

1973/38



## THE MEDICAL TECHNOLOGISTS REGULATIONS 1973

DENIS BLUNDELL, Governor-General  
ORDER IN COUNCIL

At the Government Buildings at Wellington this 26th day of  
February 1973

Present:

THE HON. H. WATT PRESIDING IN COUNCIL

PURSUANT to the Medical and Dental Auxiliaries Act 1966, His Excellency the Governor-General, 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 Technologists Regulations 1973.

(2) These regulations shall come into force on the 1st day of April 1973.

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

“The Act” means the Medical and Dental Auxiliaries Act 1966:  
“Board” means the Medical Technologists Board constituted under regulation 3 of these regulations:

“Certificate of proficiency” means—

(a) A certificate of proficiency in medical technology awarded by the Board pursuant to regulation 10 (2) of these regulations; or

(b) A certificate in technique in bacteriology and clinical pathology, or a certificate of proficiency in hospital laboratory practice, awarded by the Department of

Health before the commencement of these regulations or following an examination held before the commencement of these regulations:

“Graduate technologist” means a trainee who is a university graduate in science having majored in a subject related to the work of a medical laboratory:

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

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

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

“Trainee” means a person undergoing training pursuant to regulations 5 to 8 of these regulations.

**3. Medical Technologists Board**—(1) The Board required by section 4 of the Act for the registrable occupation of medical technologist is hereby constituted, and shall be called the Medical Technologists Board. The Board shall consist of the 8 members mentioned in sub-clause (2) of this regulation.

(2) The Board shall consist of—

- (a) One medical practitioner being, at the time of his appointment to the Board, an officer of the Public Service employed in the Division of Hospitals of the Department of Health:
- (b) Two medical practitioners, each of whom shall be nominated by the New Zealand Society of Pathologists and 1 of whom shall be in the full-time employment of a hospital board:
- (c) Two persons, possessing qualifications entitling them to registration as medical technologists, to be nominated by the Institute:
- (d) Two persons, working in a medical laboratory, to be appointed after the Minister has consulted the New Zealand Society of Pathologists and the Institute:
- (e) One person being employed in the Division of Technical Education of the Department of Education, to be nominated by the Minister of Education.

**4. Qualifications for registration**—(1) Subject to section 17 of the Act, every person shall be entitled to registration as a medical technologist who satisfies the Board—

- (a) That he was a fellow or an associate member of the Institute at the commencement of these regulations; or
- (b) That he was actually and regularly engaged in medical technology in a medical laboratory for the period of 10 years immediately preceding the commencement of these regulations;  
or
- (c) That he is the holder of a certificate of proficiency; or
- (d) That he has undergone a course of training, and passed the appropriate examination or examinations prescribed and conducted, with the approval of the Board, in respect of persons seeking registration as medical technologists, under the Technicians Certification Act 1958 or the Education Act 1964; or

- (e) That he has undergone a course of training and passed an examination or examinations elsewhere than in New Zealand, which, in the opinion of the Board, are substantially equivalent to the course of training and examination or examinations which he would have been required to undertake and pass if he were seeking registration under paragraph (c) or paragraph (d) of this subclause.
- (2) No person shall be registered under paragraph (a) or paragraph (b) of subclause (1) of this regulation unless application for registration is made within 1 year after the commencement of these regulations or within such extended time as the Board may in any particular case allow.
- (3) Every application for registration shall be in form 1 in the Second Schedule to these regulations, and shall be accompanied by the documents indicated in that form and such other evidence as the Board may require.
- (4) The fee prescribed in respect of registration may accompany the application for registration or be paid at any date thereafter before the registration of the applicant.

**5. Course of training—**(1) Every trainee, other than a graduate technologist, shall for a period of 3 years undertake training in the subjects prescribed for section 1 of the course of training prescribed by the First Schedule to these regulations.

(2) After completing the training referred to in subclause (1) of this regulation, the trainee shall undertake training for a period of 1 year in a subject prescribed for section 2 of the course of training prescribed by the First Schedule to these regulations, and thereafter shall undertake training for a further period of 1 year either in another subject prescribed for that section or in the more advanced stage, as prescribed for section 3 of the said course of training, of the subject which he undertook in the previous year.

(3) Every graduate technologist shall undertake for a period of 2 years training in 2 subjects prescribed for section 2 of the course of training prescribed by the First Schedule to these regulations, so that he is trained in 1 of those subjects in each of those years. One of those subjects shall be haematology and immuno-haematology, and the other of those subjects shall be either chemical pathology or microbiology, but shall not be chemical pathology if he majored in chemical pathology, nor microbiology if he majored in microbiology, for the purpose of graduating at a university.

(4) Nothing in this regulation shall operate to prevent any trainee who fails to complete part of the course of training within the time prescribed from continuing and completing that part after the expiration of that time.

**6. Conduct of course of training—**(1) The course of training prescribed by regulation 5 of these regulations shall be conducted at such place or places as the Board may from time to time determine.

(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 conditions 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.

**7. Examinations—**(1) After the completion of training in the subjects prescribed for section 1 of the course of training prescribed by the First Schedule to these regulations the trainee shall be examined in—

(a) Chemical pathology:

(b) Microbiology:

(c) Haematology and Immunohaematology.

(2) After the completion of training in a subject prescribed for section 2 of the course of training prescribed by the First Schedule to these regulations a trainee, including a graduate technologist, shall be examined in that subject.

(3) After the completion of training in another subject prescribed for section 2 of the course of training prescribed by the First Schedule to these regulations, or in the more advanced stage of the subject undertaken in a previous year, as required by subclause (2) of regulation 5 of these regulations, the trainee shall be examined in that subject.

(4) No trainee, who is not a graduate technologist, shall undertake an examination prescribed by subclause (2) of this regulation until he has passed the examination prescribed by subclause (1) of this regulation, nor shall he undertake the examination prescribed by subclause (3) of this regulation until he has passed the examination prescribed by subclause (2) of this regulation.

(5) A graduate technologist may undertake an examination in a subject in which he has been trained notwithstanding that he has not passed an examination in another subject in which he has been trained, but nothing in this subclause shall entitle a graduate technologist to undertake an examination in more than 1 subject on the same occasion.

(6) Nothing in these regulations shall operate to prevent any person, whether or not he is a trainee, from undertaking, with the consent of the Board, an examination in a subject prescribed for the course of training by the First Schedule to these regulations which he is not required by these regulations to undertake.

**8. Conduct of examinations—**(1) The examinations prescribed by regulation 7 of these regulations shall be held at such times and places as the Board from time to time determines.

(2) Any examination prescribed by regulation 7 of these regulations may consist of such written papers and practical or oral tests, if any, as the Board from time to time thinks fit.

(3) Every intending candidate for an examination prescribed by regulation 7 of these regulations shall, at least 2 months before the date of the commencement of the examination, notify the Secretary in writing of such intention and pay the prescribed fee, and shall produce a certificate, signed by the person for the time being responsible for his training, to the effect that he has completed his training in the subject or subjects in which he seeks to be examined, or that he will have completed such training before the examination is held; but the Board may, if it sees fit in relation to any particular case, permit a person who has failed to comply with this subclause to undertake the examination.

(4) For the purpose of enabling intending candidates to comply with subclause (3) of this regulation, the Board shall give notice of the date fixed for the commencement of an examination, and of the place where that examination is to be held, at such time and in such form as seems to it expedient.

(5) Notwithstanding anything in the preceding provisions of this regulation, the Board may permit any candidate to undertake any examination at any specified time or place other than the time or place notified in accordance with those provisions.

(6) Subject to subclause (7) of this regulation, every trainee, who is not a graduate technologist, shall undertake the appropriate examination at the first available opportunity after the completion of his training in that part of the course of training to which the examination relates.

(7) Subject to subclauses (4) and (5) of regulation 7 of these regulations, any trainee who fails to undertake an examination as required by subclause (6) of this regulation on account of sickness or for some other reason held by the Board to be sufficient, or who undertakes and fails to pass the examination, may undertake the examination at the next opportunity, or, with the approval of the Board, at a later date or later dates.

(8) A partial pass in respect of any particular subject, or in respect of the theoretical, practical, or oral content of any subject, in any examination prescribed by regulation 7 of these regulations may be granted by the Board, if it sees fit so to do, on such conditions as the Board may from time to time determine.

**9. Credit for previous training or examination—**(1) Notwithstanding anything in regulations 5 to 8 of these regulations, if a trainee has, either in New Zealand or elsewhere, undergone any period of training or passed any examination which 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 by these regulations, the Board may from time to time, in its discretion, direct that it shall not be necessary for the trainee to undergo 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 other 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 trainee in respect of whom the direction is given.

(3) Every trainee in respect of whom any direction has been given under this regulation shall, when he has completed the course of training or passed the examination or examinations, as modified by any such direction as aforesaid, 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.

**10. Certificates**—(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 by subclause (2) of regulation 7 of these regulations.

(2) The Board shall award a certificate (to be called the certificate of proficiency in medical technology) to every person who completes the course of training and passes all the examinations applicable to him and prescribed by regulations 5 and 7 of these regulations.

(3) Nothing in the preceding provisions of this regulation shall operate to prevent the Board from awarding such further certificates in relation to any examination under these regulations as it sees fit to award.

**11. Temporary registration of persons visiting New Zealand**—

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

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

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

the Board may issue to him a certificate of temporary registration having effect in relation to the performance of medical technology in the institution or place, and for such period, as may be specified in the certificate.

(2) The names of persons to whom certificates of temporary registration are issued under this regulation shall appear in a separate subdivision of the register.

(3) The provisions of sections 14 to 17 and section 19 of the Act shall apply to every application for temporary registration under this regulation, except that the application need not be made in a prescribed form.

(4) No fee shall be payable in respect of any application for temporary registration under this regulation or in respect of the issue of any certificate thereunder.

(5) The Board may from time to time in its discretion, extend the period specified in any certificate under this regulation, if it is satisfied that the circumstances in which it was issued still exist. Any such extension shall be endorsed on the certificate, which for that purpose shall be surrendered by the holder to the Secretary.

(6) 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 technologist.

(7) The Secretary may cancel any such certificate at any time on the direction of the Board.

(8) Nothing in this regulation shall affect the liability under section 32 of the Act, as limited by regulation 12 of these regulations, of any person to whom any such certificate is issued in relation to the performance of medical technology outside the institution or place specified in the certificate.

**12. Limitations on application of section 32—**(1) Section 32 of the Act shall have no application in relation to the registrable occupation of medical technologist—

- (a) To the extent that it prohibits a person from engaging in the registrable occupation, or from holding himself out as being entitled to engage in that occupation; or
- (b) To the extent that it prohibits a graduate technologist from using in connection with his business any written words, titles, or initials implying that he is qualified to engage in a branch of the registrable occupation in relation to which he holds a certificate of attainment awarded under subclause (1) of regulation 10 of these regulations; or
- (c) To the extent that it prohibits a medical practitioner from using in connection with his business any written words, titles, or initials implying that he is qualified to engage in the registrable occupation.

(2) Nothing in subclause (1) of this regulation shall affect the liability under section 32 of the Act of any person who, not being registered as a medical technologist, uses in connection with his business any written words, titles, or initials, implying that he is so registered or, unless he is a medical practitioner or holds a certificate of attainment in relation to the branch of medical technology to which the implication applies, that he is qualified to perform medical technology.

**13. Appeals—**(1) Where the Board makes in respect of any person a decision from which that person has a right of appeal under the Act, the Secretary shall forthwith inform that person of the Board's decision and of the reasons therefor.

(2) If the person decides to appeal from that decision he shall, within the time prescribed by section 35 of the Act, give to the Secretary notice of appeal in form 2 in the Second 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 shall be the chairman of the Appeal Tribunal, and shall at the same time send to that barrister a copy of the Board's 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 chairman.

(5) The chairman shall cause at least 7 days previous notice of the place and time of hearing to be given to the assessors, the Board, and the appellant.

(6) Without prejudice to subsection (7) of section 35 of the Act, at the hearing of the appeal the appellant may himself appear and give evidence, and may either be heard in person or be represented by some

other person or by a solicitor or counsel; and evidence may be given on behalf of the Board by any person, whether a member thereof or not, appointed by that Board, and any such person may be heard on its behalf, or it 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. A copy of the order shall be given to both the appellant and the Board; and the Board shall forthwith give effect to the order.

**14. Fees—**(1) The fee for each prescribed examination shall be \$15.

(2) The fee for registration as a medical technologist shall be \$10.

(3) The fee for a certificate of registration as a medical technologist shall be \$1.

(4) The fee for a provisional certificate under section 23 of the Act shall be 50 cents.

(5) The fee for an annual licence issued to a registered medical technologist shall be \$2.

(6) The fee for any alteration in or addition to an entry in the register, other than a change of address, or correction of an error for which the person registered is not responsible, shall be \$2.

(7) The fee for restoration of a name to the register under section 21 of the Act shall be \$4.

(8) The fee for inspection of the register shall be 50 cents.

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## SCHEDULES

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### FIRST SCHEDULE

Regs 5 and 7

#### COURSE OF TRAINING

##### *Section I*

1. Laboratory Equipment and Materials.
2. Management and Handling Procedures.
3. Safety Precautions.
4. Chemical Pathology (Part 1).
5. Microbiology (Part 1).
6. Haematology and Immunohaematology (Part 1).

##### *Section II*

1. Chemical Pathology (Part 2).
2. Microbiology (Part 2).
3. Haematology and Immunohaematology (Part 2).
4. Histology and Cytology (Part 1).

##### *Section III*

1. Chemical Pathology (Part 3).
  2. Microbiology (Part 3).
  3. Haematology (Part 3).
  4. Immunohaematology (Part 3).
  5. Histology and Cytology (Part 2).
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## SECOND SCHEDULE

## FORMS

## Form 1

Reg. 4 (3)

*Application for Registration as Medical Technologist*

(Note: When completing this form, strike out words which do not apply).

To the Secretary, Medical Technologists Board, Wellington.

## Part A

I hereby apply for registration as a medical technologist on the grounds that—

- (a) I was a fellow/an associate member of the New Zealand Institute of Medical Laboratory Technology Incorporated at the commencement of the Medical Technologists Regulations 1973; or
- (b) I was actually and regularly engaged in medical technology for the period of 10 years immediately preceding the commencement of the Medical Technologists Regulations 1973; or
- (c) I am the holder of a certificate of proficiency in medical technology; or
- (d) I have undergone the appropriate course of training and passed the appropriate examination (or examinations) prescribed and conducted under the Education Act 1964 (or the Technicians Certification Act 1958); or
- (e) I have undergone a course of training and passed an examination in ..... (*name of country other than New Zealand*) which is substantially equivalent to a course of training and examination required to be undertaken and passed in New Zealand by persons seeking registration as medical technologists.

## Part B

1. My full name is ..... (block letters: surname first).
2. On obtaining registration my postal address will be .....
3. The address to which communications should be sent pending registration is .....
4. For the purpose of providing evidence of my personal character I enclose ..... (e.g., a specified number of testimonials or the names and addresses of a specified number of referees as may be required by the Board).

## Part C

1. (For persons applying under paragraph (a) of Part A of this form): I enclose a certificate signed by the Secretary of the Institute (or such other evidence as the Board may specify) that I was a fellow/an associate member of the Institute at the commencement of the Medical Technologists Regulations 1973.
2. (For persons applying under paragraph (b) of Part A of this form): I enclose a statement of the facts on which I rely (and any other evidence that the Board may specify).

SECOND SCHEDULE—continued

3. (For persons applying under paragraph (c) of Part A of this form) : I enclose my certificate of proficiency (or, if the Board so permits) I refer to the results of the examination held on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ (or such other evidence as the Board may specify).

4. (For persons applying under paragraph (d) of Part A of this form) : I enclose a certificate of training and a certificate that I have passed the prescribed examination(s).

5. (For persons applying under paragraph (e) of Part A of this form) : I enclose particulars of my training and qualifications (and any other evidence that the Board may specify).

I hereby certify that the information given above is true and correct in every particular.

Signature of Applicant .....

Date .....

Form 2

Reg. 13 (2)

Notice of Appeal

To the Secretary, Medical Technologists Board, Wellington.

TAKE notice that I [full name] of [full postal address], hereby appeal under section 35 of the Medical and Dental Auxiliaries Act 1966, against the decision of the Medical Technologists Board 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 1 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.

P. G. MILLEN,  
Clerk of the Executive Council.

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## EXPLANATORY NOTE

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

These regulations are made under the Medical and Dental Auxiliaries Act 1966, and relate to the registrable occupation of medical technologist. The Medical Technologists Board is constituted for the general supervision of that occupation.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 1 March 1973.

These regulations are administered in the Department of Health.