

FREQUENTLY ASKED QUESTIONS

Who Must Be Licensed?

1. Does a phlebotomist need a CLP license if he/she only draws blood?

The CLP Licensure and Certification Rule does NOT apply to collecting specimens. If the phlebotomist performs any moderate complexity testing, such as a bleeding time, as part of their duties, the phlebotomist must obtain a CLP license. Also, the Rule does not apply to persons at facilities which are solely specimen collection centers.

2. Is a person who only performs waived tests required to obtain a CLP license?

No, this Rule applies to persons who perform moderate and/or high complexity testing only.

3. Are histologists required to obtain a CLP license?

Any histology technician that only performs specimen preparation and does not perform or report laboratory test results doesn't have to be licensed as a CLP. If a histologist or grossing tech provides any initial interpretation, then they are subject to CLP licensure. Any individual who performs macroscopic tissue examinations must be a pathologist, pathology resident, or an individual qualified to perform high complexity testing under the supervision of a pathologist.

4. Must a person who is performing moderate complexity laboratory testing in a pulmonary functions laboratory obtain a CLP license?

In this instance, only a WV licensed respiratory therapist performing the tests within the scope of the respiratory therapist license (blood gas analysis) is exempt. Nurses and other allied health care workers, including perfusionists and CRNAs, are required to obtain a license, regardless of the area or unit where the moderate complexity testing is being performed.

5. Is an RN or LPN required to obtain CLP licensure if they are only performing limited moderate complexity testing, such as an ACT or blood gases, in a unit such as ICU/CCU?

Yes, any classification of health care workers other than those exempt from the rule (provider-performed microscopy, waived tests, and respiratory therapists performing blood gas analysis) must obtain a CLP license in order to perform moderate or high complexity testing.

6. If I am working in a laboratory outside of West Virginia, but testing samples from patients in West Virginia, do I need a WV laboratory license?

No. Only personnel working within the state need to obtain a license.

Licensure Qualifications

1. Does a person who is a recent graduate from a formal MT or MLT college program but has not yet passed a national registry exam qualify to be classified as a CLP-MLS or CLP-MLT?

No, the person would be considered a trainee until they passed a national registry exam. A trainee must be directly supervised while performing and reporting laboratory testing. If the person performs moderate complexity testing in a point of care situation (physician office, hospital unit, etc.) then the person can be classified as a POCT until he/she passes the national registry. A POCT must perform testing under the personal supervision of a clinical laboratory director or a clinical laboratory supervisor and cannot perform high complexity testing.

2. Does an on-the-job trained person who has worked in a laboratory since 1987, passed the HEW exam and has been working at a laboratory as a medical technologist since 1989 qualify as a CLP-MT?

Yes. A person who has been performing medical technologist tasks since July 1987 and has passed the HEW exam meets the qualifications for the CLP-MLS category.

3. Does a person who has an associate degree, who is also certified as a medical laboratory technician (MLT) and has 15 years of experience qualify to be classified a CLP-MLS if their facility job description gives him or her the title of Medical Technologist?

No, the person's license is not determined by his/her job description. The person in this scenario would be classified as a CLP-MLT. However, it is up to the facility to determine whether the person qualifies to be considered a medical technologist at that facility. We do not require the facility to classify testing personnel in accordance with their CLP license.

4. Can a person who works in Hematology move to a different specialty such as Blood Banking without reapplying for licensure?

Yes, as long as the person meets the qualifications for a CLP-MLS or CLP-MLT category. During the next annual renewal, changes in job descriptions can be submitted at that time.

Would you explain what "in the scope" of his or her license means?

This would refer to the range of testing received as part of the curriculum required to obtain a degree. Any diagnostic testing performed, in which you were not trained during your 2 or 4-year program, would require you to obtain a CLP-POCT license.

Licensure Responsibility, Legal Requirements, and Penalties

1. Am I qualified for a CLP license?

POCT (Point of Care Technician)

a. Education

- i. Minimum high school diploma or GED*

b. Employment

- i. In a laboratory with a CLIA certificate other than a Certificate of Waiver, and*
- ii. Submits a statement obtained from laboratory director that states the applicant has had the following training for each test he/she will be performing:*
 - 1. Skills for specimen collection, labeling, handling, preservation or fixation, processing, preparation, transportation, and storage;*
 - 2. Skills required for implementing all laboratory procedures;*
 - 3. Skills required for performing each test method and proper instrument use;*
 - 4. Skills required for performing preventive maintenance, troubleshooting, and calibration procedures related to the testing being performed;*
 - 5. A working knowledge of reagent stability and storage;*
 - 6. Skills required to implement quality control policies and procedures;*
 - 7. An awareness of the factors that influence test results; and*
 - 8. Skills required to assess and verify the validity of patient test results prior to reporting.*

CT (Cytotechnologist)

a. Education

- i. Graduated from a school of cytotechnology accredited by CAAHEP or CAHEA, or*
- ii. Has been certified in cytotechnology by an agency approved by the US Department of Health and Human Services*

MLS (Medical Laboratory Scientist)

a. Education

- i. Bachelor's degree or higher in medical laboratory technology/science AND has passed a national certifying examination (ASCP, AMT, or AAB), or*
- ii. Bachelor's degree or higher in a chemical, physical, or biological science AND 1 year of full-time experience or training, or*
- iii. Passed a HEW exam between March 1, 1986 and December 31, 1987, or*
- iv. Was qualified under CLIA guidelines (493.1489(b)(5)(1)) and was performing high complexity testing prior to April 25, 1995, or*
- v. Was licensed as a CLP-MT immediately preceding the effective date of this rule (June 1, 2017) and has complied with the CLP application process.*

MLT (Medical Laboratory Technician)

a. Education

- i. Associate degree in laboratory technology/science AND has passed a national certifying examination (ASCP, AMT, or AAB), or
- ii. Associate degree in a chemical, physical, or biological science AND 1 year of full-time experience or training, or
- iii. Successful completion of 60 hours of academic credit at an accredited institution, including the following, AND 1 year of experience or training:
 1. Either 24 hours of medical laboratory technology/science courses, OR
 2. 6 semester hours of chemistry, 6 semester hours of biology, and 12 semester hours of other chemistry/biology/laboratory science courses, or
- iv. Prior to April 25, 1995, was a high school graduate and met one of the following requirements:
 1. Graduated from a medical/clinical laboratory training program approved by ABHES or CAHEA, or
 2. Successfully completed a US military laboratory training course of at least 50 weeks in duration and have held the military enlisted occupational specialty of Medical Laboratory Specialist, or
- v. Prior to July 8, 1989, was performing at least moderate complexity tasks in a clinical laboratory, or
- vi. Was licensed as a CLP-MLT immediately preceding the effective date of this rule (June 1, 2017) and has complied with the CLP application process

2. Am I required to be certified by ASCP or another agency?

If your degree is in medical or clinical laboratory technology/science, then YES, you must have a national certification in order to obtain a CLP license (unless you were previously licensed immediately prior to the new rule, adopted June 1, 2017, and have maintained licensure and complied with the CLP application process).

3. Who is obligated to initiate the process of the license renewal?

The individual licensee is responsible for seeing that the license is kept up-to-date. However, the Licensure Office of the OLS accommodates licensees by sending out renewal notices approximately 6-8 weeks prior to the expiration date. Even if you do not receive your renewal notice, it is your responsibility to renew your CLP license on time each year. Please note that you must update our office if your address has changed; failure to do so will result in your renewal application being returned by the post office.

4. Can I continue to perform moderate or high complexity laboratory testing if I have my original license but it has expired?

No, it is illegal to continue to perform laboratory testing with an expired license. You must cease laboratory testing until a valid license is obtained. Your employer may suspend you from employment rather than risk sanctions from CLIA or an accrediting agency. You are also subject to a \$100 penalty fee.

5. Can the Office of Laboratory Service licensure program personnel give permission for a person to perform laboratory testing at their workplace if they do not have a current license?

No, performing testing with an expired license is illegal. The licensure program mails renewal packets well in advance of the license expiration date. It is the responsibility of the licensee to return his/her paperwork, along with the required proof of continuing education, by the return date to ensure time for processing. There is no grace period. Once the license expires, a person cannot perform laboratory testing until a new license is in-hand (or our system has been updated and primary source verification can be performed).

6. Can the licensee be "fired" for not having an up-to-date license?

It is illegal to work without a CLP license when performing moderate or high complexity testing. How the laboratory handles the situation is a management decision. There have been suspensions of employment in some laboratories. "Firing" would be within the rights of a lab to avoid losing CLIA certification.

7. If someone is testing without a state license, what should I do?

Please notify us if you think illegal testing is occurring. You may email your concerns to dana.m.stillwagon@wv.gov or call our office at 304-558-3530 (extensions 2105 or 2106).

Continuing Education

1. If my license expires on February 1, 2018, do the contact hours that were earned in December of 2017 count toward the 2018 license renewal?

The contact hours must be awarded during the previous year covered by the current CLP license. It is not according to the calendar year. In the above situation, the period for earning the required 10 continuing education contact hours is February 1, 2017 to January 31, 2018.

2. Do management and computer classes count toward the contact hours required for licensure?

Only if your laboratory tasks require you to improve your management or computer related skills.

3. Continuing Education is required for license renewal. Is the state responsible for furnishing this C.E.?

No, meeting training requirements is the responsibility of the licensee. However, C.E. correspondence courses can be purchased for a small fee from the OLS. We also sometimes offer workshops, give presentations at regional meetings, and co-sponsor workshops with the National Laboratory Training Network (NLTN). Participation in OLS training offerings is voluntary unless your laboratory management mandates.

Renewal Timing and Delays

1. What causes the most delays in processing renewals?

- *Submitting an incomplete license application; not paying all fees owed; not including a check, supporting documents, or continuing education records*
- *Having the incorrect home address on file with our office*

2. Can you explain the fees? How do I know if I need to pay additional fees?

- *Trainee licenses are provided at no cost and can be renewed for up to 3 years.*
- *MLT, MLS, CT, and POCT licenses cost \$25 annually.*
- *Additional fees are charged as follow:*
 - *Late fee (\$10): the due date for a renewal is 2 weeks prior to the expiration of the license; for example, a license expiring June 1 is considered late if not postmarked before the 15th of May*
 - *Reinstatement of lapsed license (\$20): if your license has expired prior to our office receiving or processing your renewal, a lapsed license fee will be assessed*
 - *Same-Day Processing (\$35): if you need to have your application processed within 24 hours, the same-day processing fee will be assessed*
 - *Unlicensed personnel or lapsed license found during inspection (\$100): if it is discovered that your license has lapsed or that you do not have a license, you, the employee, will be assessed a fine of \$100. This fine must be paid before a license can be issued or reinstated.*
- *If you know you will owe fees when submitting your application, you may pay them when you submit your application. If you do not pay any additional fees owed up front, you will be contacted by our office to submit payment prior to processing of your application.*

3. How can I pay my fees?

*You may drop off or mail a check or money order to the office. The address is:
167 11th Avenue
South Charleston, WV 25303
ATTN: Licensure*

You may renew your license and pay online using this link:

<https://epay.wvsto.com/ePayCustomPage/CustomPage/ePay24CB6DAB-C5C1-40D7-BD7A-216C22B43D09.aspx>.

Additional fees may be paid online using this link:

<https://epay.wvsto.com/ePayCustomPage/CustomPage/ePayE9343FE5-4550-43E5-A360-7BDF7E14E07D.aspx>.

Note: a small convenience fee is assessed when submitting online payments.

4. How long is the turn-around-time for processing a CLP license application or renewal?

Allow two weeks once the application is received in this office. Missing information and unpaid penalty fees will delay processing. Allow an additional three days for the mailing process.

5. How can I find out the status of my license?

You can use our Primary Source Verification link on our website to check the status of your license (<http://wvlablicense.wv.gov/search.html>).

6. Whom do I ask for at the OLS if I have a licensure question?

Contact information is shown on our web page.

7. If my license should lapse for a few months, do I retain my initial renewal date?

Yes. However, if you are not employed for an extended period and let your license lapse, you may be given a new expiration date for one year after the reinstatement date.

8. If my license is inactive for an extended period, will I have to complete a new application for licensure?

We retain licensure records for five years. If your license is inactive for five years or more, you will have to complete a new Application for Licensure. If it is less than five years and we have your initial application information, only a Renewal Application will be required. In either case, you will need 10 contact hours of continuing education to have your license reinstated. You will be given your original licensure number.