

2023 Regular Session

HOUSE BILL NO. 459

BY REPRESENTATIVE TRAVIS JOHNSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH CARE/PROVIDERS: Provides relative to phlebotomists

1 AN ACT

2 To amend and reenact R.S. 37:1312(13), 1313(D), 1318(A), 1321(A)(3), and 1323(Section  
3 heading) and to repeal R.S. 37:1315(A)(1), (10)(f), and (13), 1321(A)(2), and  
4 1323(F), relative to the certification of phlebotomists; to permit a phlebotomist to  
5 practice without certification; to repeal provisions related to certification; and to  
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 37:1312(13), 1313(D), 1318(A), 1321(A)(3), and 1323(Section  
9 heading) are hereby amended and reenacted to read as follows:

10 §1312. Definitions

11 As used in this Part, the following terms shall mean the following, unless the  
12 context requires otherwise:

13 \* \* \*

14 (13) "Phlebotomist" means an individual performing an invasive procedure  
15 to withdraw blood from the human body to collect samples for the practice of clinical  
16 laboratory science, including but not limited to, clinical laboratory testing for  
17 analysis, typing and cross-matching of blood for medical examination and human  
18 transfusion. A phlebotomist may perform and report results of any waived tests,  
19 which are those routine technical procedures performed under or eligible for a

1 certificate of waiver under the Clinical Laboratory Improvement Amendments of  
2 1988, and the rules and regulations promulgated pursuant thereto.

3 \* \* \*

4 §1313. Exemptions to licensure

5 \* \* \*

6 D. This Part shall not apply to any individual performing phlebotomy or  
7 acting as a phlebotomist, ~~employed by or acting under the direction and supervision~~  
8 ~~of a physician licensed by the board, a clinic operated by a licensed health care~~  
9 ~~provider, a hospital, a nursing home, or other licensed health care facility.~~

10 \* \* \*

11 §1318. Licensure and certification; examination; application

12 A. ~~Effective January 1, 1995, no~~ No individual shall act as, or perform the  
13 duties of a clinical laboratory scientist-generalist, clinical laboratory  
14 scientist-specialist, clinical laboratory scientist-technician, laboratory assistant, or  
15 cytotechnologist, unless that individual possesses a current license issued pursuant  
16 to this Part or is exempt from the provisions of this Part. ~~Effective January 1, 1995,~~  
17 ~~no individual shall act as or perform the duties of a phlebotomist unless that~~  
18 ~~individual possesses a current certificate issued pursuant to this Part or is exempt~~  
19 ~~from the provisions of this Part.~~ Each license or certificate shall be effective for the  
20 calendar year beginning January first and ending December thirty-first in which it  
21 is issued.

22 \* \* \*

23 §1321. Fees; license, certification, renewal, delinquent

24 A.

25 \* \* \*

26 (3) Fees collected by the board for licensure or certification and renewal to  
27 practice clinical laboratory science for calendar year 1997 and each year thereafter  
28 shall be fixed by the board upon the recommendation of the committee by rules and

1 regulations promulgated pursuant to the Administrative Procedure Act, not to exceed  
2 the amounts established in ~~Paragraphs~~ Paragraph (1) ~~and (2)~~ of this Subsection.

3 \* \* \*

4 §1323. Qualifications of clinical laboratory scientist-generalist; clinical laboratory  
5 scientist-specialist; clinical laboratory scientist-technician; cytotechnologist;  
6 laboratory assistant; ~~and phlebotomist~~

7 \* \* \*

8 Section 2. R.S. 37:1315(A)(1), (10)(f), and (13), 1321(A)(2), and 1323(F) are hereby  
9 repealed in their entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 459 Engrossed

2023 Regular Session

Travis Johnson

**Abstract:** Eliminates the requirement that a phlebotomist be certified if he is not employed by or directly supervised by a licensed physician or licensed healthcare facility.

Present law defines "phlebotomist" as an individual performing an invasive procedure to withdraw blood from the human body to collect samples for the practice of clinical laboratory science.

Proposed law expands the scope of a phlebotomist by allowing him to perform and report the results of any waived tests, which are routine tests provided for by the Clinical Laboratory Improvement Amendments of 1998, subject to related rules and regulations.

Present law exempts a phlebotomist or an individual acting as a phlebotomist from certification requirements if he is employed by a licensed physician, clinic, hospital, nursing home, or other licensed healthcare facility.

Proposed law exempts a phlebotomist from certification requirements.

Present law grants the Clinical Laboratory Personnel Committee the duty to provide continuing education content, criteria, and program for phlebotomists.

Proposed law repeals present law.

Present law establishes a \$25 fee to renew a phlebotomist's certification.

Proposed law repeals present law.

Present law establishes that each applicant for certification as a phlebotomist shall meet one of the following requirements:

- (1) Complete educational courses in order to be eligible for and successfully complete a nationally recognized certification exam.

- (2) Successfully fulfill the requirements of a training program as a phlebotomist approved by Louisiana State Board of Medical Examiners (board) and successfully complete a certification exam administered by the board and the Clinical Laboratory Personnel Committee.

Proposed law repeals present law.

(Amends R.S. 37:1312(13), 1313(D), 1318(A), 1321(A)(3), and 1323(Section heading);  
Repeals R.S. 37:1315(A)(1), (10)(f), and (13), 1321(A)(2), and 1323(F))