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Via email regsqa@health.ny.gov

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Comments of the College of American Pathologists (NYSSP) on Proposed Regulations to amend Subpart 58-1 and the addition of Subpart 58-6 to replace Part 19. (Concerns Regarding Proposed Regulatory Scope of Practice for Histotechnologists)

Attention: Katherine Ceroalo:

I am writing on behalf of the College of American Pathologists (CAP) in support of the regulatory comments submitted by the New York State Society of Pathologists (NYSSP), with respect to a needed revision to the scope of practice for “Histotechnologists” under the above referenced proposed regulation.

The CAP believes that the oversight proposed for Histotechnologists is inadequate, is inconsistent with New York law—which requires pathologists’ assistants to practice under the direct supervision of a pathologist—and falls short of the nationally accepted standard for high-quality laboratory practice.

Accordingly, we fully concur with the position of NYSSP that the scope for Histotechnologists should be revised as follows:

- (i) Duties of a histotechnologist. A histotechnologist processes histopathology specimens in accordance with established and approved protocols which require the exercise of independent judgment and responsibility with minimal supervision by the laboratory director, technical director, or supervisor; **provided, however, that grossing of pathology specimens be conducted under direct supervision by a licensed physician who practices anatomic pathology.**

We would also respectfully point out that New York’s proposed oversight scope for histotechnologists is highly deficient compared to California. (See: California Code, Business and Professions – BPC § 1269.3 (b). The California law explicitly requires that both Pathologists’ Assistants and Histotechnologists “may prepare human surgical specimens for gross description and dissection under the direct supervision of a qualified pathologist.” “Direct supervision” is defined in California Code at BPC § 1269.3 (c).

Moreover, as is noted by NYSSP, under New York law Pathologists’ Assistants must provide services under the “direction and supervision of a licensed physician who practices anatomic pathology”. (See NY Educ L § 8850 et seq.)



COLLEGE of AMERICAN PATHOLOGISTS

We believe quality laboratory medicine in New York is best served by adoption of the proposed regulatory amendment as submitted by NYSSP. Thank you for your courtesies and consideration.

Regards,

Qihui "Jim" Zhai, MD, FCAP
President, College of American Pathologists

cc: Humayun Kamal Islam, MD, PhD, FCAP, President NYSSP
Barry R. Ziman, Director, Legislation and Political Action, CAP