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NBSMLT Position Statement Regarding-Embedding in Pathology performed by Medical Laboratory Assistants

The New Brunswick Society of Medical Laboratory Technologists (NBSMLT) is the regulatory body for Medical Laboratory Technologists (MLTs) in New Brunswick with a primary role in protection of the public with regard to medical laboratory services.

The Medical Laboratory Technology Act of New Brunswick (the Act), signed in 1991, protects the practice of Medical Laboratory Technology. The Act defines MLT practice as, “the performance of laboratory investigations relating to the diagnosis, treatment and prevention of disease and the evaluation of their technical validity, on specimens taken from the human body.” The Act also protects the use of the MLT title designation, in that no one may hold themselves out to be an MLT in the province of New Brunswick unless they are registered in good standing with the NBSMLT.

The legislation in New Brunswick does not allow for reserved acts, meaning only certain professionals are able to perform certain tasks, i.e., venipuncture, embedding and grossing, etc. In New Brunswick, there may be overlap, with several regulated health professionals having the same task or act within their defined scope of practice. As in the case with MLTs and MLAs, there may be overlap in their scope of practice. The issue arises when a task or act is being performed by a professional when it is not within their scope of practice.

The act of embedding specimens is clearly covered under the CSMLS MLT competency profile.

Section 4.3 Analyses/Assessment/Interpretation captures tissue preparation techniques including: Grossing, Processing, Embedding, and Sectioning. Therefore, this task is within the scope of practice for Medical Laboratory Technologists. Embedding is **NOT** part of the MLA competency profile, other than to say, *“If delegated, the medical laboratory assistant may help with simple results reporting, once the result(s) has/have been validated and released as acceptable by the medical laboratory technologist.”*

The NBSMLT does not support this practice for Embedding as it poses a significant risk to the public.

After lengthy discussion with the Ministry of Health and the Finances and Treasury Board, a final decision was reached to remove embedding from the Classification Specifications Part III of the Public Service Medical Laboratory Assistant/Phlebotomist. This decision is in alignment with the MLA and MLT competency profiles, and demonstrates the support of the NBSMLT mandate of public protection. Both Vitalité and Horizon regional administrative laboratory directors have been informed on March 7 of the changes.

Nova Scotia is currently the only province in Canada that will be regulating the MLA profession as of May 2025. However, MLAs working in accredited hospital laboratories must also work within their scope of practice, which is clearly defined in the CSMLS MLA scope of practice, even if not regulated. All accredited MLA educational programs must prove that their programs deliver all these competencies.



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Although embedding is not a reserved act, embedding is clearly defined in the MLT competency profile and is not in the competency profile for MLAs. As such, it is our position that medical laboratory professionals, regulated, certified, or otherwise, must be held to the same standards for patient care and oversight.

MLA would be covered by institutional insurance in the instance of a legal action against the hospital. However, should there be legal action directly against them they would not be protected unless they have professional liability insurance (PLI). For the same instance, MLT must also be made aware if they train and evaluate competencies for MLA that are performing tasks outside their scope of practice, they might be held liable in the event of legal action against an MLA.

The NBSMLT is aware of the shortage of MLT's in the workforce and that employers are trying to do more with fewer resources. We entrust that Vitalité and Horizon will respect the revised Classification Specifications Part III of the Public Service Medical Laboratory Assistant/Phlebotomist. Concerns regarding compliance should be directed to the NBSMLT.

The NBSMLT continues to monitor its members to maintain confidence that they are performing tasks within their competency profiles are competent and have proper professional liability insurance to ensure public safety.