U.S. Department of Veterans Affairs

NATIONAL STANDARD OF PRACTICE:

CYTOTECHNOLOGIST

March 2024

PURPOSE: This report provides a summary of internal and external feedback received for the draft Cytotechnologist VA national standard of practice during the comment period from May to July 2023.

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Executive Summary

The Department of Veterans Affairs (VA) is establishing national standards of practice for health care professionals who have a license, certification, registration, or other state requirement. The VA national standards of practice are a standardized set of services that all health care professionals in a given occupation can perform while employed by VA if their VA medical facility performs such services and they have the proper education, training, and skill to perform the services. As part of a comprehensive development process to establish each occupation's national standard of practice, VA affords the public, Veterans, professional associations, VA employees, unions, and other interested parties the opportunity to provide feedback on the national standard of practice prior to finalization and publication in VA policy.

Cytotechnologists are certified laboratory professionals performing highly complex laboratory diagnostic testing on human specimens for diagnosis, treatment, or prevention of disease in the specialty of cytopathology. On May 16, 2023, VA sent a letter to the certification body to inform them of VA's intent to follow their certification standards for the national standard of practice for Cytotechnologist and provided them with an opportunity to discuss the proposed national standard of practice with VA. VA also sent letters to the nine state licensing boards for Cytotechnologist to inform them of VA's intent to follow the certification standards for the national standard of practice for Cytotechnologist.

In addition, from May 16 to July 17, 2023, VA posted the proposed national standard of practice for VA Cytotechnologists in the Federal Register (88 FR 31306) for public comment and within VA's intranet for VA employee comment.

The proposed national standard of practice for Cytotechnologists received 75 total comments across all platforms—two responses from the state licensing boards for Cytotechnologist, feedback from the national certification body for Cytotechnologists, two comments from professional associations and 70 comments from VA employees. VA reviewed all comments received and made no changes in response to these comments.

This report provides a summary of comments received on the proposed Cytotechnologist national standard of practice. It also provides VA's response to the comments.

Authority

Chapters 73 and 74 of title 38 of the United States Code (U.S.C.) and 38 U.S.C. 303 permit the Secretary to further regulate the Department of Veterans Affairs health care professions to make certain that VA's health care system provides safe and effective health care by qualified health care professionals to ensure the well-being of those Veterans who have borne the battle.

On November 12, 2020, VA published an interim final rule confirming that VA health care professionals may practice their health care profession consistent with the scope and requirements of their VA employment, notwithstanding any state license, registration, certification, or other state requirements that unduly interfere with their practice. 38 CFR 17.419; 85 FR 71838. Specifically, this rulemaking confirmed VA's current practice of allowing VA health care professionals to deliver health care services in a state other than the health care professional's state of licensure, registration, certification, or other state requirement, thereby enhancing Veterans' access to critical VA health care services. The rulemaking also confirmed VA's authority to establish national standards of practice for its health care professionals which would standardize a health care professional's practice in all VA medical facilities, regardless of conflicting state laws, rules, regulations, or other state requirements.

The rulemaking explained that a national standard of practice describes the tasks and duties that a VA health care professional practicing in the health care profession may perform and may be permitted to undertake. Having a national standard of practice means that individuals from the same VA health care profession may provide the same type of tasks and duties regardless of the state where they are located or the state license, registration, certification, or other state requirement they hold. VA emphasized in the rulemaking and reiterated here that VA will determine, on an individual basis, that a health care professional has the proper education, training, and skills to perform the tasks and duties detailed in the national standard of practice and that they will only be able to perform such tasks and duties after they have been incorporated into the individual's privileges, scope of practice, or functional statement. The rulemaking explicitly did not create any such national standards and directed that all national standards of practice would be subsequently created via policy.

As authorized by 38 CFR 17.419, VA is developing national standards of practice via policy. There will be one overarching national standard of practice directive that will generally describe Veterans Health Administration (VHA) policy; each individual national standard of practice will be an appendix to the directive. The directive and all appendices will be accessible on the VHA Publications website at https://vaww.va.gov/vhapublications/ (internal) and https://www.va.gov/vhapublications/ (external) once published.

Purpose

As the Nation's largest integrated health care system, it is critical that VA develops national standards of practice to ensure first, that beneficiaries receive the same high-quality care regardless of where they enter the system and, second, that VA health care professionals can efficiently meet the needs of beneficiaries when practicing within the scope of their VA

employment. National standards are designed to increase beneficiaries' access to safe and effective health care, thereby improving health outcomes.

The importance of this initiative has been underscored by the coronavirus disease 2019 (COVID-19) pandemic. The increased need for mobility in VA's workforce, including through VA's Disaster Emergency Medical Personnel System, highlighted the importance of creating uniform national standards of practice to better support VA health care professionals who practice across state lines. As a national health care organization, VA often has health care professionals primarily based out of a VA medical center in one state travel to smaller community-based outpatient clinics in neighboring states to ensure access to care for Veterans.

Creating national standards of practice also promotes interoperability of medical data between VA and Department of Defense (DoD), providing a complete picture of a veteran's health information and improving VA's delivery of health care to our Nation's veterans. DoD has historically standardized practice for certain health care professionals, and VA has closely partnered with DoD to learn from their experience.

As a national health care system, it is also imperative that VA can recruit and retain health care professionals, to ensure there is access to health care regardless of where the Veteran resides. VA needs the flexibility to hire qualified health care professionals from any state to meet the staffing needs of a VA medical facility where recruitment or retention is difficult. This flexibility is especially beneficial in recruiting spouses of active service members who frequently move across the country and can be subject to delays in starting new employment due to needing to obtain an additional state requirement to practice in the new state.

Development Process

To develop VA's national standards of practice, VA is using a robust, interactive process that adheres to the guidelines outlined in Executive Order (EO) 13132 to preempt conflicting state laws, rules, regulations, or other requirements. All standards undergo a deliberate review process, both within VA and externally, to ensure that the draft national standard is consistent with VA's team-based approached to care, results in the highest quality of care for Veterans, is implementable on an enterprise level and is legally supportable. The process includes consultation with internal and external stakeholders, including state licensing boards, VA employees, professional associations, Veterans Service Organizations, labor partners and others.

For each VA occupation, a workgroup comprised of health care professionals in the identified occupation conducts research to identify internal best practices that may not be authorized under every state license, certification, or registration, but would enhance the practice and efficiency of the profession throughout VA. If a best practice is identified that is not currently authorized by every state, the workgroup determines what education, training and skills are required to perform such task or duty. The workgroup then drafts a proposed VA national standard of practice using the data gathered during the research and incorporates internal stakeholder feedback into the standard. The workgroup may consult with internal or external stakeholders at any point throughout the process.

The proposed national standard of practice is internally reviewed, to include by an interdisciplinary workgroup consisting of representatives from Quality Management; VA Medical Center Chief of Staff; Academic Affiliates; Veterans Integrated Services Network (VISN) Chief Nursing Officer; Ethics; Workforce Management and Consulting; Surgery; Credentialing and Privileging; VISN Chief Medical Officer; and Electronic Health Record Modernization.

Externally, the proposed national standard of practice is provided to our partners in DoD as a notification and opportunity to flag inconsistencies with DoD standards. In addition, VA labor partners are engaged informally as part of a pre-decisional collaboration. Consistent with EO 13132, a letter is sent to each state board and certifying organization or registration organization, as appropriate, which includes the proposed national standard and offers the recipient an opportunity to discuss the national standard with VA. After the state boards, certifying organizations, or registration organizations have received notification, the proposed national standard of practice is posted in the Federal Register for 60 days to obtain feedback from the public, professional associations, and any other interested parties. At the same time, the proposed national standard is posted to an internal VA site to obtain feedback from VA employees. Responses received through all vehicles—from state boards, professional associations, unions, VA employees and any other individual or organization who provides comments via the Federal Register—will be reviewed. VA will make appropriate revisions in light of the comments, including those that present evidence-based practice and alternatives that help VA meet our mission and goals. VA may also make additional changes outside the scope of the comments during its own internal review processes after the conclusion of the comment period. This document provides a summary of the comments received and VA's response to the comments.

VA Cytotechnologist: Feedback on National Standard

VA Cytotechnologists are certified laboratory professionals performing highly complex laboratory diagnostic testing on human specimens for diagnosis, treatment, or prevention of disease in the specialty of cytopathology. Cytotechnologists are responsible for reporting the microscopic interpretation of normal gynecological cytology smear tests used to detect cervical cancer; providing preliminary interpretation of specimens from other body sites; and collaborating with pathologists to diagnose benign and infectious processes, precancerous lesions, and malignant diseases. VA employs approximately 170 Cytotechnologists in the United States.

VA's proposed national standard of practice for Cytotechnologists did not propose to preempt any current state requirements and instead proposed to confirm that all Cytotechnologists follow the American Society for Clinical Pathology standards. While the American Society for Clinical Pathology certifies this occupation as a "cytologist", VA refers to this occupation as "Cytotechnologist," consistent with VA qualification standards and Office of Personnel Management standards. Currently, all VA Cytotechnologists follow the American Society for Clinical Pathology standards; therefore, there would be no change in practice for any Cytotechnologist in VA.

On May 16, 2023, VA posted the proposed national standard of practice for Cytotechnologists in the Federal Register (88 FR 31306) and within VA's intranet for public and employee feedback, respectively. The proposed national standard of practice remained open for comment for 60 days,

through July 17, 2023. A copy of the proposed national standard of practice for Cytotechnologists that was posted for feedback is located in Appendix A.

The Under Secretary for Health sent a letter to the American Society for Clinical Pathology to inform them of VA's intent to follow their certification standards and provide them with an opportunity to provide feedback directly to VA. The Under Secretary for Health also sent letters to the nine state Licensing Boards to inform them of how VA's proposed national standard of practice may impact their current requirements. Copies of those letters are located in Appendix B.

VA specifically sought feedback through the following questions:

1. *Are there any required trainings for the aforementioned practices that we should consider?*
2. *Are there any factors that would inhibit or delay the implementation of the aforementioned practices for VA health care professionals in any state?*
3. *Is there any variance in practice that we have not listed?*
4. *What should we consider when preempting conflicting state laws, regulations, or requirements regarding supervision of individuals working toward obtaining their license or unlicensed personnel?*
5. *Is there anything else you would like to share with us about these national standards of practice?*

In addition to leaving specific comments and suggestions, commenters internal to VA could, choose to provide agreement or disagreement on the proposed national standard. Agreement denotes overall acceptance of the standard while disagreement denotes that the national standard in its original form presents significant clinical, legal, or patient safety concerns. Employees could also select not applicable if the national standard did not pertain to their area of expertise.

In response to the proposed national standard of practice for Cytotechnologists, through an internal VA site, VA received 70 comments from VA employees. VA received two comments from state Licensing Boards for Cytotechnologist, two comments from professional associations and feedback from the certification body for Cytotechnologists. Out of the 70 employee comments, 46 employees *agreed,* one employee *disagreed*, and 23 employees selected *not applicable*.[1]

Certification Body Feedback

On May 16, 2023, VA sent letters to the American Society for Clinical Pathology to inform them of VA's intent to follow the American Society for Clinical Pathology standards for the national standard of practice for Cytotechnologists and provided them with an opportunity to discuss the proposed national standard of practice with VA.

Comment: The American Society for Clinical Pathology stated its support for the creation of a national standard of practice for Cytotechnologists. However, they suggested VA use the term "cytologist" when referring to Cytotechnologists, stating that a lack of uniformity in terminology can have unintended consequences for the labor force, such as increasing the difficulty of

[1] At the time of feedback, employees were prompted to select "concur," "concur with comments," and "non-concur."

recruiting and retaining staff, and confusion in legislative and administrative decisions affecting the practice. The American Society for Clinical Pathology also suggested a different link to their standard for certification than the one in the Federal Register posting.

Response: VA refers to this occupation as "Cytotechnologist," consistent with VA qualification standards and Office of Personnel Management standards. However, the American Society for Clinical Pathology certifies this occupation as a "cytologist." VA recognizes alternative nomenclature is used outside VA, but is not making changes to the occupation terminology to ensure consistency with how the occupation is referred to within the Federal government. The Cytotechnologist Federal Register posting (FR 2023-10426) cited a link different than that cited in the proposed national standard of practice. VA national standards of practice will always link to a certification body's main homepage, as this is considered a more stable link. The Cytotechnologist national standard of practice includes this link, www.ascp.org, which directs to the American Society for Clinical Pathology's standard for certification.

State Licensing Board Feedback

On May 16, 2023, VA sent letters to the nine state licensing boards for Cytotechnologist with the proposed national standard of practice and provided them with an opportunity to discuss the proposed national standard of practice with VA. Of the nine state licensing boards, six offer an exemption for employees working at Federal facilities. VA received comments from two of the nine state licensing boards for Cytotechnologist. Of the two that provided comments, both confirmed the Cytotechnologist national standard of practice as is. Nevada and West Virginia acknowledged and endorsed VA's proposed standard for Cytotechnologist.

Response: VA is always receptive to state feedback.

Professional Association Feedback

Comments: The American Medical Association and the College of American Pathologists acknowledged VA's proposed standard for Cytotechnologist. However, both organizations suggested VA avoid using the term "cytologist" in the national standard of practice to refer to Cytotechnologists. The American Medical Association and the College of American Pathologists stated that "cytologist" is a designation used by some physicians who practice cytopathology internationally. Therefore, inaccurate use of nomenclature can lead to the risk of laboratory personnel performing tasks they are not trained to do. The American Medical Association commented that using "cytologist" in the national standard of practice could lead to lower quality of care for Veterans.

Response: VA refers to this occupation as "Cytotechnologist," consistent with VA qualification standards and Office of Personnel Management standards. However, the American Society for Clinical Pathology certifies this occupation as a "cytologist," which is why this term was used in the Federal Register posting for this proposed national standard of practice. VA is not changing its terminology and will continue to use "Cytotechnologists" as already noted in the national standard of practice. VA will not change the requirement and continue to require that VA Cytotechnologists have an active, current, full, and unrestricted Cytologist or Specialist in Cytology certification from the American Society for Clinical Pathology. Additionally, all VA

Cytotechnologists work under the supervision of senior laboratory personnel. All Cytotechnologists will only perform services that they have the proper education, training, and skill to perform while employed by VA, if their VA medical facility performs such services. A national standard of practice for Cytotechnologists will ensure Veterans receive the same high-quality care and services across the nation, regardless of their location, leading to consistent, safe, and improved health outcomes for Veterans.

Feedback Across Five Areas

All commenters had the opportunity to provide responses to the five areas on which VA solicited feedback, and VA responds to any questions or concerns raised by the commenters in response to those areas below.

VA received comments from employees and individuals from the public that were supportive of the draft national standard of practice, as well as comments that were outside the scope of the national standard of practice.

> *"I find it commendable that the VA is developing a national standard of practice." – Comment from West Virginia Office of Laboratory Science*

1. *Are there any required trainings for the aforementioned practices that we should consider?*

Comments: Several employees suggested including specific tests and exams, such as the College of American Pathology proficiency test and annual gynecology proficiency testing, in the national standard of practice. Other employees suggested specific areas of practice VA Cytotechnologists should be trained in, such as rapid on-site evaluation, women's health molecular testing, and examining cellular specimens.

Response: VA Cytotechnologists are already required to take the College of American Pathology proficiency test. Additionally, annual demonstration of gynecology proficiency may be required depending on the type of testing a VA Cytotechnologist conducts in their role, as prescribed by VHA Handbook 1106.01, Pathology and Laboratory Medicine Service. Specialized training and certifications are supplementary and optional for VA Cytotechnologists who are interested in advancing their skills. VA Handbook 5005, Staffing, Part II, Appendix G61, dated February 4, 2022, sets the minimum training and certification requirements for Cytotechnologists. VA ensures that all Cytotechnologists have the appropriate education and training before they are credentialed to perform any tasks. Therefore, no additional training is required as part of the national standard of practice for Cytotechnologists.

2. *Are there any factors that would inhibit or delay the implementation of the aforementioned practices for VA health care professionals in any state?*

Comment: Employees expressed concerns about how the national standard of practice would impact Cytotechnologists who were hired into the position prior to the current VA qualification standards that require Cytotechnologists to have an American Society for Clinical Pathology certification (also known as being "grandfathered").

Response: As stated in VHA Directive 1900, VA National Standards of Practice, national standards of practice apply to employees grandfathered into their respective positions unless otherwise noted in the national standard. VA Handbook 5005, Staffing, Part II, Appendix G61, dated February 4, 2022, includes a grandfathering provision for Cytotechnologists who, on the effective date of the qualification standard, were considered to have met all VA qualification requirements for the title, series, and grade-held, including education and registration, that are part of the basic requirements of the occupation. As the national standard of practice does not state otherwise, Cytotechnologists who have been grandfathered into the position per the qualification standards will still practice as outlined in the national standard of practice. VA reiterates that the qualification standards are not changing due to the implementation of the national standards of practice.

Comment: Employees expressed concerns about how current grandfathering provisions impact the advancement of Cytotechnologists and how the national standard of practice would impact current or future grandfathering provisions.

Response: The creation of a national standard of practice does not alter current grandfathering provisions or current qualification standards, found in VA Handbook 5005, Staffing, Part II, Appendix G61, dated February 4, 2022. Such modifications are outside the scope of the national standard of practice. Furthermore, creation of a national standard of practice does not prevent current provisions or qualification standards from being updated in the future.

Comment: Several employees asked how the national standard of practice impacts unlicensed Cytotechnologists working for VA in states that require licensure.

Response: Cytotechnologists are not required to be licensed to work at VA. VA's qualification standards (VA Handbook 5005, Staffing, Part II, Appendix G61, dated February 4, 2022) set the minimum training and certification requirements for Cytotechnologists. These are not changing as a result of the national standard of practice.

3. Is there any variance in practice that we have not listed?

Comment: Employees suggested the VA national standard of practice could also include rapid on-site evaluation during specimen collection. One employee commented that Cytotechnologists may render a diagnosis or preliminary diagnosis, as well as work in molecular testing.

Response: The national standard of practice is not intended to provide an exhaustive list of all duties and practices a health care professional (in this case, a VA Cytotechnologist) may perform. While not listed in the national standard of practice, a VA Cytotechnologist can independently determine specimen adequacy using complex specialized testing methods or techniques during endoscopic ultrasound, endobronchial ultrasound, and other fine needle aspiration procedures. VA Cytotechnologists are also responsible for providing preliminary interpretation of specimens from body sites and collaborating with pathologists to diagnose benign and infectious processes, precancerous lesions, and malignant diseases.

4. *What should we consider when preempting conflicting state laws, regulations, or requirements regarding supervision of individuals working toward obtaining their license or unlicensed personnel?*

There were no other considerations identified by commenters.

5. *Is there anything else you would like to share with us about these national standards of practice?*

Comment: One employee commented that Cytotechnologists should be eligible to advance to a managerial position (above GS-11) in Quality or Laboratory Information System or to serve as a Regional Technologist, as these are currently only open to Medical Technologists.

Response: National standards of practice do not change VA qualification standards. See VA Handbook 5005, Staffing, for further information.

Comment: One employee suggested having women's health molecular testing done by Cytotechnologists as a way to increase VA's Cytotechnologist candidate pool.

Response: The national standard of practice does not provide an exhaustive list of all tasks and duties a Cytotechnologist may perform. VA notes that Cytotechnologist are experienced and qualified to perform in accordance with their training, skills, expertise, and education.

Comment: One employee commented that state laws, regulations and requirements should not be preempted.

Response: On November 12, 2020, VA published an interim final rule confirming that VA health care professionals may practice their health care profession consistent with the scope and requirements of their VA employment, notwithstanding any state license, registration, certification, or other requirements that unduly interfere with their practice. See 38 CFR 17.419; 85 FR 71838 for more information. The rulemaking confirmed VA's authority to establish national standards of practice for its health care professionals that would standardize a health care professional's practice in all VA medical facilities.

Conclusion

VA considered all comments that it received. VA is not making any changes to the Cytotechnologist national standard of practice based on the comments for the reasons described above. VA carefully considered all comments when making this decision.

The final national standard of practice for Cytotechnologist will be an appendix to VHA Directive 1900, VA National Standards of Practice, and accessible on the VHA Publications website at https://vaww.va.gov/vhapublications/ (internal) and https://www.va.gov/vhapublications/ (external) once published. In accordance with VHA's national policy process, the national standard of practice for Cytotechnologist will be reviewed and recertified at minimum on a five-year cycle.

Appendix A: Draft National Standard of Practice for Cytotechnologist

Appendix A includes the draft national standard of practice for Cytotechnologist posted to the Federal Register and within VA on May 16, 2023, for individuals to provide feedback on. The final national standard of practice for Cytotechnologist is written into VHA Directive 1900, VA National Standards of Practice, published at https://vaww.va.gov/vhapublications/ (internal) and https://www.va.gov/vhapublications/ (external).

1. Cytotechnologists are certified laboratory professionals performing highly complex laboratory diagnostic testing on human specimens for diagnosis, treatment, or prevention of disease in the specialty of cytopathology. Cytotechnologists are responsible for reporting the microscopic interpretation of normal gynecological cytology smear tests used to detect cervical cancer; providing preliminary interpretation of specimens from other body sites; and collaborating with pathologists to diagnose benign and infectious processes, precancerous lesions, and malignant diseases.

2. Cytotechnologists in VA possess the education and certification required by VA qualification standards, as more specifically described in VA Handbook 5005, Staffing, dated February 4, 2022.

3. This national standard of practice confirms that Cytotechnologists practice according to the CT or SCT standards from the American Society for Clinical Pathology (ASCP) available at: www.ascp.org. As of March 2022, all Cytotechnologists in VA follow this national certification.

4. Although VA only requires a certification, nine states require a State license in order to practice as a Cytotechnologist in that State: California, Florida, Hawaii, Louisiana, Montana, Nevada, New York, Tennessee and West Virginia. Of these, the following States exempt Federal employees from their State license requirements: Florida, Louisiana, Montana, New York, Tennessee and West Virginia. As of October 2022, there is no variance in how VA Cytotechnologists practice in any State.

Appendix B: VA Under Secretary for Health Letters

Letter	Organization	Responded to VA as of November 24, 2023*
Letter to American Society for Clinical Pathology	American Society for Clinical Pathology	No
Letter to California Personnel Licensing, Laboratory Field Services	California Personnel Licensing, Laboratory Field Services	No
Letter to Florida Board of Clinical Laboratory Personnel	Florida Board of Clinical Laboratory Personnel	No
Letter to Hawaii State Laboratories Division	Hawaii State Laboratories Division	No
Letter to Louisiana State Board of Medical Examiners	Louisiana State Board of Medical Examiners	No
Letter to Montana Board of Clinical Laboratory Science Practitioners	Montana Board of Clinical Laboratory Science Practitioners	No
Letter to Nevada Division of Public and Behavioral Health	Nevada Division of Public and Behavioral Health	Yes
Letter to New York State Board of Clinical Laboratory Technology	New York State Board for Clinical Laboratory Technology	No
Letter to Tennessee Medical Laboratory Board	Tennessee Medical Laboratory Board	No
Letter to West Virginia Training CLIA, and Laboratory Personnel Licensure Programs	West Virginia Training, CLIA, and Laboratory Personnel Licensure Programs	Yes

**VA reviewed all comments received and made appropriate revisions to the VA standard of practice for Cytotechnologists in light of the comments, to include those that help VA meet its mission and goals through evidence-based practice and alternatives. This final report is a collective response to all comments; however, VA will continue to actively engage with states.*