

1-1 By: Nelson S.B. No. 1329
1-2 (In the Senate - Filed March 10, 2005; March 21, 2005, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 April 11, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 11, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1329 By: Nelson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the Interagency Council for Genetic Services and the
1-11 provision of genetic counseling services.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsections (b) and (c), Section 134.001, Human
1-14 Resources Code, are amended to read as follows:

1-15 (b) The council consists of:

1-16 (1) a representative of the [Texas] Department of
1-17 Aging and Disability Services [~~Mental Health and Mental~~
1-18 ~~Retardation~~], appointed by the commissioner of that department
1-19 [~~mental health and mental retardation~~];

1-20 (2) a representative of the [Texas] Department of
1-21 State Health Services, appointed by the commissioner of that
1-22 department [~~health~~];

1-23 (3) a representative of the Texas Department of
1-24 Insurance, appointed by the commissioner of insurance;

1-25 (4) a representative of The University of Texas health
1-26 science centers, appointed by the chancellor of The University of
1-27 Texas System;

1-28 (5) a representative of the public and private
1-29 entities that contract with the [Texas] Department of State Health
1-30 Services to provide genetic services, elected from their
1-31 membership; and

1-32 (6) two consumers of genetic services, family members
1-33 of consumers of genetic services, or representatives of consumer
1-34 groups related to the provision of genetic services, appointed by
1-35 the governor.

1-36 (c) The members provided for by Subdivisions (5) and (6) of
1-37 Subsection (b) [~~of this section~~] serve two-year terms and may be
1-38 reappointed or reelected for subsequent terms. A representative of
1-39 the [Texas] Department of Aging and Disability Services, [~~Mental~~
1-40 ~~Health and Mental Retardation, Texas~~] Department of State Health
1-41 Services, Texas Department of Insurance, or The University of Texas
1-42 health science centers serves at the pleasure of the appropriate
1-43 [~~his respective~~] commissioner or chancellor or until termination of
1-44 the person's [~~his~~] employment with the represented entity [~~he~~
1-45 ~~represents~~].

1-46 SECTION 2. Subsection (b), Section 134.003, Human Resources
1-47 Code, is amended to read as follows:

1-48 (b) The [Texas] Department of State Health Services,
1-49 [~~Texas~~] Department of Aging and Disability Services [~~Mental Health~~
1-50 ~~and Mental Retardation~~], Texas Department of Insurance, and The
1-51 University of Texas health science centers shall share the cost of
1-52 providing clerical and advisory support staff to the council.

1-53 SECTION 3. Section 134.004, Human Resources Code, is
1-54 amended to read as follows:

1-55 Sec. 134.004. DUTIES. The council shall:

1-56 (1) survey current resources for human genetic
1-57 services in the state;

1-58 (2) initiate a scientific evaluation of the current
1-59 and future needs for the services;

1-60 (3) develop a comparable data base among providers
1-61 that will permit the evaluation of cost-effectiveness and the value
1-62 of different human genetic services and methods of service
1-63 delivery;

2-1 (4) promote a common statewide data base to study the
 2-2 epidemiology of human genetic disorders;
 2-3 (5) assist in coordinating statewide human genetic
 2-4 services for all state residents;
 2-5 (6) increase the flow of information among separate
 2-6 providers and appropriation authorities and develop recommended
 2-7 contract terms that address the provision of and payment for the use
 2-8 of human genetic services to cure disease under publicly funded
 2-9 programs for the provision of health care;
 2-10 (7) develop guidelines to monitor the provision of
 2-11 human genetic services, including laboratory testing;
 2-12 (8) identify state entities that serve persons who are
 2-13 affected by or who are at risk of having children who are affected
 2-14 by environmental genetic disorders and coordinate activities with
 2-15 those agencies; ~~and~~
 2-16 (9) develop strategies, including the use of
 2-17 telemedicine and genetic counselors, to increase the availability
 2-18 of genetic services in rural and underserved areas of the state;
 2-19 (10) coordinate and expand education to the public,
 2-20 health care providers, medical students, child-care workers, and
 2-21 school personnel regarding human genetic services and genetic
 2-22 disorders;
 2-23 (11) address language and cultural barriers that
 2-24 affect the council's mission and train providers in cultural
 2-25 competency;
 2-26 (12) address the trend to transfer costs for providing
 2-27 genetic services to a clinical geneticist or the clinical
 2-28 geneticist's employer;
 2-29 (13) develop recruitment strategies and educational
 2-30 programs to attract diversity in genetic services clinics; and
 2-31 (14) work in coordination with the state agencies
 2-32 named in Sections 134.001(b)(1), (2), and (3) when the agency
 2-33 initiates, considers, or proposes a rule relating to human genetics
 2-34 or human genetic services.

2-35 SECTION 4. Section 134.005, Human Resources Code, is
 2-36 amended to read as follows:
 2-37 Sec. 134.005. USE OF FUNDS. (a) The council may receive
 2-38 any appropriation, donation, contribution, or other funds from the
 2-39 state or federal government or any other public or private source to
 2-40 perform its duties under this chapter ~~[Act]~~. The ~~[Texas]~~
 2-41 Department of State Health Services shall accept the funds on
 2-42 behalf of the council and shall deposit any funds accepted under
 2-43 this subsection to the credit of a special account in the General
 2-44 Revenue Fund. The department may retain a percentage of any funds
 2-45 accepted on behalf of the council to cover its costs in
 2-46 administering this subsection. The percentage retained by the
 2-47 department shall be set at a level agreeable to the council.

2-48 (b) If the ~~[Texas]~~ Department of State Health Services,
 2-49 ~~[Texas]~~ Department of Aging and Disability Services ~~[Mental Health~~
 2-50 ~~and Mental Retardation]~~, Texas Department of Insurance, or The
 2-51 University of Texas health science centers receive federal funds to
 2-52 be used only to coordinate and plan statewide genetic services, the
 2-53 department or system shall transfer the funds to the council
 2-54 through the ~~[Texas]~~ Department of State Health Services to be used
 2-55 for the purposes for which the funds were received.

2-56 (c) The council shall adopt and employ policies and methods
 2-57 of financial management which are acceptable to the ~~[Texas]~~
 2-58 Department of State Health Services.

2-59 (d) The ~~[Texas]~~ Department of State Health Services may
 2-60 expend funds received on behalf of the council under this section
 2-61 for the purposes of this chapter ~~[Act]~~, in accordance with the
 2-62 recommendations from the council.

2-63 SECTION 5. Section 134.006, Human Resources Code, is
 2-64 amended to read as follows:
 2-65 Sec. 134.006. ANNUAL REPORTS. The council shall annually
 2-66 submit a progress report to the executive commissioner of the
 2-67 Health and Human Services Commission, to the commissioners ~~[boards]~~
 2-68 of the ~~[Texas]~~ Department of State Health Services and the ~~[Texas]~~
 2-69 Department of Aging and Disability Services ~~[Mental Health and~~

3-1 ~~Mental Retardation~~], to the commissioner of insurance [~~the Texas~~
3-2 ~~Department of Insurance~~], and to the board of regents of The
3-3 University of Texas System.

3-4 SECTION 6. Chapter 134, Human Resources Code, is amended by
3-5 adding Sections 134.007, 134.008, and 134.009 to read as follows:

3-6 Sec. 134.007. TASK FORCE. (a) The commissioner of state
3-7 health services shall appoint a task force to study best practices
3-8 for educating medical students and local health care providers on
3-9 genetic issues and providing for their participation in genetic
3-10 services clinics.

3-11 (b) Members of the task force are not entitled to
3-12 compensation, per diem, or expense reimbursement for their service
3-13 on the task force.

3-14 Sec. 134.008. ADVISORY COMMITTEE ON LICENSING. (a) The
3-15 commissioner of state health services shall establish an advisory
3-16 committee on the licensing of genetic counselors.

3-17 (b) The advisory committee shall be composed of members
3-18 appointed by the commissioner of state health services from the
3-19 public and private sectors, including:

3-20 (1) representatives from the agencies included in the
3-21 council;

3-22 (2) a Department of State Health Services employee who
3-23 performs functions relating to licensing; and

3-24 (3) a representative of the public.

3-25 (c) The Department of State Health Services shall provide
3-26 staff necessary for the advisory committee.

3-27 (d) The advisory committee shall make recommendations to
3-28 the executive commissioner of the Health and Human Services
3-29 Commission with respect to the creation of licensing standards for
3-30 genetic counselors.

3-31 (e) Section 2110.008, Government Code, does not apply to the
3-32 advisory committee.

3-33 Sec. 134.009. LICENSING OF GENETIC COUNSELORS. (a) A
3-34 person may not act as a genetic counselor if the person does not
3-35 hold a license issued in accordance with rules adopted under this
3-36 section.

3-37 (b) The executive commissioner of the Health and Human
3-38 Services Commission shall adopt rules governing the license
3-39 requirements for genetic counselors, including rules relating to:

3-40 (1) the term of the license;

3-41 (2) a fee for the license and renewal of the license,
3-42 which must be set in amounts necessary to defray the costs of
3-43 administering the licensing program;

3-44 (3) renewal of the license; and

3-45 (4) training or educational requirements for license
3-46 holders that ensure that genetic counselors meet minimum standards
3-47 for competency as necessary to protect the health and safety of
3-48 residents of this state.

3-49 (c) In adopting rules under Subsection (b), the executive
3-50 commissioner shall consider the recommendations of the advisory
3-51 committee established under Section 134.008.

3-52 SECTION 7. This Act takes effect September 1, 2005.

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