

1 54-5803. DEFINITIONS. As used in this chapter:

2 (1) "Accredited medical laboratory program" means a program, as pro-
3 vided in rule, that provides appropriate instruction and experience in medi-
4 cal laboratory science that has been accredited by one (1) of the accrediting
5 agencies recognized by the United States department of education.

6 (2) "Board" means the medical laboratory board created in section
7 54-5814, Idaho Code.

8 (3) "Categorical medical laboratory scientist" means an individual el-
9 igible under the provisions of this chapter who is qualified to perform med-
10 ical laboratory tests only in a specialized testing field, such as microbio-
11 ology, chemistry, immunology, hematology, immunohematology or future cate-
12 gories according to approved protocols, including those that require the ex-
13 ercise of independent judgment.

14 (4) "Clinic" means a place devoted primarily to the maintenance and op-
15 eration of facilities for outpatient medical, surgical and emergency care of
16 acute and chronic conditions or injury.

17 (5) "Inactive license" means a license issued pursuant to section
18 54-5810, Idaho Code, for a person who does not engage in any practice defined
19 by this chapter.

20 (6) "Medical laboratory" or "laboratory" means any facility in which
21 medical laboratory tests are performed.

22 (7) "Medical laboratory science" means the practice by an individual
23 who manages, supervises, educates, consults, researches or performs medical
24 laboratory testing or technical procedures in a medical laboratory. "Med-
25 ical laboratory science" does not include an activity that constitutes the
26 practice of medicine.

27 (8) "Medical laboratory scientist or technologist" means an individual
28 eligible under the provisions of this chapter to perform any medical labora-
29 tory test including those that require the exercise of independent judgment.
30 In addition, the individual may be responsible for the establishment and im-
31 plementation of protocols, quality assessment, method development and se-
32 lection, equipment selection and maintenance, and all activities related to
33 the pre-analytic, analytic and post-analytic phases of testing. The medical
34 laboratory scientist or technologist may also direct, supervise, consult,
35 educate or perform research functions.

36 (9) "Medical laboratory technician" means an individual eligible under
37 the provisions of this chapter who is qualified to perform medical labora-
38 tory tests pursuant to established and approved protocols that require lim-
39 ited exercise of independent judgment and that are performed with oversight
40 from a medical laboratory scientist or technologist, laboratory supervisor
41 or laboratory director.

42 (10) "Medical laboratory test" or "laboratory test" means a microbio-
43 logical, serological, chemical, biological, hematological, immunological,
44 immunohematological, radiobioassay, biophysical or any other test or proce-
45 dure performed on material derived from or existing in a human body that pro-
46 vides information for the diagnosis, prevention or monitoring of a disease
47 or impairment or assessment of a medical condition. Medical laboratory test
48 encompasses the pre-analytic, analytic and post-analytic phases of testing.

49 (11) "Point-of-care testing" means those analytical patient testing
50 activities provided within an institution but performed outside the physi-

1 cal facilities of the central medical laboratory. The primary criterion of
2 point-of-care testing is that it does not require permanent dedicated space.
3 Examples include analytical instruments that are temporarily brought to a
4 patient care location. Point-of-care testing must be under the direction,
5 authority, jurisdiction and responsibility of a person licensed under this
6 chapter.

7 (12) "Temporary license" means a license issued to an applicant eligi-
8 ble to sit for and registered to take the certification examination within
9 six (6) months of issuance of the temporary license or who has taken the ex-
10 amination and is awaiting the results or who meets the educational require-
11 ments for the license and is seeking to qualify for the certification exami-
12 nation by completing the medical laboratory experience required.

13 (13) "Trainee" or "student" means an individual who has not fulfilled
14 the educational requirements to take an approved, nationally recognized
15 certification examination or who needs to obtain full-time comprehensive
16 experience under supervision.

17 (14) "Waived test" means a simple laboratory examination or procedure
18 that, under a federal interpretation of the clinical laboratory improvement
19 amendments of 1988, employs a simple and accurate methodology that renders
20 the likelihood of erroneous results negligible or poses no reasonable risk
21 of harm to the patient if performed incorrectly.

22 54-5804. LICENSE REQUIRED. (1) On and after July 1, 2017, a license
23 shall be required to engage in the practice of medical laboratory science.
24 No person shall perform medical laboratory tests, or hold himself out as or
25 use in connection with his name or place of business the title of medical lab-
26 oratory scientist or technologist, medical laboratory technician or cate-
27 gorical medical laboratory scientist in this state unless the person pos-
28 sesses a valid license issued under the provisions of this chapter or is ex-
29 empt from the requirements of this chapter.

30 (2) Until July 1, 2018, the qualifications for licensure in subsection
31 (1) of this section may be waived, and the board may issue a license to a per-
32 son engaged in the practice of medical laboratory science on the effective
33 date of this chapter if the applicant can provide documentation, verified by
34 oath, of the equivalent of at least three (3) years of full-time experience
35 in medical laboratory science in Idaho within the last five (5) years. The
36 applicant's level of practice on the effective date of this chapter deter-
37 mines the type of license issued. Application for licensure under this pro-
38 vision must be submitted within one (1) year of the effective date of this
39 chapter.

40 54-5805. QUALIFICATIONS FOR LICENSURE -- MEDICAL LABORATORY SCIEN-
41 TIST OR TECHNOLOGIST. (1) A person performing laboratory procedures as a
42 medical laboratory scientist or technologist and who meets the requirements
43 for licensure under the provisions of this section and who is not licensed
44 pursuant to section 54-5804, Idaho Code, or exempt under section 54-5808,
45 Idaho Code, shall apply to the board for the issuance of a license. The ap-
46 plication shall be on a form provided by the board.

47 (2) The board may issue a license to the applicant without restriction
48 to any area of practice specialty if the applicant successfully passes a na-

1 tionally recognized certification examination as provided in rule and au-
2 thorized by the board and provides proof to the board that he meets at least
3 one (1) of the following criteria:

4 (a) The applicant has earned a baccalaureate degree from an accredited
5 college or university including, or in addition to, successful comple-
6 tion of a medical laboratory scientist or technologist program accred-
7 ited by an agency recognized by the United States department of educa-
8 tion and certification by a board-approved, nationally recognized cer-
9 tifying agency as provided in rule;

10 (b) The applicant has earned a baccalaureate degree from an accredited
11 college or university, including a minimum of sixteen (16) semester
12 hours or twenty-four (24) quarter hours of biology coursework accept-
13 able toward a major in biological science and pertinent to the medical
14 laboratory sciences, sixteen (16) semester hours or twenty-four (24)
15 quarter hours of chemistry coursework acceptable toward a major in
16 chemistry and one (1) course in college-level mathematics, certifica-
17 tion by a board-approved, nationally recognized certification agency,
18 plus two (2) years of full-time medical laboratory experience within
19 the past four (4) years that has included a minimum of four (4) months in
20 each of the four (4) major disciplines of laboratory practice, which are
21 medical chemistry, hematology, immunochemistry and microbiology; and

22 (i) Holds certification as a medical laboratory technician; or

23 (ii) Has successfully completed a medical laboratory technician
24 program accredited by an agency recognized by the United States
25 department of education; or

26 (c) The applicant has earned a baccalaureate degree from an accredited
27 college or university, including a minimum of sixteen (16) semester
28 hours or twenty-four (24) quarter hours of biology coursework accept-
29 able toward a major in biological science and pertinent to the medical
30 laboratory sciences, sixteen (16) semester hours or twenty-four (24)
31 quarter hours of chemistry coursework acceptable toward a major in
32 chemistry and one (1) course in college-level mathematics, certifica-
33 tion by a board-approved, nationally recognized certification agency,
34 plus five (5) years of full-time medical laboratory experience within
35 the past ten (10) years that has included a minimum of four (4) months in
36 each of the four (4) major disciplines of laboratory practice, which are
37 medical chemistry, hematology, immunochemistry and microbiology.

38 54-5806. QUALIFICATIONS FOR LICENSURE -- MEDICAL LABORATORY TECHNI-
39 CIAN. (1) A person performing laboratory procedures as a medical laboratory
40 technician and who meets the requirements for licensure under the provisions
41 of this section and who is not licensed pursuant to section 54-5804, Idaho
42 Code, or exempt under section 54-5808, Idaho Code, shall apply to the board
43 for the issuance of a license. The application shall be on a form provided by
44 the board.

45 (2) The board may issue a license to the applicant without restriction
46 to any area of practice specialty if the applicant successfully passes a na-
47 tionally recognized certification examination authorized by the board and
48 provides proof to the board that he meets at least one (1) of the following
49 criteria:

- 1 (a) The applicant has earned an associate degree from an accredited
2 college or university, including successful completion of a medical
3 laboratory science technician program accredited by an agency approved
4 by the United States department of education, and certification by a
5 board-approved, nationally recognized certifying agency;
- 6 (b) The applicant has earned an associate degree or successfully com-
7 pleted at least sixty (60) semester hours or ninety (90) quarter hours
8 from an accredited college or university, including a minimum of six (6)
9 semester hours or nine (9) quarter hours of biology coursework accept-
10 able toward a major in biological science and pertinent to the medical
11 laboratory sciences, six (6) semester hours or nine (9) quarter hours of
12 chemistry coursework acceptable toward a major in chemistry and one (1)
13 course of college-level mathematics, plus successful completion of a
14 medical laboratory science technician program accredited by an organi-
15 zation recognized by the United States department of education, includ-
16 ing successful completion of an advanced military laboratory special-
17 ist program, and certification by a board-approved, nationally recog-
18 nized certifying agency; or
- 19 (c) The applicant has earned an associate degree or successfully com-
20 pleted at least sixty (60) semester hours or ninety (90) quarter hours
21 from an accredited college or university, including a minimum of six (6)
22 semester hours or nine (9) quarter hours of biology coursework accept-
23 able toward a major in biological sciences and pertinent to the medical
24 laboratory sciences, six (6) semester hours or nine (9) quarter hours
25 of chemistry coursework acceptable toward a major in chemistry and one
26 (1) course of college-level mathematics, certification by a board-ap-
27 proved, nationally recognized certifying agency, plus three (3) years
28 of full-time medical laboratory experience within the past six (6)
29 years that has included a minimum of four (4) months in each of the four
30 (4) major disciplines of laboratory practice, which are medical chem-
31 istry, hematology, immunohematology and microbiology.

32 54-5807. QUALIFICATIONS FOR LICENSURE -- CATEGORICAL MEDICAL LABORA-
33 TORY SCIENTIST. (1) A person practicing or performing laboratory procedures
34 as a categorical medical laboratory scientist and who meets the requirements
35 for licensure under the provisions of this section and who is not licensed
36 pursuant to section 54-5804, Idaho Code, or exempt under section 54-5808,
37 Idaho Code, shall apply to the board for the issuance of a license. The ap-
38 plication shall be on a form provided by the board.

39 (2) The board may issue a license to the applicant with restriction to
40 a specified category of practice specialty, if the applicant successfully
41 passes a nationally recognized certification examination authorized by the
42 board and has earned a baccalaureate degree in the appropriate medical lab-
43 oratory specialty from an accredited college or university, certification
44 by a board-approved, nationally recognized certifying organization issuing
45 certification in that category of expertise, plus one (1) year of experience
46 in the last five (5) years in the appropriate specialty.

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1 54-5808. EXEMPTIONS. Nothing in this chapter shall be construed as
2 preventing or restricting the practice or performance of medical laboratory
3 science requiring licensure pursuant to this chapter:

4 (1) Of any person licensed in this state under any other chapter who,
5 as part of the person's licensed professional practice and within the scope
6 and discipline of the person's profession, is permitted to practice medical
7 laboratory science;

8 (2) Of any medical laboratory science practitioners employed by the
9 United States government or any bureau, division or agency thereof, or em-
10 ployed by the Idaho department of health and welfare, division of public
11 health, if such person practices or provides medical laboratory services
12 solely under the direction and control of the organization by which such
13 person is employed;

14 (3) Of medical laboratory science practitioners engaged in teaching or
15 research, provided that the results of any such examination performed are
16 not used in health maintenance, diagnosis or treatment of disease;

17 (4) Of students enrolled in supervised medical laboratory science ed-
18 ucation courses of study, provided that such activities constitute a part
19 of an accredited, planned course of education, or the equivalent as deter-
20 mined by the board, that the persons are designated by title such as intern,
21 trainee, or student, and the persons work directly under the supervision of
22 an individual licensed by this state to practice medical laboratory science;

23 (5) Of any person solely performing waived tests under the clinical
24 laboratory improvement amendments of 1988, P.L. 100-578; or

25 (6) Of personnel performing point-of-care testing, provided that the
26 acute care facility complies with the following requirements:

27 (a) Within the point-of-care testing laboratory, a licensed medical
28 laboratory scientist or technologist is responsible for:

29 (i) Designing and providing or supervising the training programs
30 for the point-of-care testing personnel;

31 (ii) Supervising and monitoring the quality assurance and quality
32 control activities of the testing site;

33 (iii) Assisting in the selection of technology;

34 (iv) Reviewing the results of proficiency testing and recommend-
35 ing corrective action, if necessary; and

36 (v) Monitoring the continued competency of the testing person-
37 nel; and

38 (b) Processes are in place and are acceptable to the board that ensure
39 and document the continued competency of the point-of-care testing per-
40 sonnel.

41 Failure to comply with the requirements of this section shall subject
42 the point-of-care testing personnel to loss of the exemption.

43 54-5809. ENDORSEMENT LICENSURE. An applicant who satisfies the board
44 that he is licensed or registered under the laws of another state, territory
45 or jurisdiction of the United States, which in the opinion of the board im-
46 poses substantially equivalent licensing requirements as this chapter, may,
47 upon the payment of the required fee and the approval of the application, be
48 licensed by endorsement pursuant to this chapter.

1 54-5810. RENEWAL AND REINSTATEMENT OF LICENSE -- INACTIVE LI-
2 CENSE. (1) Licenses issued under this chapter shall be valid for one (1)
3 year.

4 (2) All licenses issued under the provisions of this chapter shall be
5 subject to annual renewal. License renewal and reinstatement shall be in ac-
6 cordance with section 67-2614, Idaho Code.

7 (3) The board may issue inactive licenses pursuant to rules adopted by
8 the board that may specify the terms and procedures necessary to maintain an
9 inactive license. The holder of an inactive license shall not engage in any
10 practice defined by this chapter.

11 54-5811. FEES. (1) The board shall establish the following fees relat-
12 ing to licensing in amounts sufficient to defray all costs necessary for the
13 administration of this chapter:

14 (a) Application fee for a license or a temporary license of twenty-five
15 dollars (\$25.00);

16 (b) Initial licensure fee, not to exceed one hundred dollars (\$100);

17 (c) Renewal fee, not to exceed one hundred dollars (\$100);

18 (d) Reinstatement fees in accordance with section 67-2614, Idaho Code;

19 (e) Temporary license fee, not to exceed fifty dollars (\$50.00), which
20 may be applied to the initial licensure fee if the practitioner success-
21 fully passes the nationally recognized certification examination; and

22 (f) Inactive license fee, not to exceed twenty-five dollars (\$25.00).

23 (2) All fees are nonrefundable, except that if a license fee is tendered
24 but the board does not issue a license, the respective license fee shall be
25 returned.

26 54-5812. SUSPENSION AND REVOCATION OF LICENSE -- REFUSAL TO RENEW. The
27 board may refuse to issue or renew, may revoke, or may suspend a license, may
28 place a licensee on probation, and may take such other disciplinary action as
29 the board may deem appropriate, including the imposition of a civil penalty
30 not to exceed one thousand dollars (\$1,000) for conduct that may result from,
31 but not necessarily be limited to:

32 (1) Having been convicted of a felony or being convicted of any crime
33 that has a bearing on any practice pursuant to this chapter in the courts of
34 this state or any other state, territory or country. Conviction, as used in
35 this subsection, shall include a finding or verdict of guilt, an admission
36 of guilt or a plea of nolo contendere or its equivalent. The record of con-
37 viction, or a certified copy thereof, certified by the clerk of the court or
38 by the judge in whose court the conviction occurred, shall be conclusive evi-
39 dence of such conviction;

40 (2) Making any material misrepresentation for the purpose of obtaining
41 licensure or violating any provision of this chapter;

42 (3) Failing to adhere to the recognized standards of ethics of the medi-
43 cal laboratory science profession as adopted by board rule;

44 (4) Engaging in dishonorable, unethical or unprofessional conduct as
45 defined by rule;

46 (5) Excessive use or abuse of alcohol and the inability to practice lab-
47 oratory science;

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1 (6) Directly or indirectly contracting to perform medical laboratory
2 tests in a manner that offers or implies an offer of rebate, fee-splitting
3 inducements or arrangements, or other remuneration;

4 (7) Aiding or assisting another person in violating any provision of
5 this chapter or any rule adopted hereunder;

6 (8) Practicing or offering to practice beyond the scope of medical lab-
7 oratory science practice, as defined in this chapter, or failing to meet the
8 standard of a medical laboratory scientist provided by other qualified medi-
9 cal laboratory scientists and medical laboratory technicians in the same or
10 similar communities;

11 (9) Engaging in the performance of substandard care, as defined by
12 rule, by a medical laboratory practitioner due to an intentional, negligent
13 or reckless act or failure to act;

14 (10) Having had a license revoked or suspended, other disciplinary ac-
15 tion taken or an application for licensure refused, revoked or suspended by
16 the proper authorities of another state, territory or country, or omitting
17 such information from any application to the board, or failure to divulge
18 such information when requested by the board;

19 (11) Interfering with an investigation or disciplinary proceeding
20 by willful misrepresentation of facts or by use of threats or harassment
21 against any patient or witness to prevent such person from providing evi-
22 dence in a disciplinary proceeding, investigation or other legal action; or

23 (12) Failing to comply with an order of the board.

24 54-5813. DUE PROCESS PROCEDURES. The proceedings for the revocation,
25 suspension or limiting of any license may be initiated by any person, cor-
26 poration, association or public officer, or by the board, by the filing of
27 written charges with the board. The procedures for notification and hearing
28 on such charges, unless dismissed by the board as unfounded or trivial, shall
29 be conducted as provided in chapter 52, title 67, Idaho Code.

30 54-5814. MEDICAL LABORATORY BOARD. (1) There is hereby created a med-
31 ical laboratory board within the bureau of occupational licenses. The board
32 shall consist of five (5) members appointed by the governor from a list sub-
33 mitted by organizations of medical laboratory practitioners, or the gover-
34 nor may consider recommendations for appointment to the board from any med-
35 ical laboratory technology association or any individual residing in this
36 state, four (4) of whom shall be medical laboratory practitioners licensed
37 pursuant to the provisions of this chapter as of July 1, 2017, one (1) public
38 member who is not associated with or financially interested in the practice
39 of medical laboratory science, and all of whom shall be residents of Idaho at
40 the time of their appointment and for their term of service. The persons ap-
41 pointed to the board who are required to be licensed under this chapter shall
42 have been engaged in rendering medical laboratory services to the public, or
43 in teaching, or in research in medical laboratory science for at least two
44 (2) of the five (5) years immediately preceding their appointments.

45 (2) The governor, within sixty (60) days following the effective date
46 of this chapter, shall appoint one (1) board member for a term of one (1)
47 year; two (2) board members for a term of two (2) years; and two (2) board mem-
48 bers for a term of three (3) years. Appointments made thereafter shall be for

1 three (3) year terms, but no person shall be appointed to serve more than two
2 (2) consecutive terms. Terms shall begin on July 1 of each year or until suc-
3 cessors are appointed.

4 (3) Except for the initial appointments to the board, each medical lab-
5 oratory scientist shall be currently licensed and in good standing to engage
6 in medical science practice in this state. The initial medical laboratory
7 scientist members of the board must meet the qualifications for licensure
8 under this chapter.

9 (4) Whenever a vacancy shall occur on the board, the governor shall ap-
10 point a successor for the remainder of the unexpired term.

11 (5) Each member of the board shall be compensated as provided in section
12 59-509(n), Idaho Code.

13 (6) The governor may remove any member from the board for neglect of any
14 duty required by law or for incompetency or unprofessional or dishonorable
15 conduct.

16 (7) The board shall meet at such times as required to conduct the busi-
17 ness of the board and shall annually elect from its members a chairman, vice
18 chairman and such other officers as it chooses. Three (3) members shall con-
19 stitute a quorum, and the vote of a majority of members present at a meeting
20 wherein a quorum is present shall determine the action of the board.

21 54-5815. BOARD POWERS AND DUTIES. (1) The board shall enforce the
22 provisions of this chapter, evaluate the qualifications of the applicants
23 for licensure, and may issue subpoenas, examine witnesses, and adminis-
24 ter oaths, and may investigate practices that are alleged to violate the
25 provisions of this chapter. The board shall review the applications of
26 all applicants for licensure and make decisions concerning issuance of li-
27 censes, revocation of licenses, rules to be promulgated under this chapter,
28 other disciplinary action and any other matters pursuant to the provisions
29 of this chapter.

30 (2) The board shall establish standards for professional conduct.

31 (3) The board shall establish, by rule, criteria for the continuing ed-
32 ucation of medical laboratory science practitioners as required for licen-
33 sure renewal.

34 (4) The board shall authorize, by written agreement, the bureau of oc-
35 cupational licenses to act as its agents in its interests as set out in the
36 written agreement.

37 54-5816. DISPOSITION OF RECEIPTS -- EXPENSES. (1) All fees received
38 under the provisions of this chapter shall be deposited in the state trea-
39 sury to the credit of the occupational licenses account, and all costs and
40 expenses incurred by the board under the provisions of this chapter shall be
41 a charge against and paid from said account for such purposes, and the funds
42 collected hereunder shall be immediately available for the administration
43 of this chapter.

44 (2) Money paid into the board account pursuant to this chapter is hereby
45 appropriated to the board for expenditure in the manner prescribed herein to
46 defray the expenses of the board in carrying out and enforcing the provisions
47 of this chapter.

1 54-5817. RULES. The board shall promulgate and adopt rules necessary
2 to carry out the provisions of this chapter, pursuant to chapter 52 title 67,
3 Idaho Code.

4 54-5818. APPLICATION PROCEDURE. (1) Licensure applicants shall sub-
5 mit their application for licensure to the board upon the forms prescribed
6 and furnished by the board and shall pay the designated fees.

7 (2) Upon receipt of application and payment of fees, the board may issue
8 a license for a medical laboratory scientist or technologist, a medical lab-
9 oratory technician, categorical medical laboratory scientist or an appro-
10 priate license to any person who meets the qualifications specified in this
11 chapter and the rules promulgated hereunder.

12 (3) The board may establish, by rule, procedure for issuance of tempo-
13 rary licenses to individuals otherwise qualified under this chapter to en-
14 gage in medical laboratory science practice in this state for a limited time
15 not to exceed twelve (12) months.

16 54-5819. MISREPRESENTATION. (1) The board may bring any action in
17 district court for a temporary restraining order, preliminary injunction or
18 permanent injunction against any person who violates the provisions of this
19 chapter, or who falsely holds himself out as a medical laboratory scientist
20 or technologist, medical laboratory technician or categorical medical lab-
21 oratory scientist, or against any person who provides medical laboratory
22 services in violation of this chapter.

23 (2) It shall be unlawful and a misdemeanor for any person to engage in
24 any of the following acts:

25 (a) To practice medical laboratory science or to represent himself to
26 be a licensed medical laboratory scientist or technologist, medical
27 laboratory technician or categorical medical laboratory scientist as
28 defined in this chapter without having, at the time of so doing, a valid
29 license issued under this chapter; or

30 (b) To use in connection with his name or place of business the title
31 medical laboratory scientist or technologist, medical laboratory tech-
32 nician or categorical medical laboratory scientist or any words indi-
33 cating or implying that the person holds a medical laboratory scientist
34 license unless he is licensed in accordance with this chapter.

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- 1 MEDICAL LABORATORY SCIENCE PRACTICE - Adds to existing law to provide for the
- 2 licensure of medical laboratory science practitioners.