

AMENDMENT TO THE RULES OF THE BOARD OF REGENTS AND THE
REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 212, 6504, 6507, 6509, 8850, 8851, 8852, 8853, 8854, 8855, and 8856 of the Education Law and Chapter 497 of the Laws of 2016

1. Subdivision (a) of section 29.2 of the Rules of the Board of Regents is amended, effective March 28, 2018 as follows:

(a) Unprofessional conduct shall also include, in the professions of: acupuncture, athletic training, audiology, certified behavior analyst assistant, certified dental assisting, chiropractic, creative arts therapy, dental hygiene, dentistry, dietetics/nutrition, licensed behavior analyst, licensed pathologists' assistants, licensed perfusionist, licensed practical nursing, marriage and family therapy, massage therapy, medicine, mental health counseling, midwifery, occupational therapy, occupational therapy assistant, ophthalmic dispensing, optometry, pharmacy, physical therapist assistant, physical therapy, physician assistant, podiatry, psychoanalysis, psychology, registered professional nursing, respiratory therapy, respiratory therapy technician, social work, specialist assistant, speech-language pathology (except for cases involving those professions licensed, certified or registered pursuant to the provisions of article 131 or 131-B of the Education Law in which a statement of charges of professional misconduct was not served on or before July 26, 1991, the effective date of chapter 606 of the Laws of 1991):

(1) . . .

(2) . . .

(3) . . .

(4) . . .

(5) . . .

(6) . . .

(7) . . .

(8) . . .

(9) . . .

(10) . . .

(11) . . .

(12) . . .

(13) . . .

(14) . . .

2. Section 52.48 of the Regulations of the Commissioner of Education is added, effective March 28, 2018, as follows:

§52.48 Licensed Pathologists' Assistants

In addition to meeting all the applicable provisions of this Part, to be registered as a program recognized as leading to licensure as a pathologists' assistant, which meets the requirements of section 79-20.1 of this Title, the program shall:

(a) be a pathologists' assistant program or a substantially equivalent program as determined by the department, which leads to a bachelor's or higher degree;

(b) include courses in each of the following subjects or their equivalent as determined by the department:

(1) practices in anatomic pathology, which shall encompass surgical and autopsy pathology, including, but not limited to:

(i) principles and methodologies;

(ii) performance of procedures;

(iii) correlation of clinical information and gross pathology with proper technique;

(iv) problem solving;

(v) troubleshooting techniques;

(vi) principles and practices of quality assurance/quality improvement; and

(vii) laboratory management;

(2) anatomy and basic microanatomy;

(3) human physiology;

(4) anatomic pathology, including, but not limited to:

(i) surgical pathology techniques:

(a) adult; and

(b) pediatric;

(ii) autopsy techniques:

(a) medical autopsy techniques:

(1) adult; and

(2) pediatric;

(b) forensic autopsy techniques:

(1) adult;

(2) pediatric; and

(3) toxicology collection techniques;

(iii) histological methods and techniques:

(a) concepts of immunohistochemistry;

(iv) concepts of molecular diagnostics;

(v) microbiology/immunology;

(vi) clinical pathology;

(vii) embryology;

(viii) laboratory safety;

(ix) laboratory information systems;

(x) laboratory management;

(xi) medical ethics;

(xii) medical terminology; and

(xiii) biomedical photography;

(5) application of laboratory safety governmental regulations and standards as applied to anatomic pathology, including, but not limited to:

(i) principles and practices of professional conduct;

(ii) principles of interpersonal and interdisciplinary communication and team-building skills;

(iii) principles and practices of administration and supervision as applied to clinical laboratory science; and

(iv) educational methodologies;

(6) learning experiences, including, but not limited to courses, practica and/or other required activities, must be properly sequenced and include necessary content and activities to enable students to achieve entry level competencies in each of the major disciplines listed in this section.

3. A new Title to Subpart 79-20 is added, effective March 28, 2018, as follows:

SUBPART 79-20

LICENSED PATHOLOGISTS' ASSISTANTS

4. A new section 79-20.1 of the Regulations of the Commissioner of Education is added, effective November 28, 2018, as follows:

§79-20.1 Professional study for licensed pathologists' assistants.

(a) As used in this section, an acceptable accrediting body for pathologists' assistants' education programs shall mean an organization acceptable to the department as a reliable authority for the purpose of accreditation of pathologists'

assistants' education programs at the postsecondary level, which applies its criteria for granting accreditation of programs in a fair, consistent, and nondiscriminatory manner.

(b) To meet the professional educational requirement for licensure as a pathologists' assistant, the applicant shall present satisfactory evidence of holding a bachelor's or higher degree in pathologists' assistant awarded upon the successful completion of a bachelor's or higher degree program in pathologists' assistant, registered as leading to licensure pursuant to section 52.48 of this Title or accredited by an acceptable accrediting body for pathologists' assistants' education programs, or a bachelor's or higher degree program that is substantially equivalent to such a registered program as determined by the department.

5. A new section 79-20.2 of the Regulations of the Commissioner of Education is added, effective November 28, 2018, as follows:

§79-20.2 Licensing examinations for licensed pathologists' assistants.

(a) Content. The licensing examination shall consist of an examination designed to test knowledge, skills and judgment relating to all areas of pathologists' assistant, including, but not limited to, the basic science of pathology, clinical applications of pathology, all pertinent areas of anatomic pathology, and the practice of pathologists' assistant as defined in subdivision (4) of section 8850 of the Education Law.

(b) The department may accept a passing score on an examination determined by the department to be acceptable for licensure as a licensed pathologists' assistant.

6. A new section 79-20.3 of the Regulations of the Commissioner of Education is added, effective November 28, 2018, as follows:

§79-20.3 Fees.

(a) Applicants shall pay a fee of \$50 for an initial license and a fee of \$150 for the first registration period.

(b) Licensees shall pay a fee of \$150 for each triennial registration period.

7. A new section 79-20.4 of the Regulations of the Commissioner of Education is added, effective March 28, 2018, as follows:

§79-20.4 Limited permits.

As authorized in section 8855 of the Education Law, the department may issue a limited permit to practice as a licensed pathologists' assistant in accordance with the requirements of this section.

(a) An applicant for a limited permit to practice as a licensed pathologists' assistant shall:

(1) file an application with the department on a form prescribed by the department together with a fee of \$105 for the limited permit;

(2) meet all the requirements for licensure as a licensed pathologists' assistant, except the examination requirement; and

(3) practice as a pathologists' assistant only under the direction and supervision of a licensed physician who practices anatomic pathology and pursuant to the order and direction of that licensed physician.

(b) The limited permit in pathologists' assistant shall be valid for a period of not more than 12 months, provided that a limited permit may be extended for an additional 12 months at the discretion of the department for good cause as determined by the department. The time authorized by such limited permit and subsequent extension shall not exceed 24 months in total.

8. A new section 79-20.5 of the Regulations of the Commissioner of Education is added, effective March 28, 2018, as follows:

§79-20.5 Special provisions.

An individual who meets the requirements for a license as a licensed pathologists' assistant except for examination and education and who has been performing the duties of a pathologists' assistant for two of the past five years prior to November 28, 2017 may be licensed without meeting additional requirements, provided that such individual submits an application to the department on or before November 27, 2019. As part of the application, the applicant's supervising physician or physicians, who practice anatomic pathology, must attest to the applicant's experience and competence.