

2020 -- H 7815

=====  
LC004683  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

---

A N A C T

RELATING TO HEALTH AND SAFETY -- LABORATORIES

Introduced By: Representatives Carson, and Blazejewski

Date Introduced: February 26, 2020

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-16.2-2, 23-16.2-6 and 23-16.2-7 of the General Laws in Chapter  
2 23-16.2 entitled "Laboratories" are hereby amended to read as follows:

3 **23-16.2-2. Definitions.**

4 When used in this chapter:

5 (1) "Analytical laboratory" means a facility for the biological, microbiological, chemical,  
6 physical, and radiochemical examination of potable water, nonpotable water or other environmental  
7 matrices.

8 (2) "Clinical laboratory" means a facility for the biological, microbiological, serological,  
9 chemical, immunohematological, hematological, radiobioassay, cytological, pathological, or other  
10 examination of materials derived from the human body for the purposes of providing information  
11 for the diagnosis, prevention, or treatment of any disease or impairment of or the assessment of the  
12 health of human beings.

13 (3) "Director" means the director of the department of health.

14 (4) "Persons" means any individual, firm, partnership, corporation, company, association,  
15 or joint stock association.

16 (5) "Station" means a facility for the collection, processing, and transmission of the  
17 materials described in subdivisions (1) and (2) for the purposes described in subdivisions (1) and  
18 (2).

19 (6) "Certification" means the determination by the department of health that an analytical

1 laboratory is capable of performing specific tests or analyses of environmental samples in  
2 accordance with the requirements of the regulations promulgated pursuant to this chapter.

3 (7) ~~"Clinical laboratory test" or "laboratory test" means a microbiological, serological,  
4 chemical, hematological, radiobioassay, cytological, immunological, or other pathological  
5 examination that is performed on material derived from the human body, the test or procedure  
6 conducted by a clinical laboratory that provides information for the diagnosis, prevention, or  
7 treatment of a disease or assessment of a medical condition.~~

8 (8) ~~"Nationally recognized certification examination" means an appropriate examination,  
9 as determined by the director, covering both academic and practical knowledge, including, but not  
10 limited to, those offered by the American Society of Clinical Pathologists (ASCP), American  
11 Medical Technologists (AMT), National Credentialing Agency (NCA), or the American  
12 Association of Bioanalysts Board of Registry (AAB), and including any appropriate categorical or  
13 specialty examinations.~~

#### 14 **23-16.2-6. Issuance or denial of license.**

15 Not less than thirty (30) days from the time any application for the license is received, the  
16 director shall grant the application and issue a license to maintain a laboratory or station if the  
17 director shall be satisfied that the applicant complies with the rules and regulations promulgated in  
18 accordance with this chapter establishing standards for the qualifications of personnel and adequacy  
19 of equipment and facilities. The standards for qualification of personnel ~~who perform clinical  
20 laboratory tests shall require, as a minimum, successful completion of a nationally recognized  
21 certification examination. Notwithstanding this requirement, the director may establish, by  
22 regulation, alternative criteria for individuals who previously qualified under federal regulatory  
23 requirements, such as 42 C.F.R. § 493.1433 of the March 14, 1990 federal register, or other criteria  
24 that may be established to have met the requirements of this chapter shall include provisions for  
25 minimum standards of professional education or experience, as determined by the director. The  
26 director may provide for the examination of applicants to determine their qualifications.~~  
27 Notwithstanding the preceding statements in this section, upon payment of any applicable license  
28 fees, the director may grant immediate licensure to any clinical laboratory licensed as a clinical  
29 laboratory in another state and certified under the Clinical Laboratory Improvement Act of 1988,  
30 when the clinical laboratory has been asked to perform a clinical laboratory service which is not  
31 offered by any other clinical laboratory then licensed in this state.

#### 32 **23-16.2-7. Suspension and revocation of license.**

33 (a) The department of health may revoke or suspend the license or specific certification of  
34 any laboratory or station for conduct by or chargeable to the laboratory or stations as follows:

1 (1) Failure to observe any term of the license or specific certification issued under authority  
2 of this chapter by the department of health;

3 (2) Failure to observe any order made under authority of this chapter or under the statutory  
4 authority vested in the department of health;

5 (3) Engaging in, aiding, abetting, causing, or permitting any action prohibited under this  
6 chapter;

7 (4) Failing to observe any regulations promulgated by the department of health.

8 (b) Whenever the director shall have reason to believe that any laboratory or station, for  
9 the maintenance of which the director has issued a license or specific certification as provided for  
10 in § 23-16.2-4, is being maintained in violation of the rules and regulations provided in § 23-16.2-  
11 5, the director may, pending an investigation and hearing, suspend for a period not exceeding thirty  
12 (30) days, any license or specific certification issued under authority of this chapter and may, after  
13 due notice and hearing, revoke the license or specific certification if the director finds that the  
14 laboratory or station is being maintained in violation of the rules and regulations. The holder of a  
15 license shall upon its revocation promptly surrender the license or specific certification to the  
16 director.

17 ~~(c) The director may revoke or suspend the license, or may impose appropriate fines as~~  
18 ~~promulgated in regulation, of any laboratory or station that does not ensure that all personnel meet~~  
19 ~~the requirements of this chapter.~~

20 SECTION 2. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby  
21 amended by adding thereto the following chapter:

22 CHAPTER 16.5

23 MEDICAL LABORATORY SCIENCE PRACTICE

24 **23-16.5-1. Short title.**

25 This chapter shall be known and may be cited as the "Medical Laboratory Science Practice  
26 Act".

27 **23-16.5-2. Declaration of policy and statement of purpose.**

28 It is declared to be a policy of the state that the practice of medical laboratory science by  
29 health care professionals affects the public health, safety, and welfare and is subject to control and  
30 regulation in the public interest. It is further declared that medical laboratories and medical  
31 laboratory science practitioners provide essential services to practitioners of the healing arts by  
32 furnishing vital information which may be used in the diagnosis, prevention, and treatment of  
33 disease or impairment and the assessment of the health of humans. The purpose of this chapter is  
34 to provide for the better protection of public health by establishing minimum qualifications for

1 medical laboratory science practitioners, and by ensuring that medical laboratory tests are  
2 performed with the highest degree of professional competency by those engaged in providing  
3 medical laboratory science services in the state.

4 **23-16.5-3. Definitions.**

5 The following words and terms when used in this chapter have the following meaning  
6 unless otherwise indicated within the context:

7 (1) "Accredited medical laboratory program" means a program planned to provide a  
8 predetermined amount of instruction and experience in medical laboratory science that has been  
9 accredited by one of the accrediting agencies recognized by the United States Department of  
10 Education.

11 (2) "Board" means the medical laboratory science board appointed by the director of health.

12 (3) "Department" means the Rhode Island department of health.

13 (4) "Director" means the director of the Rhode Island department of health.

14 (5) "Limited function test" means a test conducted using procedures which, as determined  
15 by the director, have an insignificant risk of an erroneous result, including those which:

16 (i) Have been approved by the United States Food and Drug Administration for home use;

17 (ii) Employ methodologies that are so simple and accurate as to render the likelihood of  
18 erroneous results negligible; or

19 (iii) The director has determined, pose no reasonable risk of harm to the affected patient if  
20 performed incorrectly.

21 (6) "Medical laboratory" or "laboratory" means any facility or office in which medical  
22 laboratory tests of either an analytical or clinical nature are performed.

23 (7) "Medical laboratory science practitioner" or "one who engages in the practice of  
24 medical laboratory science" means a health care professional who performs medical laboratory  
25 tests or who is engaged in management, education, consulting, or research in medical laboratory  
26 science, and includes laboratory directors, supervisors, medical laboratory scientists  
27 (technologists), specialists, and technicians working in a laboratory, but does not include persons  
28 employed by a medical laboratory to perform supportive functions not related to direct performance  
29 of laboratory tests and does not include medical laboratory trainees. Provided, however, nothing  
30 contained in this chapter shall apply to a medical perfusionist engaged in the testing of human  
31 laboratory specimens for extracorporeal functions, which shall include those functions necessary  
32 for the support, treatment, measurement, or supplementation of the cardiopulmonary or circulatory  
33 system of a patient.

34 (8) "Medical laboratory scientist" and/or "technologist" means a person who performs

1 medical laboratory tests pursuant to established and approved protocols requiring the exercise of  
2 independent judgment and responsibility, maintains equipment and records, performs quality  
3 assurance activities related to test performance, and may supervise and teach within a medical  
4 laboratory setting.

5 (9) "Medical laboratory technician" means a person who performs laboratory tests,  
6 pursuant to established and approved protocols, which require limited exercise of independent  
7 judgment and responsibility, maintains equipment and records, and performs quality assurance  
8 activities related to test performance.

9 (10) "Medical laboratory test" or "laboratory test" means a microbiological, serological,  
10 chemical, hematological, radiobioassay, cytological, immunological, or other pathological  
11 examination which is performed on material derived from the human body, the test or procedure  
12 conducted by a medical laboratory which provides information for the diagnosis, prevention, or  
13 treatment of a disease or assessment of a medical condition.

14 **23-16.5-4. Exceptions.**

15 This chapter shall not apply to:

16 (1) Any person performing medical laboratory tests within the scope of their practice and  
17 for which they are licensed, pursuant to any other provisions of the general laws.

18 (2) Medical laboratory science practitioners employed by the United States government or  
19 any bureau, division, or agency of the United States government, while in the discharge of their  
20 official duties.

21 (3) Medical laboratory science practitioners (clinical laboratory scientists) employed by  
22 the state of Rhode Island or any bureau, division, or agency of the state, while in the discharge of  
23 their official duties.

24 (4) Medical laboratory science practitioners engaged in teaching or research, provided that  
25 the results of any examination performed, are not used in health maintenance, diagnosis, or  
26 treatment of disease.

27 (5) Students or trainees enrolled in a medical laboratory science education program;  
28 provided that, these activities constitute a part of a planned course in the program that the persons  
29 are designated by title such as intern, trainee, or student, and the persons work directly under the  
30 supervision of an individual licensed by this state to practice laboratory science.

31 (6) Individuals performing limited function tests.

32 **23-16.5-5. License required.**

33 (a) No person shall practice medical laboratory science or hold themselves out as a medical  
34 laboratory science practitioner in this state, unless they are licensed pursuant to this chapter.

1 (b) All persons who were engaged in the practice of medical laboratory science on July 1,  
2 1992, who are certified by or eligible for certification by an agency approved by the department of  
3 health, and who have applied to the department of health on or before July 1, 1994, and have  
4 complied with all necessary requirements for the application, may continue to perform medical  
5 laboratory tests until July 1, 1995, unless the application is denied by the department of health, or  
6 the withdrawal of the application, whichever occurs first.

7 (c) Persons not meeting the education, training, and experience qualifications for any  
8 license described in this chapter may be considered to have met the qualifications providing they  
9 have:

10 (1) Three (3) years acceptable experience between January 1, 1986 and January 1, 1996  
11 and submit to the department of health the job description of the position which the applicant has  
12 most recently performed, attested to by their employer and notarized; or

13 (2) No less than twelve (12) years acceptable experience prior to 1993 and submits to the  
14 department of health the job description of the position which the applicant has most recently  
15 performed, attested to by their employer and notarized on or before December 1, 2001.

16 (d) After December 1, 2001, no initial license shall be issued until an applicant meets all  
17 of the requirements under this chapter, and successfully completes a nationally recognized  
18 certification examination, such as NCA, DHHS, ASCP, state civil service examination, or others  
19 including appropriate categorical and specialty exams. Provided, however, that the provisions of  
20 this subsection shall not be available to any individual who has been previously denied a license as  
21 a medical laboratory science practitioner by the department of health.

22 **23-16.5-6. Administration.**

23 (a) There is created within the division of professional regulation of the department of  
24 health, a medical laboratory advisory board which shall consist of seven (7) members who have  
25 been residents of the state for at least two (2) years prior to their appointment, and who are actively  
26 engaged in their areas of practice. The director of the department of health, with the approval of  
27 the governor, shall make appointments to the board from lists submitted by organizations of  
28 medical laboratory science practitioners and organizations of physicians and pathologists.

29 (b) The board shall be composed of:

30 (1) One physician certified by the American Board of Pathology or American Board of  
31 Osteopathic Pathology;

32 (2) One physician who is not a laboratory director nor a pathologist;

33 (3) Four (4) medical laboratory science practitioners, one of whom is a non-physician  
34 laboratory director, one of whom is a medical laboratory scientist (technologist), and one of whom

1 is a medical laboratory technician, whom, except for their initial appointments, hold active and  
2 valid licenses as medical laboratory science practitioners in this state, and one of whom is a medical  
3 laboratory science practitioner, not falling in one of the first three (3) categories; and

4 (4) One public member who is not associated with nor has a financial interest in the practice  
5 of medical laboratory science.

6 (c) Board members shall serve for a term of three (3) years, and until their successors are  
7 appointed and qualified, except that the initial appointments, which shall be made within sixty (60)  
8 days after July 1, 2020, shall be as follows:

9 (1) One pathologist, one non-physician laboratory director, and one medical laboratory  
10 scientist, shall be appointed to serve for three (3) years:

11 (2) One public representative and one non-pathologist physician, shall be appointed to  
12 serve for two (2) years; and

13 (3) The remaining two (2) members shall be appointed to serve for one year.

14 (d) The membership of the board shall receive no compensation for their services.

15 (e) Whenever a vacancy shall occur on the board by reason other than the expiration of a  
16 term of office, the director of the department of health, with the approval of the governor, shall  
17 appoint a successor of like qualifications for the remainder of the unexpired term. No person shall  
18 be appointed to serve more than two (2) successive three (3) year terms.

19 **23-16.5-7. Duties and powers of the medical laboratory advisory board.**

20 In addition to any other power conferred upon the board pursuant to this chapter, the board  
21 shall recommend to the director:

22 (1) Rules and regulations necessary for the implementation of this chapter including, but  
23 not limited to, regulations that delineate qualifications for licensure of medical laboratory science  
24 practitioners, as defined in this chapter, specify requirements for the renewal of licensure, establish  
25 standards of professional conduct, and potential amendments to or the repeal of certain rules and  
26 regulations. Following their adoption, the rules and regulations shall govern and control the  
27 professional conduct of every person who holds a license to perform medical laboratory tests or  
28 otherwise engages in the profession of medical laboratory science;

29 (2) Standard written, oral, or practical examinations for purposes of licensure of medical  
30 laboratory science practitioners, necessary for licensure, as provided for in § 23-16.5-5;

31 (3) Rules and regulations governing qualifications for licensure of specialists in those  
32 medical laboratory science specialties that the board may determine in accordance with § 23-16.5-  
33 8;

34 (4) Rules and regulations governing personnel performing tests in limited function

1 laboratories:

2 (5) A schedule of fees for applications and renewals;

3 (6) Establish criteria for the continuing education of medical laboratory science  
4 practitioners, as may be required for license renewal;

5 (7) Any other rules and regulations necessary to implement and further the objectives of  
6 this chapter.

7 **23-16.5-8. Standards for licensure.**

8 (a) Medical laboratory scientist (technologist). The department of health shall issue a  
9 medical laboratory scientist's license to an individual who meets the qualifications adopted by the  
10 board, including at least one of the following qualifications:

11 (1) A baccalaureate degree in medical laboratory science (medical technology) from an  
12 accredited college or university whose curriculum included appropriate medical education;

13 (2) A baccalaureate degree in biological, chemical, or physical science from an accredited  
14 college or university, and subsequent to graduation has at least twelve (12) months of appropriate  
15 medical education in an accredited medical laboratory science program;

16 (3) A baccalaureate degree which includes a minimum of thirty-six (36) semester (or  
17 equivalent) hours in the biological, chemical, and physical sciences from an accredited college or  
18 university, plus two (2) years of full-time work experience, including a minimum of four (4) months  
19 in each of the four (4) major disciplines of laboratory practice (medical chemistry, medical  
20 microbiology, hematology, immunology/immunohematology);

21 (4) A baccalaureate degree consisting of ninety (90) semester (or equivalent) hours, thirty-  
22 six (36) of which must be in the biological, chemical, or physical sciences, from an accredited  
23 college or university, and appropriate medical education, in an accredited medical laboratory  
24 science program; or

25 (5) A medical laboratory scientist (technologist) who previously qualified under federal  
26 regulatory requirements such as 42 CFR § 493.1433 of the March 14, 1990 Federal Register or  
27 other regulations or criteria which may be established by the board.

28 (b) Medical laboratory technician. The department of health shall issue a medical  
29 laboratory technician's license to an individual who meets the qualifications promulgated by the  
30 board, including at least one of the following qualifications:

31 (1) An associate degree or completion of sixty (60) semester (or equivalent) hours from a  
32 medical laboratory technician program (MLT), or equivalent, accredited by an agency recognized  
33 by the United States Department of Education, that included a structured curriculum in medical  
34 laboratory techniques;



1           (2) A high school diploma (or equivalent) and:

2           (i) Completion of twelve (12) months in a technician training program, such as CLA  
3 (ASCP) medical laboratory assistant (American Society of Clinical Pathologists), (CLA) (ASCP)  
4 in an accredited school and medical laboratory technician-certificate (MLT-C) programs approved  
5 by the board; or

6           (ii) Successful completion of an official military medical laboratory procedure course of at  
7 least fifty (50) weeks duration and has held the military enlisted occupational specialty of medical  
8 laboratory specialist (laboratory technician); or

9           (3) A medical laboratory technician who previously qualified under federal regulatory  
10 requirements such as 42 CFR § 493.1441 of the March 14, 1990 Federal Register which meet or  
11 exceed the requirements for licensure set forth by the board.

12           (c) Medical histologic technician. The department of health shall issue a medical histologic  
13 technician license to an individual who meets the qualifications promulgated by the board,  
14 including at least one of the following:

15           (1) An associate degree or at least sixty (60) semester hours (or equivalent) from an  
16 accredited college or university, to include a combination of mathematics and at least twelve (12)  
17 semester hours of biology and chemistry, and successful completion of an accredited program in  
18 histologic technique or one full year of training in histologic technique under the supervision of a  
19 certified histotechnologist or an appropriately certified histopathology supervisor, with at least  
20 three (3) years' experience.

21           (2) A high school diploma (or equivalent) and two (2) years full-time acceptable experience  
22 under the supervision of a certified/licensed medical histologic technician at a licensed medical  
23 laboratory in histologic technique.

24           (d) Cytotechnologist. The department of health shall issue a cytotechnologist license to an  
25 individual who meets the qualifications promulgated by the board including at least one of the  
26 following:

27           (1) A baccalaureate degree from an accredited college or university with: twenty (20)  
28 semester hours, thirty (30) quarter hours of biological science; eight (8) semester hours, twelve (12)  
29 quarter hours of chemistry; three (3) semester hours, four (4) quarter hours of mathematics; and  
30 successful completion of a twelve (12) month cytotechnology program.

31           (2) A baccalaureate degree from an accredited college or university with: twenty (20)  
32 semester hours, thirty (30) quarter hours of biological science; eight (8) semester hours, twelve (12)  
33 quarter hours of chemistry; three (3) semester hours, four (4) quarter hours of mathematics; and  
34 five (5) years full-time acceptable medical laboratory experience, including cytopreparatory

1 techniques, microscopic analysis, and evaluation of the body systems within the last ten (10) years.  
2 At least two (2) of these years must be subsequent to the completion of the academic component  
3 and at least two (2) years must be under the supervision of a licensed physician who is a pathologist,  
4 certified, or eligible for certification, by the American Board of Pathology in anatomic pathology  
5 or has other suitable qualifications acceptable to the board.

6 (3) A cytotechnologist who previously qualified under federal regulatory requirements  
7 such as 42 CFR § 493.1437 of the March 14, 1990 Federal Register.

8 (e) The board shall recommend standards for any other medical laboratory science  
9 practitioners specializing in areas such as nuclear medical technology, radioimmunoassay, electron  
10 microscopy, forensic science, molecular biology, or similar recognized academic and scientific  
11 disciplines, with approval of the director of the department of health.

12 **23-16.5-9. Waiver of requirements.**

13 The board shall recommend regulations providing procedures for waiver of the  
14 requirements of § 23-16.5-8, for all applicants who hold a valid license or its equivalent issued by  
15 another state; provided that the requirements under which that license or its equivalent was issued,  
16 meet or exceed the standards required by this chapter, with the approval of the director. The board  
17 may also recommend regulations it deems appropriate for individuals who hold valid licenses or  
18 their equivalent from other countries.

19 **23-16.5-10. Licensure application procedures.**

20 (a) Licensure applicants shall submit their application for licensure to the department of  
21 health using the forms prescribed and furnished by the department of health, and shall pay the  
22 designated application or examination fee.

23 (b) Upon receipt of application and payment of a fee, the department of health shall issue  
24 a license for a medical laboratory scientist or technologist, a medical laboratory technician, or an  
25 appropriate specialty license to any person who meets the qualifications established by this chapter  
26 and the regulations promulgated under this chapter.

27 (c) The board may recommend a procedure for issuance of temporary permits to individuals  
28 otherwise qualified under this chapter who intend to engage in medical laboratory science practice  
29 in this state for a limited period of time not to exceed eighteen (18) months.

30 (d) The board may recommend a procedure for issuance of provisional licenses to  
31 individuals, who otherwise qualify under this chapter, but are awaiting the results of their  
32 certification application. A provisional license so issued shall be converted to a license under the  
33 provisions of § 23-16.5-8 or expire not more than twelve (12) months after its issuance. At the  
34 discretion of the board, the provisional license may be reissued at least one time, with the director's

1 approval.

2 **23-16.5-11. Licensure renewal.**

3 (a) Licenses issued pursuant to this chapter shall expire on a date and time specified by the  
4 department of health.

5 (b) Every person licensed pursuant to this chapter shall be issued a renewal license every  
6 two (2) years upon:

7 (1) Submission of an application for renewal, on a form prescribed by the department of  
8 health and payment of an appropriate fee recommended by the board; and

9 (2) Proof of completion, in the period after the license was first issued or last renewed, of  
10 at least thirty (30) hours of continuing education courses, clinics, lectures, training programs,  
11 seminars, or other programs related to medical laboratory practice, which are approved or accepted  
12 by the board; or proof of re-certification by a national certification organization that mandates an  
13 annual minimum of fifteen (15) hours of continuing education, such as the National Certification  
14 Agency for Medical Laboratory Personnel.

15 (c) The board may recommend any other evidence of competency it shall deem reasonably  
16 appropriate as a prerequisite to the renewal of any license governed by this chapter, as long as these  
17 requirements are uniform as to application, are reasonably related to the measurement of  
18 qualification, performance, or competence, and are desirable and necessary for the protection of  
19 the public health.

20 **23-16.5-12. Disciplinary requirements.**

21 The board may make recommendations to the director of the department of health  
22 pertaining to the issuance, renewal, or revocation of a license, or suspension, placement on  
23 probation, censure, or reprimand of a licensee, or any other disciplinary action that the board may  
24 deem appropriate, including the imposition of a civil penalty, for conduct that may result from, but  
25 not necessarily be limited to:

26 (1) A material misstatement in furnishing information to the department of health;

27 (2) A violation or negligent or intentional disregard of this chapter, or of the rules or  
28 regulations promulgated under this chapter;

29 (3)(i) In the context of an action other than that related to the issuance of a license, a  
30 criminal conviction that is directly related to the duties and responsibilities of the licensee as  
31 defined by the department of health, which leads the board to conclude that the continued licensure  
32 of an individual could jeopardize patients' health; or

33 (ii) A determination regarding the issuance of a license made in accordance with § 16.5-  
34 12.1.

1           (4) Making any misrepresentation for the purpose of obtaining registration or violating any  
2 provision of this chapter;

3           (5) Violating any standard of professional conduct adopted by the board;

4           (6) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to  
5 deceive, defraud, or harm the public;

6           (7) Providing professional services while mentally incompetent, under the influence of  
7 alcohol or narcotic or controlled dangerous substance that is in excess of therapeutic amounts or  
8 without valid medical indication;

9           (8) Directly or indirectly contracting to perform medical laboratory tests in a manner which  
10 offers or implies an offer of rebate, fee-splitting inducements or arrangements, or other unlawful  
11 remuneration; or

12           (9) Aiding or assisting another person in violating any provision of this chapter or any rule  
13 adopted under this chapter.

14           **23-16.5-12.1. Denial of licensure based on criminal conviction.**

15           (a) The issuance of a license shall not be denied, solely or in part, based on a criminal  
16 conviction, unless it has been determined that the conviction is directly related to the duties and  
17 responsibilities of a licensee and that licensure of the applicant could jeopardize patient's health,  
18 and the decision is otherwise in conformance with the standards contained in the Equal  
19 Employment Opportunity Commission's 2012 Enforcement Guidance, on the use of criminal  
20 records in employment.

21           (b) The department shall specify by regulation the offenses that may disqualify an applicant  
22 from obtaining a license under subsection (a) of this section, and shall provide the applicant an  
23 opportunity to present evidence of rehabilitation and present fitness to perform the duties of the  
24 occupation for which the license is sought, of mitigating circumstances surrounding the  
25 commission of the crime, or any other relevant evidence surrounding the applicant's fitness for the  
26 license, notwithstanding their conviction.

27           (c) An applicant denied a license under this section shall have the right to appeal the  
28 decision in accordance with chapter 35 of title 42, and may reapply after two (2) years have elapsed  
29 from the date of the denial.

30           **23-16.5-13. Hearing requirements -- Procedure.**

31           (a) The proceedings for the revocation, suspension or limiting of any license may be  
32 initiated by any person, corporation, association, or public officer or by the board, by the filing of  
33 written charges with the board, but no license shall be revoked, suspended, or limited without a  
34 hearing before the board, held within sixty (60) days after the filing of written charges, in

1 accordance with the procedures established by the board. A license may be temporarily suspended  
2 without a hearing for the period not to exceed thirty (30) days, upon notice to the licensee following  
3 an initial finding by the board that there exists a significant threat to the public health and approved  
4 by the director.

5 (b) Any appeal from the action of the board shall be in accordance with the provisions of  
6 chapter 35 of title 42 (the "administrative procedures act").

7 **23-16.5-14. Roster of licenses.**

8 The department of health shall maintain a roster of the names and addresses of persons  
9 currently licensed and registered under the provisions of this chapter, and of all persons whose  
10 licenses have been suspended or revoked within the previous year.

11 **23-16.5-15. Receipts.**

12 The proceeds of any fees collected pursuant to the provisions of this chapter shall be  
13 deposited as general revenues.

14 **23-16.5-16. Severability.**

15 If any provision of this chapter or the application of any provision to any person or  
16 circumstance shall be held invalid, that invalidity shall not affect the provisions or application of  
17 this chapter which can be given effect without the invalid provision or application, and to this end  
18 the provisions of the chapter are declared to be severable.

19 SECTION 3. This act shall take effect upon passage.

=====  
LC004683  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO HEALTH AND SAFETY -- LABORATORIES

\*\*\*

1           This act would create a comprehensive system to promote and regulate the effective and  
2 competent administration of medical laboratories by focusing on the training, qualifications and  
3 licensure of their practitioners.

4           This act would take effect upon passage.

=====  
LC004683  
=====