

# HOUSE . . . . . No. 1459

By Mr. O'Farrell of Malden, petition of the Carnegie Institute of Medical Laboratory Technique and George H. O'Farrell for the establishment of the state board for licensing medical technicians. State Administration.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Seven.

AN ACT TO REGULATE AND LICENSE MEDICAL TECHNICIANS: TO CREATE A BOARD KNOWN AS "STATE BOARD FOR LICENSING MEDICAL TECHNICIANS": TO PRESCRIBE THE DUTIES AND POWERS OF SAID BOARD: TO FIX PENALTIES FOR VIOLATION OF THE ACT.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. *Purpose.*—The practice of medical tech-  
2 nology in the state of Massachusetts is hereby declared to  
3 affect the public health, safety and welfare, and to be subject  
4 to regulation and control in the public interest. It is further  
5 declared to be a matter of public interest and concern that  
6 the medical technology profession receive the confidence of  
7 the practitioners of the healing arts, and that only qualified  
8 medical technicians be permitted to practice medical tech-  
9 nology in the state of Massachusetts in accordance with the  
10 provisions of this chapter. All provisions of this chapter  
11 shall be liberally construed to carry out these objects and  
12 purposes.

1 SECTION 2. *Definitions.*—For the purpose of this chapter  
2 the following definitions shall prevail:—"Medical Tech-  
3 nology" is the science art of technique of performing any  
4 laboratory tests or examination on or of the blood, blood

5 serum, feces, urine, sputum, exudates, transudates, organ con-  
6 tents or any by-products thereof, from the human body, living  
7 or deceased, the results of which are used or interpreted by a  
8 practitioner of the healing arts in the practice of his profession.  
9 “Medical Technician” is a person qualified by training and  
10 experience in the art, science and technique of medical tech-  
11 nology and duly licensed by the board to engage in the prac-  
12 tice of medical technology in the state of Massachusetts.

1 SECTION 3. *Unlawful Practices.* — It shall be unlawful —

2 1. For any person who has not been duly licensed and  
3 registered under the provisions of this chapter to practice,  
4 offer to practice, or hold himself out as qualified to practice,  
5 medical technology, or to render any findings or report of  
6 any laboratory test or examination made within the field of  
7 medical technology.

8 2. For any person who has not been duly licensed and  
9 registered under the provisions of the chapter as a medical  
10 technician to operate or direct the operation of a medical or  
11 clinical laboratory in which are performed the laboratory  
12 tests incidental to the practice of medical technology.

13 3. For any medical technician to render any findings or  
14 report, oral or written, of any test or examination made  
15 within the field of medical technology to any one other than a  
16 practitioner of the healing arts, a hospital or a governmental  
17 agency authorized to use such findings or report.

18 4. For any medical technician to practice, offer to practice,  
19 or hold himself or herself out as being qualified to practice,  
20 any of the healing arts.

1 SECTION 4. (a) *Board of Medical Technicians created.* —

2 The board of medical technician examiners for the state of  
3 Massachusetts shall consist of seven members who shall be  
4 appointed by the governor, one member to be a hospital  
5 trustee who shall be a member of the Massachusetts Hospital  
6 Association, one member to be a physician appointed from a  
7 list submitted by the Massachusetts Society of American  
8 Medical Technologist, one member to be a physician-path-  
9 ologist appointed from a list submitted by the Massachusetts

10 Association of Medical Technologist and Laboratory Tech-  
11 nicians, Inc., one member to be a trustee of a private school  
12 of medical technology approved by the American Association  
13 of Medical Technology Schools, one member to be a medical  
14 technician to be appointed from a list submitted by the  
15 Massachusetts Society of American Medical Technologist,  
16 one member to be a medical technician to be appointed from  
17 a list submitted by the Massachusetts Association of Medical  
18 Technologist and Laboratory Technicians, Inc., and one  
19 member to be a physician appointed from a list of Massachu-  
20 setts members submitted by the Massachusetts Osteopathic  
21 Society, Inc.

22 (b) *Term of Office; Vacancy.* — Each member of said  
23 board shall serve for a term of three years and until his or her  
24 successor is appointed and qualified. Upon the expiration of  
25 the term of a member of the board, the governor shall appoint  
26 his or her successor by the same procedure and in the same  
27 manner as the original appointment was made, except that  
28 the names of the medical technician submitted to the governor  
29 for appointment to the board shall be those only of registered  
30 medical technicians, as provided for in this chapter. Any  
31 vacancy occurring on the board by reason of death, resigna-  
32 tion or otherwise shall in like manner be filled by appoint-  
33 ment of the governor for such unexpired term.

34 (c) *Officers of Board; Seal; Rules, etc.* — The members of  
35 the said board shall, as soon as organized and annually there-  
36 after in the month of October, select from their number a  
37 president and secretary-treasurer. The board shall adopt a  
38 seal which shall contain appropriate words, and the imprint  
39 of such seal shall be placed on all certificates, and also on  
40 such documents as the board shall direct. Said board shall be  
41 charged with the duty and the responsibility of carrying into  
42 effect the purposes and objects of this chapter, and to that  
43 end, in addition to the specific duties herein set out, shall have  
44 full power and authority to make rules to govern its proceed-  
45 ings, and to adopt such measures and take such action gen-  
46 erally in all matters pertaining to the operation of this chapter,  
47 not inconsistent with the provisions thereof, as to the board  
48 shall appear advisable.

49 (d) *Record of Meetings; Register of Applicants.* — The secre-  
50 tary-treasurer shall keep a record of all meetings of the board,  
51 and an official register of all applicants for registration under  
52 the provisions of this chapter, and shall perform such other  
53 duties as may be prescribed by the board. Said register shall  
54 show the name, age, nativity and place of residence of each  
55 applicant, and also whether the applicant was examined,  
56 registered or rejected under the provisions hereof; and said  
57 register shall be prima facie evidence of all matters therein  
58 contained and shall be open at all reasonable times to public  
59 inspection.

60 (e) *Receipts and Disbursements by Secretary-Treasurer;*  
61 *Bond; Annual Report.* — All moneys received for fees or  
62 otherwise under the provisions of this chapter shall be re-  
63 ceived by the secretary-treasurer, and shall be handled and  
64 disbursed by such officers in such manner and for such pur-  
65 poses as may be prescribed by the board. The secretary-  
66 treasurer shall give bond payable to the board in such sum  
67 as the board may direct, conditioned to discharge the duties  
68 of said office according to law, which bond shall be approved  
69 by the president and the premium therefor paid by the board  
70 out of its funds. The secretary-treasurer shall make an an-  
71 nual report to the board, including a financial statement, and  
72 containing an itemized statement of all receipts and disburse-  
73 ments, and such other information as the board may require.

74 (f) *Meetings; Quorum; Notice.* — The board shall meet at  
75 least once in each year for the purpose of holding examina-  
76 tions as in this chapter provided, and at such other times as  
77 the board may deem expedient. Special meetings of the  
78 board shall be called by the secretary-treasurer upon request  
79 of the president, or upon the written request of any two  
80 members of the board. Four members of the board shall  
81 constitute a quorum. Notice of each meeting shall be given  
82 each member of the board at least three days before the date  
83 of such meeting, and notice of each meeting called for the  
84 purpose of holding examinations shall be given to the public  
85 press, and by mail to each applicant for examination, and to  
86 every approved training school in Massachusetts at least  
87 thirty days prior to the date of such meeting.

1 SECTION 5. (a) *Registration upon Examination; Educa-*  
2 *tional Requirements, etc.* — Any person desiring to obtain a  
3 certificate of registration as a registered medical technician  
4 (r.m.t.) under the provisions of this chapter, shall first make  
5 application in writing to the board, and pay to the secretary-  
6 treasurer an application fee of ten dollars. Such applicant  
7 shall thereafter appear before the board of examination at the  
8 time set therefor. Upon such examination the board shall  
9 determine that applicant if over eighteen years of age, of  
10 good moral character, and has received the minimum pre-  
11 liminary education requirements. The minimum educational  
12 prerequisites shall be high school graduation or its equivalent  
13 and a full twelve months' instruction in an approved training  
14 school for medical technicians that has been approved by any  
15 of the associations that have been mentioned in section four  
16 of this act, or has received prior to the year nineteen hundred  
17 and fifty-six an apprenticeship instruction of at least one year  
18 under a qualified physician-pathologist who is listed by the  
19 council on medical education and hospitals of the American  
20 Medical Association. If the applicant needs the foregoing  
21 requirements the board shall then proceed to examine the  
22 applicant in the various departments of laboratory methods —  
23 urinalysis, hematology, clinical bacteriology, clinical parasi-  
24 tology, histopathologic technic, blood chemistry and serology.  
25 If the applicant shall pass said examination to the satisfac-  
26 tion of the board, the board shall cause the name of the ap-  
27 plicant to be entered upon the register kept for the purpose,  
28 and shall cause to be issued to the applicant a certificate of  
29 registration authorizing him or her to practice the profession  
30 of medical technology in this state as a registered medical  
31 technician.

32 (b) *Registration without Examination.* — All medical tech-  
33 nicians (m.t.'s.) registered as such with the bureau of registry  
34 of the American Society of Clinical Pathologists, or the  
35 American Medical Technologists prior to October first, nine-  
36 teen hundred and fifty-six, shall be entitled to a certificate of  
37 registration without examination upon making an approved  
38 application therefor and the payment of a registration fee of  
39 five dollars. Registered medical technicians from other states  
40 may be registered without examination upon making appli-

41 cation therefor, upon furnishing evidence satisfactory to the  
42 board that they possess the qualifications prescribed by this  
43 chapter, or the equivalent thereof, and upon payment of a  
44 registration fee of ten dollars.

1 SECTION 6. *Form of Certificate of Registration.* — The cer-  
2 tificate of registration herein provided for shall be in such  
3 form as may be prescribed by the board, and shall be signed  
4 by the president and secretary-treasurer, and the seal of the  
5 board shall be affixed.

1 SECTION 7. *Annulment or Revocation of Certificate of Regis-*  
2 *tration.* — The board shall have the power to annul and re-  
3 voke any certificate of registration for incompetency, in-  
4 temperance, immorality or unprofessional conduct on the  
5 part of the holder of such certificate, after a full and fair  
6 investigation and hearing of the charge preferred. Such  
7 charges shall be submitted in writing and under oath, and  
8 thirty days prior to the hearing thereof a copy of the charges  
9 shall be furnished the accused, together with a written notice  
10 of the time and place where said charges will be heard and  
11 determined. The president and secretary-treasurer of the  
12 board are hereby empowered to administer oaths to the wit-  
13 nesses at any such hearing, and all witnesses shall be sworn  
14 and shall be subject to prosecution for perjury as provided by  
15 law; and the accused shall be entitled to representation by  
16 counsel. No revocation shall be made except upon a majority  
17 vote of the full board, and upon the revocation of any cer-  
18 tificate shall be null and void, and the secretary-treasurer  
19 shall strike the name of the holder thereof from the roll of  
20 registered medical technicians.

1 SECTION 8. *Renewal of Certificate of Registration; Reinstatement.* — The certificate of each registered medical technician  
2 shall be annually renewed during the months of October,  
3 November and December. Upon making application for re-  
4 newal the applicant shall pay to the board a renewal fee of  
5 one dollar. The failure of any registered medical technician  
6 to thus procure a renewal certificate before the first day of  
7

8 January of each year shall automatically forfeit his or her  
9 right to practise in the state of Massachusetts as registered  
10 medical technician. Any person who has forfeited his or her  
11 rights as in this section provided may obtain reinstatement  
12 by making explanation or excuse satisfactory to the board for  
13 failure to comply with the provisions hereof, and upon pay-  
14 ment of a fee of two dollars for the current year.

1 SECTION 9. *“Registered Medical Technician” (r.m.t.).* —  
2 A medical technician who has received his or her certificate,  
3 currently in force as in this chapter provided, shall be styled  
4 and known as a “registered medical technician” (r.m.t.). No  
5 other person shall assume the title “registered medical tech-  
6 nician” or any other letter or figures to indicate he or she is  
7 a registered medical technician. It shall be unlawful for any  
8 person to practice in this state as a registered medical tech-  
9 nician without a certificate currently in force as provided in  
10 this chapter.

1 SECTION 10. *Punishment for Violation of Chapter.* — Any  
2 person practicing as a medical technician who violates any of  
3 the provisions of this chapter, or who shall wilfully make any  
4 false representation to the board in applying for a certificate,  
5 shall be guilty of a misdemeanor, and upon conviction thereof  
6 shall be fined not less than ten dollars and not more than  
7 five hundred dollars.

1 SECTION 11. *Training Schools for Medical Technicians.* —  
2 Any training school for medical technicians which is listed  
3 and approved by the council of medical education and hos-  
4 pitals of the American Medical Association, or the American  
5 Association of Medical Technology Schools, or schools ap-  
6 proved under chapter seven hundred and fifty-nine of the  
7 commonwealth of Massachusetts, shall be deemed an ap-  
8 proved training school within the meaning.

1 SECTION 12. *Compensation and Expenses; Fund for En-  
2 forcement of Chapter.* — The secretary-treasurer shall receive a  
3 salary commensurate with the duties performed, to be fixed

4 by the board; and each member of the board shall be reim-  
5 bursed for all expenses necessarily incurred in attending  
6 meetings of the board. All fees collected by said board shall  
7 be placed to the credit of a fund which is hereby appropriated  
8 solely for the use of the said board in the execution and en-  
9 forcement of the provisions of this chapter and the payment of  
10 salaries, expenses and other costs herein provided for; pro-  
11 vided, that no part of said cost and expense shall be paid out  
12 of the treasury. Any funds remaining on hand after the pay-  
13 ment of costs and expenses as in this chapter provided may  
14 be used by the board for the purpose of elevating the stand-  
15 ards of schools of training for medical technicians, and of pro-  
16 moting the educational and professional standards of medical  
17 technicians and of medical technology in this state.