

By: Lucio

S.B. No. 775

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of clinical laboratory science professionals; providing penalties.

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

SECTION 1. Subtitle M, Title 3, Occupations Code, is amended by adding Chapter 703 to read as follows:

CHAPTER 703. CLINICAL LABORATORY SCIENCE PROFESSIONALS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 703.001. SHORT TITLE. This chapter may be cited as the Clinical Laboratory Science Practice Act.

Sec. 703.002. PUBLIC POLICY; LEGISLATIVE PURPOSE. (a) The legislature declares as a policy of this state that:

(1) the practice of clinical laboratory science by health care professionals affects the public health, safety, and welfare and is subject to control and regulation in the public interest; and

(2) clinical laboratories and clinical laboratory science professionals provide essential services to health care professionals by furnishing vital information that may be used in the diagnosis, prevention, and treatment of diseases or impairment and the assessment of human health.

(b) The purpose of this chapter is to ensure better protection of the public health by:

(1) requiring minimum qualifications for clinical

1 laboratory science professionals; and

2 (2) ensuring that clinical laboratory tests are  
3 performed with the highest degree of professional competency by  
4 individuals engaged in providing the services in this state.

5 Sec. 703.003. DEFINITIONS. In this chapter:

6 (1) "Advisory board" means the Clinical Laboratory  
7 Science Advisory Board.

8 (2) "Categorical clinical laboratory scientist" means  
9 an individual licensed under this chapter to perform clinical  
10 laboratory scientist services in one major practice area of a  
11 laboratory.

12 (3) "Clinical laboratory" means a facility in which a  
13 clinical laboratory test is performed.

14 (4) "Clinical laboratory science professional" means  
15 an individual licensed under this chapter to practice clinical  
16 laboratory science.

17 (5) "Clinical laboratory scientist" means an  
18 individual licensed under this chapter to perform clinical  
19 laboratory scientist services. The term includes a medical  
20 technologist.

21 (6) "Clinical laboratory scientist services" means:

22 (A) the performance of clinical laboratory  
23 tests;

24 (B) the establishment and implementation of  
25 protocols, quality assessment, method development and selection,  
26 equipment selection and maintenance, and all activities related to  
27 the pre-analytic, analytic, and post-analytic phases of clinical

1 laboratory testing; and

2 (C) the direction, supervision, consultation,  
3 education, and performance of research functions related to  
4 clinical laboratory testing.

5 (7) "Clinical laboratory specialist in cytogenetics"  
6 means an individual licensed under this chapter to perform  
7 cytogenetic testing, including culturing, harvesting, staining,  
8 microscopy, and chromosome analysis, and to direct, supervise,  
9 consult, educate, and perform research functions related to  
10 clinical laboratory testing.

11 (8) "Clinical laboratory specialist in  
12 histocompatibility" means an individual licensed under this  
13 chapter to perform histocompatibility testing by molecular and  
14 serological techniques and to direct, supervise, consult, educate,  
15 and perform research functions related to clinical laboratory  
16 testing.

17 (9) "Clinical laboratory specialist in molecular  
18 biology" means an individual licensed under this chapter to perform  
19 each aspect of molecular analysis, including recombinant DNA  
20 technology, polymerase chain reaction, and hybridization  
21 techniques and to direct, supervise, consult, educate, and perform  
22 research functions related to clinical laboratory testing.

23 (10) "Clinical laboratory technician" means an  
24 individual licensed under this chapter to perform clinical  
25 laboratory technician services. The term includes a medical  
26 laboratory technician.

27 (11) "Clinical laboratory technician services" means

1 the performance of clinical laboratory tests in accordance with  
2 established and approved protocols that require the limited  
3 exercise of independent judgment and are performed under the  
4 supervision of a clinical laboratory scientist, laboratory  
5 supervisor, or laboratory director.

6 (12) "Clinical laboratory test" means a  
7 microbiological, serological, chemical, biological,  
8 hematological, immunological, immunohematological, radiobioassay,  
9 cytochemical, cytobiological, or biophysical test or procedure  
10 performed on material derived from or existing in a human body that  
11 provides information for the diagnosis, prevention, or monitoring  
12 of a disease or impairment or assessment of a clinical condition.  
13 The term includes the pre-analytic, analytic, and post-analytic  
14 phases of testing.

15 (13) "Commissioner" means the commissioner of state  
16 health services.

17 (14) "Department" means the Department of State Health  
18 Services.

19 (15) "Executive commissioner" means the executive  
20 commissioner of the Health and Human Services Commission.

21 (16) "Point-of-care testing" means analytical patient  
22 testing activities provided at a health care facility but performed  
23 outside the central medical laboratory facilities that do not  
24 require permanent dedicated space, including testing using  
25 analytical instruments at a temporary patient care location.

26 (17) "Practice of clinical laboratory science" means  
27 practice by an individual who manages, supervises, educates,

1 consults, researches, or performs clinical laboratory testing or  
2 technical procedures in a clinical laboratory. The term does not  
3 include the activities of a licensed physician or of a person  
4 performing only clerical duties or other duties not directly  
5 related to the performance of clinical laboratory testing.

6 (18) "Trainee" means an individual who has not  
7 fulfilled the educational requirements to take an approved  
8 nationally recognized certification examination or who is in the  
9 process of obtaining full-time comprehensive experience under  
10 supervision.

11 (19) "Waived test" means a simple laboratory  
12 examination or procedure that, under the United States Food and  
13 Drug Administration's interpretation of the Clinical Laboratory  
14 Improvement Amendments (42 C.F.R. Part 493), employs a simple and  
15 accurate methodology that renders the likelihood of erroneous  
16 results negligible or poses no reasonable risk of harm to the  
17 patient if performed incorrectly.

18 Sec. 703.004. EXEMPTIONS. This chapter does not apply to:

19 (1) an individual licensed under the laws of this  
20 state and engaged in health care services within the scope of the  
21 license holder's licensed practice;

22 (2) an individual engaged in the practice of clinical  
23 laboratory science in the employ of the federal government or a  
24 federal bureau, division, or agency and in the discharge of the  
25 employee's official duties;

26 (3) an individual engaged in the practice of clinical  
27 laboratory science and engaged exclusively in research, provided

1 that the results of an examination performed are not used in health  
2 maintenance, diagnosis, or treatment of disease;

3 (4) a student or trainee enrolled in a clinical  
4 laboratory science education program, provided that:

5 (A) the activities constitute a part of a planned  
6 course in the program;

7 (B) the individual is designated by title as an  
8 intern, trainee, or student; and

9 (C) the individual works directly under an  
10 individual licensed by this state to practice clinical laboratory  
11 science or an individual exempt from this chapter under Subdivision  
12 (3);

13 (5) an individual solely performing waived or  
14 provider-performed microscopy tests under the Clinical Laboratory  
15 Improvement Amendments (42 C.F.R. Part 493); or

16 (6) an individual performing tests categorized under  
17 the Clinical Laboratory Improvement Amendments (42 C.F.R. Part 493)  
18 as non-waived point-of-care testing, but only if the acute care  
19 facility complies with the following requirements:

20 (A) in the laboratory, a clinical laboratory  
21 scientist or individual who qualifies as a laboratory director  
22 under the Clinical Laboratory Improvement Amendments (42 C.F.R.  
23 Part 493) is responsible for:

24 (i) designing and providing or supervising  
25 the training programs for the point-of-care testing personnel;

26 (ii) supervising and monitoring the quality  
27 assurance and quality control activities of the testing site;

1                   (iii) assisting in the selection of  
2 technology;

3                   (iv) reviewing the results of proficiency  
4 testing and recommending corrective action, if necessary; and

5                   (v) monitoring the continued competency of  
6 the testing personnel; and

7                   (B) processes are in place at the facility and  
8 are acceptable to the department to ensure and document the  
9 continued competency of the point-of-care testing personnel.

10           Sec. 703.005. APPLICATION OF SUNSET ACT. The Clinical  
11 Laboratory Science Advisory Board is subject to Chapter 325,  
12 Government Code (Texas Sunset Act). Unless continued in existence  
13 as provided by that chapter, the advisory board is abolished and  
14 this chapter expires September 1, 2021.

15           [Sections 703.006-703.050 reserved for expansion]

16           SUBCHAPTER B. EXECUTIVE COMMISSIONER, COMMISSIONER, AND

17                   DEPARTMENT POWERS AND DUTIES

18           Sec. 703.051. RULES. (a) The executive commissioner shall  
19 adopt rules necessary to administer this chapter, including rules  
20 on:

21                   (1) the qualifications for licensure under each  
22 category of clinical laboratory science professional;

23                   (2) the renewal of licensure;

24                   (3) standards of professional conduct for each  
25 category of clinical laboratory science professional;

26                   (4) authorization or approval of nationally  
27 recognized, validated, criterion-based certification examinations

1 for clinical laboratory science professionals; and

2 (5) criteria for the continuing education of clinical  
3 laboratory science professionals as required for license renewal.

4 (b) The executive commissioner by rule shall prescribe the  
5 activities that may be performed by each category of license holder  
6 under this chapter.

7 Sec. 703.052. FEES. The commissioner shall establish and  
8 collect reasonable and necessary fees in amounts sufficient to  
9 cover the costs of administering this chapter.

10 Sec. 703.053. DEPARTMENT POWERS AND DUTIES. (a) The  
11 department may authorize disbursements necessary to implement this  
12 chapter, including disbursements for office expenses, equipment  
13 costs, and other necessary facilities.

14 (b) The department may examine any criminal conviction,  
15 guilty plea, or deferred adjudication of an applicant for issuance  
16 or renewal of a license, including by obtaining any criminal  
17 history record information permitted by law.

18 Sec. 703.054. PERSONNEL. The department may employ  
19 personnel necessary to administer this chapter.

20 Sec. 703.055. REGISTRY OF LICENSE HOLDERS. (a) The  
21 department shall maintain a registry of the name and addresses of  
22 each individual licensed under this chapter and each individual  
23 whose license has been suspended or revoked in the preceding year.

24 (b) The department shall post the registry on the  
25 department's Internet website and make copies of the registry  
26 available to the public on request.

27 Sec. 703.056. CONSUMER INTEREST INFORMATION. (a) The



1 department shall prepare information of consumer interest  
2 describing:

3 (1) the functions performed by the department under  
4 this chapter; and

5 (2) the rights of a consumer affected by this chapter.

6 (b) The information must describe the procedure by which a  
7 consumer complaint is filed with and resolved by the department.

8 (c) The department shall make the information available to  
9 the public.

10 [Sections 703.057-703.100 reserved for expansion]

11 SUBCHAPTER C. CLINICAL LABORATORY SCIENCE ADVISORY BOARD

12 Sec. 703.101. ADVISORY BOARD. (a) The Clinical Laboratory  
13 Science Advisory Board is an advisory body to the department and  
14 executive commissioner.

15 (b) The advisory board consists of seven members appointed  
16 by the governor as follows:

17 (1) four members who are licensed clinical laboratory  
18 science professionals, with at least one who is not a physician  
19 laboratory director and at least one who is a clinical laboratory  
20 scientist;

21 (2) one member who is a physician certified by the  
22 American Board of Pathology, the American Board of Osteopathic  
23 Pathology, or another certification board the department  
24 determines has certification requirements at least as stringent as  
25 those of the American Board of Pathology or the American Board of  
26 Osteopathic Pathology;

27 (3) one member who is a physician and is not a

1 laboratory director or pathologist; and

2 (4) one public member.

3 (c) The governor may make appointments to the advisory board  
4 from lists submitted by organizations of clinical laboratory  
5 science professionals and organizations of physician pathologists.

6 (d) Chapter 2110, Government Code, does not apply to the  
7 advisory board.

8 Sec. 703.102. TERMS; VACANCIES. (a) Members serve  
9 staggered three-year terms and until their successors are appointed  
10 and qualified.

11 (b) A vacancy shall be filled for the remainder of the  
12 unexpired term in the same manner as an original appointment.

13 (c) A member may not serve more than two consecutive terms.

14 Sec. 703.103. PUBLIC MEMBER ELIGIBILITY. A member who  
15 represents the public may not be:

16 (1) an officer, director, or employee of an individual  
17 regulated under this chapter;

18 (2) an individual required to register as a lobbyist  
19 under Chapter 305, Government Code; or

20 (3) an individual related to an individual described  
21 by Subdivision (1) or (2) within the second degree by affinity or  
22 consanguinity.

23 Sec. 703.104. COMPENSATION; REIMBURSEMENT. A member of the  
24 advisory board serves without compensation. If authorized by the  
25 commissioner, an advisory board member is entitled to reimbursement  
26 for actual and necessary expenses incurred in performing the  
27 functions of the advisory board, subject to the General

1 Appropriations Act.

2 Sec. 703.105. MEETINGS. The advisory board shall meet  
3 twice annually and may meet at other times at the call of the  
4 commissioner.

5 Sec. 703.106. ADVISORY BOARD DUTIES. The advisory board  
6 shall provide advice and recommendations to the department and  
7 executive commissioner on technical matters relevant to the  
8 administration and enforcement of this chapter, including  
9 examination approval, licensing standards and qualifications,  
10 renewal requirements, standards of professional conduct, and  
11 continuing education requirements.

12 [Sections 703.107-703.150 reserved for expansion]

13 SUBCHAPTER D. LICENSE REQUIREMENTS

14 Sec. 703.151. LICENSE REQUIRED. (a) Except as provided by  
15 Section 703.004, an individual may not perform or offer to perform  
16 clinical laboratory tests or represent that the individual is a  
17 clinical laboratory science professional unless the individual  
18 holds an appropriate license issued under this chapter.

19 (b) The executive commissioner by rule may establish the  
20 qualifications and licensing requirements for additional  
21 categories of clinical laboratory license professionals as the  
22 executive commissioner determines necessary to protect the public  
23 health and safety.

24 Sec. 703.152. APPLICATION REQUIREMENTS. (a) An applicant  
25 for a license under this chapter must:

26 (1) submit to the department a completed application  
27 on a form prescribed by the commissioner;

1           (2) submit to the department any other information  
2 required by department rule;

3           (3) demonstrate to the satisfaction of the  
4 commissioner the qualifications required by this chapter and  
5 department rule;

6           (4) demonstrate the applicant's honesty,  
7 trustworthiness, and integrity; and

8           (5) pay the application fee.

9           (b) The department shall issue the appropriate license to  
10 each individual who meets the qualifications required by this  
11 chapter and department rule.

12           (c) The department may conduct an examination of any  
13 criminal conviction of an applicant, including obtaining any  
14 criminal history record information permitted by law.

15           Sec. 703.153. CLINICAL LABORATORY SCIENTIST. An applicant  
16 for a clinical laboratory scientist license must:

17           (1) hold a baccalaureate degree from a regionally  
18 accredited college or university;

19           (2) have successfully completed the clinical  
20 laboratory experience or training required by department rule;

21           (3) be certified by a nationally recognized  
22 certification organization approved by the executive commissioner;

23           (4) pay the application fee and license fee; and

24           (5) comply with any other requirements established by  
25 department rule.

26           Sec. 703.154. CATEGORICAL CLINICAL LABORATORY SCIENTIST.  
27 An applicant for a categorical clinical laboratory scientist

1 license must:

2 (1) hold a baccalaureate degree from a regionally  
3 accredited college or university;

4 (2) have successfully completed the clinical  
5 laboratory experience or training required by department rule;

6 (3) be certified by a nationally recognized  
7 certification organization approved by the executive commissioner;

8 (4) pay the application fee and license fee; and

9 (5) comply with any other requirements established by  
10 department rule.

11 Sec. 703.155. CLINICAL LABORATORY TECHNICIAN. An applicant  
12 for a clinical laboratory technician license must:

13 (1) hold at least an associate degree from a  
14 regionally accredited college or university;

15 (2) have successfully completed the clinical  
16 laboratory experience or training required by department rule;

17 (3) be certified by a nationally recognized  
18 certification organization approved by the executive commissioner;

19 (4) pay the application fee and license fee; and

20 (5) comply with any other requirements established by  
21 department rule.

22 Sec. 703.156. CLINICAL LABORATORY SPECIALIST IN MOLECULAR  
23 BIOLOGY. An applicant for a clinical laboratory specialist in  
24 molecular biology license must:

25 (1) hold a baccalaureate degree from a regionally  
26 accredited college or university;

27 (2) have successfully completed the clinical

1 laboratory experience or training required by department rule;

2 (3) be certified by a nationally recognized  
3 certification organization approved by the executive commissioner;

4 (4) pay the application fee and license fee; and

5 (5) comply with any other requirements established by  
6 department rule.

7 Sec. 703.157. CLINICAL LABORATORY SPECIALIST IN  
8 CYTOGENETICS. An applicant for a clinical laboratory specialist in  
9 cytogenetics license must:

10 (1) hold a baccalaureate degree from a regionally  
11 accredited college or university;

12 (2) have successfully completed the clinical  
13 laboratory experience or training required by department rule;

14 (3) be certified by a nationally recognized  
15 certification organization approved by the executive commissioner;

16 (4) pay the application fee and license fee; and

17 (5) comply with any other requirements established by  
18 department rule.

19 Sec. 703.158. CLINICAL LABORATORY SPECIALIST IN  
20 HISTOCOMPATIBILITY. An applicant for a clinical laboratory  
21 specialist in histocompatibility license must:

22 (1) hold a baccalaureate degree from a regionally  
23 accredited college or university;

24 (2) have successfully completed the clinical  
25 laboratory experience or training required by department rule;

26 (3) be certified by a nationally recognized  
27 certification organization approved by the executive commissioner;

- 1           (4) pay the application fee and license fee; and  
2           (5) comply with any other requirements established by  
3 department rule.

4           Sec. 703.159. TEMPORARY LICENSE. (a) The executive  
5 commissioner by rule may establish a procedure for issuance of  
6 temporary licenses to individuals otherwise qualified under this  
7 chapter who intend to engage in the practice of clinical laboratory  
8 science in this state for a limited period not to exceed one year.

9           (b) Unless otherwise noted on the license, a temporary  
10 license is valid until the first anniversary of the date of issuance  
11 and may be renewed once at the discretion of the commissioner.

12           Sec. 703.160. PROVISIONAL LICENSE. The department may  
13 issue a provisional license under this chapter to an applicant who  
14 holds a license in another state, submits a proper application, and  
15 pays the required fees if the department determines that the  
16 applicant is licensed in a state in which the requirements for  
17 issuance of the license are at least as stringent as the  
18 requirements under this chapter and department rule.

19           Sec. 703.161. LICENSE RENEWAL. (a) A license issued under  
20 this chapter expires on the second anniversary of the date of  
21 issuance.

22           (b) A license holder may renew the license by paying the  
23 required renewal fee and:

24           (1) successfully completing at least 10 hours each  
25 year of continuing education courses, clinics, lectures, training  
26 programs, seminars, or other programs related to clinical  
27 laboratory practice that are approved or accepted by the

1 department; or

2 (2) successfully completing recertification by a  
3 national certifying organization recognized by the department that  
4 mandates at least 10 hours each year of continuing education for  
5 recertification.

6 (c) The executive commissioner by rule may require  
7 additional evidence of competency to practice clinical laboratory  
8 science as the executive commissioner considers reasonably  
9 appropriate as a prerequisite to the renewal of any license under  
10 this chapter if the requirements are:

11 (1) uniformly applied;

12 (2) reasonably related to the measurement of  
13 qualification, performance, or competence; and

14 (3) desirable and necessary for the protection of the  
15 public health.

16 [Sections 703.162-703.200 reserved for expansion]

17 SUBCHAPTER E. LICENSE DENIAL AND DISCIPLINARY ACTION

18 Sec. 703.201. GROUNDS FOR DISCIPLINARY ACTION. The  
19 department may refuse to issue or renew, revoke, or suspend a  
20 license, place on probation, censure, or reprimand a license  
21 holder, or take any other disciplinary action, including the  
22 imposition of a civil penalty under Section 703.202 or the  
23 imposition of an administrative penalty under Section 703.204, the  
24 department considers appropriate for:

25 (1) a material misstatement in furnishing information  
26 to the department;

27 (2) a violation or negligent or intentional disregard



1 of this chapter or a rule adopted under this chapter;

2 (3) a conviction for any crime under the laws of the  
3 United States or any state of the United States that is a felony or a  
4 misdemeanor, an essential element of which is dishonesty, or of any  
5 crime that is directly related to the practice of the profession;

6 (4) a misrepresentation made to obtain a license;

7 (5) a violation of any standard of professional  
8 conduct adopted by the executive commissioner;

9 (6) dishonorable, unethical, or unprofessional  
10 conduct of a character likely to deceive, defraud, or harm the  
11 public;

12 (7) the provision of professional services while  
13 mentally incompetent or under the influence of alcohol, a narcotic,  
14 or a controlled dangerous substance that is in excess of  
15 therapeutic amounts or without valid medical indication;

16 (8) directly or indirectly contracting to perform  
17 clinical laboratory tests in a manner that offers or implies an  
18 offer of rebate, fee-splitting inducements or arrangements, or  
19 other remuneration;

20 (9) aiding or assisting another individual in  
21 violating any provision of this chapter or a rule adopted under this  
22 chapter; or

23 (10) a misrepresentation with regard to the existence  
24 or category of license or other certification or professional  
25 qualification held in connection with any employment application.

26 Sec. 703.202. CIVIL PENALTY. (a) A person who violates  
27 this chapter or a rule adopted under this chapter is liable to this

1 state for a civil penalty of not more than \$500 for each violation.

2 (b) The amount of the penalty shall be based on:

3 (1) the seriousness of the violation;

4 (2) the history of previous violations;

5 (3) the amount necessary to deter a future violation;

6 and

7 (4) any other matter that justice may require.

8 (c) The attorney general may sue to collect a civil penalty  
9 under this section. In the suit the attorney general may recover,  
10 on behalf of the state, the reasonable expenses incurred in  
11 obtaining the penalty, including investigation and court costs,  
12 reasonable attorney's fees, witness fees, and other expenses.

13 Sec. 703.203. HEARINGS; ADMINISTRATIVE PROCEDURE. (a) If  
14 the department proposes to deny a license or take disciplinary  
15 action against a license holder, the license holder is entitled to a  
16 hearing.

17 (b) The proceedings relating to a license denial and  
18 disciplinary action by the department under this chapter are  
19 governed by Chapter 2001, Government Code. A hearing under this  
20 chapter may be conducted by a hearings officer designated by the  
21 commission.

22 Sec. 703.204. ADMINISTRATIVE PENALTY. (a) The  
23 commissioner may impose an administrative penalty on an individual  
24 licensed under this chapter who violates this chapter or a rule or  
25 order adopted under this chapter.

26 (b) The amount of the penalty may not exceed \$500. Each day  
27 a violation continues or occurs is a separate violation for the

1 purpose of imposing a penalty. The amount shall be based on:

2 (1) the seriousness of the violation, including the  
3 nature, circumstances, extent, and gravity of the violation;

4 (2) the economic harm caused by the violation;

5 (3) the history of previous violations;

6 (4) the amount necessary to deter a future violation;

7 (5) efforts to correct the violation; and

8 (6) any other matter that justice may require.

9 (c) The individual may stay enforcement during the time the  
10 order is under judicial review if the individual pays the penalty to  
11 the court clerk or files a supersedeas bond with the court in the  
12 amount of the penalty. An individual who cannot afford to pay the  
13 penalty or file the bond may stay enforcement by filing an affidavit  
14 in the manner required by the Texas Rules of Civil Procedure for a  
15 party who cannot afford to file security for costs, except that the  
16 department may contest the affidavit as provided by those rules.

17 (d) A proceeding to impose an administrative penalty is  
18 subject to Chapter 2001, Government Code.

19 SECTION 2. As soon as possible after the effective date of  
20 this Act, the governor shall appoint the members of the Clinical  
21 Laboratory Science Advisory Board in accordance with Chapter 703,  
22 Occupations Code, as added by this Act. In making the initial  
23 appointments, the governor shall designate:

24 (1) three members, including a pathologist member, a  
25 nonphysician laboratory director member, and a clinical laboratory  
26 scientist member, for terms expiring February 1, 2013;

27 (2) two members, including the public member and a

1 nonpathologist physician member, for terms expiring February 1,  
2 2012; and

3 (3) two members for terms expiring February 1, 2011.

4 SECTION 3. As soon as possible after the effective date of  
5 this Act, the executive commissioner of the Health and Human  
6 Services Commission shall adopt the rules, standards, procedures,  
7 and fees necessary to implement Chapter 703, Occupations Code, as  
8 added by this Act, and Section 5 of this Act.

9 SECTION 4. Notwithstanding Chapter 703, Occupations Code,  
10 as added by this Act, an individual engaged in the practice of  
11 clinical laboratory science is not required to hold a license under  
12 that chapter to engage in the practice of clinical laboratory  
13 science before September 1, 2011.

14 SECTION 5. Notwithstanding Chapter 703, Occupations Code,  
15 as added by this Act, the Department of State Health Services shall  
16 issue a license to a qualified applicant under this section who:

17 (1) applies for a license under this section not later  
18 than September 1, 2011;

19 (2) submits to the department the information required  
20 by department rule;

21 (3) submits to the department the job description of  
22 the position the applicant most recently performed and a sworn  
23 statement by the applicant's employer attesting to the applicant's  
24 job description;

25 (4) has at least three years of acceptable experience,  
26 in the preceding five years, in the applicable practice of clinical  
27 laboratory science;

1                   (5) is certified by or eligible for certification by a  
2 nationally recognized certification agency approved by the  
3 department; and

4                   (6) pays the application and licensing fee.

5                   SECTION 6. This Act takes effect September 1, 2009.