete a nationally recognized certification examination, all of which are approved by the board upon recommendation by the committee.

Proposed law removes present law in its entirety.

Proposed law requires that each applicant for licensure as a clinical laboratory scientist-generalist must successfully pass a certification examination as specified in proposed law and meet one of the following educational requirements:

- (1) Possess a baccalaureate degree from a regionally accredited college or university including courses in biological science, chemistry and mathematics, and have successfully completed a medical technologist program accredited by the National Accrediting Agency for Clinical Laboratory Sciences "NAACLS" within the previous five years.
- (2) Possess a baccalaureate degree from a regionally accredited college or university, or an equivalent degree from a foreign institution as certified by a foreign transcript evaluation agency approved by the board, including 16 semester hours or 24 quarter hours of biological science with at least three semester hours of microbiology; 16 semester hours or 24 quarter hours of chemistry with at least three semester hours

in organic chemistry or biochemistry; three semester hours of mathematics; and possess one of the following qualifications:

- (a) Medical laboratory technician "MLT" certification and successful completion of a MLT program accredited by the NAACLS and two years of full-time acceptable clinical laboratory experience in blood banking, chemistry, hematology, microbiology, immunology, and clinical microscopy within the previous 10 years.
- (b) Three years of full time acceptable clinical laboratory experience in blood banking, chemistry, hematology, microbiology, immunology, and clinical microscopy within the previous 10 years.

Present law (R.S. 37:1323(C)(1) and (2)) requires that each applicant for licensure as a clinical laboratory scientist-technician must meet one of the following requirements:

- (1) Successfully fulfill the requirements of an accredited educational program for an associate degree in clinical laboratory science and successfully complete a nationally recognized certification examination approved by the board upon recommendation by the committee.
- (2) Complete the educational, clinical, and employment experience requirements, if any, necessary to be eligible for and successfully complete a nationally recognized certification examination, all of which are approved by the board upon recommendation by the committee.

Proposed law removes present law in its entirety.

Proposed law requires that each applicant for licensure as a clinical laboratory scientist-technician must meet all of the following requirements:

- (1) Successfully pass a certification examination as specified in state law.
- (2) Possess an associate degree or at least 60 semester hours or 90 quarter hours of academic credit from a regionally accredited college or university, or an equivalent degree or coursework from a foreign institution as certified by a foreign transcript evaluation agency approved by the board, including six semester hours or nine quarter hours of chemistry and six semester hours or nine quarter hours of biology; and have successfully completed one of the following:
 - (a) A medical laboratory technician program accredited by the NAACLS within the previous five years.
 - (b) A 50-week United States military medical laboratory training course.
 - (c) 18 months of full-time acceptable clinical laboratory experience in blood banking, chemistry, hematology, microbiology, immunology, and clinical microscopy within the previous 10 years.

Proposed law provides that for purposes of licensure as a clinical laboratory scientist-generalist and a clinical laboratory scientist-technician in accordance with applicable proposed law, certification examinations which an applicant may undertake in fulfillment of licensure requirements must include only examinations psychometrically validated by the National Commission for Certifying Agencies, the American National Standards Institute, or other national accrediting organization approved by the board and administered by any of the following organizations or their successors:

- (1) American Society for Clinical Pathology.

- (2) American Medical Technologists.
- (3) American Association of Bioanalysts.

(Amends R.S. 37:1312(6) and (8), 1313(B)(5), and 1323(A)(intro. para.), (1), and (2) and (C); Adds R.S. 37:1323(G); Repeals R.S. 37:1313(B)(6))