



New York State Society of Pathologists

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Re: Comments of the New York State Society of 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)

The New York State Society of Pathologists (NYSSP) reaffirms that the macroscopic examination and dissection of surgical specimens ("grossing") are critical components of high-complexity testing that directly influence patient diagnosis and clinical management.

Issue of Concern

The proposed regulation for the scope of practice of a histotechnologist states 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.

Position Statement

The NYSSP maintains that all specimen grossing activities performed by non-pathologist personnel—including Pathologists' Assistants (PAs) and Histotechnologists—must be conducted under the **direct supervision** and professional direction of a licensed pathologist. We also recommend that this be incorporated into New York State Department of Health Clinical Laboratory Evaluation Program regulations.

Recommended Change to Proposed Regulation

We therefore propose that the scope of practice for Histotechnologists and Pathologists Assistants be in conformity with explicit New York State law requirements as cited below. Accordingly, the scope of practice for Histotechnologists should be revised, as per the underscored language, 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.**

Legal Basis in New York State

Under the [New York State Education Law Article 165](#) and Department of Health regulations, the following mandates apply:

- **Physician Direction:** In accordance with [NYS Education Law § 8601](#) and [8609](#), Pathologists' Assistants must provide services under the "direction and supervision of a licensed physician who practices anatomic pathology".
- **Pathologist Responsibility:** 10 NYCRR § 58-1.10(b) explicitly requires that every tissue specimen be "examined and reported upon by a qualified pathologist". This reinforces that while a PA or technologist may assist in the grossing process, the legal responsibility for the macroscopic findings remains with the pathologist.
- **Scope of Practice:** While NYS licensed Pathologists' Assistants are authorized to describe and dissect surgical specimens, they are prohibited from diagnosing or providing medical opinions.
- **Supervisory Standards:** [10 NYCRR § 58-1.4](#) sets minimum qualifications for laboratory supervisors, requiring that those in histopathology settings supervise technical personnel under the general direction of the laboratory director.

Correlation with CAP Standards

This position aligns with the [College of American Pathologists \(CAP\)](#), which requires laboratories to document that grossing personnel meet specific educational requirements for high-complexity testing and work under the oversight of the [Laboratory Director](#).

Conclusion

The NYSSP advocates for strict adherence to these New York State laws and national standards to ensure the highest level of diagnostic accuracy and patient safety in the performance of grossing of pathology specimens by Pathologist Assistants and Histotechnologists.