



THE MEDICAL TECHNOLOGISTS REGULATIONS 1979

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 30th day of April 1979

Present:

THE HON. D. MACINTYRE 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 1979.

(2) These regulations shall come into force on the 3rd day of May 1979.

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 continued under regulation 3 of these regulations:

“Certificate of proficiency” means—

(a) A certificate of proficiency in medical laboratory 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 trainee technologist” means a trainee who is a graduate of a University recognised by the Board and who has majored in a subject that, in the opinion of the Board, is relevant to the work of a medical laboratory:

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

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

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

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

“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:

“Scientific officer” means a university graduate in science, or the holder of such other qualification recognised in each individual case by the Director-General of Health as an acceptable equivalent, employed or engaged by a Hospital Board to perform duties involving scientific work:

“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 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 technologists and constituted by regulation 3 of the Medical Technologists Regulations 1973* under the name of the Medical Technologists Board shall continue in existence under that name.

(2) Notwithstanding anything in the said regulation 3, the Board shall, from the date of commencement of these regulations, consist of the following:

(a) One medical practitioner, being 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 one of whom shall be exclusively or principally employed by a Hospital Board or a University:
- (c) Three persons possessing qualifications entitling them to registration as medical technologists, to be nominated by the Institute:
- (d) Two persons, being registered medical technologists, 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 Continuing 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 is the holder of a certificate of proficiency; or
- (b) That he has undergone a course of training, and has 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
- (c) That he has undergone a course of training and passed an examination or examinations elsewhere than in New Zealand, that, in the opinion of the Board, are substantially equivalent to the course of training and examination or examinations that he would have been required to undergo and pass if he were seeking registration under paragraph (a) or paragraph (b) of this subclause.

(2) Subject to section 17 of the Act, every person shall be entitled to limited registration as a medical technologist who satisfies the Board—

- (a) That he has undergone a course of training in accordance with regulation 5 (4) of these regulations and has passed the appropriate examinations; or
- (b) That he has undergone a course of training and has passed an examination or examinations elsewhere than in New Zealand, that, in the opinion of the Board, are sufficient to warrant his limited registration as a medical technologist.

(3) Every application for registration shall be in form 1 in the First 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) The Board shall cause the name of every person to whom limited registration is granted under this regulation to be recorded in a separate subdivision of the register, followed by the subject or subjects in respect of which he is registered.

(6) Every annual licence issued to a person who holds limited registration under these regulations shall be endorsed with the subject or subjects in respect of which the medical technologist is registered.

(7) The fact that any person holds limited registration as a medical technologist shall not affect his liability under section 32 of the Act (as limited by regulation 12 of these regulations) in relation to the performance of any aspect of medical technology in respect of which he is not so registered.

5. Course of training—(1) Every trainee, other than a graduate trainee technologist, shall undergo training for a period of 3 years in all the subjects in Section I of the Second Schedule to these regulations.

(2) After completing the training prescribed by subclause (1) of this regulation, the trainee shall undergo training for a period of 1 year in a subject in Section II of the Second Schedule to these regulations.

(3) After completing the training prescribed by subclauses (1) and (2) of this regulation, the trainee shall undergo training for a period of 1 year in either—

(a) Another subject in Section II of the Second Schedule to these regulations; or

(b) A subject in Section III of that Schedule, being a subject in which he has already passed an examination at the stage prescribed in Section II of that Schedule.

(4) Every graduate trainee technologist shall either—

(a) Undergo training for a period of 3 years in either—

(i) Three of the subjects in Section II of the Second Schedule to these regulations; or

(ii) Two of the subjects in Section II of the Second Schedule to these regulations, and one of the subjects in Section III of that Schedule (being a subject in which he has already passed an examination at the stage prescribed in Section II of that Schedule),—

so that he receives training in one of those subjects in each of those years; or

(b) Undergo full-time employment, consisting of active engagement in one of the subjects in Section II of the Second Schedule, for a period of 1 year, and thereafter undergo training for a period of 1 year in that subject, and for a further period of 1 year in that subject at the stage prescribed in Section III of that Schedule.

(5) Nothing in this regulation shall 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) Nothing in this regulation shall prevent any trainee who, before the commencement of these regulations, has undergone an approved course of training otherwise than in accordance with this regulation from completing that course of training and obtaining registration under these regulations.

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 from time to time determines, and under the direction of a medical 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 period 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 all the subjects in Section I of the Second Schedule to these regulations, a trainee shall be examined in those subjects.

(2) After the completion of training in a subject in Section II of the Second Schedule to these regulations, a trainee, including a graduate trainee technologist, shall be examined in that subject.

(3) After the completion of training in another subject in Section II of the Second Schedule to these regulations, or in a subject in Section III of that Schedule, a trainee shall be examined in that subject.

(4) No trainee, other than a graduate trainee 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 any trainee, including a graduate trainee technologist, 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 trainee 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 trainee technologist to undertake an examination in more than 1 subject in the same year.

(6) Nothing in these regulations shall prevent any person, whether or not he is a trainee, from undertaking, with the consent of the Board, an examination in a subject in the Second Schedule to these regulations that 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 person intending to take an examination prescribed by regulation 7 of these regulations shall, by the 15th day of July in the year of the examination, notify the Secretary in writing of his 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 thinks 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 it thinks fit.

(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, other than a graduate trainee 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.

(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 thinks fit to do so, 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 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 by these regulations, the Board may from time to time, in its discretion, direct that it shall not be necessary for the trainee 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 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 regulation 7 (2) of these regulations.

(2) The Board shall award a certificate (to be called the certificate of proficiency in medical laboratory technology) to every person who completes the course of training and passes all the examinations applicable to him and prescribed by regulations 5 (1), 5 (2), 5 (3), and 7 of these regulations.

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

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 Board shall cause the name of every person to whom a certificate of temporary registration is issued under this regulation to be recorded 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 the 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 of temporary registration.

(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 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.

(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 shall 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 laboratory technology outside the institution or place specified in the certificate.

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

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

13. Appeals—(1) Where 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 Board's decision and of the reasons for it.

(2) If the person decides to appeal from that decision, he shall, within the period prescribed by section 35 of the Act, give to the Secretary notice of appeal in form 2 in the First 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 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' notice of the place and time of hearing to be given to the assessors, the Board, and the appellant.

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

- (a) The appellant may himself 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 Board by any person (whether a member thereof or not) appointed by the Board:
- (d) Any such person may be heard on the Board's behalf, 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 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 \$25.

(2) The fee for registration as a medical technologist shall be \$20.

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

(4) The fee for a provisional certificate under section 23 of the Act shall be \$2.

(5) The fee for an annual licence issued to a registered medical technologist shall be \$8.

(6) 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 \$5.

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

(8) The fee for inspection of the register shall be \$5.

15. Revocations and savings—(1) The Medical Technologists Regulations 1973* and the Medical Technologists Regulations 1973, Amendment No. 1† are hereby consequentially revoked.

(2) Notwithstanding the revocation by subclause (1) of this regulation of the Medical Technologists Regulations 1973, every person who was registered (including temporarily registered) as a medical technologist under those regulations immediately before the commencement of these regulations, shall be deemed for the purposes of these regulations to be so registered under these regulations.

*S.R. 1973/38

†S.R. 1978/70

SCHEDULES

FIRST SCHEDULE

FORMS

Form I

Reg. 4 (3)

Application for Registration as Medical Technologist

(Note: When completing this form, strike out words that 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 am the holder of a certificate of proficiency in medical laboratory technology; or
- (b) I have undergone the appropriate course of training and passed the appropriate examination (or examinations) prescribed and conducted under the Technicians Certification Act 1958 (or the Education Act 1964); or
- (c) I have undergone a course of training and passed an examination in [*Name of country other than New Zealand*] that is substantially equivalent to the course of training and examination required to be undergone 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 residential address will be, and my business address will be
- 3. The address to which communications should be sent pending registration is my business address (or my residential address).
- 4. For the purpose of providing evidence of my personal character I enclose [*For example, 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 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*].
- 2. [*For persons applying under paragraph (b) of Part A of this form*]: I enclose a certificate of training and a certificate that I have passed the prescribed examination(s).
- 3. [*For persons applying under paragraph (c) 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:

FIRST SCHEDULE—*continued*

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 a 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 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.

SECOND SCHEDULE

Regs. 5, 7

COURSE OF TRAINING

Section I

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

Section II

1. Clinical Biochemistry.
2. Microbiology.
3. Haematology.
4. Immunohaematology.
5. Histology.
6. Medical Cytology.
7. Nuclear Medicine.
8. Immunology.

Section III

1. Clinical Biochemistry.
2. Microbiology.
3. Haematology.
4. Immunohaematology.
5. Histology.
6. Medical Cytology.
7. Nuclear Medicine.
8. Immunology.

P. G. MILLEN,
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 are made pursuant to the Medical and Dental Auxiliaries Act 1966, and consolidate, amend, and replace the Medical Technologists Regulations 1973. They come into force on 1 May 1979.

The principal changes may be summarised as follows:

- (a) The membership of the Medical Technologists Board is increased from 8 to 9, by the addition of a member nominated by the New Zealand Institute of Medical Laboratory Technology Incorporated. The result is that a majority of the Board will now be qualified medical technologists:
- (b) A system of limited registration is introduced for persons who are partially qualified as medical technologists. This enables them to undertake certain work for which they are already qualified:
- (c) Certain changes are made in the prescribed curricula for training as a medical technologist:
- (d) Certain persons specified in regulation 12 are entitled to practise medical technology without being registered under the regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 3 May 1979.

These regulations are administered in the Department of Health.