

By: Nelson

S.B. No. 1329

A BILL TO BE ENTITLED

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. Section 62.155, Health and Safety Code, is amended by adding Subsection (e) to read as follows:

(e) The executive commissioner of the Health and Human Services Commission by rule shall require that any contract under the child health plan for the provision of genetic services contain provisions for the prompt payment of an appropriate claim by a clinical geneticist.

SECTION 2. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.068 to read as follows:

Sec. 32.068. CONTRACTS FOR GENETIC SERVICES. The executive commissioner of the Health and Human Services Commission by rule shall require that the medical assistance program provide prompt payment of an appropriate claim by a clinical geneticist for the provision of genetic services.

SECTION 3. Sections 134.001(b) and (c), 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

1 ~~[mental health and mental retardation]~~;

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

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

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

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

14 (6) two consumers of genetic services, family members
15 of consumers of genetic services, or representatives of consumer
16 groups related to the provision of genetic services, appointed by
17 the governor.

18 (c) The members provided for by Subdivisions (5) and (6) of
19 Subsection (b) ~~[of this section]~~ serve two-year terms and may be
20 reappointed or reelected for subsequent terms. A representative of
21 the ~~[Texas]~~ Department of Aging and Disability Services, ~~[Mental~~
22 ~~Health and Mental Retardation, Texas]~~ Department of State Health
23 Services, Texas Department of Insurance, or The University of Texas
24 health science centers serves at the pleasure of the appropriate
25 ~~[his respective]~~ commissioner or chancellor or until termination of
26 the person's ~~[his]~~ employment with the represented entity ~~[he~~
27 ~~represents]~~.

1 SECTION 4. Section 134.003(b), Human Resources Code, is
2 amended to read as follows:

3 (b) The [~~Texas~~] Department of State Health Services,
4 [~~Texas~~] Department of Aging and Disability Services [~~Mental Health~~
5 ~~and Mental Retardation~~], Texas Department of Insurance, and The
6 University of Texas health science centers shall share the cost of
7 providing clerical and advisory support staff to the council.

8 SECTION 5. Section 134.004, Human Resources Code, is
9 amended to read as follows:

10 Sec. 134.004. DUTIES. The council shall:

11 (1) survey current resources for human genetic
12 services in the state;

13 (2) initiate a scientific evaluation of the current
14 and future needs for the services;

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

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

21 (5) assist in coordinating statewide human genetic
22 services for all state residents;

23 (6) increase the flow of information among separate
24 providers and appropriation authorities and develop recommended
25 contract terms that address the provision of and payment for the use
26 of human genetic services to cure disease under publicly funded
27 programs for the provision of health care;

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

3 (8) identify state entities that serve persons who are
4 affected by or who are at risk of having children who are affected
5 by environmental genetic disorders and coordinate activities with
6 those agencies; ~~and~~

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

10 (10) coordinate and expand education to the public,
11 health care providers, medical students, child-care workers, and
12 school personnel regarding human genetic services and genetic
13 disorders;

14 (11) address language and cultural barriers that
15 affect the council's mission and train providers in cultural
16 competency;

17 (12) address the trend to transfer costs for providing
18 genetic services to a clinical geneticist or the clinical
19 geneticist's employer;

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

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

26 SECTION 6. Section 134.005, Human Resources Code, is
27 amended to read as follows:

1 Sec. 134.005. USE OF FUNDS. (a) The council may receive
2 any appropriation, donation, contribution, or other funds from the
3 state or federal government or any other public or private source to
4 perform its duties under this chapter [~~Act~~]. The [~~Texas~~]
5 Department of State Health Services shall accept the funds on
6 behalf of the council and shall deposit any funds accepted under
7 this subsection to the credit of a special account in the General
8 Revenue Fund. The department may retain a percentage of any funds
9 accepted on behalf of the council to cover its costs in
10 administering this subsection. The percentage retained by the
11 department shall be set at a level agreeable to the council.

12 (b) If the [~~Texas~~] Department of State Health Services,
13 [~~Texas~~] Department of Aging and Disability Services [~~Mental Health~~
14 ~~and Mental Retardation~~], Texas Department of Insurance, or The
15 University of Texas health science centers receive federal funds to
16 be used only to coordinate and plan statewide genetic services, the
17 department or system shall transfer the funds to the council
18 through the [~~Texas~~] Department of State Health Services to be used
19 for the purposes for which the funds were received.

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

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

27 SECTION 7. Section 134.006, Human Resources Code, is

1 amended to read as follows:

2 Sec. 134.006. ANNUAL REPORTS. The council shall annually
3 submit a progress report to the commissioner of the Health and Human
4 Services Commission, to the commissioners [~~boards~~] of the [~~Texas~~]
5 Department of State Health Services and the [~~Texas~~] Department of
6 Aging and Disability Services [~~Mental Health and Mental~~
7 ~~Retardation~~], to the commissioner of insurance [~~the Texas~~
8 ~~Department of Insurance~~], and to the board of regents of The
9 University of Texas System.

10 SECTION 8. Chapter 134, Human Resources Code, is amended by
11 adding Sections 134.007, 134.008, and 134.009 to read as follows:

12 Sec. 134.007. TASK FORCE. (a) The commissioner of state
13 health services shall appoint a task force to study best practices
14 for educating medical students and local health care providers on
15 genetic issues and providing for their participation in genetic
16 services clinics.

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

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

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

26 (1) representatives from the agencies included in the
27 council;

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

3 (3) a representative of the public.

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

6 (d) The advisory committee shall make recommendations to
7 the executive commissioner of the Health and Human Services
8 Commission with respect to the creation of licensing standards for
9 genetic counselors.

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

12 Sec. 134.009. LICENSING OF GENETIC COUNSELORS. (a) A
13 person may not act as a genetic counselor if the person does not
14 hold a license issued in accordance with rules adopted under this
15 section.

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

19 (1) the term of the license;

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

23 (3) renewal of the license; and

24 (4) training or educational requirements for license
25 holders that ensure that genetic counselors meet minimum standards
26 for competency as necessary to protect the health and safety of
27 residents of this state.

1 (c) In adopting rules under Subsection (b), the executive
2 commissioner shall consider the recommendations of the advisory
3 committee established under Section 134.008.

4 SECTION 9. This Act takes effect September 1, 2005.