

**PROPOSED REGULATION OF THE
STATE BOARD OF HEALTH**

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PROPOSED REGULATION OF THE DIVISION OF PUBLIC AND BEHAVIORAL HEALTH

Medical Laboratories

Italics, blue: New proposed language

~~[Red]:~~ Removed language

AUTHORITY: AB 330 of the 81st Legislative Session (2021); NRS 652.123; NRS 652.210; NRS 449.0302; NRS 449.2455, NRS 439.200, NRS 652.125, NRS 652.130

Section 1.

Chapter 652 of NAC is hereby amended by adding thereto the following provisions:

Section 2.

Definition of a Licensed Laboratory Only for the Collection of Specimens

“Licensed Laboratory Only for the Collection of Specimens” means a licensed laboratory, defined pursuant to NAC 652.083, in which the technical personnel of a laboratory only collect tissues, secretions or excretions of the human body for microbiological, serological, immunohematological (blood banking), cytological, histological, chemical, hematological, biophysical, or toxicological examinations by another licensed laboratory defined pursuant to NAC 652.083.

Section 3.

A General Supervisor certification in specialty-Qualifications:

To qualify for a certificate as a general supervisor in a specialty of a licensed laboratory, a person must, except as otherwise provided in this section, be:

1. A specialty technologist with certification in a specialty who has had at least 3 years of experience in a laboratory working in the specialty in which they are certified as a full-time employee working at least 30 hours per week, of which at least 2 years have been spent working at a technologist level:

(a) In a licensed laboratory or a laboratory of a hospital, university or health department;
and

(b) Under the supervision of a director who possesses a doctoral degree;

2. A person who possesses a doctoral degree from an accredited institution with a major in chemical, physical, biological science, clinical laboratory science or medical technology and who has had at least 1 year of clinical laboratory experience at a technologist level in a licensed laboratory or a laboratory of a hospital, university or health department as a full-time employee working for at least 30 hours per week under the supervision of a director who possesses a doctoral degree qualifies for a certificate as a general supervisor of a licensed laboratory; or,

3. A person who possesses a master’s degree from an accredited institution with a major in chemical, physical, biological science, clinical laboratory science or medical technology and who has had at least 2 years of clinical laboratory experience at a technologist level in a

licensed laboratory or a laboratory of a hospital, university or health department as a full-time employee working at least 30 hours per week under the supervision of a director who possesses a doctoral degree qualifies for a certificate as a general supervisor of a licensed laboratory.

Section 4.

Authority of Hospital to enter into agreement Armed Forces of United States for provision of clinical laboratory services by certain authorized personnel.

- 1. A hospital licensed pursuant to chapter 449 of NRS may utilize authorized credentialed laboratory personnel employed by the Armed Forces to provide clinical laboratory services in the hospital during the course of a training or an educational program where the hospital has entered into an agreement with the Armed Forces of the United States, pursuant to the conditions set forth in NRS 449.2455.*
- 2. Authorized credential laboratory personnel employed by the Armed Services to provide clinical laboratory services pursuant to subsection 1 are not required to submit an application or fee pursuant to chapter 652 of NAC.*

Section 5.

Acceptance of certain equivalent credit towards requirements for professional and occupational licenses and certifications.

- 1. A person who, in secondary or postsecondary education, completes a training program for occupational, vocational, career, trade or technical education approved by the State Board of Education and receives a certificate for the completion of that program, must submit substantiating documents of the courses completed, such as transcripts, and a copy of the certificate of completion upon the initial application or reactivation of a certificate or license at any technical level.*
- 2. For a person to be eligible to receive equivalent credit pursuant to subsection 1, the secondary or postsecondary education received by the person pursuant to title 34 of NRS must be consistent with the requirements for the issuance of professional or occupational licenses and certifications established pursuant to the provisions of title 54 of NRS and all applicable regulations pursuant to chapter 652 of NAC.*

Section 6.

NAC 652.155 is hereby amended to read as follows:

1. Except as otherwise provided in this section and [NRS 652.071](#), the provisions of this chapter:
 - (a) Apply to:
 - (1) A laboratory which is licensed pursuant to [NRS 652.080](#) and which provides services to the public; and
 - (2) A nonexempt laboratory which is registered pursuant to [NAC 652.175](#); and
 - (b) Do not apply to:
 - (1) An exempt laboratory which:
 - (I) Is licensed pursuant to [chapter 652](#) of NRS; and
 - (II) Pays the applicable fees required by [NAC 652.488](#);

- (2) An HIV testing laboratory which:
 - (I) Is licensed pursuant to [chapter 652](#) of NRS; and
 - (II) Pays the applicable fees required by [NAC 652.488](#); ~~[or]~~
- (3) A laboratory which is registered as exempt pursuant to [NAC 652.175](#)[-] or
- (4) *A licensed laboratory only for the collection of specimens which:*
 - (I) *Is licensed pursuant to chapter 652 of NRS;*
 - (II) *Has met the requirements of subsection 4; and*
 - (III) *Pays the applicable fees required by NAC 652.488.*

2. Except as otherwise provided in subsection 3, a person who is employed by a laboratory that is licensed by or registered with the Division pursuant to [chapter 652](#) of NRS may perform a test without complying with the provisions of this chapter if:

- (a) The test has been classified as a waived test pursuant to 42 C.F.R. Part 493, Subpart A; and
- (b) The director, a designee of the director or a licensed physician at the laboratory at which the test is performed:
 - (1) Verifies that the person is competent to perform the test;
 - (2) Ensures that the test is performed in accordance with instructions of the manufacturer of the test; and
 - (3) Validates and verifies the manner in which the test is performed by using controls which ensure that the results of the test will be accurate and reliable.

3. Except as otherwise provided in subsection 4, the provisions of subsection 2 do not relieve a person who performs a test from the requirement to:

- (a) Comply with the policies and procedures that the director of the laboratory at which the test is performed has established pursuant to [NAC 652.280](#);
- (b) Comply with the laboratory safety guidelines adopted by the laboratory pursuant to [NAC 652.291](#); or
- (c) Obtain certification pursuant to [NAC 652.470](#) and pay the applicable fees as set forth in [NAC 652.488](#).

4. *A person who is employed by a licensed laboratory only for the collection of specimens may collect specimens without complying with the provisions of this chapter where the director, a designee of the director or a licensed physician of a licensed laboratory only for the collection of specimens:*

- (a) *Verifies that the person is competent to perform the specimen collection;*
- (b) *Ensures that the specimen is collected in accordance with the specimen collection policies and procedures of the licensed laboratory in which the specimens are sent for analysis;*
- (c) *Ensures each specimen is labeled with the patient's name and one unique patient identifier;*
- (d) *Ensures policies and procedures are established and enforced to ensure the health, welfare and safety of the personnel of the laboratory and visitors;*
- (e) *Ensures the physical premises and environmental conditions of the laboratory:*
 - (1) *Are appropriate for the specimens collected; and*
 - (2) *Provide a safe environment in which employees are protected from biological, chemical and physical hazards;*
- (f) *Ensures the laboratory is adequately ventilated, with temperatures controlled within the requirements of the collected specimens for analysis;*
- (g) *Ensures showers and eyewashes are provided where necessary for safety; and*

(h)Ensures the laboratory is in compliance with NAC 652.291, NAC 652.310 (2) (b) (1) (2), and NAC 652.350 (1) (2).

5. A person licensed or certified pursuant to chapter 652 of NRS or a person listed in NRS 652.210 authorized to manipulate a person for the collection of specimens, other than a certified office laboratory assistant, may collect specimen in a licensed laboratory only for the collection of specimens.

6. A person collecting specimens in a licensed laboratory only for the collection of specimens, pursuant to subsection 5, must obtain certification pursuant to NAC 652.470 and pay the applicable fees as set forth in NAC 652.488.

~~[4.]~~ 7. An advanced practice registered nurse as defined in [NRS 632.012](#) or a physician assistant as defined in [NRS 630.015](#) who is employed by a laboratory that is licensed by or registered with the Division pursuant to [chapter 652](#) of NRS and who has not received certification pursuant to [NAC 652.470](#) may perform a test without complying with the provisions of this chapter if the test:

- (a) Has been classified as a waived test pursuant to 42 C.F.R. Part 493, Subpart A; or
- (b) Is a provider-performed microscopy procedure categorized pursuant to 42 C.F.R. § 493.19.

~~[5.]~~ 8. Except as otherwise provided in this subsection, a person may perform a test for the detection of the human immunodeficiency virus that is classified as a waived test pursuant to 42 C.F.R. Part 493, Subpart A, without complying with the provisions of this chapter if he or she complies with [NRS 652.186](#). This subsection does not apply to a person who holds a license or certification issued pursuant to this chapter or a license or certification described in [NRS 652.210](#).

~~[6.]~~ 9. As used in this section, “licensed physician” includes:

- (a) A physician licensed as a doctor of medicine pursuant to [chapter 630](#) of NRS;
- (b) A physician licensed as a doctor of osteopathic medicine pursuant to [chapter 633](#) of NRS;
- (c) A chiropractic physician licensed pursuant to [chapter 634](#) of NRS; and
- (d) A podiatric physician licensed pursuant to [chapter 635](#) of NRS.

Section 7.

NAC 652.320 is hereby amended as follows:

1. Except as otherwise provided in this subsection, the Division shall inspect periodically the premises and operation of each laboratory, including, without limitation, the premises of an outpatient center of the laboratory, if any. A laboratory that is subject to inspection by an accrediting organization approved by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services pursuant to 42 C.F.R. §§ 493.551 to 493.575, inclusive, is not required to be inspected periodically by the Division if the reports of the inspections are available to the Division.

2. Any authorized member or employee of the Division, including without limitation contractors, may enter and inspect any building or premises to secure compliance with or prevent a violation of any provision of NRS or NAC Chapter 652.

~~[2.]~~ 3. Upon receipt of a complaint against a laboratory or its personnel, except for a complaint concerning the cost of services, the Division may conduct an investigation into the premises, qualifications of personnel, methods of operation, policies, procedures and records of that laboratory or any other laboratory which may have information pertinent to the complaint.

4. *The Division may request records from any facility licensed pursuant to chapter 449 of NRS or any facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed, or laboratory licensed pursuant to chapter 652 of NRS which may have information pertinent to a complaint which is within the authority of the Division to investigate.*

~~[3.]~~ 5. The Division shall report violations noted at the time of each inspection by providing the director, or the director's designee, with a statement of violations, which must include the severity level for the violation as determined by the Division, and a form for the director to submit a plan of correction. Any violation for which a severity level is not specified in the statement of violations is presumed to be a violation of severity level one. The director shall submit the plan of correction to the Division, containing thereon the plan of correction for each of the violations, within 14 days after receiving the form. The plan must indicate the date by which each violation will be corrected.

~~[4.]~~ 6. Failure to submit the plan of correction timely pursuant to subsection 3 to the Division constitutes a separate violation subject to monetary penalties with a severity level rated at the same level as the highest violation identified on the statement of violations.

Section 8.

NAC 652.380 is hereby amended as follows: Except as otherwise provided in NAC 652.383, to qualify for a license as a director of a licensed laboratory, a person must meet one of the following qualifications:

1. Be a physician who is licensed to practice medicine in this State and:
 - (a) Be certified in anatomical and clinical pathology, or in clinical pathology, by:
 - (1) The American Board of Pathology; or
 - (2) The American Osteopathic Board of Pathology;
 - (b) Possess qualifications which are equivalent to those required for certification by either of the institutions listed in paragraph (a);
 - (c) Within the 10 years immediately preceding application for a license, have successfully completed a 4-year program accredited by the National Accrediting Agency for Clinical Laboratory Sciences;
 - (d) Be certified, in accordance with NAC 652.410, as a general supervisor; or
 - (e) Have at least 4 years of experience as a technologist:
 - (1) In a licensed laboratory or a laboratory of a hospital, health department or university;
 - (2) As a full-time employee working at least 30 hours per week; and
 - (3) Under the supervision of a director who possesses a doctoral degree.
2. Hold an earned doctoral degree from an accredited institution, with a chemical, physical, biological or clinical laboratory science as the major, and:
 - (a) Be certified by:
 - (1) The American Board of Medical Microbiology;
 - (2) The American Board of Clinical Chemistry;
 - (3) The American Board of Bioanalysis;
 - (4) The American Board of Medical Laboratory Immunology;
 - (5) The American Board of Forensic Toxicology;
 - (6) The American Board of Medical Genetics and Genomics;
 - (7) The National Registry of Certified Chemists;
 - (8) The American Board of Histocompatibility and Immunogenetics; or

(9) Any other institution approved by the United States Department of Health and Human Services in accordance with 42 C.F.R. § 493.1443(b)(3); or

(b) Possess qualifications which are equivalent to those required for certification by any of the institutions listed in paragraph (a).

3. The person must have a minimum of one year of experience in a clinical laboratory performing testing at a technologist level which performs testing as defined by NAC 652.143.

[Bd. of Health, Medical Laboratories Reg. §§ 5.1.1-5.1.1.1.4, eff. 8-5-74] — (NAC A 10-17-86; 10-22-93; R078-04, 8-5-2004; R104-13, 3-28-2014; R149-15, 6-21-2017)

Section 9.

NAC 652.395 Director of registered laboratory: Qualifications is hereby amended as follows:

To qualify for a license as a director of a registered laboratory, a person must:

1. Be a physician licensed to practice in this State and have:

(a) At least 1 year of experience directing or supervising laboratory testing in a laboratory which meets the requirements of NAC 652.170 to 652.600, inclusive;

(b) Credit for at least 20 hours of continuing medical education in laboratory practice regarding the responsibilities of a director; or

(c) Laboratory training, obtained during medical residency, equivalent to the training required by paragraph (b); or

2. Hold an earned doctoral degree from an accredited institution, with a major in chemical, physical, biological or clinical laboratory science, and:

(a) Have at least 1 year of experience directing or supervising laboratory testing in a laboratory which meets the requirements of NAC 652.170 to 652.600, inclusive;

(b) Be certified by:

(1) The American Board of Medical Microbiology;

(2) The American Board of Bioanalysis;

(3) The American Board of Medical Laboratory Immunology;

(4) The American Board of Clinical Chemistry;

(5) The American Board of Forensic Toxicology;

(6) The American Board of Medical Genetics and Genomics;

(7) The National Registry of Certified Chemists;

(8) The American Board of Histocompatibility and Immunogenetics; or

(9) Any other institution approved by the United States Department of Health and Human Services in accordance with 42 C.F.R. § 493.1443(b)(3); or

(c) Possess qualifications which are equivalent to those required for certification by any of the institutions listed in paragraph (b);

3. The person must have a minimum of one year of experience in a clinical laboratory that performs testing as defined by NAC 652.143.

(Added to NAC by Bd. of Health, eff. 10-17-86; A 10-22-93; R078-04, 8-5-2004; R149-15, 6-21-2017)

Section 10.

NAC 652.397 is hereby amended to read as follows:

1. Except as otherwise provided in subsection 2 and [NAC 652.395](#), to qualify to serve as a director of an exempt laboratory *or a licensed laboratory only for the collection of specimens*, a person must be:

- (a) A licensed physician;
- (b) Qualified for a license as a director of a licensed laboratory pursuant to [NAC 652.380](#);
- (c) Qualified for a license as a director of a registered laboratory pursuant to [NAC 652.395](#);
- (d) An advanced practice registered nurse licensed pursuant to [chapter 632](#) of NRS;
- (e) A physician assistant licensed pursuant to [chapter 630](#) or [633](#) of NRS;
- (f) A general supervisor of a licensed laboratory certified in accordance with [NAC 652.410](#);
- ~~(g)~~ (g) A clinical laboratory technologist certified in accordance with [NAC 652.420](#)~~[-]~~; *or*
(h) *A dentist licensed pursuant to chapter 631 of NRS.*

2. To qualify to serve as a director of an exempt laboratory in which the only tests performed are glucose tests that are classified as waived tests pursuant to 42 C.F.R. Part 493, Subpart A, a person must be:

- (a) A person identified in subsection 1;
- (b) A nurse licensed pursuant to [chapter 632](#) of NRS;
- (c) A pharmacist registered pursuant to [chapter 639](#) of NRS; or
- (d) A person licensed or certified pursuant to [chapter 652](#) of NRS, other than a certified blood-gas assistant, certified laboratory assistant or certified office laboratory assistant.

3. As used in this section, “licensed physician” includes:

- (a) A physician licensed as a doctor of medicine pursuant to [chapter 630](#) of NRS;
- (b) A physician licensed as a doctor of osteopathic medicine pursuant to [chapter 633](#) of NRS;
- (c) A chiropractic physician licensed pursuant to [chapter 634](#) of NRS; and
- (d) A podiatric physician licensed pursuant to [chapter 635](#) of NRS.

Section 11.

NAC 652.400 is hereby amended to read as follows:

1. The general supervisor of a licensed laboratory shall oversee the technical and administrative functions of the laboratory and may supervise other personnel, as assigned by the director. *A general supervisor certified in a specialty, pursuant to Section 2 of these regulations, may only oversee the technical and administrative functions relating to their certified specialty.*

2. *Except as otherwise provided in subsection 3, ~~[The]~~ the general supervisor shall be on the premises during all hours in which routine tests are being performed. The presence of the supervisor is not required during the performance of emergency testing procedures after scheduled work hours, but he or she shall review these procedures during his or her next period of duty.*

3. *A general supervisor working in a hospital licensed pursuant to chapter 449 of NRS that has freestanding emergency rooms under its license or its Centers for Medicare and Medicaid Services hospital certification and operates a laboratory licensed pursuant to chapter 652 of NRS may supervise other personnel, as assigned by the director, and oversee the technical and administrative functions of the laboratory licensed pursuant to chapter 652 of NRS located in the freestanding emergency room if:*

- (a) *Only point of care tests, as defined in NAC 652.115, are performed in the freestanding emergency room which has a laboratory licensed pursuant to chapter 652 of NRS;*
- (b) *The general supervisor is onsite at least monthly to ensure tests are being performed in accordance with the manufacturer’s instructions and all applicable state and federal regulations;*

(c) Individuals performing the point of care tests are authorized to do so pursuant to NRS 652.210, not including a person certified as an office laboratory assistant or to such a certificate; and
(d) All other applicable federal and state laws and regulations governing the laboratory licensed pursuant to NRS 652 located in the freestanding emergency room are followed.

4. The general supervisor overseeing the operations of the laboratory located in the freestanding emergency room pursuant to subsection 3 acts as the general supervisor of the laboratory located in the freestanding emergency room and meets the requirement to have a general supervisor pursuant to subsection 1.

Section 12.

NAC 652.410 General supervisor of licensed laboratory: *Activities and Qualifications* is hereby amended as follows:

1. To qualify for a certificate as a general supervisor of a licensed laboratory, a person must, except as otherwise provided in this section, be:

(a) A qualified physician serving on behalf of the director; or

(b) A clinical laboratory technologist who has had at least 3 years of experience in a laboratory as a full-time employee working at least 30 hours per week, of which at least 2 years have been spent working *at a technologist level*:

(1) In a licensed laboratory or a laboratory of a hospital, university or health department; and

(2) Under the supervision of a director who possesses a doctoral degree.

2. A technologist certified by the Board in a specialty who has had at least 3 years of experience in a laboratory as a full-time employee working at least 30 hours per week, of which at least 2 years have been spent working:

(a) In a licensed laboratory or a laboratory of a hospital, university or health department; and

(b) Under the supervision of a director who possesses a doctoral degree,

↪ qualifies for a certificate as a general supervisor of a licensed laboratory if the tests performed in the laboratory are solely in his or her specialty.

3. A person who possesses a doctoral degree from an accredited institution with a major in chemical, physical, biological science, *clinical laboratory science or medical technology* and who has had at least 1 year of *clinical laboratory* experience *at a technologist level* in a licensed laboratory or a laboratory of a hospital, university or health department as a full-time employee working for at least 30 hours per week under the supervision of a director who possesses a doctoral degree qualifies for a certificate as a general supervisor of a licensed laboratory.

4. A person who possesses a master's degree from an accredited institution with a major in chemical, physical, biological science, *clinical laboratory science or medical technology* and who has had at least 2 years *of clinical laboratory* experience *at a technologist level* in a licensed laboratory or a laboratory of a hospital, university or health department as a full-time employee working at least 30 hours per week under the supervision of a director who possesses a doctoral degree qualifies for a certificate as a general supervisor of a licensed laboratory.

[Bd. of Health, Medical Laboratories Reg. §§ 5.1.2.1.3-5.1.2.1.3.3, eff. 8-5-74] — (NAC A 10-17-86; 8-1-91; 10-22-93; R078-04, 8-5-2004; R176-07, 1-30-2008)

Section 13.

NAC 652.420 Clinical laboratory technologist: Activities and qualifications is hereby amended as follows:

1. A clinical laboratory technologist may:

(a) Perform tests which require the exercise of independent judgment, under minimum supervision or review by the director or general supervisor, in those specialties for which the technologist has had adequate education, training and experience and in which he or she has demonstrated a proficiency; and

(b) Supervise, if necessary, the work of the medical technicians and laboratory assistants.

2. To qualify for a certificate as a clinical laboratory technologist, a person must:

(a) Successfully complete a full course of study which meets all academic requirements for a bachelor's degree in medical technology from an accredited college or university, and pass a national examination for certification approved by the Board;

(b) Successfully complete a course of study for a bachelor's degree in one of the chemical, physical, biological sciences, *clinical laboratory science or medical technology* at an accredited college or university, have at least 1 year of additional full-time experience or training *as a clinical laboratory technologist* in a licensed laboratory, or laboratory of a hospital, health department or university in the specialty or subspecialty in which the person performs tests, and pass a national examination for certification approved by the Board; or

(c) Pass the examination for clinical laboratory technologists given by the United States Department of Health and Human Services.

[Bd. of Health, Medical Laboratories Reg. §§ 5.1.2.2-5.1.2.2.2.4, eff. 8-5-74] — (NAC A 10-17-86; 10-22-93; R078-04, 8-5-2004; R176-07, 1-30-2008; R149-15, 6-21-2017)

Section 14.

NAC 652.478 Specialty General Supervisors and Technologists: Specialties; activities. ([NRS 439.200](#), [652.123](#), [652.125](#), [652.130](#)) A *specialty general supervisor or* technologist may:

1. Be certified:

(a) In chemistry;

(b) In microbiology;

(c) In hematology;

(d) In immunology;

(e) In immunohematology;

(f) In nuclear medicine;

(g) In histocompatibility;

(h) In histology;

(i) In cytology;

(j) As a biotechnologist; or

(k) In more than one of the specialties set forth in this subsection.

2. Perform a test in a specialty only if certified in that specialty.

(Added to NAC by Bd. of Health, eff. 10-22-93)

Section 15.

NAC 652.480 is hereby amended as follows:

1. Except as otherwise provided in [NAC 652.483](#), to be certified by the Division in a specialty, a technologist must pass a national examination for certification in the specialty and must have successfully completed a course of study for a bachelor's degree in one of the chemical, physical or biological sciences at an accredited college or university, and have at least 1 year of additional full-time *clinical* experience or training *at a technologist level* in a licensed laboratory, or a laboratory of a hospital, health department or university, in the chosen specialty under the supervision of a director who possesses a doctoral degree.

2. Each applicant for certification in a specialty must designate on the application the specialty in which he or she desires to be certified. The applicant must submit with the application:

- (a) Verification of successful completion of the course of study required by subsection 1; and
- (b) A signed and dated letter from the director of the laboratory in which the applicant obtained his or her experience, which verifies that the applicant has the experience required by subsection 1.

3. Each certificate will designate the holder by:

- (a) The title of "Technologist" in a specialty; or
- (b) An equivalent title and will show his or her area of specialty by a subtitle.

[Bd. of Health, Medical Laboratories Reg. §§ 9.1, 9.2, 9.4 & 9.5, eff. 2-28-80; § 9.3, eff. 2-28-80; A 2-5-82] — (NAC A 10-17-86; 1-4-88; 10-22-93; R176-07, 1-30-2008; R104-13, 3-28-2014; R149-15, 6-21-2017)

Section 16.

NAC 652.4855 is hereby amended to read as follows:

To qualify for certification as a laboratory assistant, an applicant must submit with the application proof that the applicant has a high school diploma or a general equivalency diploma and has:

1. Completed at least 6 months of training approved by the Division and demonstrated an ability to perform laboratory procedures in the laboratory where he or she has received such training;

2. Obtained a certification in phlebotomy from an organization approved by the Division, including, without limitation:

- (a) The American Medical Technologists;
- (b) The American Society for Clinical Pathology;
- (c) The American Certification Agency for Healthcare Professionals;
- (d) The National Center for Competency Testing;
- (e) The National Healthcareer Association; and
- (f) The National Phlebotomy Association; or

3. Worked at least 30 hours per week for at least 3 years during the immediately preceding 5 years in:

(a) **[a]** A laboratory certified pursuant to the Clinical Laboratory Improvement Amendments of 1988, 42 U.S.C. § 263a; ~~[-or-]~~

(b) **[a]** A laboratory that is licensed by a federal or state governmental agency in any state or territory of the United States; ~~[-]~~

(c) A clinical laboratory in another country accredited by the Joint Commission International (JCI), College of American Pathologists (CAP), or under the ISO 15189 Medical Laboratory Accreditation;

(d) A clinical laboratory licensed or certified by a foreign governmental entity or in countries that do not have clinical laboratory accreditation, licensure or certification in a foreign country pursuant to subsection three, the laboratory must be approved by an International Advisory Board appointed by the ASCP Board of Certification.

Section 17.

NAC 652.488 is hereby amended to read as follows:

1. Except as otherwise provided in this section, the following fees will be charged:

(a) Licensure of laboratory not described in paragraph (b) or (c)

Initial:	
Annual test volume less than 25,000.....	\$1,100
Annual test volume at least 25,000 but less than 100,000.....	3,000
Annual test volume 100,000 or more.....	4,000
Biennial renewal:	
Annual test volume less than 25,000.....	800
Annual test volume at least 25,000 but less than 100,000.....	2,500
Annual test volume 100,000 or more.....	3,500
Reinstatement:	
Annual test volume less than 25,000.....	1,100
Annual test volume at least 25,000 but less than 100,000.....	3,000
Annual test volume 100,000 or more.....	4,000

(b) Licensure of laboratory operated by health district, district board of health, county board of health or city or town board of health, or the State Public Health Laboratory

Initial:	
Annual test volume less than 25,000.....	\$550
Annual test volume at least 25,000 but less than 100,000.....	800
Annual test volume 100,000 or more.....	1,150
Biennial renewal:	
Annual test volume less than 25,000.....	400
Annual test volume at least 25,000 but less than 100,000.....	600
Annual test volume 100,000 or more.....	800
Reinstatement:	
Annual test volume less than 25,000.....	550
Annual test volume at least 25,000 but less than 100,000.....	800
Annual test volume 100,000 or more.....	1,150

(c) Licensure of a laboratory operated only for the collection of specimens

<i>Initial.....</i>	<i>\$500</i>
<i>Biennial.....</i>	<i>\$300</i>
<i>Reinstatement.....</i>	<i>\$500</i>

(c) Licensure of HIV testing laboratory

Initial.....	\$150
Biennial renewal.....	150

(d) Licensure of director pursuant to paragraph (b) of subsection 3 of [NAC 652.175](#) or [NAC 652.380](#) to [652.395](#), inclusive

Initial.....	\$500
Biennial renewal.....	300
Reinstatement.....	500
(e) Registration of laboratory operated pursuant to NRS 652.072 which is nonexempt pursuant to NAC 652.155	
Initial.....	\$1,500
Biennial renewal.....	900
Reinstatement.....	1,500
(f) Registration of laboratory operated pursuant to NRS 652.072 which is exempt pursuant to NAC 652.155	
Initial.....	\$500
Biennial renewal.....	300
(g) Certification of personnel	
Initial:	
General supervisor.....	\$225
Technologist.....	113
Technician.....	113
Pathologist's assistant.....	113
Point-of-care test analyst.....	75
Laboratory, blood-gas or office laboratory assistant.....	60
Biennial renewal:	
General supervisor.....	150
Technologist.....	75
Technician.....	75
Pathologist's assistant.....	75
Point-of-care test analyst.....	60
Laboratory, blood-gas or office laboratory assistant.....	45
Reinstatement:	
General supervisor.....	225
Technologist.....	113
Technician.....	113
Pathologist's assistant.....	113
Point-of-care test analyst.....	75
Laboratory, blood-gas or office laboratory assistant.....	60
(h) Placement of license or certificate in inactive status.....	\$50
(i) Issuance of original duplicate license or certificate.....	\$50
(j) Permit to operate laboratory at temporary location.....	\$300
(k) Change of location of laboratory.....	\$300
(l) Change of director of laboratory.....	\$300
(m) Change of name of laboratory.....	\$300
(n) Inspection following receipt of an application to perform additional tests at a laboratory (per application).....	\$300
(o) Inspection of an outpatient center of a laboratory (per site)	
Initial inspection.....	\$300
Inspection at time of biennial renewal.....	150

2. If the Division conducts an inspection of a laboratory that is located outside of this State, the Division shall assess the expenses that the Division incurs as a result of the inspection to the laboratory. The laboratory shall reimburse the Division for the expenses assessed pursuant to this subsection.

3. The Division shall not charge or collect a fee set forth in paragraph (k), (l) or (m) of subsection 1 to an HIV testing laboratory.

4. The holder of or an applicant for a license or certificate issued pursuant to [chapter 652](#) of NRS, or an applicant for a permit to operate a laboratory at a temporary location issued pursuant to [NAC 652.195](#), shall be deemed to have paid any fee otherwise required pursuant to subsection 1 if the holder or applicant:

(a) Is, or is employed by, a medical laboratory that is operated by a person, governmental entity or fire-fighting agency that holds a permit issued by a health authority pursuant to [NRS 450B.200](#); and

(b) Has paid the fee for the permit established by a board pursuant to [NRS 450B.200](#).

5. As used in this section:

(a) “Board” has the meaning ascribed to it in [NRS 450B.060](#).

(b) “Health authority” has the meaning ascribed to it in [NRS 450B.077](#).

(c) “Permit” has the meaning ascribed to it in [NRS 450B.100](#).

Section 18.

NAC 652.491 is hereby amended to read as follows:

A certificate may be denied, suspended or revoked if an applicant, a person who holds a certificate or any technical employee of the laboratory:

1. Violates any provision of this chapter or [chapter 652](#) of NRS;

2. Makes any misrepresentation in obtaining a certificate;

3. Has been convicted of a crime listed in [NRS 449.174](#) that is punishable as a felony;

4. Is guilty of unprofessional conduct;

5. *Submits a certificate for a training program, pursuant to section 6, subsection 1 for equivalent credit pursuant to section 6, subsection 2, and upon determination of the Division, is not deemed to be equivalent credit consistent with the requirements for the issuance of professional or occupational licenses and certifications established pursuant to the provisions of title 54 of NRS and all applicable regulations pursuant to NAC Chapter 652;*

or

~~5.~~ 6. Fails to meet the minimum standards prescribed by the Board.

Section 19.

NAC 652.493 is hereby amended to read as follows:

1. If a person is aggrieved by a decision of the Division relating to the denial, suspension or revocation of a license or certificate based upon any of the grounds set forth in subsections 1 to 6, inclusive, of [NRS 652.220](#) or [NAC 652.461](#) or [652.491](#), or any disciplinary action imposed pursuant to [NAC 652.157](#), [652.320](#), [652.530](#), [652.550](#) or [652.580](#), *or any person aggrieved by the Division concerning eligibility for equivalent credit pursuant to subsection 1 of AB 330 of the 2021 legislative session*, the aggrieved person may appeal the decision pursuant to the procedures set forth in [NAC 439.300](#) to [439.395](#), inclusive.

2. Except as otherwise provided in subsection 1 of [NAC 652.570](#) or in the case of an emergency or a summary suspension pursuant to [NAC 652.530](#), the effective date of the disciplinary action is stayed upon receipt of an appeal until the hearing officer renders a decision regarding the appeal.