

By: Nelson

S.B. No. 403

A BILL TO BE ENTITLED

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AN ACT

relating to the continuation and functions of the Texas State Board of Examiners of Perfusionists; providing an administrative penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 603.002, Occupations Code, is amended to read as follows:

Sec. 603.002. DEFINITIONS. In this chapter:

(1) ~~["Board" means the Texas State Board of Examiners of Perfusionists.]~~

~~[(2)]~~ "Commissioner" means the commissioner of state health services ~~[public health]~~.

(2) "Committee" means the Texas State Perfusionist Advisory Committee.

(3) "Department" means the ~~[Texas]~~ Department of State Health Services.

(4) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

SECTION 2. Section 603.004, Occupations Code, is amended to read as follows:

Sec. 603.004. APPLICATION OF CHAPTER. This chapter does not apply to:

(1) a qualified perfusionist employed by the United States government while discharging official duties;

1 (2) ~~[a person who is not a resident of this state if~~
2 ~~the person:~~

3 ~~[(A) is authorized to perform perfusion services~~
4 ~~under the laws of the state of the person's residence;~~

5 ~~[(B) possesses educational and training~~
6 ~~qualifications the board determines are substantially similar to~~
7 ~~those required for practice in this state;~~

8 ~~[(C) notifies the board of the person's intent to~~
9 ~~perform perfusion services in this state for not more than 10 days~~
10 ~~in a year; and~~

11 ~~[(D) is approved by the board or the board's~~
12 ~~designated agent to perform perfusion services in this state for~~
13 ~~not more than 10 days in that year;~~

14 ~~(3)~~ a person licensed by another health professional
15 licensing board if the person:

16 (A) does not directly or indirectly represent to
17 the public that the person is licensed under this chapter and does
18 not use a name, title, or other designation indicating that the
19 person is licensed under this chapter; and

20 (B) confines the scope of the person's practice
21 to that authorized by the law under which the person is licensed as
22 a health professional;

23 (3) ~~(4)~~ a student enrolled in an accredited
24 perfusion education program if the perfusion services performed by
25 the student:

26 (A) are an integral part of the student's course
27 of study; and

1 (B) are directly supervised by a licensed
2 perfusionist who:

3 (i) is assigned to supervise the student;
4 and

5 (ii) is on duty and immediately available
6 in the assigned patient care area;

7 (4) [~~(5)~~] a person who successfully completes an
8 approved perfusion education program but has not been issued a
9 provisional license under Section 603.259 if the person:

10 (A) complies with Section 603.259(c); and

11 (B) receives a provisional license not later than
12 the 180th day after the date the person successfully completes the
13 program; or

14 (5) [~~(6)~~] a person performing autotransfusion or
15 blood conservation techniques under the supervision of a licensed
16 physician.

17 SECTION 3. Section 603.005, Occupations Code, is amended to
18 read as follows:

19 Sec. 603.005. APPLICATION OF SUNSET ACT. The Texas State
20 Perfusionist Advisory Committee [~~Board of Examiners of~~
21 ~~Perfusionists~~] is subject to Chapter 325, Government Code (Texas
22 Sunset Act). Unless continued in existence as provided by that
23 chapter, the committee [~~board~~] is abolished September 1, 2017
24 [~~2005~~].

25 SECTION 4. Subchapter A, Chapter 603, Occupations Code, is
26 amended by adding Section 603.006 to read as follows:

27 Sec. 603.006. APPLICABILITY OF OTHER LAW. Chapter 2110,

1 Government Code, does not apply to the committee.

2 SECTION 5. The heading to Subchapter B, Chapter 603,
3 Occupations Code, is amended to read as follows:

4 SUBCHAPTER B. TEXAS STATE PERFUSIONIST ADVISORY
5 COMMITTEE [~~BOARD OF EXAMINERS OF PERFUSIONISTS~~]

6 SECTION 6. Section 603.051, Occupations Code, is amended to
7 read as follows:

8 Sec. 603.051. COMMITTEE [~~BOARD~~] MEMBERSHIP. (a) The Texas
9 State Perfusionist Advisory Committee [~~Board of Examiners of~~
10 ~~Perfusionists~~] consists of five [~~nine~~] members appointed by the
11 commissioner [~~governor with the advice and consent of the senate~~]
12 as follows:

13 (1) two [~~five~~] licensed perfusionist members who have
14 been licensed under this chapter for at least three years before the
15 date of appointment;

16 (2) one physician member licensed by the Texas State
17 Board of Medical Examiners who is certified by that board in
18 cardiovascular surgery; and

19 (3) two [~~three~~] members who represent the public.

20 (b) Appointments to the committee [~~board~~] shall reflect the
21 historical and cultural diversity of the inhabitants of this state.

22 (c) Appointments to the committee [~~board~~] shall be made
23 without regard to the race, color, disability [~~creed~~], sex,
24 religion, age, or national origin[~~, or geographical distribution~~]
25 of the appointee [~~appointees~~].

26 SECTION 7. Subchapter B, Chapter 603, Occupations Code, is
27 amended by adding Section 603.0511 to read as follows:

1 Sec. 603.0511. ELIGIBILITY OF PUBLIC MEMBERS. A person may
2 not be a public member of the committee if the person or the
3 person's spouse:

4 (1) is registered, certified, or licensed by a
5 regulatory agency in the field of health care;

6 (2) is employed by or participates in the management
7 of a business entity or other organization regulated by or
8 receiving money from the department;

9 (3) owns or controls, directly or indirectly, more
10 than a 10 percent interest in a business entity or other
11 organization regulated by or receiving money from the department;
12 or

13 (4) uses or receives a substantial amount of tangible
14 goods, services, or money from the department other than
15 compensation or reimbursement authorized by law for committee
16 membership, attendance, or expenses.

17 SECTION 8. Section 603.052, Occupations Code, is amended to
18 read as follows:

19 Sec. 603.052. MEMBERSHIP AND EMPLOYEE RESTRICTIONS.

20 (a) In this section, "Texas trade association" means a
21 ~~[nonprofit,]~~ cooperative~~[,]~~ and voluntarily joined statewide
22 association of business or professional competitors in this state
23 designed to assist its members and its industry or profession in
24 dealing with mutual business or professional problems and in
25 promoting their common interests.

26 (b) A person ~~[An officer, employee, or paid consultant of a~~
27 ~~Texas trade association in the field of health care]~~ may not be a

1 committee [~~board~~] member and may not be a department [~~an~~] employee
2 employed in a "bona fide executive, administrative, or professional
3 capacity," as that phrase is used for purposes of establishing an
4 exemption to the overtime provisions of the federal Fair Labor
5 Standards Act of 1938 (29 U.S.C. Section 201 et seq.) if:

6 (1) the person is an officer, employee, or paid
7 consultant of a Texas trade association in the field of health care;
8 or

9 (2) the person's spouse is an officer, manager, or paid
10 consultant of a Texas trade association in the field of health care
11 [of the board who is exempt from the state's position
12 classification plan or is compensated at or above the amount
13 prescribed by the General Appropriations Act for step 1, salary
14 group A17, of the position classification salary schedule].

15 (c) [~~A person who is the spouse of an officer, manager, or~~
16 ~~paid consultant of a Texas trade association in the field of health~~
17 ~~care may not be a board member and may not be an employee of the~~
18 ~~board who is exempt from the state's position classification plan~~
19 ~~or is compensated at or above the amount prescribed by the General~~
20 ~~Appropriations Act for step 1, salary group A17, of the position~~
21 ~~classification salary schedule.~~

22 [~~(d)~~] A person may not be [~~serve as~~] a member of the
23 committee [~~board~~] or act as the general counsel to the committee or
24 the department [~~board~~] if the person is required to register as a
25 lobbyist under Chapter 305, Government Code, because of the
26 person's activities for compensation on behalf of a profession
27 related to the operation of the department [~~board~~].

1 SECTION 9. Section 603.053, Occupations Code, is amended to
2 read as follows:

3 Sec. 603.053. TERMS. Members of the committee [~~board~~]
4 serve staggered six-year terms. The terms of one or two [~~three~~]
5 members, as appropriate, expire on February 1 of each odd-numbered
6 year.

7 SECTION 10. Section 603.054, Occupations Code, is amended
8 to read as follows:

9 Sec. 603.054. GROUNDS FOR REMOVAL. (a) It is a ground for
10 removal from the committee [~~board~~] that a member:

11 (1) does not have at the time of taking office
12 [~~appointment~~] the qualifications required by Section 603.051 [~~for~~
13 ~~appointment to the board~~];

14 (2) does not maintain during service on the committee
15 [~~board~~] the qualifications required by Section 603.051 [~~for~~
16 ~~appointment to the board~~];

17 (3) is ineligible for membership under Section
18 603.0511 or 603.052 [~~violates a prohibition established by this~~
19 ~~chapter~~];

20 (4) cannot, because of illness or disability,
21 discharge the member's duties for a substantial part of the member's
22 term; or

23 (5) is absent from more than half of the regularly
24 scheduled committee [~~board~~] meetings that the member is eligible to
25 attend during a calendar year without an excuse approved by a
26 [~~unless the absence is excused by~~] majority vote of the committee
27 [~~board~~].

1 (b) The validity of an action of the committee [~~board~~] is
2 not affected by the fact that it is taken when a ground for removal
3 of a member of the committee [~~board~~] exists.

4 (c) If the executive secretary has knowledge that a
5 potential ground for removal exists, the executive secretary shall
6 notify the presiding officer of the committee [~~board~~] of the
7 potential ground. The presiding officer shall then notify the
8 commissioner and the attorney general [~~governor~~] that a potential
9 ground for removal exists. If the potential ground for removal
10 involves the presiding officer, the executive secretary shall
11 notify the next highest ranking officer of the committee, who shall
12 then notify the commissioner and the attorney general that a
13 potential ground for removal exists.

14 SECTION 11. Section 603.055, Occupations Code, is amended
15 to read as follows:

16 Sec. 603.055. [~~PER DIEM,~~] REIMBURSEMENT. [~~(a) Each board~~
17 ~~member is entitled to receive a per diem set by the General~~
18 ~~Appropriations Act for each day the member engages in the business~~
19 ~~of the board.~~

20 [~~(b)~~] A member is entitled to reimbursement for [~~travel~~]
21 expenses as provided by the General Appropriations Act.

22 SECTION 12. Section 603.056, Occupations Code, is amended
23 to read as follows:

24 Sec. 603.056. OFFICERS. (a) Not later than the 30th day
25 after the date the commissioner [~~governor~~] appoints new committee
26 [~~board~~] members, the commissioner [~~board~~] shall designate [~~meet to~~
27 ~~elect~~] a presiding officer [~~and an assistant presiding officer, who~~

1 ~~hold office according to board rule].~~ The presiding officer serves
2 at the pleasure of the commissioner.

3 (b) The committee may appoint additional officers as
4 necessary.

5 SECTION 13. Section 603.057, Occupations Code, is amended
6 to read as follows:

7 Sec. 603.057. MEETINGS. The committee ~~[board]~~ shall meet
8 subject to the call of the commissioner ~~[hold at least two regular~~
9 ~~meetings each year as provided by board rule].~~

10 SECTION 14. Section 603.058, Occupations Code, is amended
11 to read as follows:

12 Sec. 603.058. TRAINING. (a) A person who is appointed to
13 and qualifies for office as a member of the committee may not vote,
14 deliberate, or be counted as a member in attendance at a meeting of
15 the committee until the person completes a training program that
16 complies with this section.

17 (b) The training program must provide the person with
18 information regarding:

19 (1) this chapter and the committee's programs,
20 functions, rules, and budget;

21 (2) the results of the most recent formal audit of the
22 department;

23 (3) the requirements of laws relating to open
24 meetings, public information, administrative procedure, and
25 conflicts-of-interest; and

26 (4) any applicable ethics policies adopted by the
27 executive commissioner or the Texas Ethics Commission.

1 (c) A person appointed to the committee is entitled to
2 reimbursement, as provided by the General Appropriations Act, for
3 the travel expenses incurred in attending the training program
4 regardless of whether the attendance at the program occurs before
5 or after the person qualifies for office [~~Each board member shall~~
6 ~~comply with the training requirements established by any state~~
7 ~~agency with authority to establish training requirements for the~~
8 ~~board~~].

9 SECTION 15. Section 603.101, Occupations Code, is amended
10 to read as follows:

11 Sec. 603.101. EXECUTIVE SECRETARY. The commissioner shall
12 designate a department employee to serve as executive secretary of
13 the committee [~~board~~].

14 SECTION 16. Section 603.102, Occupations Code, is amended
15 to read as follows:

16 Sec. 603.102. EXECUTIVE SECRETARY POWERS AND DUTIES. In
17 addition to performing other duties prescribed by this chapter and
18 by the department, the executive secretary shall:

19 (1) administer licensing activity for the department
20 [~~board~~];

21 (2) keep full and accurate minutes of the committee's
22 [~~board's~~] transactions and proceedings;

23 (3) serve as custodian of the committee's [~~board's~~]
24 files and other records;

25 (4) prepare and recommend to the department [~~board~~]
26 plans and procedures necessary to implement the objectives of this
27 chapter, including rules and proposals on administrative

1 procedure;

2 (5) exercise general supervision over persons
3 employed by the department in the administration of this chapter;

4 (6) investigate complaints and present formal
5 complaints;

6 (7) attend all committee [~~board~~] meetings as a
7 nonvoting participant;

8 (8) handle the committee's [~~board's~~] correspondence;
9 and

10 (9) obtain, assemble, or prepare reports and other
11 information as directed or authorized by the committee [~~board~~].

12 SECTION 17. Section 603.105, Occupations Code, is amended
13 to read as follows:

14 Sec. 603.105. QUALIFICATIONS AND STANDARDS OF CONDUCT
15 INFORMATION. The department [~~board~~] shall provide, as often as
16 necessary, to its [~~members and~~] employees information regarding
17 their:

18 (1) qualifications for office or employment under this
19 chapter; and

20 (2) responsibilities under applicable laws relating
21 to standards of conduct for state officers or employees.

22 SECTION 18. Section 603.106, Occupations Code, is amended
23 to read as follows:

24 Sec. 603.106. CAREER LADDER PROGRAM; PERFORMANCE
25 EVALUATIONS. (a) The commissioner [~~executive secretary~~] shall
26 develop an intra-agency career ladder program. The program must
27 require intra-agency posting of all nonentry level positions

1 concurrently with any public posting.

2 (b) The commissioner [~~executive secretary~~] shall develop a
3 system of annual performance evaluations based on measurable job
4 tasks. All merit pay for department [~~board~~] employees must be based
5 on the system established under this subsection.

6 SECTION 19. Subsection (a), Section 603.107, Occupations
7 Code, is amended to read as follows:

8 (a) The commissioner [~~executive secretary~~] shall prepare
9 and maintain a written policy statement to ensure implementation of
10 an equal employment opportunity program under which all personnel
11 transactions are made without regard to race, color, disability,
12 sex, religion, age, or national origin. The policy statement must
13 include:

14 (1) personnel policies, including policies relating
15 to recruitment, evaluation, selection, application, training, and
16 promotion, that are in compliance with Chapter 21, Labor Code;

17 (2) a comprehensive analysis of the committee [~~board~~]
18 workforce that meets federal and state guidelines;

19 (3) procedures by which a determination can be made of
20 significant underuse in the committee [~~board~~] workforce of all
21 persons for whom federal or state guidelines encourage a more
22 equitable balance; and

23 (4) reasonable methods to appropriately address those
24 areas of underuse.

25 SECTION 20. Section 603.151, Occupations Code, is amended
26 to read as follows:

27 Sec. 603.151. GENERAL POWERS AND DUTIES OF COMMISSIONER

1 ~~[BOARD]~~. The commissioner ~~[board]~~ shall:

2 (1) establish the qualifications and fitness of
3 applicants for licenses, including renewed and reciprocal
4 licenses;

5 (2) revoke, suspend, or deny a license, probate a
6 license suspension, or reprimand a license holder for a violation
7 of this chapter, a ~~[board]~~ rule adopted by the executive
8 commissioner, or the code of ethics adopted by the executive
9 commissioner ~~[board]~~;

10 (3) spend money necessary to administer the
11 department's ~~[board's]~~ duties;

12 (4) request and receive necessary assistance from
13 another state agency, including a state educational institution;

14 (5) adopt an official seal; and

15 (6) adopt and publish a code of ethics.

16 SECTION 21. Section 603.152, Occupations Code, is amended
17 to read as follows:

18 Sec. 603.152. GENERAL RULEMAKING AUTHORITY. ~~[(a)]~~ The
19 executive commissioner ~~[board]~~ may adopt rules necessary to:

20 (1) regulate the practice of perfusion;

21 (2) enforce this chapter; and

22 (3) ~~[govern board proceedings; and~~

23 ~~[(4)]~~ perform department ~~[board]~~ duties.

24 ~~[(b) In adopting rules, the board shall consider the rules~~
25 ~~and procedures of the Texas Board of Health and the department and~~
26 ~~shall adopt procedural rules consistent with rules and procedures~~
27 ~~of those entities.]~~

1 SECTION 22. Section 603.153, Occupations Code, is amended
2 to read as follows:

3 Sec. 603.153. RULES RESTRICTING ADVERTISING OR COMPETITIVE
4 BIDDING. (a) The executive commissioner [~~board~~] may not adopt a
5 rule restricting advertising or competitive bidding by a person
6 regulated by the department [~~board~~] except to prohibit a false,
7 misleading, or deceptive practice.

8 (b) The executive commissioner [~~board~~] may not include in
9 rules to prohibit a false, misleading, or deceptive practice by a
10 person regulated by the department [~~board~~] a rule that:

11 (1) restricts the person's use of any medium for
12 advertising;

13 (2) restricts the person's personal appearance or use
14 of the person's voice in an advertisement;

15 (3) relates to the size or duration of any
16 advertisement by the person; or

17 (4) restricts the use by the person of a trade name in
18 advertising.

19 SECTION 23. Subchapter D, Chapter 603, Occupations Code, is
20 amended by adding Section 603.1535 to read as follows:

21 Sec. 603.1535. RULES ON CONSEQUENCES OF CRIMINAL
22 CONVICTION. (a) The executive commissioner shall adopt rules
23 necessary to comply with Chapter 53.

24 (b) In rules under this section, the executive commissioner
25 shall list the specific offenses for which a conviction would
26 constitute grounds for the commissioner to take action under
27 Section 53.021.

1 SECTION 24. Section 603.154, Occupations Code, is amended
2 to read as follows:

3 Sec. 603.154. FEES. After consulting the commissioner or
4 the department, the executive commissioner [~~board~~] shall set fees
5 in amounts reasonable and necessary to cover the costs of
6 administering this chapter.

7 SECTION 25. Section 603.155, Occupations Code, is amended
8 to read as follows:

9 Sec. 603.155. EXECUTIVE COMMISSIONER AND DEPARTMENT
10 [~~BOARD~~] DUTIES REGARDING COMPLAINTS. (a) The executive
11 commissioner [~~board~~] by rule shall:

12 (1) adopt a form to standardize information concerning
13 complaints made to the department [~~board~~]; and

14 (2) prescribe information to be provided to a person
15 when the person files a complaint with the department [~~board~~].

16 (b) The department [~~board~~] shall provide reasonable
17 assistance to a person who wishes to file a complaint with the
18 department [~~board~~].

19 SECTION 26. Section 603.156, Occupations Code, is amended
20 to read as follows:

21 Sec. 603.156. REGISTRY. The department [~~board~~] shall
22 prepare a registry of licensed perfusionists and provisionally
23 licensed perfusionists that is available to the public, license
24 holders, and appropriate state agencies.

25 SECTION 27. Subsection (a), Section 603.157, Occupations
26 Code, is amended to read as follows:

27 (a) The department [~~board~~] shall file annually with the

1 governor and the presiding officer of each house of the legislature
2 a complete and detailed written report accounting for all money
3 received and disbursed by the [~~board or the~~] department for the
4 administration of this chapter during the preceding year.

5 SECTION 28. Subchapter D, Chapter 603, Occupations Code, is
6 amended by adding Sections 603.158 and 603.159 to read as follows:

7 Sec. 603.158. USE OF TECHNOLOGY. The executive
8 commissioner shall implement a policy requiring the department to
9 use appropriate technological solutions to improve the
10 department's ability to perform its functions. The policy must
11 ensure that the public is able to interact with the department on
12 the Internet.

13 Sec. 603.159. NEGOTIATED RULEMAKING AND ALTERNATIVE
14 DISPUTE RESOLUTION POLICY. (a) The executive commissioner shall
15 develop and implement a policy to encourage the use of:

16 (1) negotiated rulemaking procedures under Chapter
17 2008, Government Code, for the adoption of rules; and

18 (2) appropriate alternative dispute resolution
19 procedures under Chapter 2009, Government Code, to assist in the
20 resolution of internal and external disputes under the department's
21 jurisdiction.

22 (b) The department's procedures relating to alternative
23 dispute resolution must conform, to the extent possible, to any
24 model guidelines issued by the State Office of Administrative
25 Hearings for the use of alternative dispute resolution by state
26 agencies.

27 (c) The commissioner shall designate a trained person to:

1 (1) coordinate the implementation of the policy
2 adopted under Subsection (a);

3 (2) serve as a resource for any training needed to
4 implement the procedures for negotiated rulemaking or alternative
5 dispute resolution; and

6 (3) collect data concerning the effectiveness of those
7 procedures, as implemented by the department.

8 SECTION 29. Section 603.201, Occupations Code, is amended
9 to read as follows:

10 Sec. 603.201. PUBLIC INTEREST INFORMATION. (a) The
11 department [~~board~~] shall prepare information of consumer interest
12 describing the profession of perfusion, the regulatory functions of
13 the department [~~board~~], and the procedures by which consumer
14 complaints are filed with and resolved by the department [~~board~~].

15 (b) The department [~~board~~] shall make the information
16 available to the public and appropriate state agencies.

17 SECTION 30. Section 603.202, Occupations Code, is amended
18 to read as follows:

19 Sec. 603.202. COMPLAINTS. (a) The executive commissioner
20 [~~board~~] by rule shall establish methods by which consumers and
21 service recipients are notified of the name, mailing address, and
22 telephone number of the department [~~board~~] for the purpose of
23 directing complaints to the department [~~board~~]. The department
24 [~~board~~] may provide for that notice:

25 (1) on each license form, application, or written
26 contract for services of a person licensed under this chapter;

27 (2) on a sign prominently displayed in the place of

1 business of each person licensed under this chapter; or

2 (3) in a bill for services provided by a person
3 licensed under this chapter.

4 (b) The department [~~board~~] shall list with its regular
5 telephone number any toll-free telephone number established under
6 other state law that may be called to present a complaint about a
7 health professional.

8 SECTION 31. Section 603.203, Occupations Code, is amended
9 to read as follows:

10 Sec. 603.203. RECORDS OF COMPLAINTS. (a) The department
11 [~~board~~] shall maintain a system to promptly and efficiently act on
12 complaints filed with the department. The department shall
13 maintain:

14 (1) information about the parties to the complaint and
15 the subject matter of the complaint;

16 (2) a summary of the results of the review or
17 investigation of the complaint; and

18 (3) information about the disposition of the complaint
19 [~~keep an information file about each complaint filed with the~~
20 ~~board. The information file must be kept current and contain a~~
21 ~~record for each complaint of:~~

22 [~~(1) each person contacted in relation to the~~
23 ~~complaint,~~

24 [~~(2) a summary of findings made at each step of the~~
25 ~~complaint process,~~

26 [~~(3) an explanation of the legal basis and reason for a~~
27 ~~complaint that is dismissed,~~

1 ~~[(4) the schedule established for the complaint under~~
2 ~~Section 603.204(b) and a notation of any change in the schedule; and~~
3 ~~[(5) other relevant information].~~

4 (b) The department shall make information available
5 describing its procedures for complaint investigation and
6 resolution.

7 (c) The department shall periodically notify the parties of
8 the status of the complaint until final disposition of the
9 complaint [~~If a written complaint is filed with the board that the~~
10 ~~board has authority to resolve, the board, at least quarterly and~~
11 ~~until final disposition of the complaint, shall notify the parties~~
12 ~~to the complaint of the status of the complaint unless notice would~~
13 ~~jeopardize an undercover investigation].~~

14 SECTION 32. Subsections (a), (b), and (d), Section 603.204,
15 Occupations Code, are amended to read as follows:

16 (a) The executive commissioner [~~board~~] shall adopt rules
17 concerning the investigation of a complaint filed with the
18 department [~~board~~]. The rules shall:

- 19 (1) distinguish among categories of complaints;
- 20 (2) ensure that a complaint is not dismissed without
21 appropriate consideration;
- 22 (3) require that the commissioner [~~board~~] be advised
23 of a complaint that is dismissed and that a letter be sent to the
24 person who filed the complaint explaining the action taken on the
25 dismissed complaint;
- 26 (4) ensure that the person who filed the complaint has
27 an opportunity to explain the allegations made in the complaint;

1 and

2 (5) prescribe guidelines concerning the categories of
3 complaints that require the use of a private investigator and the
4 procedures for the department [~~board~~] to obtain the services of a
5 private investigator.

6 (b) The department [~~board~~] shall:

7 (1) dispose of each complaint in a timely manner; and

8 (2) establish, not later than the 30th day after the
9 date the department [~~board~~] receives a complaint, a schedule for
10 conducting each phase of the complaint resolution process that is
11 under the control of the department [~~board~~].

12 (d) The executive secretary shall notify the commissioner
13 [~~board~~] of a complaint that is not resolved within the time
14 prescribed by the commissioner [~~board~~] for resolving the complaint
15 so that the commissioner [~~board~~] may take necessary action on the
16 complaint.

17 SECTION 33. Subsections (a), (c), (e), (f), (h), and (i),
18 Section 603.2041, Occupations Code, are amended to read as follows:

19 (a) In an investigation of a complaint filed with the
20 department [~~board~~], the department [~~board~~] may request that the
21 commissioner or the commissioner's designee approve the issuance of
22 a subpoena. If the request is approved, the department [~~board~~] may
23 issue a subpoena to compel the attendance of a relevant witness or
24 the production, for inspection or copying, of relevant evidence
25 that is in this state.

26 (c) If a person fails to comply with a subpoena, the
27 department [~~board~~], acting through the attorney general, may file

1 suit to enforce the subpoena in a district court in Travis County or
2 in the county in which a hearing conducted by the department [~~board~~]
3 may be held.

4 (e) The commissioner [~~board~~] may delegate the authority
5 granted under Subsection (a) to the executive secretary of the
6 committee [~~board~~].

7 (f) The department [~~board~~] shall pay a reasonable fee for
8 photocopies subpoenaed under this section in an amount not to
9 exceed the amount the department [~~board~~] may charge for copies of
10 its records.

11 (h) All information and materials subpoenaed or compiled by
12 the department [~~board~~] in connection with a complaint and
13 investigation are confidential and not subject to disclosure under
14 Chapter 552, Government Code, and not subject to disclosure,
15 discovery, subpoena, or other means of legal compulsion for their
16 release to anyone other than the department [~~board~~] or its agents or
17 employees involved in discipline of the holder of a license, except
18 that this information may be disclosed to:

19 (1) persons involved with the department [~~board~~] in a
20 disciplinary action against the holder of a license;

21 (2) professional perfusionist licensing or
22 disciplinary boards in other jurisdictions;

23 (3) peer assistance programs approved by the
24 department [~~board~~] under Chapter 467, Health and Safety Code;

25 (4) law enforcement agencies; and

26 (5) persons engaged in bona fide research, if all
27 individual-identifying information has been deleted.

1 (i) The filing of formal charges by the department [~~board~~]
2 against a holder of a license, the nature of those charges,
3 disciplinary proceedings of the department [~~board~~], and final
4 disciplinary actions, including warnings and reprimands, by the
5 department [~~board~~] are not confidential and are subject to
6 disclosure in accordance with Chapter 552, Government Code.

7 SECTION 34. Section 603.205, Occupations Code, is amended
8 to read as follows:

9 Sec. 603.205. PUBLIC PARTICIPATION. (a) The State Health
10 Services Council [~~board~~] shall develop and implement policies that
11 provide the public with a reasonable opportunity to appear before
12 the State Health Services Council [~~board~~] and to speak on any issue
13 related to the practice of perfusion [~~under the board's~~
14 ~~jurisdiction~~].

15 (b) The commissioner [~~board~~] shall prepare and maintain a
16 written plan that describes how a person who does not speak English
17 or who has a physical, mental, or developmental disability may be
18 provided reasonable access to the department's [~~board's~~] programs.

19 SECTION 35. Subsection (b), Section 603.252, Occupations
20 Code, is amended to read as follows:

21 (b) The executive commissioner [~~board~~] shall prescribe the
22 application form and by rule may establish dates by which
23 applications and fees must be received.

24 SECTION 36. Section 603.253, Occupations Code, is amended
25 to read as follows:

26 Sec. 603.253. COMPETENCY EXAMINATION. (a) An applicant
27 must pass a competency examination to qualify for a license under

1 this chapter.

2 (b) The department [~~board~~] shall prepare or approve an
3 examination. The department [~~board~~] may prescribe an examination
4 that consists of or includes a written [~~or oral~~] examination given
5 by the American Board of Cardiovascular Perfusion or by a national
6 or state testing service.

7 (c) The department [~~board~~] shall have any written portion of
8 the examination validated by an independent testing professional.

9 (d) The department [~~board~~] shall administer an examination
10 to qualified applicants at least once each calendar year.

11 (e) On receipt of an application and application fee, the
12 department [~~board~~] shall waive the examination requirement for an
13 applicant who, at the time of application:

14 (1) is licensed or certified by another state that has
15 licensing or certification requirements the department [~~board~~]
16 determines to be substantially equivalent to the requirements of
17 this chapter; or

18 (2) holds a certificate as a certified clinical
19 perfusionist issued by the American Board of Cardiovascular
20 Perfusion before January 1, 1994, authorizing the holder to
21 practice perfusion in a state that does not license or certify
22 perfusionists.

23 SECTION 37. Subchapter F, Chapter 603, Occupations Code, is
24 amended by adding Section 603.2535 to read as follows:

25 Sec. 603.2535. JURISPRUDENCE EXAMINATION. (a) An
26 applicant must pass a jurisprudence examination to qualify for a
27 license under this chapter.

1 (b) The department shall develop and administer at least
2 twice each calendar year a jurisprudence examination to determine
3 an applicant's knowledge of this chapter, rules adopted by the
4 executive commissioner, and any other applicable laws of this state
5 affecting the applicant's practice of perfusion.

6 (c) The executive commissioner shall adopt rules to
7 implement this section, including rules related to the development
8 and administration of the examination, examination fees,
9 guidelines for reexamination, grading the examination, and
10 providing notice of examination results.

11 SECTION 38. Section 603.254, Occupations Code, is amended
12 to read as follows:

13 Sec. 603.254. QUALIFICATION FOR EXAMINATION. (a) To
14 qualify for the licensing examinations [~~examination~~] under this
15 chapter, an applicant must have successfully completed a perfusion
16 education program approved by the department [~~board~~].

17 (b) The department [~~board~~] may approve a perfusion
18 education program only if the program has educational standards
19 that are:

20 (1) at least as stringent as those established by the
21 Accreditation Committee for Perfusion Education of the American
22 Medical Association or its successor; and

23 (2) approved by the Commission on Accreditation of the
24 Allied Health Education Program of the American Medical Association
25 or its successor.

26 SECTION 39. Subsection (a), Section 603.255, Occupations
27 Code, is amended to read as follows:

1 (a) The department shall notify an applicant in writing of
2 the receipt and investigation of the applicant's application and
3 any other relevant evidence relating to qualifications established
4 by an executive commissioner [~~board~~] rule not later than:

5 (1) the 45th day after the date a properly submitted
6 and timely application is received; and

7 (2) the 30th day before the next examination date.

8 SECTION 40. Section 603.257, Occupations Code, is amended
9 to read as follows:

10 Sec. 603.257. REEXAMINATION AND ALTERNATIVES TO
11 EXAMINATION. The executive commissioner [~~board~~] by rule shall
12 establish:

13 (1) a limit on the number of times an applicant who
14 fails an examination may retake the examination;

15 (2) requirements for retaking an examination; and

16 (3) alternative methods of examining competency.

17 SECTION 41. Subsections (a), (c), and (d), Section 603.259,
18 Occupations Code, are amended to read as follows:

19 (a) The department [~~board~~] may issue a provisional license
20 to an applicant who files an application, pays an application fee,
21 and submits evidence satisfactory to the department [~~board~~] of
22 successful completion of the education requirement under Section
23 603.254.

24 (c) A provisionally licensed perfusionist must practice
25 under the supervision and direction of a licensed perfusionist
26 while performing perfusion. If the department [~~board~~] finds that a
27 licensed perfusionist is not reasonably available to provide

1 supervision and direction and if the department [~~board~~] approves an
2 application submitted to the department [~~board~~] by the
3 provisionally licensed perfusionist, supervision and direction may
4 be provided by a physician who is licensed by the Texas State Board
5 of Medical Examiners and certified by the American Board of
6 Thoracic Surgeons, Inc., or certified in cardiovascular surgery by
7 the American Osteopathic Board of Surgery.

8 (d) The executive commissioner [~~board~~] may not adopt a rule
9 governing supervision and direction that requires the immediate
10 physical presence of the supervising person.

11 SECTION 42. Section 603.301, Occupations Code, is amended
12 to read as follows:

13 Sec. 603.301. LICENSE RENEWAL. (a) A license is valid for
14 two years [~~one year~~] from the date of issuance and may be renewed
15 biennially [~~annually~~].

16 (b) The executive commissioner [~~Texas Board of Health~~] by
17 rule may adopt a system under which licenses expire on various dates
18 during the year.

19 (c) A person may renew an unexpired license by paying the
20 required renewal fee to the department before the license
21 expiration date.

22 (d) A person whose license has been expired for 90 days or
23 less may renew the license by paying to the department [~~the required~~
24 ~~renewal fee and~~] a fee that is equal to 1-1/4 times [~~half~~] the
25 amount of the renewal fee [~~for the license~~]. If a license has been
26 expired for more than 90 days but less than one year [~~two years~~],
27 the person may renew the license by paying to the department [~~all~~

1 ~~unpaid renewal fees and~~ a fee that is equal to 1-1/2 times the
2 amount of the renewal fee [~~for the license~~].

3 (e) Except as provided by Section 603.303, a person whose
4 license has been expired for one year [~~two years~~] or more may not
5 renew the license. The person may obtain a new license by
6 submitting to reexamination and complying with the requirements and
7 procedures for obtaining an original license.

8 (f) Before the 30th day before a person's license expiration
9 date, the department shall send written notice of the impending
10 license expiration to the person at the person's last known address
11 according to department [~~board~~] records.

12 SECTION 43. Section 603.303, Occupations Code, is amended
13 to read as follows:

14 Sec. 603.303. RENEWAL OF EXPIRED LICENSE BY OUT-OF-STATE
15 PRACTITIONER. (a) The department [~~board~~] may renew without
16 reexamination an expired license of a person who was licensed as a
17 perfusionist in this state, moved to another state, and is licensed
18 or certified and has been in practice in the other state for the two
19 years preceding the date the person applies for renewal.

20 (b) The person must pay to the department [~~board~~] a fee that
21 is equal to the amount of the renewal [~~examination~~] fee for the
22 license.

23 SECTION 44. Section 603.304, Occupations Code, is amended
24 to read as follows:

25 Sec. 603.304. CONTINUING EDUCATION. (a) To renew a
26 license under this chapter, a person must submit proof satisfactory
27 to the department [~~board~~] that the person has complied with the

1 continuing education requirements prescribed by the department
2 [~~board~~].

3 (b) The executive commissioner [~~board~~] shall establish
4 continuing education programs for licensed perfusionists and
5 provisionally licensed perfusionists under this chapter. The
6 standards of the programs must be at least as stringent as the
7 standards of the American Board of Cardiovascular Perfusion or its
8 successor.

9 (c) The executive commissioner [~~board~~] shall:

10 (1) establish a minimum number of hours of continuing
11 education required for license renewal under this chapter; and

12 (2) develop a process to evaluate and approve
13 continuing education courses.

14 (d) The executive commissioner [~~board~~] shall identify key
15 factors for a license holder's competent performance of
16 professional duties. The executive commissioner [~~board~~] shall
17 adopt a procedure to assess a license holder's participation in
18 continuing education programs.

19 SECTION 45. Subchapter G, Chapter 603, Occupations Code, is
20 amended by adding Section 603.305 to read as follows:

21 Sec. 603.305. GROUNDS FOR REFUSING RENEWAL. The department
22 may refuse to renew the license of a person who fails to pay an
23 administrative penalty imposed under Subchapter K unless
24 enforcement of the penalty is stayed or a court has ordered that the
25 administrative penalty is not owed.

26 SECTION 46. Section 603.353, Occupations Code, is amended
27 to read as follows:

1 Sec. 603.353. SURRENDER OF LICENSE. A license certificate
2 issued by the department [~~board~~] is the property of the department
3 [~~board~~] and shall be surrendered on demand.

4 SECTION 47. Section 603.401, Occupations Code, is amended
5 to read as follows:

6 Sec. 603.401. GROUNDS FOR DISCIPLINARY ACTION. If a
7 license holder violates this chapter or a rule or code of ethics
8 adopted by the executive commissioner [~~board~~], the department
9 [~~board~~] shall:

10 (1) revoke or suspend the license;

11 (2) place on probation the person if the person's
12 license has been suspended; [~~or~~]

13 (3) reprimand the license holder; or

14 (4) refuse to renew the license.

15 SECTION 48. Section 603.402, Occupations Code, is amended
16 to read as follows:

17 Sec. 603.402. HEARING. (a) If the department [~~board~~]
18 proposes to revoke, [~~or~~] suspend, or refuse to renew a person's
19 license, the person is entitled to a hearing before a hearings
20 officer appointed by the State Office of Administrative Hearings.

21 (b) The executive commissioner [~~board~~] shall prescribe
22 procedures for appealing to the commissioner [~~board~~] a decision to
23 revoke, [~~or~~] suspend, or refuse to renew a license.

24 SECTION 49. Section 603.403, Occupations Code, is amended
25 to read as follows:

26 Sec. 603.403. ADMINISTRATIVE PROCEDURE. A proceeding under
27 this subchapter to suspend, [~~or~~] revoke, or refuse to renew a

1 license is governed by Chapter 2001, Government Code.

2 SECTION 50. Subsection (a), Section 603.404, Occupations
3 Code, is amended to read as follows:

4 (a) The executive commissioner [~~board~~] by rule shall adopt a
5 broad schedule of sanctions for a violation of this chapter.

6 SECTION 51. Section 603.405, Occupations Code, is amended
7 to read as follows:

8 Sec. 603.405. PROBATION. The department [~~board~~] may
9 require a person whose license suspension is probated to:

10 (1) report regularly to the department [~~board~~] on
11 matters that are the basis of the probation;

12 (2) limit practice to areas prescribed by the
13 department [~~board~~]; or

14 (3) continue the person's professional education until
15 the license holder attains a degree of skill satisfactory to the
16 department [~~board~~] in those areas that are the basis of the
17 probation.

18 SECTION 52. Section 603.406, Occupations Code, is amended
19 to read as follows:

20 Sec. 603.406. MONITORING OF LICENSE HOLDER. (a) The
21 executive commissioner [~~board~~] by rule shall develop a system for
22 monitoring a license holder's compliance with the requirements of
23 this chapter.

24 (b) Rules adopted under this section must include
25 procedures to:

26 (1) monitor for compliance a license holder who is
27 ordered by the department [~~board~~] to perform certain acts; and

1 (2) identify and monitor license holders who represent
2 a risk to the public.

3 SECTION 53. Section 603.407, Occupations Code, is amended
4 to read as follows:

5 Sec. 603.407. INFORMAL PROCEDURES. (a) The executive
6 commissioner [~~board~~] by rule shall adopt procedures governing:

7 (1) informal disposition of a contested case under
8 Section 2001.056, Government Code; and

9 (2) an informal proceeding held in compliance with
10 Section 2001.054, Government Code.

11 (b) Rules adopted under Subsection (a) must:

12 (1) provide the complainant and the license holder an
13 opportunity to be heard; and

14 (2) require the presence of a representative of the
15 attorney general or the department's [~~board's~~] legal counsel to
16 advise the department [~~board~~] or the department's [~~board's~~]
17 employees.

18 SECTION 54. Subsection (a), Section 603.408, Occupations
19 Code, is amended to read as follows:

20 (a) The department [~~board or a three-member committee of~~
21 ~~board members designated by the board~~] shall temporarily suspend
22 the license of a license holder if the department [~~board or~~
23 ~~committee~~] determines from the evidence or information presented to
24 it that continued practice by the license holder would constitute a
25 continuing and imminent threat to the public welfare.

26 SECTION 55. Subchapter I, Chapter 603, Occupations Code, is
27 amended by adding Section 603.409 to read as follows:

1 Sec. 603.409. REFUND. (a) Subject to Subsection (b), the
2 department may order a license holder to pay a refund to a consumer
3 as provided in an agreement resulting from an informal settlement
4 conference instead of or in addition to imposing an administrative
5 penalty under this chapter.

6 (b) The amount of a refund ordered as provided in an
7 agreement resulting from an informal settlement conference may not
8 exceed the amount the consumer paid to the license holder for a
9 service regulated by this chapter. The department may not require
10 payment of other damages or estimate harm in a refund order.

11 SECTION 56. Subsection (a), Section 603.451, Occupations
12 Code, is amended to read as follows:

13 (a) The department [~~board~~] may request the attorney general
14 or the appropriate county or district attorney to commence an
15 action to enjoin a violation of this chapter.

16 SECTION 57. Section 603.4515, Occupations Code, is amended
17 to read as follows:

18 Sec. 603.4515. CIVIL PENALTY. (a) A person who violates
19 this chapter, [~~or~~] a rule [~~or order~~] adopted by the executive
20 commissioner, or an order adopted by the commissioner [~~board~~] under
21 this chapter is liable for a civil penalty not to exceed \$5,000 a
22 day.

23 (b) At the request of the department [~~board~~], the attorney
24 general shall bring an action to recover a civil penalty authorized
25 under this section.

26 SECTION 58. Subchapter J, Chapter 603, Occupations Code, is
27 amended by adding Section 603.453 to read as follows:

1 Sec. 603.453. CEASE AND DESIST ORDER. (a) If it appears to
2 the commissioner that a person who is not licensed under this
3 chapter is violating this chapter, a rule adopted under this
4 chapter, or another state statute or rule relating to the practice
5 of perfusion, the commissioner after notice and an opportunity for
6 a hearing may issue a cease and desist order prohibiting the person
7 from engaging in the activity.

8 (b) A violation of an order under this section constitutes
9 grounds for imposing an administrative penalty under this chapter.

10 SECTION 59. Section 603.501, Occupations Code, is amended
11 to read as follows:

12 Sec. 603.501. IMPOSITION OF ADMINISTRATIVE PENALTY. The
13 department [board] may impose an administrative penalty on a person
14 licensed under this chapter who violates this chapter or a rule or
15 order adopted under this chapter.

16 SECTION 60. Section 603.502, Occupations Code, is amended
17 by adding Subsection (c) to read as follows:

18 (c) The executive commissioner by rule shall adopt an
19 administrative penalty schedule based on the criteria listed in
20 Subsection (b) for violations of this chapter or applicable rules
21 to ensure that the amounts of penalties imposed are appropriate to
22 the violation. The executive commissioner shall provide the
23 administrative penalty schedule to the public on request.

24 SECTION 61. Subsection (a), Section 603.503, Occupations
25 Code, is amended to read as follows:

26 (a) If the commissioner or the commissioner's designee
27 determines that a violation occurred, the commissioner or the

1 designee may issue to the department [~~board~~] a report stating:

- 2 (1) the facts on which the determination is based; and
3 (2) the commissioner's or the designee's
4 recommendation on the imposition of an administrative penalty,
5 including a recommendation on the amount of the penalty.

6 SECTION 62. Subsection (b), Section 603.504, Occupations
7 Code, is amended to read as follows:

8 (b) If the person accepts the determination and recommended
9 penalty of the commissioner or the commissioner's designee, the
10 commissioner [~~board~~] by order shall approve the determination and
11 impose the recommended penalty.

12 SECTION 63. Subsection (c), Section 603.505, Occupations
13 Code, is amended to read as follows:

14 (c) The administrative law judge shall make findings of fact
15 and conclusions of law and promptly issue to the commissioner
16 [~~board~~] a proposal for a decision about the occurrence of the
17 violation and the amount of a proposed administrative penalty.

18 SECTION 64. Section 603.506, Occupations Code, is amended
19 to read as follows:

20 Sec. 603.506. DECISION BY COMMISSIONER [~~BOARD~~]. (a) Based
21 on the findings of fact, conclusions of law, and proposal for
22 decision, the commissioner [~~board~~] by order may determine that:

23 (1) a violation occurred and impose an administrative
24 penalty; or

25 (2) a violation did not occur.

26 (b) The notice of the commissioner's [~~board's~~] order given
27 to the person must include a statement of the right of the person to

1 judicial review of the order.

2 SECTION 65. Subsections (a) and (b), Section 603.507,
3 Occupations Code, are amended to read as follows:

4 (a) Within 30 days after the date the commissioner's
5 [~~board's~~] order becomes final, the person shall:

6 (1) pay the administrative penalty; or

7 (2) file a petition for judicial review contesting the
8 occurrence of the violation, the amount of the penalty, or both.

9 (b) Within the 30-day period prescribed by Subsection (a), a
10 person who files a petition for judicial review may:

11 (1) stay enforcement of the penalty by:

12 (A) paying the penalty to the court for placement
13 in an escrow account; or

14 (B) giving the court a supersedeas bond approved
15 by the court that:

16 (i) is for the amount of the penalty; and

17 (ii) is effective until all judicial review
18 of the commissioner's [~~board's~~] order is final; or

19 (2) request the court to stay enforcement of the
20 penalty by:

21 (A) filing with the court a sworn affidavit of
22 the person stating that the person is financially unable to pay the
23 penalty and is financially unable to give the supersedeas bond; and

24 (B) giving a copy of the affidavit to the
25 commissioner or the commissioner's designee by certified mail.

26 SECTION 66. Subsection (b), Section 603.103, and Section
27 603.104, Occupations Code, are repealed.

1 SECTION 67. (a) The Texas State Board of Examiners of
2 Perfusionists is abolished on the effective date of this Act.

3 (b) As soon as possible after the effective date of this
4 Act, the commissioner of state health services shall appoint the
5 members of the Texas State Perfusionist Advisory Committee as
6 provided by Section 603.051, Occupations Code, as amended by this
7 Act. In making initial appointments to the committee, the
8 commissioner of state health services shall designate one member
9 for a term expiring February 1, 2007, two members for terms expiring
10 February 1, 2009, and two members for terms expiring February 1,
11 2011.

12 SECTION 68. (a) Not later than January 1, 2006, the
13 executive commissioner of the Health and Human Services Commission
14 shall:

15 (1) adopt the policies required by Sections 603.158
16 and 603.159, Occupations Code, as added by this Act; and

17 (2) adopt the rules required by Chapter 603,
18 Occupations Code, as amended by this Act.

19 (b) Not later than March 1, 2006, the Department of State
20 Health Services shall develop the jurisprudence examination
21 required by Section 603.2535, Occupations Code, as added by this
22 Act.

23 SECTION 69. (a) The changes in law made by this Act related
24 to the filing or investigation of a complaint under Chapter 603,
25 Occupations Code, as amended by this Act, apply only to a complaint
26 filed with the Department of State Health Services on or after the
27 effective date of this Act. A complaint filed before the effective

1 date of this Act is governed by the law as it existed immediately
2 before that date, and the former law is continued in effect for that
3 purpose.

4 (b) The changes in law made by this Act governing the
5 eligibility of a person for a license under Chapter 603,
6 Occupations Code, apply only to an application for a license filed
7 with the Department of State Health Services under Chapter 603,
8 Occupations Code, as amended by this Act, on or after the effective
9 date of this Act. A license application filed before the effective
10 date of this Act is governed by the law in effect at the time the
11 application was filed, and the former law is continued in effect for
12 that purpose.

13 (c) The change in law made by this Act with respect to
14 conduct that is grounds for imposition of a disciplinary sanction,
15 including a refund or a cease and desist order, applies only to
16 conduct that occurs on or after the effective date of this Act.
17 Conduct that occurs before the effective date of this Act is
18 governed by the law in effect on the date the conduct occurred, and
19 the former law is continued in effect for that purpose.

20 (d) The change in law made by Section 603.2535, Occupations
21 Code, as added by this Act, regarding the jurisprudence
22 examination, applies only to an application for a license filed
23 with the Department of State Health Services under Chapter 603,
24 Occupations Code, as amended by this Act, on or after September 1,
25 2006.

26 SECTION 70. Notwithstanding Section 603.301, Occupations
27 Code, as amended by this Act, the fees for an applicant renewing an

1 expired license under Chapter 603, Occupations Code, before
2 September 1, 2007, are governed by the law in effect immediately
3 before the effective date of this Act, and the former law is
4 continued in effect for that purpose. An applicant who renews an
5 expired license under Chapter 603, Occupations Code, on or after
6 September 1, 2007, is subject to the fees provided by Section
7 603.301, Occupations Code, as amended by this Act.

8 SECTION 71. This Act takes effect September 1, 2005.