

# Phlebotomy certification legislation: update on three of our 50 states

By Dennis J. Ernst, MT(ASCP)

Last year, *MLO* published a summary of existing and pending state legislation on minimum training standards, licensure, and mandatory certification of blood-specimen collection personnel (“States fail to follow California’s lead in certifying phlebotomists,” July 2008, pp. 40-42). At the time, reports indicated that bills languished in the legislative bodies of Massachusetts and Missouri. No other bills in any state were pending. Because laboratory licensure is a topic of perennial interest to *MLO* readers, an update at this time seems to be in order.

## The Bay State’s “Dracula Bill”

The Massachusetts bill was to create a board of registration of phlebotomists that would set forth licensure requirements, standards, fees, continuing education, and professional and ethical conduct for all health-care professionals who draw blood specimens.

In Massachusetts, HR312 — known informally as the “Dracula Bill” — provides a Board of Registry for phlebotomists that:

- establishes licensure requirements;
- determines the qualifications of applicants to be licensed, and
- grants licenses to those deemed qualified.

If passed, those who perform phlebotomy in Massachusetts must apply for licensure. Exempt are physicians, certified clinical laboratory scientists, medical technologists, and medical laboratory technicians.

Last year, the bill was reported out of committee, requiring it to be refiled in December 2008. A hearing about the bill took place in May 2009. Currently, the bill has been referred to the Joint Committee on Consumer Protection and Professional Licensure.

## The “Show Me State” was a “no show”

In Missouri, the laboratory licensure bill earned a Senate hearing in the 2008 legislative session but did not come up for a vote. A hearing never occurred in the House chamber. According to Tim R. Randolph, PhD, MT(ASCP), CLS(NCA) — associate professor in the Department of Clinical Laboratory Science at St. Louis University and member of the Board of Directors of the American Society for Clinical Laboratory Science, or ASCLS — the bill would license phlebotomists along with clinical laboratory scientists (CLS/MT, CLT/MLT, and BS credentials). It would also “grandfather in” all currently practicing professionals in all four categories at the level they are currently working. All future professionals,

however, would need to be certified by a nationally recognized certifying body. The Missouri laboratory licensure bill will be resubmitted in December of this year when the legislative body reconvenes.

## A little tarnish on the “Golden State”

New legislation in California recently relaxed the certification requirements that took effect six years ago. In September 2009, the legislature passed AB 211, a bill that exempts certain health-care professionals from the state’s highly publicized certification requirement for performing blood-collection procedures. Under the bill, HIV counselors who perform finger sticks for rapid HIV testing will no longer need to become certified as limited-phlebotomy technicians (LPTs).

According to the AIDS Healthcare Foundation ([www.aidshealth.org](http://www.aidshealth.org)), which operates the largest non-government HIV testing program in California and which co-sponsored the bill, the training

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standards for California’s HIV counselors, which has been required since 2003, is “outdated, unnecessary, and expensive.” The foundation claims the estimated \$2,500 cost to train individuals (20 hours of training and 25 practical supervised finger sticks) to perform finger sticks properly and safely “discouraged many test sites and organizations from increasing the number of HIV counselors who are LPTs.” Should Governor Schwarzenegger sign the bill, which is expected, AB 211 could become effective immediately. □

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**Dennis J. Ernst, MT(ASCP), director, Center for Phlebotomy Education ([www.phlebotomy.com](http://www.phlebotomy.com)), Corydon, IN, and member of *MLO* editorial advisory board.**

