



U.S. Department  
of Veterans Affairs

# **NATIONAL STANDARD OF PRACTICE: HISTOPATHOLOGY TECHNOLOGIST**

**March 2024**

**PURPOSE:** This report provides a summary of internal and external feedback received for the draft Histopathology Technologist 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.

Histopathology Technologists are highly skilled medical laboratory professionals responsible for the preanalytical processing of human tissue and body fluid specimens. 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 Histopathology Technologists and provided them with an opportunity to discuss the proposed national standard of practice with VA. VA also sent letters to the eight state licensing boards for Histopathology Technologists to inform them of VA's intent to follow the certification standards for the national standard of practice for Histopathology Technologists.

In addition, from May 16 to July 17, 2023, VA posted the proposed national standard of practice for VA Histopathology Technologists in the Federal Register ([88 FR 31308](#)) for public comment and within VA's intranet for VA employee comment.

The proposed national standard of practice for Histopathology Technologists received 77 total comments across all platforms—two responses from the state licensing boards for Histopathology Technologists, 69 comments from VA employees, , two comments from individuals from the public, one comment from the national certification body for Histopathology Technologists, and three comments from professional associations. VA reviewed all comments received and made no changes in response to comments.

This report provides a summary of comments received on the proposed Histopathology Technologist 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 reiterates 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 approach 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 Histopathology Technologist: Feedback on National Standard

VA Histopathology Technologists are highly skilled medical laboratory professionals who are responsible for the preanalytical processing of human tissue and body fluid specimens. Through utilization of a broad range of specialized techniques and procedures, both manual and automated, Histopathology Technologists preserve and prepare specimens for pathologist review, interpretation, evaluation and diagnosis of patient conditions or disease. VA employs approximately 150 Histopathology Technologists in the United States.

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

On May 16, 2023, VA posted the proposed national standard of practice for Histopathology Technologists in the Federal Register ([88 FR 31308](#)) 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 Histopathology Technologist 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 eight 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 on five areas:

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 the 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 Histopathology Technologists, VA received two comments from the public through the Federal Register. Through an internal VA site, VA received 69 comments from VA employees. VA received two comments from state licensing boards for Histopathology Technologists, three comments from professional associations, and feedback from the certification body for Histopathology Technologists. Out of the 69 employee comments, 45 employees *agreed*, one employee *disagreed*, and 23 employees selected *not applicable*.<sup>1</sup>

### 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 certification body standard for the national standard of practice for Histopathology Technologist and provide 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 Histopathology Technologists. In its comments, the American Society for Clinical Pathology suggested VA use the term "histotechnologist" when referring to Histopathology Technologists, as they believe VA is the only entity to use the latter term. The

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<sup>1</sup> At the time of feedback, employees were prompted to select "concur," "concur with comments," and "non-concur."



organization stated that a lack of uniformity in terminology can have unintended consequences for the labor force, such as increasing the difficulty of 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 “Histopathology Technologist,” consistent with VA qualification standards and Office of Personnel Management standards. However, the American Society for Clinical Pathology certifies this occupation as a “histotechnologist.” 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 Histopathology Technologist Federal Register posting ([88 FR 31308](#)) 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 Histopathology Technologist national standard of practice includes this link, [www.ascp.org](http://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 eight state licensing boards for Histopathology Technologist 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 eight state licensing boards, six offer an exemption for employees working at Federal facilities. VA received comments from two of the eight state licensing boards for Histopathology Technologist. Of the two that provided comments, both confirmed the Histopathology Technologist national standard of practice as is. Nevada and West Virginia acknowledged and endorsed VA’s proposed standard for Histopathology Technologist.

Response: VA is always receptive to state feedback.

### Professional Association Feedback

Comment: VA received comments from the American Medical Association, the College of American Pathologists, and the National Society for Histotechnology. The American Medical Association and the College for American Pathologists suggested avoiding use of the term “histopathologist” in the national standard, as this term is not recognized by professional associations. The American Medical Association and the College for American Pathologists stated that the correct term for these professionals is “histotechnologist” and that accurate use of nomenclature will avoid confusion around certification requirements as well as responsibilities within the laboratory workflow, reducing the risk of employees performing tasks they are not trained to do.

Response: VA refers to this occupation as “Histopathology Technologist,” consistent with VA qualification standards and Office of Personnel Management standards. The national standard of practice was changed to only include “Histopathology Technologist” in response to this comment to ensure consistent nomenclature. VA will continue to use “Histopathology Technologist” as



noted in the proposed national standard of practice. All Histopathology Technologists 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.

Comment: The National Society for Histotechnology commented that they support the establishment of a national standard but suggested that histotechnicians be included in the Histopathology Technologist national standard of practice.

Response: Histotechnician, referred to within VA by the occupation title of Histopathology Technician, is a separate profession with its own VA qualification standard. See VA Handbook 5005, Staffing, Part II, Appendix G55, dated April 6, 2018. As such, any national standard of practice for histotechnicians would be independent of the Histopathology Technologist national standard.

### 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 not responsive to the specific national standard of practice.

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

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*“This sound policy ensures that the VA can capture the scope, important contributions, and value that certified histotechnologists can bring to quality patient care, and we strongly urge you to adopt this policy.” – American Society for Clinical Pathology (ASCP)*

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Comment: Two individuals from the public suggested VA include histotechnicians in the national standard of practice.

Response: Histotechnician, referred to within VA by the occupation title of Histopathology Technician, is separate profession within VA with its own qualification standards. See VA Handbook 5005, Staffing, Part II, Appendix G55, dated April 6, 2018. As such, any national standard of practice for histotechnicians would be independent of the Histopathology Technologist national standard of practice.

Comment: Some employees suggested VA consider histotechnician certifications when determining the qualification of Histopathology Technologists. One employee commented that many Histopathology Technologists learn with on-the-job training and formal certifications may limit qualified applicants.

Response: VA Handbook 5005, Staffing, Part II, Appendix G65, November 25, 2019 sets the minimum training and certification requirements for Histopathology Technologists. National

standards of practice do not change qualification standards, and such modifications are outside the scope of the national standard of practice. Specialized training and certifications are supplementary and optional for VA Histopathology Technologists who are interested in advancing their skills. VA ensures that all Histopathology Technologists have the appropriate education and training before they are credentialed to perform any tasks.

Comment: One employee suggested VA histotechnicians who meet the education and experience requirements through on-the-job training be allowed to take the American Society for Clinical Pathology histotechnologist certification exam.

Response: Minimum eligibility requirements for certification, including education, training and experience, are set by the occupation's national certifying body, the American Society for Clinical Pathology. Eligibility requirements can be found on the American Society for Clinical Pathology site at [www.ascp.org](http://www.ascp.org).

*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: Several employees asked how the national standard of practice would impact Histopathology Technologists who were hired into the position prior to the current VA qualification standards that require Histopathology Technologists 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 G65, dated November 25, 2019, includes a grandfathering provision for Histopathology Technologists 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, Histopathology Technologists 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: Several employees asked how the national standard of practice impacts unlicensed Histopathology Technologists working for VA in states that require licensure.

Response: Histopathology Technologists are not required to be licensed to work at VA. VA's qualification standards (VA Handbook 5005, Staffing, Part II, Appendix G65, dated November 25, 2019) set the minimum training and certification requirements for Histopathology Technologists, and this is not changing as a result of the national standard of practice. VA Histopathology Technologists who are unlicensed are still required to follow the Histopathology Technologist national standard of practice.

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

There was no variance identified by commenters.

- 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 supervision considerations identified by commenters.

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

Comment: Several employees expressed concern about how the national standard of practice would impact hiring of these positions within VA. Two employees suggested that VA review Histopathology Technologist General Schedule and salary levels. One employee expressed concern about the national standard of practice making qualification standards more stringent.

Response: National standards of practice do not change VA qualification standards. See VA Handbook 5005, Staffing, dated February 4, 2022, for further information. VA believes implementing a national standard of practice will help increase recruitment and retention across VA by allowing health care professionals to fully practice according to their training, skills, expertise and education.

Comment: In addition to the American Society for Clinical Pathology, one employee suggested updating the web link directing individuals to the American Society for Clinical Pathology histotechnologist certification standards instead of the American Society for Clinical Pathology's Personnel Standards for Laboratory Professionals.

Response: The Histopathology Technologist Federal Register posting ([88 FR 31308](#)) cited a link different than that cited in the 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 Histopathology Technologist national standard of practice includes this link, [www.ascp.org](http://www.ascp.org), which directs to the American Society for Clinical Pathology's standard for certification.

## Conclusion

VA considered all comments received. VA is not making any changes to the Histopathology Technologist national standard of practice based on the comments for the reasons described above.





The final national standard of practice for Histopathology Technologist will be an appendix to VHA Directive 1900, VA National Standards of Practice and accessible on 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 Histopathology Technologist will be reviewed and recertified at minimum on a five-year cycle.

## Appendix A: Draft National Standard of Practice for Histopathology Technologist

Appendix A includes the draft national standard of practice for Histopathology Technologist 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 Histopathology Technologist is written into VHA Directive 1900, VA National Standards of Practice, posted at <https://vaww.va.gov/vhapublications/> (internal) and <https://www.va.gov/vhapublications/> (external).

1. Histopathology Technologists are highly skilled medical laboratory professionals who are responsible for the preanalytical processing of human tissue and body fluid specimens. Through the utilization of a broad range of specialized techniques and procedures, both manual and automated, Histopathology Technologists preserve and prepare specimens for pathologist review, interpretation, evaluation and diagnosis of patient conditions or disease.
2. Histopathology Technologists 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 Histopathology Technologists practice according to the HTL certification standards from the American Society for Clinical Pathology (ASCP), available at: [www.ascp.org](http://www.ascp.org). As of March 2022, all Histopathology Technologists in VA follow this national certification.
4. Although VA only requires a certification, the following eight States require a State license in order to practice as a histopathologist in that State: Florida, Louisiana, Montana, Nevada, New York, Puerto Rico, 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 Histopathology Technologists practice in any State.

## Appendix B: VA Under Secretary for Health Letters

| Letter   | Organization  | Responded to VA as of November 24, 2023* |
|--|---|--|
| <br>Letter to American Society for Clinical Pathology                                     | American Society for Clinical Pathology                                   | No                                       |
| <br>Letter to Florida Board of Clinical Laboratory Personnel                              | Florida Board of Clinical Laboratory Personnel                            | No                                       |
| <br>Letter to Louisiana State Board of Medical Examiners                                  | Louisiana State Board of Medical Examiners                                | No                                       |
| <br>Letter to Montana Board of Clinical Laboratory Science Practitioners                  | Montana Board of Clinical Laboratory Science Practitioners                | No                                       |
| <br>Letter to Nevada Division of Public and Behavioral Health                             | Nevada Division of Public and Behavioral Health                           | Yes                                      |
| <br>Letter to New York State Board of Clinical Laboratory Technology                     | New York State Board for Clinical Laboratory Technology                   | No                                       |
| <br>Letter to Junta Examinadora de Histotécnicos e Histotecnólogos                      | Junta Examinadora de Histotécnicos e Histotecnólogos                      | No                                       |
| <br>Letter to Tennessee Medical Laboratory Board  | Tennessee Medical Laboratory Board  | No                                       |
| <br>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 Histopathology Technologists 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.*