45:9-42.2

LEGISLATIVE HISTORY CHECKLIST

NJSA 45:9-42.3, 45:9-42.3, 45:9-42.7 (Bioanalytical laboratory director — examination— delete requirement for certified applicants)

LAWS 1981 CHAPTER 314

Bill No. S3090

Sponsor(s) Orechio

Date Introduced Feb. 9, 1981

Committee: Assembly --

Senate Institutions, Health and Welfare

Amended during passage Yes XXX Amendments denoted by asterisks according to Governor's recommendations

Date of Passage: Assembly June 15, 1981 Re-enacted 11-23-81

Senate Feb. 26, 1981 Re-enacted 11-16-81

Date of approval Dec. 3, 1981

Following statements are attached if available:

| | | | |
|---|---|---|---|
| Sponsor statement | | Yes | XXX (Below) |
| Committee Statement: | Assembly | XXX | No |
| | Senate | Yes | XXX |
| Fiscal Note | | XXX | No |
| Veto Message | | Yes | XXX |
| Message on signing | | Yes | XXX |
| Following were printed: | | | |
| Reports | | YXXX | No |
| Hearings | | XXX | No |

Sponsor's statement:
This bill removes the examination requirement for licensing as a bio-analytical laboratory director for those persons who have a certification based on a national accrediting board recognized by the Commissioner of Health.

6/22/81
PP

CHAPTER 314 LAWS OF N. J. 1981
APPROVED 12-3-81

[SECOND OFFICIAL COPY REPRINT]

# SENATE, No. 3090

# STATE OF NEW JERSEY

INTRODUCED FEBRUARY 9, 1981

By Senator ORECHIO

Referred to Committee on Institutions, Health and Welfare

AN ACT to amend the "Bio-analytical Laboratory and Laboratory Directors Act (1953)," approved September 18, 1953 (P. L. 1953, c. 420) and repealing **[section 6]** ***sections 6, 8, 9 and 21*** thereof.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P. L. 1953, c. 420 (C. 45:9–42.2) is amended to read as follows:

2. As used in this act, the following terms are defined as follows:

a. "Board" means the State Board of Medical Examiners **[who]** ***which*** shall have authority to *[register bio-analytical laboratories and]* ***examine and*** license bio-analytical laboratory directors as **[defined]** ***set forth*** in this act. The board is authorized to make necessary rules to implement the provisions of this act.

b. "License" means a license granted and issued by the board under this act to any person who makes application therefor and fulfills the requirements set forth by [the board for bio-analytical laboratory directors] *this act. *A license shall be either a **[general]** ***plenary*** or specialty license issued pursuant to the provisions of section **[9]** ***7*** of P. L. 1953, c. 420 **[(C. 45:9–42.9)*]** ***(C. 45:9–42.7)***.*

c. A "Bio-analytical Laboratory" is any place, establishment or institution organized and operated primarily for the performance of chemical, microscopic, serological, parasitological, bacteriological or any other tests, by the practical application of one or more of the fundamental sciences, to material originating from the human body, for the purpose of obtaining scientific data which may be used as an aid to ascertain the state of health. The interpretation of cytologic and histologic criteria of disease is not considered

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

to be within the scope of this definition of a bio-analytical laboratory.

d. A "Bio-analytical Laboratory Director" is any person licensed and qualified to direct an dsupervise the technical work in a bio-analytical laboratory as defined in this act.

*[*e. A "Bio-analytical Laboratory Director's General License" is a license which includes any combination of the categories established under section 3 of P. L. 1975, c. 166 (C. 45:9–42.28).*

*f. A "Bio-analytical Laboratory Director's Specialty License" also referred to as a "Specialty" license is a license issued pursuant to section 9 of P. L. 1953, c. 420 (C. 45:9–42.9).*]*

*[*g.*]* **[*e.* "Commissioner" means the State Commissioner of Health or his duly authorized agent.]**

2. Section 3 of P. L. 1953, c. 420 (C. 45:9–42.3) is amended to read as follows:

3. The State Board of Medical Examiners shall, in addition to conducting examinations for licenses to practice **[medicine and surgery, and chiropody]** **all professions placed under its jurisdiction**, hold meetings for the *licensure* **[*and*]** **or** examination **, or both,** of all applicants under this act for a license as a bio-analytical laboratory director**[,]** **not less than twice each year** which meetings shall be held at such **[place in the city of Trenton]** **times and places** as the board shall designate**[, on the third Tuesday of June and October of each year and at such other times and places as the board may deem expedient]**. The board shall keep an official record of all such meetings and an official register of all applicants for such license.

*a.* Every **[such]** applicant for **[examination]** **plenary license** shall present to the secretary of **[said]** **the** board, at least 30 days before the examination at which he requests to be examined**[,]** **and every applicant for a specialty license shall also present to the secretary of the board** a written application on a form provided by the board, together with satisfactory proof that he **[is a citizen of the United States, has been a resident of the State of New Jersey for at least 1 year,]** is more than **[21]** **18** years of age, is of good moral character and has met satisfactorily all the necessary requirements of education, training and experience **or certification** as hereinafter provided. [An examination fee of twenty-five dlolars ($25.00) shall accompany the application.]

*[*b. If the applicant does not require an examination under this act, the applicant shall present to the board a written application*

*on a form provided by the board, together with satisfactory proof that he is a citizen of the United States, has been a resident of this State for at least 1 year, is more than 21 years of age, is of good moral character and has met satisfactorily all the necessary requirements of education, training and experience as hereinafter provided.*]*

**[*c.*]** ***b.*** *A fee of* **[*$25.00*]** ***$100.00*** *shall accompany all applications.*

4. Section 7 of P. L. 1953, c. 420 (C. 45:9–42.7) is amended to read as follows:

7. ***a.*** Any person possessing the educational and experience qualifications hereinafter set forth may apply for examination [for a license] **[*or licensure*]** ***for a plenary license*** as a bio-analytical laboratory director. The following qualifications as to education and experience are established as prerequisites for application for examination **[*and*]** ***or*** *licensure* for a bio-analytical laboratory director's ***plenary*** license:

**[As to applications made prior to January 1, 1957:

a. A bachelor's degree, or a higher degree, plus not less than 1 year of experience, or

b. A high school diploma and graduation from a school of medical technology approved by the board plus not less than 5 years of experience, or

c. A high school diploma plus not less than 10 years of experience;

As to applications made on and after January 1, 1957:]**

**[a.]** ***(1)*** A doctorate degree, plus not less than 1 year of experience, or

**[b.]** ***(2)*** A master's degree, plus not less than 2 years of experience, or

**[c.]** ***(3)*** A bachelor's degree, plus not less than 3 years of experience.

**[**As to applications made on and after July 1, 1981:*

*A doctorate degree, plus not less than 1 year of experience.*]**

The above academic degrees shall be course-earned in the fields of chemistry, pharmacy or the biological sciences and awarded by an educational institution approved by the board. "Years of experience," as used in this section, means ***for plenary license applicants,*** years of general bio-analytical laboratory experience *[in a laboratory or laboratories]* acceptable to the [board] **[*commissioner*]** ***board***.

***b. The board shall grant a plenary license to all applicants who meet the qualifications for licensure and satisfactorily complete the examination given by the board.*

*All examinations shall be written in the English language, but the board, in its discretion, may use supplementary oral and practical examinations of the whole class or of individual applicants. The scope of all examinations shall be such as to determine the competence of the applicant to perform and supervise such tests which are within the scope of the director's plenary license and the clinical laboratory license under the "New Jersey Clinical Laboratory Improvement Act," P L. 1975, c. 166 (C. 45:9–42.26 et seq.).*

*c. The board shall grant a specialty license in one or more of the fields of toxicological chemistry, microbiology, cytogenetics and clinical chemistry if the applicant is certified by a national accrediting board, which board requires a doctorate degree plus experience, such as but not limited to the American Board of Pathology, the American Osteopathic Board of Pathology, the American Board of Medical Microbiology, the American Board of Clinical Chemistry, the American Board of Bio-analysis or the American Society of Cytopathology or any other national accrediting board recognized by the Board of Medical Examiners.*

*The applicant for a specialty license must offer proof to the satisfaction of the Board of Medical Examiners of one year's experience in the specialty, which one year's experience must be within 3 years next preceding the date of application for the specialty license.*

*The specialty license shall authorize the licensee to perform and supervise only those tests which are within the scope of the specialty.***

**[5. Section 8 of P. L. 1953, c. 420 (C. 45:9–42.8) is amended to read as follows:

8. Any member of the board may inquire of any applicant for examination concerning his qualifications and may take testimony, under oath, of anyone in regard thereto. Any member of the board is authorized to administer an oath to any witness appearing before the board or a member thereof. License examination fees shall be returned by the board if, for any reason, the applicant is not admitted to the examination. If any applicant has been accepted for examination, his fee shall not be refunded unless sickness or other good cause, satisfactory to the board, prevents the applicant from attending and completing such examination or the next succeeding examination. An applicant, who fails to pass an examination for licensing as a bio-analytical laboratory director, may reapply by submitting a new application together with the usual fee, not less than 1 year after the examination which was failed.

*This section does not apply to applicants under section 9a. of P. L. 1953, c. 420 (C. 45:9–42.9a).*]**

**[6. Section 9 of P. L. 1953, c. 420 (C. 45:9–42.9) is amended to read as follows:

9. [All examinations shall be written in the English language, but the board, in its discretion, may use supplementary oral and practical examinations of the whole class or of individual applicants. The scope of the examination shall be such as to determine the competence of the applicant to perform and supervise such tests as are included under paragraph "c" of section 2 of this act.]

*a. The board shall grant a specialty license* *[*to an applicant for a Bio-analytical Laboratory Director's Specialty License*]* *if the applicant meets the qualifications of section 7 of P. L. 1953, c. 420 (C. 45:9–42.7) and is certified by a national accrediting board such as The American Board of Medical Microbiology, The American Board of Clinical Chemistry, The American Board of Bioanalysis, or any other national accrediting board recognized by the commissioner.*

*The specialty license shall be granted to applicants who have a national accrediting board certified specialty when the applicant has applied for a license in that certified specialty. *The specialty license shall authorize the licensee to perform and supervise only those tests which are within the scope of the specialty.**

*[*b. An applicant for a Bio-analytical Laboratory Director's Specialty License who does not have the educational qualifications to apply for national board certification recognized by the commissioner under subsection a. of this section, but has the educational and experience qualifications for a Bio-analytical Director's License under section 7 of P. L. 1953, c. 420 (C. 45:9–42.7) may apply for and take an examination for a Bio-analytical Laboratory Director's Specialty License.*

*The examination under this subsection b. shall be consistent with the applicant's educational and experience qualifications and shall be composed by the board consistent with subsection d. of this section.*

*c. The board shall also compose and applicants may voluntarily take an examination for a Bio-analytical Laboratory Director's General License.*]*

**b. The board shall grant a general license to applicants who meet the qualifications of section 7 of P. L. 1953, c. 420 (C. 45:9–42.7) and satisfactorily complete the examination given by the board.**

*[*d.*]* *All examinations shall be written in the English language, but the board, in its discretion, may use supplementary oral and practical examinations of the whole class or of individual applicants. The scope of all examinations shall be such as to determine the competence of the applicant to perform and supervise such tests which are within the scope of the director's *general* license and the clinical laboratory license under the "New Jersey Clinical Laboratory Improvement Act," P. L. 1975, c. 166 (C. 45:9–42.26 et seq.).*]**

**[7. Section 6 of P. L. 1953, c. 420 (C. 45:9–42.6) is repealed.]**

***5. Sections 6, 8, 9 and 21 of P. L. 1953, c. 420 (C. 45:9–42.6, 45:9–42.8, 45:9–42.9, and 45:9–42.21) are repealed***.

**[8.]** ***6.*** This act shall take effect immediately.

# SENATE, No. 3090

# STATE OF NEW JERSEY

INTRODUCED FEBRUARY 9, 1981

By Senator ORECHIO

Referred to Committee on Institutions, Health and Welfare

AN ACT to amend the "Bio-analytical Laboratory and Laboratory Directors Act (1953)," approved September 18, 1953 (P. L. 1953, c. 420) and repealing section 6 thereof.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P. L. 1953, c. 420 (C. 45:9–42.2) is amended to read as follows:

2. As used in this act, the following terms are defined as follows:

a. "Board" means the State Board of Medical Examiners who shall have authority to register bio-analytical laboratories and license bio-analytical laboratory directors as defined in this act. The board is authorized to make necessary rules to implement the provisions of this act.

b. "License" means a license granted and issued by the board under this act to any person who makes application therefor and fulfills the requirements set forth by [the board for bio-analytical laboratory directors] *this act.*

c. A "Bio-analytical Laboratory" is any place, establishment or institution organized and operated primarily for the performance of chemical, microscopic, serological, parasitological, bacteriological or any other tests, by the practical application of one or more of the fundamental sciences, to material originating from the human body, for the purpose of obtaining scientific data which may be used as an aid to ascertain the state of health. The interpretation of cytologic and histologic criteria of disease is not considered to be within the scope of this definition of a bio-analytical laboratory.

d. A "Bio-analytical Laboratory Director" is any person licensed and qualified to direct and supervise the technical work in a bio-analytical laboratory as defined in this act.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

*e. A "Bio-analytical Laboratory Director's General License" is a license which includes any combination of the categories established under section 3 of P. L. 1975, c. 166 (C. 45:9–42.28).*

*f. A "Bio-analytical Laboratory Director's Specialty License" also referred to as a "Specialty" license is a license issued pursuant to section 9 of P. L. 1953, c. 420 (C. 45:9–42.9).*

*g. "Commissioner" means the State Commissioner of Health or his duly authorized agent.*

2. Section 3 of P. L. 1953, c. 420 (C. 45:9–42.3) is amended to read as follows:

3. The State Board of Medical Examiners shall, in addition to conducting examinations for licenses to practice medicine and surgery, and chiropody, hold meetings for the *licensure and* examination of all applicants under this act for a license as a bio-analytical laboratory director, which meetings shall be held at such place in the city of Trenton as the board shall designate, on the third Tuesday of June and October of each year and at such other times and places as the board may deem expedient. The board shall keep an official record of all such meetings and an official register of all applicants for such license.

3. Section 4 of P. L. 1953, c. 420 (C. 45:9–42.4) is amended to read as follows:

4. All persons desiring a bio-analytical laboratory director's license shall apply therefor to the board.

*a.* Every such applicant for examination shall present to the secretary of said board, at least 30 days before the examination at which he requests to be examined, a written application on a form provided by the board, together with satisfactory proof that he is a citizen of the United States, has been a resident of the State of New Jersey for at least 1 year, is more than 21 years of age, is of good moral character and has met satisfactorily all the necessary requirements of education, training and experience as hereinafter provided. [An examination fee of twenty-five dollars ($25.00) shall accompany the application.]

*b. If the applicant does not require an examination under this act, the applicant shall present to the board a written application on a form provided by the board, together with satisfactory proof that he is a citizen of the United States, has been a resident of this State for at least 1 year, is more than 21 years of age, is of good moral character and has met satisfactorily all the necessary requirements of education, training and experience as hereinafter provided.*

*A fee of $25.00 shall accompany all applications.*

4. Section 7 of P. L. 1953, c. 420 (C. 45:9–42.7) is amended to read as follows:

7. Any person possessing the educational and experience qualifications hereinafter set forth may apply for examination [for a license] *or licensure* as a bio-analytical laboratory director. The following qualifications as to education and experience are established as prerequisites for application for examination *and licensure* for a bio-analytical laboratory director's license:

As to applications made prior to January 1, 1957:

a. A bachelor's degree, or a higher degree, plus not less than 1 year of experience, or

b. A high school diploma and graduation from a school of medical technology approved by the board plus not less than 5 years of experience, or

c. A high school diploma plus not less than 10 years of experience;

As to applications made on and after January 1, 1957:

a. A doctorate degree, plus not less than 1 year of experience, or

b. A master's degree, plus not less than 2 years of experience, or

c. A bachelor's degree, plus not less than 3 years of experience.

The above academic degrees shall be course-earned in the fields of chemistry, pharmacy or the biological sciences and awarded by an educational institution approved by the board. "Years of experience," as used in this section, means years of general bio-analytical laboratory experience in a laboratory or laboratories acceptable to the [board] *commissioner*.

5. Section 8 of P. L. 1953, c. 420 (C. 45:9–42.8) is amended to read as follows:

8. Any member of the board may inquire of any applicant for examination concerning his qualifications and may take testimony, under oath, of anyone in regard thereto. Any member of the board is authorized to administer an oath to any witness appearing before the board or a member thereof. License examination fees shall be returned by the board if, for any reason, the applicant is not admitted to the examination. If any applicant has been accepted for examination, his fee shall not be refunded unless sickness or other good cause, satisfactory to the board, prevents the applicant from attending and completing such examination or the next succeeding examination. An applicant, who fails to pass an examination for licensing as a bio-analytical laboratory director, may reapply by submitting a new application together with the usual fee, not less than 1 year after the examination which was failed.

*This section does not apply to applicants under section 9a. of P. L. 1953, c. 420 (C. 45:9–42.9a.).*

6. Section 9 of P. L. 1953, c. 420 (C. 45:9–42.9) is amended to read as follows:

9. [All examinations shall be written in the English language, but the board, in its discretion, may use supplementary oral and practical examinations of the whole class or of individual applicants. The scope of the examination shall be such as to determine the competence of the applicant to perform and supervise such tests as are included under paragraph "c" of section 2 of this act.]

*a. The board shall grant a specialty license to an applicant for a Bio-analytical Laboratory Director's Specialty License if the applicant meets the qualifications of section 7 of P. L. 1953, c. 420 (C. 45:9–42.7) and is certified by a national accrediting board such as The American Board of Medical Microbiology, The American Board of Clinical Chemistry, The American Board of Bioanalysis, or any other national accrediting board recognized by the commissioner.*

*The specialty license shall be granted to applicants who have a national accrediting board certified specialty when the applicant has applied for a license in that certified specialty.*

*b. An applicant for a Bio-analytical Laboratory Director's Specialty License who does not have the educational qualifications to apply for national board certification recognized by the commissioner under subsection a. of this section, but has the educational and experience qualifications for a Bio-analytical Director's License under section 7 of P. L. 1953, c. 420 (C. 45:9–42.7) may apply for and take an examination for a Bio-analytical Laboratory Director's Specialty License.*

*The examination under this subsection b. shall be consistent with the applicant's educational and experience qualifications and shall be composed by the board consistent with subsection d. of this section.*

*c. The board shall also compose and applicants may voluntarily take an examination for a Bio-analytical Laboratory Director's General License.*

*d. All examinations shall be written in the English language, but the board, in its discretion, may use supplementary oral and practical examinations of the whole class or of individual applicants. The scope of all examinations shall be such as to determine the competence of the applicant to perform and supervise such tests which are within the scope of the director's license and the clinical laboratory license under the "New Jersey Clinical Laboratory Improvement Act," P. L. 1975, c. 166 (C. 45:9–42.26 et seq.).*

7. Section 6 of P. L. 1953, c. 420 (C. 45:9–42.6) is repealed.

8. This act shall take effect immediately.

STATEMENT

This bill removes the examination requirement for licensing as a bio-analytical laboratory director for those persons who have a certification based on a national accrediting board recognized by the Commissioner of Health.

Ref'd. with Gov. Recom'ds. 11-12-81

[OFFICIAL COPY REPRINT]

# SENATE, No. 3090

# STATE OF NEW JERSEY

INTRODUCED FEBRUARY 9, 1981

By Senator ORECHIO

Referred to Committee on Institutions, Health and Welfare

AN ACT to amend the "Bio-analytical Laboratory and Laboratory Directors Act (1953)," approved September 18, 1953 (P. L. 1953, c. 420) and repealing section 6 thereof.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P. L. 1953, c. 420 (C. 45:9–42.2) is amended to read as follows:

2. As used in this act, the following terms are defined as follows:

a. "Board" means the State Board of Medical Examiners who shall have authority to *[register bio-analytical laboratories and]* license bio-analytical laboratory directors as defined in this act. The board is authorized to make necessary rules to implement the provisions of this act.

b. "License" means a license granted and issued by the board under this act to any person who makes application therefor and fulfills the requirements set forth by [the board for bio-analytical laboratory directors] *this act. *A license shall be either a general or specialty license issued pursuant to the provisions of section 9 of P. L. 1953, c. 420 (C. 45:9–42.9).**

c. A "Bio-analytical Laboratory" is any place, establishment or institution organized and operated primarily for the performance of chemical, microscopic, serological, parasitological, bacteriological or any other tests, by the practical application of one or more of the fundamental sciences, to material originating from the human body, for the purpose of obtaining scientific data which may be used as an aid to ascertain the state of health. The interpretation of cytologic and histologic criteria of disease is not considered to be within the scope of this definition of a bio-analytical laboratory.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

d. A "Bio-analytical Laboratory Director" is any person licensed and qualified to direct and supervise the technical work in a bio-analytical laboratory as defined in this act.

*[*e. A "Bio-analytical Laboratory Director's General License" is a license which includes any combination of the categories established under section 3 of P. L. 1975, c. 166 (C. 45:9–42.28).*

*f. A "Bio-analytical Laboratory Director's Specialty License" also referred to as a "Specialty" license is a license issued pursuant to section 9 of P. L. 1953, c. 420 (C. 45:9–42.9).*]*

*[*g.*]* **e.** "Commissioner" means the State Commissioner of Health or his duly authorized agent.*

2. Section 3 of P. L. 1953, c. 420 (C. 45:9–42.3) is amended to read as follows:

3. The State Board of Medical Examiners shall, in addition to conducting examinations for licenses to practice medicine and surgery, and chiropody, hold meetings for the *licensure and* examination of all applicants under this act for a license as a bio-analytical laboratory director, which meetings shall be held at such place in the city of Trenton as the board shall designate, on the third Tuesday of June and October of each year and at such other times and places as the board may deem expedient. The board shall keep an official record of all such meetings and an official register of all applicants for such license.

3. Section 4 of P. L. 1953, c. 420 (C. 45:9–42.4) is amended to read as follows:

4. All persons desiring a bio-analytical laboratory director's license shall apply therefor to the board.

*a.* Every such applicant for examination shall present to the secretary of said board, at least 30 days before the examination at which he requests to be examined, a written application on a form provided by the board, together with satisfactory proof that he is a citizen of the United States, has been a resident of the State of New Jersey for at least 1 year, is more than 21 years of age, is of good moral character and has met satisfactorily all the necessary requirements of education, training and experience as hereinafter provided. [An examination fee of twenty-five dollars ($25.00) shall accompany the application.]

*b. If the applicant does not require an examination under this act, the applicant shall present to the board a written application on a form provided by the board, together with satisfactory proof that he is a citizen of the United States, has been a resident of this State for at least 1 year, is more than 21 years of age, is of good moral character and has met satisfactorily all the necessary re-*

*quirements of education, training and experience as hereinafter provided.*

**c.* A fee of $25.00 shall accompany all applications.*

4. Section 7 of P. L. 1953, c. 420 (C. 45:9–42.7) is amended to read as follows:

7. Any person possessing the educational and experience qualifications hereinafter set forth may apply for examination [for a license] *or licensure* as a bio-analytical laboratory director. The following qualifications as to education and experience are established as prerequisites for application for examination *and licensure* for a bio-analytical laboratory director's license:

As to applications made prior to January 1, 1957:

a. A bachelor's degree, or a higher degree, plus not less than 1 year of experience, or

b. A high school diploma and graduation from a school of medical technology approved by the board plus not less than 5 years of experience, or

c. A high school diploma plus not less than 10 years of experience;

As to applications made on and after January 1, 1957:

a. A doctorate degree, plus not less than 1 year of experience, or

b. A master's degree, plus not less than 2 years of experience, or

c. A bachelor's degree, plus not less than 3 years of experience.

**As to applications made on and after July 1, 1981:*

*A doctorate degree, plus not less than 1 year of experience.**

The above academic degrees shall be course-earned in the fields of chemistry, pharmacy or the biological sciences and awarded by an educational institution approved by the board. "Years of experience," as used in this section, means years of general bio-analytical laboratory experience *[in a laboratory or laboratories]* acceptable to the [board] *commissioner*.

5. Section 8 of P. L. 1953, c. 420 (C. 45:9–42.8) is amended to read as follows:

8. Any member of the board may inquire of any applicant for examination concerning his qualifications and may take testimony, under oath, of anyone in regard thereto. Any member of the board is authorized to administer an oath to any witness appearing before the board or a member thereof. License examination fees shall be returned by the board if, for any reason, the applicant is not admitted to the examination. If any applicant has been accepted for examination, his fee shall not be refunded unless sickness or other good cause, satisfactory to the board, prevents the applicant from attending and completing such examination or the next succeeding examination. An applicant, who fails to pass an exam-

ination for licensing as a bio-analytical laboratory director, may reapply by submitting a new application together with the usual fee, not less than 1 year after the examination which was failed.

*This section does not apply to applicants under section 9a. of P. L. 1953, c. 420 (C. 45:9–42.9a.).*

6. Section 9 of P. L. 1953, c. 420 (C. 45:9–42.9) is amended to read as follows:

9. [All examinations shall be written in the English language, but the board, in its discretion, may use supplementary oral and practical examinations of the whole class or of individual applicants. The scope of the examination shall be such as to determine the competence of the applicant to perform and supervise such tests as are included under paragraph "c" of section 2 of this act.]

*a. The board shall grant a specialty license* *[*to an applicant for a Bio-analytical Laboratory Director's Specialty License*]* *if the applicant meets the qualifications of section 7 of P. L. 1953, c. 420 (C. 45:9–42.7) and is certified by a national accrediting board such as The American Board of Medical Microbiology, The American Board of Clinical Chemistry, The American Board of Bioanalysis, or any other national accrediting board recognized by the commissioner.*

*The specialty license shall be granted to applicants who have a national accrediting board certified specialty when the applicant has applied for a license in that certified specialty. *The specialty license shall authorize the licensee to perform and supervise only those tests which are within the scope of the specialty.**

**[b. An applicant for a Bio-analytical Laboratory Director's Specialty License who does not have the educational qualifications to apply for national board certification recognized by the commissioner under subsection a. of this section, but has the educational and experience qualifications for a Bio-analytical Director's License under section 7 of P. L. 1953, c. 420 (C. 45:9–42.7) may apply for and take an examination for a Bio-analytical Laboratory Director's Specialty License.*

*The examination under this subsection b. shall be consistent with the applicant's educational and experience qualifications and shall be composed by the board consistent with subsection d. of this section.*

*c. The board shall also compose and applicants may voluntarily take an examination for a Bio-analytical Laboratory Director's General License.]**

***b. The board shall grant a general license to applicants who meet the qualifications of section 7 of P. L. 1953, c. 420 (C.*

*45:9–42.7) and satisfactorily complete the examination given by the board.**

**[d.]** *All examinations shall be written in the English language, but the board, in its discretion, may use supplementary oral and practical examinations of the whole class or of individual applicants. The scope of all examinations shall be such as to determine the competence of the applicant to perform and supervise such tests which are within the scope of the director's *general* license and the clinical laboratory license under the "New Jersey Clinical Laboratory Improvement Act," P. L. 1975, c. 166 (C. 45:9–42.26 et seq.).*

7. Section 6 of P. L. 1953, c. 420 (C. 45:9–42.6) is repealed.

8. This act shall take effect immediately.

SENATE AMENDMENTS TO

# SENATE, No. 3090

# STATE OF NEW JERSEY

ADOPTED NOVEMBER 12, 1981

Amend title, line 3, delete "section 6" and insert "sections 6, 8, 9 and 21".

Amend page 1, section 1, line 4, delete "who" and insert "which".

Amend page 1, section 1, line 5, after "]*", insert "examine and".

Amend page 1, section 1, line 6, delete "defined" and insert "set forth".

Amend page 1, section 1, line 12, delete "general" and insert "plenary".

Amend page 1, section 1, line 12A, delete "9" and insert "7".

Amend page 1, section 1, line 12B, delete "(C. 45:9–42.9)" and insert "(C. 45:9–42.7)".

Amend page 2, section 1, lines 32 and 33, after "]*" on line 32 delete in entirety.

Amend page 2, section 2, lines 4 and 5, delete "medicine, and surgery and chiropody" and insert "all professions placed under its jurisdiction".

Amend page 2, section 2, line 5, after "licensure", delete "and" and insert "or".

Amend page 2, section 2, line 6, after "tion", insert ", or both,".

Amend page 2, section 2, line 7, delete "," and insert "not less than twice each year".

Amend page 2, section 2, lines 7 and 8, delete "place in the city of Trenton" and insert "times and places".

Amend page 2, section 2, lines 8 through 10, delete ", on the third Tuesday of June and October of each year and at such other times and places as the board may deem expedient".

Amend page 2, section 3, line 5, delete "such".

Amend page 2, section 3, line 5, delete "examination" and insert "plenary license".

Amend page 2, section 3, line 6, delete "said" and insert "the".

Amend page 2, section 3, line 7, delete "," and insert "and every applicant for a specialty license shall also present to the secretary of the board".

Amend page 2, section 3, lines 9 and 10, delete "is a citizen of the United States, has been a resident of the State of New Jersey for at least 1 year,".

Amend page 2, section 3, line 10, delete "21" and insert "18".

Amend page 2, section 3, line 12, after experience, insert "or certification".

Amend pages 2 and 3, section 3, lines 15 through 22, delete in entirety.

Amend page 3, section 3, line 23, delete "c." and insert "b.".

Amend page 3, section 3, line 23, delete "$25.00" and insert "$100.00".

Amend page 3, section 4, line 3, after "7.", insert "a.".

Amend page 3, section 4, line 5, delete "or licensure" and insert "for a plenary license".

Amend page 3, section 4, line 7, delete "and" and insert "or".

Amend page 3, section 4, line 8, after "director's", insert "plenary".

Amend page 3, section 4, lines 9 through 16, delete in entirety.

Amend page 3, section 4, line 17, delete "a." and insert "(1)".

Amend page 3, section 4, line 18, delete "b." and insert "(2)".

Amend page 3, section 4, line 19, delete "c." and insert "(3)".

Amend page 3, section 4, lines 19A and 19B, delete in entirety.

Amend page 3, section 4, line 23, after "means", insert "for plenary license applicants,".

Amend page 3, section 4, line 25, delete "commissioner" and insert "board".

Amend page 3, after section 4, line 25, insert:

"b. The board shall grant a plenary license to all applicants who meet the qualifications for licensure and satisfactorily complete the examination given by the board.

All examinations shall be written in the English language, but the board, in its discretion, may use supplementary oral and practical examinations of the whole class or of individual applicants. The scope of all examinations shall be such as to determine the competence of the applicant to perform and supervise such tests which are within the scope of the director's plenary license and the clinical laboratory license under the "New Jersey Clinical Laboratory Improvement Act," P. L. 1975, c. 166 (C. 45:9–42.26 et seq.).

c. The board shall grant a specialty license in one or more of the fields of toxicological chemistry, microbiology, cytogenetics and clinical chemistry if the applicant is certified by a national accrediting board, which board requires a doctorate degree plus experience, such as but not limited to the American Board of Pathology, the American Osteopathic Board of Pathology, the American Board of Medical Microbiology, the American Board of Clinical Chemistry, the American Board

of Bioanalysis or the American Society of Cytopathology or any other national accrediting board recognized by the Board of Medical Examiners.

The applicant for a specialty license must offer proof to the satisfaction of the Board of Medical Examiners of one year's experience in the specialty, which one year's experience must be within 3 years next preceding the date of application for the specialty license.

The specialty license shall authorize the licensee to perform and supervise only those tests which are within the scope of the specialty.''

Amend pages 3 and 4, section 5, delete in entirety.

Amend pages 4 and 5, section 6, delete in entirety.

Amend page 5, section 7, line 1, delete in entirety and insert ''5. Sections 6, 8, 9 and 21 of P. L. 1953, c. 420 (C. 45:9–42.6, 45:9–42.8, 45:9–42.9, and 45:9–42.21) are repealed''.

Amend page 5, section 8, line 1, delete ''8'' and insert ''6''.

SENATE COMMITTEE AMENDMENTS TO

# SENATE, No. 3090

# STATE OF NEW JERSEY

ADOPTED FEBRUARY 23, 1981

Amend page 1, section 1, line 5, omit "register bio-analytical laboratories and".

Amend page 1, section 1, line 12, after "act.", insert "A license shall be either a general or specialty license issued pursuant to the provisions of section 9 of P. L. 1953, c. 420 (C. 45:9–42.9).".

Amend page 2, section 1, lines 26-31, omit entirely.

Amend page 2, section 1, line 32, omit "g.", insert "e.".

Amend page 3, section 3, line 23, before "A", insert "c.".

Amend page 3, section 4, after line 19, insert new paragraph as follows:

"As to applications made on and after July 1, 1981:

A doctorate degree, plus not less than 1 year of experience.".

Amend page 3, section 4, line 24, omit "in a laboratory or laboratories".

Amend page 4, section 6, lines 9 and 10, omit "to an applicant for a Bio-analytical Laboratory Director's Specialty License".

Amend page 4, section 6, line 19, after "specialty.", insert "The specialty license shall authorize the licensee to perform and supervise only those tests which are within the scope of the specialty.".

Amend page 4, section 6, lines 20-34, omit entirely, and after line 34, insert new subsection b. as follows:

"b. The board shall grant a general license to applicants who meet the qualifications of section 7 of P. L. 1953, c. 420 (C. 45:9–42.7) and satisfactorily complete the examination given by the board.".

Amend page 4, section 6, line 35, omit "d".

Amend page 4, section 6, line 40, after "director's", insert "general".

SENATE INSTITUTIONS, HEALTH AND WELFARE COMMITTEE

STATEMENT TO

# SENATE, No. 3090

with Senate committee amendments

# STATE OF NEW JERSEY

DATED: FEBRUARY 23, 1981

This bill changes the licensing requirements of the Board of Medical Examiners for bio-analytical laboratory directors.

As amended, the bill establishes two types of licenses: a "general license" (comparable to the current license), which authorizes the licensee to supervise all tests performed in a lab; and a "specialty license" which authorizes the licensee to supervise and perform only those tests that are within the scope of his specialty, such as microbiology or hematology. Individuals who apply for a "general license" are required to take an examination given by the Board of Medical Examiners which encompasses the scope of bio-analytical work. Individuals who apply for a "specialty license" shall be granted the license without taking an examination if they meet the educational and experience requirements and are certified in their specialty by a recognized, national accrediting board. The bill also raises the minimum education requirement for all license applicants to a doctorate degree.

The committee amendments clarify the intent of the sponsor to establish two kinds of licenses, general and specialty, and to raise the minimum educational requirements to a doctorate degree.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

November 12, 1981

SENATE BILL NO. 3090 (OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 3090 with my objections, for reconsideration.

The bill establishes a specialty license for bioanalytical laboratory directors. Under existing law only general licenses are issued, and these licenses have proved unfairly difficult for a certified specialist to obtain. This bill would allow a certified specialist to obtain a license in his area of expertise, and not require him to pass an examination covering six varied areas of biological analysis.

While I agree with its purpose I find that this bill passed the Legislature with certain flaws, mostly technical, which need to be corrected. Principal among my substantive objections is the requirement that a general licensee possess a doctorate degree. This is not required under current law and I have recommended its deletion from the bill as passed. I have also recommended that the general license be renamed a plenary license.

Accordingly, I herewith return Senate Bill No. 3090 (OCR) for reconsideration and recommend that it be amended as follows:

Title, Line 3: Delete "section 6" and insert "sections 6, 8, 9 and 21"

Page 1, Section 1, Line 4: Delete "who" and insert "which"

Page 1, Section 1, Line 5: After "]*" insert "examine and"

Page 1, Section 1, Line 6: Delete "defined" and insert "set forth"

Page 1, Section 1, Line 12: Delete "general" and insert "plenary"

Page 1, Section 1, Line 12A: Delete "9" and insert "7"

Page 1, Section 1, Line 12B: Delete "(C. 45:9-42.9)" and insert "(C. 45:9-42.7)"

Page 2, Section 1, Lines 32 and 33: After "]*" on line 32 delete in entirety

Page 2, Section 2, Line 4 and 5: Delete "medicine, and surgery and chiropody" and insert "all professions placed under its jurisdiction"

Page 2, Section 2, Line 5: After "licensure" delete "and" and insert "or"

Page 2, Section 2, Line 6: After "tion" insert "or both"

Page 2, Section 2, Line 7: Delete "," and insert "not less than twice each year"

Page 2, Section 2, Line 7 and 8: Delete "place in the city of Trenton" and insert "times and places"

Page 2, Section 2, Line 8 - 10: Delete ", on the third Tuesday of June and October of each year and at such other times and places as the board may deem expedient"

Page 2, Section 3, Line 5: Delete "such"

Page 2, Section 3, Line 5: Delete "examination" and insert "plenary license"

Page 2, Section 3, Line 6: Delete "said" and insert "the"

Page 2, Section 3, Line 7: Delete "," and insert "and every applicant for a specialty license shall also present to the secretary of the board"

Page 2, Section 3, Lines 9 and 10: Delete "is a citizen of the United States, has been a resident of the State of New Jersey for at least 1 year,"

Page 2, Section 3, Line 10: Delete "21" and insert "18"

Page 2, Section 3, Line 12: After experience insert "or certification"

Pages 2 and 3, Section 3, Lines 15 - 22: Delete in entirety

Page 3, Section 3, Line 23: Delete "c." and insert "b,"

Page 3, Section 3, Line 23: Delete "$25.00" and insert "$100.00"

Page 3, Section 4, Line 3: After "7." insert "a."

Page 3, Section 4, Line 5: Delete "or licensure" and insert "for a plenary license"

Page 3, Section 4, Line 7: Delete "and" and insert "or"

Page 3, Section 4, Line 8: After "director's" insert "plenary"

Page 3, Section 4, Lines 9 - 16: Delete in entirety

Page 3, Section 4, Line 17: Delete "a." and insert "(1.)"

Page 3, Section 4, Line 18: Delete "b." and insert "(2.)"

Page 3, Section 4, Line 19: Delete "c." and insert "(3.)"

Page 3, Section 4, Lines 19A and 19B: Delete in entirety

Page 3, Section 4, Line 23: After "means" insert "for plenary license applicants,"

Page 3, Section 4, Line 25: Delete "commissioner" and insert "board"

Page 3, After Section 4, Line 25: Insert

"b. The board shall grant a plenary license to all applicants who meet the qualifications for licensure and satisfactorily complete the examination given by the board.

All examinations shall be written in the English language, but the board, in its discretion, may use supplementary oral and practical examinations of the whole class or of individual applicants. The scope of all examinations shall be such as to determine the competence of the applicant to perform and supervise

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

such tests which are within the scope of the director's plenary license and the clinical laboratory license under the "New Jersey Clinical Laboratory Improvement Act," P.L. 1975, c. 166 (C. 45:9-42.26 et seq.).

c. The board shall grant a specialty license in one or more of the fields of toxicological chemistry, microbiology, cytogenetics and clinical chemistry if the applicant is certified by a national accrediting board, which board requires a doctorate degree plus experience, such as but not limited to the American Board of Pathology, the American Osteopathic Board of Pathology, the American Board of Medical Microbiology, the American Board of Clinical Chemistry, the American Board of Bioanalysis or the American Society of Cytopathology or any other national accrediting board recognized by the Board of Medical Examiners.

The applicant for a specialty license must offer proof to the satisfaction of the Board of Medical Examiners of one year's experience in the specialty, which one year's experience must be within 3 years next preceding the date of application for the specialty license.

The specialty license shall authorize the licensee to perform and supervise only those tests which are within the scope of the specialty."

Pages 3 and 4, Section 5: Delete in entirety

Pages 4 and 5, Section 6: Delete in entirety

Page 5, Section 7, Line 1: Delete in entirety and insert "5. Sections 6, 8, 9 and 21 of P.L. 1953, c. 420 (C. 45:9-42.6, 45:9-42.8, 45:9-42.9, and 45:9-42.21) are repealed"

Page 5, Section 8, Line 1: Delete "8" and insert "6"

Respectfully,

/s/ Brendan Byrne

GOVERNOR

[seal]

Attest:

/s/ Harold L. Hodes

CHIEF OF STAFF, SECRETARY

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

DECEMBER 4, 1981

FOR FURTHER INFORMATION

ROBERT DOWD

Governor Brendan Byrne has signed the following bills:

S-3090, sponsored by Senator Carmen Orechio (D-Essex), establishes a special State license to be required by directors of bio-analytical laboratories. Under the pre-existing law, only general licenses were issued by the State Board of Medical Examiners. The bill also makes a technical change in the law to change the name of a "general license" to a "plenary license."

The bill addresses the difficulties encountered by specialists who were unable to pass general examinations given by the State Board of Medical Examiners because of their specialization. Under the new law, the State Board would have the power to issue a license to a specialist without examination for practice only in his area of expertise.

A-2206, sponsored by Assemblyman James Bornheimer (D-Middlesex), allows the State Department of Banking to put consumer credit licensing fees on a biennial basis and gives the Commissioner of Banking the authority to raise these fees to fixed limits.

# # # #