



**THE MEDICAL LABORATORY TECHNOLOGISTS REGULATIONS
1989**

THOMAS EICHELBAUM
Administrator of the Government

ORDER IN COUNCIL

At Wellington this 2nd day of October 1989

Present:

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL

PURSUANT to section 40 of the Medical Auxiliaries Act 1966, His Excellency the Administrator of the Government, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Medical Laboratory Technologists Regulations 1989.

(2) These regulations shall come into force on the 1st day of November 1989.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“The Act” means the Medical Auxiliaries Act 1966:

“Board” means the Medical Laboratory Technologists Board continued under regulation 3 of these regulations:

“Diploma in Medical Laboratory Technology” means—

(a) A Diploma in Medical Laboratory Technology awarded by the Board pursuant to regulation 7 (2) of these regulations; or

(b) A certificate in technique in bacteriology and clinical pathology, or a certificate of proficiency in hospital laboratory practice, or a certificate of proficiency in medical laboratory technology, awarded by the Department of Health or the Medical Laboratory Technologists Board before the commencement of these regulations or following an examination held before the commencement of these regulations:

“Institute” means the New Zealand Institute of Medical Laboratory Technology Incorporated:

“The Manual” means the manual issued by the Medical Laboratory Technologists Board pursuant to regulation 4 of these regulations:

“Medical laboratory assistant” means a person who, being responsible to and under the supervision of a medical laboratory technologist, scientific officer, or registered medical practitioner, is employed in a medical pathology laboratory and engaged in manual or technical work ancillary to medical laboratory technology; but does not include a medical laboratory technologist or trainee:

“Medical laboratory technologist” means a person who is a registered medical laboratory technologist under these regulations and is qualified to engage in medical laboratory technology:

“Medical laboratory technology” means the examination in a medical pathology laboratory, for fee or reward, of human tissue, fluids, and excretions for medical purposes:

“Register” means the Register of Medical Laboratory Technologists kept pursuant to section 19 of the Act; and “registered medical laboratory technologist” and “registration as a medical laboratory technologist” have corresponding meanings:

“Scientific officer” means a university graduate in science, or the holder of such other qualifications recognised in each individual case by the general manager of an area health board as an acceptable equivalent, employed or engaged to perform duties involving scientific work for an area health board:

“Scientific work” means any research, and any technical development work, of such scientific nature as to require the possession and utilisation of a science degree (or a recognised equivalent) in order that it may be properly performed:

“Secretary” means the person appointed to be Secretary to the Medical Laboratory Technologists Board pursuant to section 8 of the Act:

“Trainee” means a person who is undergoing the course of training prescribed in the Manual for applicants for registration as a medical laboratory technologist.

3. Medical Laboratory Technologists Board—(1) The Board required by section 4 of the Act for the registrable occupation of medical laboratory technologists, constituted by regulation 3 of the Medical Technologists Regulations 1973* under the name of the Medical Technologists Board and continued under that name by regulation 3 of the Medical Technologists Regulations 1979† and continued by regulation 3 of the Medical Laboratory Technologists Regulations 1982‡ under the name of the Medical Laboratory Technologists Board, shall continue in existence under the name of the Medical Laboratory Technologists Board.

(2) Notwithstanding anything in subclause (1) of this regulation, the Board shall, from the date of the commencement of these regulations, consist of the following:

- (a) One person, being employed in the Department of Health, to be appointed by the Director-General of Health:
- (b) Two medical practitioners nominated by the New Zealand Society of Pathologists, one of whom shall be exclusively or principally employed by an area health board or by a university:
- (c) Three persons possessing qualifications entitling them to registration as medical laboratory technologists, to be nominated by the Institute:
- (d) Two persons, being registered medical laboratory technologists, to be appointed after the Minister has consulted the New Zealand Society of Pathologists and the Institute:
- (e) The Director-General of Education, or his or her nominee.

4. Certain matters to be prescribed in Manual—(1) The Board shall from time to time issue a manual prescribing—

- (a) The qualifications required to be possessed by applicants for registration:
- (b) The form of applications for registration:
- (c) The course of training for applicants for registration:
- (d) The examinations to be passed by applicants for registration:
- (e) The conduct of examinations.

(2) The Board may from time to time amend or revoke any provision in the Manual.

5. Conduct of course of training—(1) The course of training prescribed under regulation 4 of these regulations shall be conducted at such place or places as the Board from time to time determines, and under the direction of a medical laboratory technologist.

(2) For the purpose of giving effect to the prescribed course of training, the Board may from time to time issue supplementary instructions in such form as it thinks fit for use in relation to training, and any such instructions shall be deemed to be part of the prescribed course of training.

(3) Except as the Board may otherwise permit in relation to any particular case, the period of training shall be continuous.

(4) For the purposes of subclause (3) of this regulation, absence on holiday or by reason of sickness or any other reasonable cause shall not be an interruption of the period of training unless the Board, taking into account the length of the period of absence, is of the opinion that the person concerned should recommence training or such part of the course of training as the Board may specify.

(5) In the exercise of any discretion conferred on it by this regulation, the Board may impose any condition that it considers necessary to ensure that the person concerned completes the whole of the prescribed course of training within such period as, in the opinion of the Board, may be appropriate to the circumstances of the particular case.

6. Credit for previous training or examination—

(1) Notwithstanding anything in regulations 4 and 5 of these regulations, if any person has, either in New Zealand or elsewhere, undergone any period of training or passed any examination that includes any training or examination in a subject or part of a subject included, as the case may require, in a course of training or examination prescribed under these regulations, the Board may from time to time, in its discretion, direct that it shall not be necessary for that person to undertake such part or parts of the prescribed course of training, or to be examined in such subject or subjects, as the Board may determine.

(2) In giving any direction under this regulation, the Board may make such modifications and impose such conditions as it thinks fit in respect of the training to be undergone, or the examination or examinations to be passed, by the person in respect of whom the direction is given.

(3) Every person in respect of whom any direction has been given under this regulation shall, when he or she has completed the course of training or passed the examination or examinations, as modified by any such direction of the Board, and complied with any conditions imposed by the Board under this regulation, be deemed for the purposes of these regulations to have undergone the prescribed course of training or to have passed the prescribed examination or examinations, as the case may be.

7. Certificates and Diplomas—(1) The Board shall award a certificate (to be called a certificate of attainment), which shall specify the examination subject to which it relates, to every person who passes an examination prescribed in the Manual for the purpose of the award of the certificate.

(2) The Board shall award a diploma (to be called the Diploma in Medical Laboratory Technology) to every person who completes the course of training and passes all the examinations applicable to that person and prescribed in the Manual for the purpose of the award of the diploma.

(3) Nothing in subclause (1) or subclause (2) of this regulation shall prevent the Board from awarding such further certificates or diplomas in relation to any examination under these regulations as it thinks fit.

8. Temporary registration of persons visiting New Zealand—

(1) Notwithstanding anything in these regulations, if the Chairman of the Board is satisfied that—

(a) Any person is or will be temporarily visiting New Zealand and will be required to perform medical laboratory technology in any institution or place in New Zealand; and

- (b) That person has sufficient knowledge and experience for the efficient performance of medical laboratory technology in that institution or place,—

the Chairman may direct the Secretary to issue to that person a certificate of temporary registration having effect in relation to the performance of medical laboratory technology in the institution or place, and for such period, as may be specified in the certificate.

(2) The Secretary shall record the name of every person to whom a certificate of temporary registration is issued under this regulation in a separate part of the register.

(3) The Chairman of the Board may from time to time, if the Chairman thinks fit, extend the period specified in any certificate under this regulation, if the Chairman is satisfied that the circumstances in which it was issued still subsist; and, in such a case, the extension shall be endorsed on the certificate, which for that purpose shall be surrendered by the holder to the Secretary.

(4) During the period specified in any such certificate, or any such extension thereof, the holder of the certificate shall, unless it has been cancelled under this regulation, be deemed for the purposes of the Act to be registered as a medical laboratory technologist.

(5) The Secretary shall cancel any such certificate at any time on the direction of the Chairman of the Board.

(6) Nothing in this regulation shall affect the liability under section 32 of the Act (as limited by regulation 9 of these regulations) of any person to whom any such certificate is issued in relation to the performance of medical laboratory technology outside the institution or place specified in the certificate.

9. Section 32 of principal Act not to apply to certain persons— Nothing in section 32 of the Act shall prevent the performance of medical laboratory technology by—

- (a) A registered medical practitioner:
- (b) A scientific officer:
- (c) A medical laboratory assistant:
- (d) A trainee while he or she is responsible to and under the supervision of a medical laboratory technologist, scientific officer, or registered medical practitioner.

10. Appeals—(1) Where the Chairman or the Board makes a decision in respect of any person from which that person has a right of appeal under the Act, the Secretary shall forthwith inform that person of the decision and of the reasons for it.

(2) If the person decides to appeal from that decision, he or she shall, within the period prescribed by section 35 of the Act, give to the Secretary notice of appeal in the form set out in the Schedule to these regulations.

(3) As soon as practicable after receiving the notice of appeal, the Secretary shall inform the appellant of the name of the person appointed to act as assessor on behalf of the Board at the hearing, and of the name of the barrister who will be the presiding member of the Appeal Tribunal, and shall, at the same time, send to that barrister a copy of the decision and of the notice of appeal.

(4) The Appeal Tribunal shall hear and determine the appeal at such convenient place and time as may be decided by the presiding member.

(5) The presiding member of the Appeal Tribunal shall cause at least 7 days' notice of the place and time of the hearing to be given to the assessors, the Chairman or (as the case may be) the Board, and the appellant.

(6) Without limiting section 35 (7) of the Act, at the hearing of the appeal—

(a) The appellant may appear and give evidence:

(b) The appellant may either be heard in person or be represented by some other person or by a solicitor or counsel:

(c) Evidence may be given on behalf of the Chairman of the Board by any person appointed by the Chairman, or on behalf of the Board by any person (whether or not he or she is a member of the Board) appointed by the Board:

(d) Any such person may be heard on the Chairman's behalf or on the Board's behalf, or the Chairman or the Board may be represented by a solicitor or counsel.

(7) The order made in respect of the appeal shall be in writing signed by at least 2 members of the Appeal Tribunal.

(8) A copy of the order shall be given to the appellant and either the Chairman or the Board (as the case may require), and the Chairman or the Board (as the case may require) shall forthwith give effect to the order.

11. Fees—(1) The fee for each paper for each prescribed examination shall be \$90.

(2) The fee for an application for registration shall be \$67.50.

(3) The fee for an annual licence as a medical laboratory technologist shall be \$67.50.

(4) The fee for any alteration in, or addition to, an entry in the register, other than a change of address or a change of name on marriage or correction of an error for which the person registered is not responsible shall be \$11.25.

(5) The fee for restoration of a name to the register under section 21 of the Act shall be \$39.38.

(6) The fee for an inspection of the register shall be \$22.50.

(7) The fee for a Certificate of Registration shall be \$22.50.

12. Fees inclusive of goods and services tax—The fees fixed by regulation 11 of these regulations are inclusive of goods and services tax under the Goods and Services Tax Act 1985.

13. Revocations—(1) The following regulations are hereby revoked:

(a) The Medical Laboratory Technologists Regulations 1982 (S.R. 1982/52);

(b) The Medical Laboratory Technologists Regulations 1982, Amendment No. 2 (S.R. 1988/148);

(c) The Medical Laboratory Technologists Regulations 1982, Amendment No. 4 (S.R. 1989/115).

(2) Notwithstanding the revocation by subclause (1) of this regulation of the Medical Laboratory Technologists Regulations 1982*, every person who was registered (including temporarily registered) as a medical laboratory technologist immediately before the commencement of these regulations shall be deemed for the purposes of the Act and these

regulations to be registered or (as the case may be) temporarily registered as a medical laboratory technologist under these regulations.

SCHEDULE

Reg. 10 (2)

NOTICE OF APPEAL

To the Secretary, Medical Laboratory Technologists Board, Wellington. TAKE NOTICE that I, [Full name] of [Full postal address], hereby appeal under section 35 of the Medical Auxiliaries Act 1966 against a decision of the Chairman of the Medical Laboratory Technologists Board/the Medical Laboratory Technologists Board (delete whichever does not apply) conveyed to me by letter dated the day of 19 .

The following are the grounds on which I make my appeal:

AND I hereby appoint [Full name] of [Full postal address], as one of the assessors for the purpose of this appeal.

Dated at this day of 19 .

.....
Signature of appellant

I hereby consent to act as an assessor for the purposes of this appeal.

.....
Signature of assessor for appellant.

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 November 1989, revoke and replace the Medical Laboratory Technologists Regulations 1982.

The principal change is that the qualifications for registration as a medical laboratory technologist, the application form for registration, the course of training for applicants, the examinations for registration, and the conduct of examinations will be prescribed in a manual issued by the Medical Laboratory Technologists Board. Formerly, these matters were required to be prescribed by the regulations. The new approach is authorised by amendments made to the Medical Auxiliaries Act 1966 by the Medical and Dental Auxiliaries Amendment Act 1988.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 5 October 1989.

These regulations are administered in the Department of Health.