

By: Nelson

S.B. No. 1329

A BILL TO BE ENTITLED

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AN ACT

relating to the Interagency Council for Genetic Services and the provision of genetic counseling services.

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

SECTION 1. Subsections (b) and (c), Section 134.001, Human Resources Code, are amended to read as follows:

(b) The council consists of:

(1) a representative of the [~~Texas~~] Department of Aging and Disability Services [~~Mental Health and Mental Retardation~~], appointed by the commissioner of that department [~~mental health and mental retardation~~];

(2) a representative of the [~~Texas~~] Department of State Health Services, appointed by the commissioner of that department [~~health~~];

(3) a representative of the Texas Department of Insurance, appointed by the commissioner of insurance;

(4) a representative of The University of Texas health science centers, appointed by the chancellor of The University of Texas System;

(5) a representative of the public and private entities that contract with the [~~Texas~~] Department of State Health Services to provide genetic services, elected from their membership; and

(6) two consumers of genetic services, family members

1 of consumers of genetic services, or representatives of consumer
2 groups related to the provision of genetic services, appointed by
3 the governor.

4 (c) The members provided for by Subdivisions (5) and (6) of
5 Subsection (b) [~~of this section~~] serve two-year terms and may be
6 reappointed or reelected for subsequent terms. A representative of
7 the [~~Texas~~] Department of Aging and Disability Services, [~~Mental~~
8 ~~Health and Mental Retardation, Texas~~] Department of State Health
9 Services, Texas Department of Insurance, or The University of Texas
10 health science centers serves at the pleasure of the appropriate
11 [~~his respective~~] commissioner or chancellor or until termination of
12 the person's [~~his~~] employment with the represented entity [~~he~~
13 ~~represents~~].

14 SECTION 2. Subsection (b), Section 134.003, Human Resources
15 Code, is amended to read as follows:

16 (b) The [~~Texas~~] Department of State Health Services,
17 [~~Texas~~] Department of Aging and Disability Services [~~Mental Health~~
18 ~~and Mental Retardation~~], Texas Department of Insurance, and The
19 University of Texas health science centers shall share the cost of
20 providing clerical and advisory support staff to the council.

21 SECTION 3. Section 134.004, Human Resources Code, is
22 amended to read as follows:

23 Sec. 134.004. DUTIES. The council shall:
24 (1) survey current resources for human genetic
25 services in the state;
26 (2) initiate a scientific evaluation of the current
27 and future needs for the services;

1 (3) develop a comparable data base among providers
2 that will permit the evaluation of cost-effectiveness and the value
3 of different human genetic services and methods of service
4 delivery;

5 (4) promote a common statewide data base to study the
6 epidemiology of human genetic disorders;

7 (5) assist in coordinating statewide human genetic
8 services for all state residents;

9 (6) increase the flow of information among separate
10 providers and appropriation authorities and develop recommended
11 contract terms that address the provision of and payment for the use
12 of human genetic services to cure disease under publicly funded
13 programs for the provision of health care;

14 (7) develop guidelines to monitor the provision of
15 human genetic services, including laboratory testing;

16 (8) identify state entities that serve persons who are
17 affected by or who are at risk of having children who are affected
18 by environmental genetic disorders and coordinate activities with
19 those agencies; ~~and~~

20 (9) develop strategies, including the use of
21 telemedicine and genetic counselors, to increase the availability
22 of genetic services in rural and underserved areas of the state;

23 (10) coordinate and expand education to the public,
24 health care providers, medical students, child-care workers, and
25 school personnel regarding human genetic services and genetic
26 disorders;

27 (11) address language and cultural barriers that

1 affect the council's mission and train providers in cultural
2 competency;

3 (12) address the trend to transfer costs for providing
4 genetic services to a clinical geneticist or the clinical
5 geneticist's employer;

6 (13) develop recruitment strategies and educational
7 programs to attract diversity in genetic services clinics; and

8 (14) work in coordination with the state agencies
9 named in Sections 134.001(b)(1), (2), and (3) when the agency
10 initiates, considers, or proposes a rule relating to human genetics
11 or human genetic services.

12 SECTION 4. Section 134.005, Human Resources Code, is
13 amended to read as follows:

14 Sec. 134.005. USE OF FUNDS. (a) The council may receive
15 any appropriation, donation, contribution, or other funds from the
16 state or federal government or any other public or private source to
17 perform its duties under this chapter [~~Act~~]. The [~~Texas~~]
18 Department of State Health Services shall accept the funds on
19 behalf of the council and shall deposit any funds accepted under
20 this subsection to the credit of a special account in the General
21 Revenue Fund. The department may retain a percentage of any funds
22 accepted on behalf of the council to cover its costs in
23 administering this subsection. The percentage retained by the
24 department shall be set at a level agreeable to the council.

25 (b) If the [~~Texas~~] Department of State Health Services,
26 [~~Texas~~] Department of Aging and Disability Services [~~Mental Health~~
27 ~~and Mental Retardation~~], Texas Department of Insurance, or The

1 University of Texas health science centers receive federal funds to
2 be used only to coordinate and plan statewide genetic services, the
3 department or system shall transfer the funds to the council
4 through the ~~[Texas]~~ Department of State Health Services to be used
5 for the purposes for which the funds were received.

6 (c) The council shall adopt and employ policies and methods
7 of financial management which are acceptable to the ~~[Texas]~~
8 Department of State Health Services.

9 (d) The ~~[Texas]~~ Department of State Health Services may
10 expend funds received on behalf of the council under this section
11 for the purposes of this chapter ~~[Act]~~, in accordance with the
12 recommendations from the council.

13 SECTION 5. Section 134.006, Human Resources Code, is
14 amended to read as follows:

15 Sec. 134.006. ANNUAL REPORTS. The council shall annually
16 submit a progress report to the executive commissioner of the
17 Health and Human Services Commission, to the commissioners ~~[boards]~~
18 of the ~~[Texas]~~ Department of State Health Services and the ~~[Texas]~~
19 Department of Aging and Disability Services ~~[Mental Health and~~
20 ~~Mental Retardation]~~, to the commissioner of insurance ~~[the Texas~~
21 ~~Department of Insurance]~~, and to the board of regents of The
22 University of Texas System.

23 SECTION 6. Chapter 134, Human Resources Code, is amended by
24 adding Sections 134.007, 134.008, and 134.009 to read as follows:

25 Sec. 134.007. TASK FORCE. (a) The commissioner of state
26 health services shall appoint a task force to study best practices
27 for educating medical students and local health care providers on

1 genetic issues and providing for their participation in genetic
2 services clinics.

3 (b) Members of the task force are not entitled to
4 compensation, per diem, or expense reimbursement for their service
5 on the task force.

6 Sec. 134.008. ADVISORY COMMITTEE ON LICENSING. (a) The
7 commissioner of state health services shall establish an advisory
8 committee on the licensing of genetic counselors.

9 (b) The advisory committee shall be composed of members
10 appointed by the commissioner of state health services from the
11 public and private sectors, including:

12 (1) representatives from the agencies included in the
13 council;

14 (2) a Department of State Health Services employee who
15 performs functions relating to licensing; and

16 (3) a representative of the public.

17 (c) The Department of State Health Services shall provide
18 staff necessary for the advisory committee.

19 (d) The advisory committee shall make recommendations to
20 the executive commissioner of the Health and Human Services
21 Commission with respect to the creation of licensing standards for
22 genetic counselors.

23 (e) Section 2110.008, Government Code, does not apply to the
24 advisory committee.

25 Sec. 134.009. LICENSING OF GENETIC COUNSELORS. (a) A
26 person may not act as a genetic counselor if the person does not
27 hold a license issued in accordance with rules adopted under this

1 section.

2 (b) The executive commissioner of the Health and Human
3 Services Commission shall adopt rules governing the license
4 requirements for genetic counselors, including rules relating to:

5 (1) the term of the license;

6 (2) a fee for the license and renewal of the license,
7 which must be set in amounts necessary to defray the costs of
8 administering the licensing program;

9 (3) renewal of the license; and

10 (4) training or educational requirements for license
11 holders that ensure that genetic counselors meet minimum standards
12 for competency as necessary to protect the health and safety of
13 residents of this state.

14 (c) In adopting rules under Subsection (b), the executive
15 commissioner shall consider the recommendations of the advisory
16 committee established under Section 134.008.

17 SECTION 7. This Act takes effect September 1, 2005.