

By: Lucio

S.B. No. 805

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of medical 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. MEDICAL LABORATORY SCIENCE PROFESSIONALS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 703.001. SHORT TITLE. This chapter may be cited as the Medical 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 medical 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) medical laboratories and medical 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 impairments 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 medical

1 laboratory science professionals; and

2 (2) ensuring that medical 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 committee" means the Medical Laboratory
7 Science Advisory Committee.

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

12 (3) "CLIA" means the federal Clinical Laboratory
13 Improvement Amendments (42 C.F.R. Part 493).

14 (4) "Commissioner" means the commissioner of state
15 health services.

16 (5) "Department" means the Department of State Health
17 Services.

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

20 (7) "Laboratory director" means a person who meets the
21 requirements of a laboratory director under CLIA.

22 (8) "Medical laboratory" means a facility in which a
23 medical laboratory test is performed for diagnosis, prevention, or
24 treatment of disease or impairment or assessment of human health.

25 (9) "Medical laboratory assistant" means an
26 individual who may assist in the performance of medical laboratory
27 tests and procedures under the supervision of a laboratory

1 director.

2 (10) "Medical laboratory science professional" means
3 an individual licensed under this chapter to practice medical
4 laboratory science.

5 (11) "Medical laboratory scientist" means an
6 individual who assists in the performance of tests and procedures
7 under supervision by a laboratory director.

8 (12) "Medical laboratory scientist services" means:

9 (A) the performance of medical laboratory tests;

10 (B) the establishment and implementation of
11 protocols, quality assessment, method development and selection,
12 equipment selection and maintenance, and all activities related to
13 the pre-analytic, analytic, and post-analytic phases of medical
14 laboratory testing; and

15 (C) the direction, supervision, consultation,
16 education, and performance of research functions related to medical
17 laboratory testing.

18 (13) "Medical laboratory technician" means an
19 individual licensed under this chapter to perform medical
20 laboratory technician services.

21 (14) "Medical laboratory technician services" means
22 the performance of medical laboratory tests in accordance with
23 established and approved protocols that require the limited
24 exercise of independent judgment and are performed under the
25 supervision of a medical laboratory scientist, laboratory
26 supervisor, or laboratory director.

27 (15) "Medical laboratory test" means a

1 microbiological, serological, chemical, biological,
2 hematological, immunological, immuno-hematological,
3 radioimmunoassay, cytochemical, or genetic test or procedure
4 performed on material derived from or existing in a human body that
5 provides information for the diagnosis, prevention, or monitoring
6 of a disease or impairment or assessment of a medical condition.
7 The term includes the pre-analytic, analytic, and post-analytic
8 phases of testing.

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

14 (17) "Practice of medical laboratory science" means
15 practice by an individual who manages, supervises, educates,
16 consults, researches, or performs medical laboratory testing or
17 technical procedures in a medical laboratory. The term does not
18 include the activities of a licensed physician or of a person
19 performing only clerical duties or other duties not directly
20 related to the performance of medical laboratory testing.

21 (18) "Trainee" means an individual who has not
22 fulfilled the educational requirements to take an approved
23 nationally recognized certification examination or who is in the
24 process of obtaining full-time comprehensive experience under
25 supervision.

26 (19) "Waived test" means a simple laboratory
27 examination or procedure that, under a federal interpretation of

1 CLIA, employs a simple and accurate methodology that renders the
2 likelihood of erroneous results negligible or poses no reasonable
3 risk of harm to the patient if performed incorrectly.

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

5 (1) an individual licensed under another law of this
6 state and engaged in health care services within the scope of the
7 license holder's licensed practice;

8 (2) an individual engaged in the practice of medical
9 laboratory science in the employ of the federal government or a
10 federal bureau, division, or agency and in the discharge of the
11 employee's official duties;

12 (3) an individual engaged in the practice of medical
13 laboratory science and engaged exclusively in research, provided
14 that the results of an examination performed are not used in health
15 maintenance, diagnosis, or treatment of disease;

16 (4) an intern, student, or trainee enrolled in a
17 medical laboratory science education program, provided that:

18 (A) the activities constitute a part of a planned
19 course in the program;

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

22 (C) the individual works directly under an
23 individual licensed by this state to practice medical laboratory
24 science or an individual exempt from this chapter under Subdivision
25 (3);

26 (5) an individual solely performing waived or
27 provider-performed microscopy tests under CLIA;

1 (6) an individual performing point-of-care testing
2 categorized under CLIA as moderate complexity in an acute care
3 facility, if the facility complies with the following requirements:

4 (A) in the laboratory, a medical laboratory
5 scientist or laboratory director is responsible for:

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

8 (ii) supervising and monitoring the quality
9 assurance and quality control activities of the testing site;

10 (iii) assisting in the selection of
11 technology;

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

14 (v) monitoring the continued competency of
15 the testing personnel; and

16 (B) processes are in place at the facility and
17 are acceptable to the department to ensure and document the
18 continued competency of the point-of-care testing personnel;

19 (7) an individual solely performing histopathology
20 testing, as described by CLIA;

21 (8) an individual solely performing or interpreting
22 cytology testing, including the performance or interpretation of
23 molecular testing on cytological specimens, as described by CLIA;

24 or

25 (9) a medical laboratory assistant who performs
26 non-testing pre-analytical duties, including processing specimens,
27 accessioning, loading specimens into analyzers, or preparing

1 specimens for referral testing.

2 Sec. 703.005. APPLICATION OF SUNSET ACT. The Medical
3 Laboratory Science Advisory Committee is subject to Chapter 325,
4 Government Code (Texas Sunset Act). Unless continued in existence
5 as provided by that chapter, the advisory committee is abolished
6 and this chapter expires September 1, 2023.

7 [Sections 703.006-703.050 reserved for expansion]

8 SUBCHAPTER B. EXECUTIVE COMMISSIONER, COMMISSIONER, AND
9 DEPARTMENT POWERS AND DUTIES

10 Sec. 703.051. RULES. (a) The executive commissioner shall
11 adopt rules necessary to administer this chapter, including rules
12 on:

13 (1) the qualifications for licensure under each
14 category of medical laboratory science professional;

15 (2) the renewal of licensure;

16 (3) standards of professional conduct for each
17 category of medical laboratory science professional;

18 (4) authorization or approval of nationally
19 recognized and validated certification examinations for medical
20 laboratory science professionals; and

21 (5) criteria for the continuing education of medical
22 laboratory science professionals as required for license renewal.

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

26 Sec. 703.052. FEES. The executive commissioner shall
27 establish and collect reasonable and necessary fees in amounts

1 sufficient to cover the costs of administering this chapter.

2 Sec. 703.053. DEPARTMENT POWERS AND DUTIES. (a) The
3 department may authorize disbursements necessary to implement this
4 chapter, including disbursements for office expenses, equipment
5 costs, and other necessary facilities.

6 (b) The department may examine any criminal conviction or
7 guilty plea of an applicant for issuance or renewal of a license,
8 including by obtaining any criminal history record information
9 permitted by law.

10 Sec. 703.054. PERSONNEL. The department may employ
11 personnel necessary to administer this chapter.

12 Sec. 703.055. REGISTRY OF LICENSE HOLDERS. (a) The
13 department shall maintain a registry of the name and addresses of
14 each individual licensed under this chapter and each individual
15 whose license has been suspended or revoked.

16 (b) The department shall post the registry on the
17 department's Internet website and make copies of the registry
18 available to the public on request.

19 Sec. 703.056. CONSUMER INTEREST INFORMATION. (a) The
20 department shall prepare information of consumer interest
21 describing:

22 (1) the functions performed by the department under
23 this chapter; and

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

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

27 (c) The department shall make the information available to

1 the public.

2 [Sections 703.057-703.100 reserved for expansion]

3 SUBCHAPTER C. MEDICAL LABORATORY SCIENCE ADVISORY COMMITTEE

4 Sec. 703.101. ADVISORY COMMITTEE. (a) The Medical
5 Laboratory Science Advisory Committee is an advisory body to the
6 department and executive commissioner.

7 (b) The advisory committee consists of nine members
8 appointed by the executive commissioner as follows:

9 (1) three members who are licensed medical laboratory
10 science professionals, with at least one who is not a physician
11 laboratory director and at least one who is a medical laboratory
12 scientist;

13 (2) three members who are pathologists certified by
14 the American Board of Pathology, the American Osteopathic Board of
15 Pathology, or another certification board the department
16 determines has certification requirements at least as stringent as
17 those of the American Board of Pathology or the American
18 Osteopathic Board of Pathology;

19 (3) one member who is a physician and is not a
20 laboratory director or pathologist;

21 (4) one member who is a medical laboratory science
22 educator; and

23 (5) one public member.

24 (c) The executive commissioner may make appointments to the
25 advisory committee from lists submitted by organizations of medical
26 laboratory science professionals and organizations of physician
27 pathologists.

1 (d) Chapter 2110, Government Code, does not apply to the
2 advisory committee.

3 Sec. 703.102. TERMS; VACANCIES. (a) Members serve
4 staggered six-year terms and until their successors are appointed
5 and qualified.

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

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

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

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

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

15 (3) an individual related to an individual described
16 by Subdivision (1) or (2) within the second degree by affinity or
17 consanguinity.

18 Sec. 703.104. COMPENSATION; REIMBURSEMENT. A member of the
19 advisory committee serves without compensation. If authorized by
20 the executive commissioner, an advisory committee member is
21 entitled to reimbursement for actual and necessary expenses
22 incurred in performing the functions of the advisory committee,
23 subject to the General Appropriations Act.

24 Sec. 703.105. MEETINGS. The advisory committee shall meet
25 annually and may meet at other times at the call of the executive
26 commissioner.

27 Sec. 703.106. ADVISORY COMMITTEE DUTIES. The advisory

1 committee shall provide advice and recommendations to the
2 department and executive commissioner on technical matters
3 relevant to the administration and enforcement of this chapter,
4 including examination approval, licensing standards and
5 qualifications, renewal requirements, standards of professional
6 conduct, and continuing education requirements.

7 [Sections 703.107-703.150 reserved for expansion]

8 SUBCHAPTER D. LICENSE REQUIREMENTS

9 Sec. 703.151. LICENSE REQUIRED. Except as provided by
10 Section 703.004, an individual may not perform or offer to perform
11 medical laboratory tests or represent that the individual is a
12 medical laboratory science professional unless the individual
13 holds an appropriate license issued under this chapter.

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

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

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

20 (3) demonstrate to the satisfaction of the
21 commissioner the qualifications required by this chapter and by
22 rule;

23 (4) demonstrate the applicant's honesty,
24 trustworthiness, and integrity; and

25 (5) pay the application fee.

26 (b) The department shall issue the appropriate license to
27 each individual who meets the qualifications required by this

1 chapter and by rule.

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

5 (d) Criminal history record information obtained by the
6 department may not be released or disclosed to any person except on
7 court order, with the written consent of the applicant that is the
8 subject of the criminal history record information, or as provided
9 by Section 411.110, Government Code.

10 Sec. 703.153. MEDICAL LABORATORY SCIENTIST. An applicant
11 for a medical laboratory scientist license must:

12 (1) hold at least a baccalaureate degree from a
13 regionally accredited college or university;

14 (2) have successfully completed the medical
15 laboratory experience or training required by rule;

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

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

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

21 Sec. 703.154. CATEGORICAL MEDICAL LABORATORY SCIENTIST. An
22 applicant for a categorical medical laboratory scientist license
23 must:

24 (1) hold at least a baccalaureate degree from a
25 regionally accredited college or university;

26 (2) have successfully completed the medical
27 laboratory experience or training required by rule;

1 (3) be certified by a nationally recognized
2 certification organization approved by the executive commissioner;
3 (4) pay the application fee and license fee; and
4 (5) comply with any other requirements established by
5 rule.

6 Sec. 703.155. MEDICAL LABORATORY TECHNICIAN. An applicant
7 for a medical laboratory technician license must:

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

10 (2) have successfully completed the medical
11 laboratory experience or training required by rule;

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

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

15 (5) comply with any other requirements established by
16 rule.

17 Sec. 703.156. TEMPORARY LICENSE. (a) The executive
18 commissioner by rule may establish a procedure for issuance of
19 temporary licenses to individuals under this chapter who intend to
20 engage in the practice of medical laboratory science in this state
21 for a limited period not to exceed six months.

22 (b) Unless otherwise noted on the license, a temporary
23 license is valid for not more than six months after the date of
24 issuance and may be renewed once at the discretion of the
25 commissioner.

26 Sec. 703.157. PROVISIONAL LICENSE. The department may
27 issue a provisional license under this chapter to an applicant who

1 holds a license in another state, submits a proper application, and
2 pays the required fees if the department determines that the
3 applicant is licensed in a state in which the requirements for
4 issuance of the license are at least as stringent as the
5 requirements under this chapter and by rule.

6 Sec. 703.158. LICENSE RENEWAL. (a) A license issued under
7 this chapter expires on the second anniversary of the date of
8 issuance. The executive commissioner by rule may adopt a system
9 under which licenses expire on various dates during the year.

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

12 (1) successfully completing at least 10 hours each
13 year of continuing education courses, clinics, lectures, training
14 programs, seminars, or other programs related to medical laboratory
15 practice that are approved or accepted by the executive
16 commissioner; or

17 (2) successfully completing recertification by a
18 national certifying organization recognized by the executive
19 commissioner that mandates at least 10 hours each year of
20 continuing education for recertification.

21 (c) The executive commissioner by rule may require
22 additional evidence of competency to practice medical laboratory
23 science as the executive commissioner considers reasonably
24 appropriate as a prerequisite to the renewal of any license under
25 this chapter if the requirements are:

26 (1) uniformly applied;

27 (2) reasonably related to the measurement of

1 qualification, performance, or competence; and

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

4 [Sections 703.159-703.200 reserved for expansion]

5 SUBCHAPTER E. LICENSE DENIAL AND DISCIPLINARY ACTION

6 Sec. 703.201. GROUNDS FOR DISCIPLINARY ACTION. The
7 department may refuse to issue or renew, revoke, or suspend a
8 license, place on probation, censure, or reprimand a license
9 holder, or take any other disciplinary action, including the
10 imposition of a civil penalty under Section 703.202 or the
11 imposition of an administrative penalty under Section 703.204, the
12 department considers appropriate for:

13 (1) a material misstatement in furnishing information
14 to the department;

15 (2) a violation or negligent or intentional disregard
16 of this chapter or a rule adopted under this chapter;

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

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

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

24 (6) dishonorable, unethical, or unprofessional
25 conduct of a character likely to deceive, defraud, or harm the
26 public;

27 (7) the provision of professional services while

1 mentally incompetent or under the influence of alcohol, a narcotic,
2 or a controlled dangerous substance that is in excess of
3 therapeutic amounts or without valid medical indication;

4 (8) directly or indirectly contracting to perform
5 medical laboratory tests in a manner that offers or implies an offer
6 of rebate, fee-splitting inducements or arrangements, or other
7 remuneration;

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

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

14 Sec. 703.202. CIVIL PENALTY. (a) A person who violates
15 this chapter or a rule adopted under this chapter is liable to this
16 state for a civil penalty of not more than \$500 for each violation.

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

18 (1) the seriousness of the violation;

19 (2) the history of previous violations;

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

21 and

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

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

1 Sec. 703.203. HEARINGS; ADMINISTRATIVE PROCEDURE. (a) If
2 the department proposes to deny a license or take disciplinary
3 action against a license holder, the license holder is entitled to a
4 hearing.

5 (b) The proceedings relating to a license denial and
6 disciplinary action by the department under this chapter are
7 governed by Chapter 2001, Government Code. A hearing under this
8 chapter shall be conducted by the State Office of Administrative
9 Hearings.

10 Sec. 703.204. ADMINISTRATIVE PENALTY. (a) The
11 commissioner may impose an administrative penalty on an individual
12 licensed under this chapter who violates this chapter or a rule or
13 order adopted under this chapter.

14 (b) The amount of the penalty may not exceed \$500. Each day
15 a violation continues or occurs is a separate violation for the
16 purpose of imposing a penalty. The amount shall be based on:

17 (1) the seriousness of the violation, including the
18 nature, circumstances, extent, and gravity of the violation;

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

20 (3) the history of previous violations;

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

22 (5) efforts to correct the violation; and

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

24 (c) The individual may stay enforcement during the time the
25 order is under judicial review if the individual pays the penalty to
26 the court clerk or files a supersedeas bond with the court in the
27 amount of the penalty. An individual who cannot afford to pay the

1 penalty or file the bond may stay enforcement by filing an affidavit
2 in the manner required by the Texas Rules of Civil Procedure for a
3 party who cannot afford to file security for costs, except that the
4 department may contest the affidavit as provided by those rules.

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

7 [Sections 703.205-703.250 reserved for expansion]

8 SUBCHAPTER F. TRANSITIONAL LICENSING

9 Sec. 703.251. TEMPORARY PROVISION; TRANSITIONAL LICENSING.

10 (a) This subchapter expires September 1, 2015. The department may
11 not issue a transitional license under this subchapter after August
12 31, 2013.

13 (b) The department shall issue a transitional license to a
14 qualified applicant under this subchapter who:

15 (1) submits to the department the information required
16 by rule, including, as applicable:

17 (A) the job description of the medical laboratory
18 position the applicant most recently held and a sworn statement by
19 the applicant's employer attesting to the applicant's job
20 description; or

21 (B) proof that the applicant is certified by a
22 nationally recognized certification agency approved by the
23 executive commissioner; and

24 (2) pays the application and licensing fee.

25 Sec. 703.252. MEDICAL LABORATORY SCIENTIST. To qualify for
26 a transitional license under this subchapter as a medical
27 laboratory scientist, an applicant must:

1 (1) be currently certified as a medical laboratory
2 scientist by a certification agency approved by the executive
3 commissioner;

4 (2) have met the education requirements of Section
5 703.153 and have performed the duties of a medical laboratory
6 scientist for at least three years during the five years preceding
7 the date of application;

8 (3) have been engaged in the full-time education of
9 medical laboratory practitioners for at least two years during the
10 five years preceding the date of application; or

11 (4) have performed the duties of a medical laboratory
12 scientist for at least five years preceding the date of
13 application.

14 Sec. 703.253. CATEGORICAL MEDICAL LABORATORY SCIENTIST. To
15 qualify for a transitional license under this subchapter as a
16 categorical medical laboratory scientist, an applicant must:

17 (1) be currently certified as a categorical medical
18 laboratory scientist by a certification agency approved by the
19 executive commissioner;

20 (2) have met the education requirements of Section
21 703.154 and have performed the duties of a categorical medical
22 laboratory scientist for at least three years during the five years
23 preceding the date of application;

24 (3) have been engaged in the full-time education of
25 medical laboratory practitioners for at least two years during the
26 five years preceding the date of application; or

27 (4) have performed the duties of a categorical medical

1 laboratory scientist for at least five years preceding the date of
2 application.

3 Sec. 703.254. MEDICAL LABORATORY TECHNICIAN. To qualify
4 for a transitional license under this subchapter as a medical
5 laboratory technician, an applicant must:

6 (1) be currently certified as a medical laboratory
7 technician by a certification agency approved by the executive
8 commissioner;

9 (2) have met the education requirements of Section
10 703.155 and have performed the duties of a medical laboratory
11 technician for at least three years during the five years preceding
12 the date of application; or

13 (3) have performed the duties of a medical laboratory
14 technician for at least five years preceding the date of
15 application.

16 Sec. 703.255. EFFECT OF TRANSITIONAL LICENSE. The holder
17 of a transitional license issued under this subchapter is entitled
18 to practice to the same extent as the holder of a license under
19 Subchapter D.

20 Sec. 703.256. RENEWAL. A transitional license issued under
21 this subchapter expires on the second anniversary of the date of
22 issuance. Notwithstanding the qualifications for an initial
23 license under Section 703.153, 703.154, or 703.155, the
24 transitional license may be renewed under Section 703.158.

25 SECTION 2. Section 411.110(a), Government Code, is amended
26 to read as follows:

27 (a) The Department of State Health Services is entitled to

1 obtain from the department criminal history record information
2 maintained by the department that relates to:

3 (1) a person who is:

4 (A) an applicant for a license or certificate
5 under the Emergency Medical Services Act (Chapter 773, Health and
6 Safety Code);

7 (B) an owner or manager of an applicant for an
8 emergency medical services provider license under that Act; or

9 (C) the holder of a license or certificate under
10 that Act;

11 (2) an applicant for a license or a license holder
12 under Subchapter N, Chapter 431, Health and Safety Code;

13 (3) an applicant for a license, the owner or manager of
14 an applicant for a massage establishment license, or a license
15 holder under Chapter 455, Occupations Code;

16 (4) an applicant for employment at or current employee
17 of:

18 (A) the Texas Center for Infectious Disease; or

19 (B) the South Texas Health Care System; ~~or~~

20 (5) an applicant for employment at, current employee
21 of, or person who contracts or may contract to provide goods or
22 services with:

23 (A) the vital statistics unit of the Department
24 of State Health Services; or

25 (B) the Council on Sex Offender Treatment or
26 other division or component of the Department of State Health
27 Services that monitors sexually violent predators as described by

1 Section 841.003(a), Health and Safety Code; or
2 (6) an applicant for a license or a license holder
3 under Chapter 703, Occupations Code.

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 appoint the members of the Medical
7 Laboratory Science Advisory Committee in accordance with Chapter
8 703, Occupations Code, as added by this Act. In making the initial
9 appointments, the executive commissioner shall designate:

- 10 (1) three members for terms expiring February 1, 2013;
11 (2) three members for terms expiring February 1, 2015;
12 and
13 (3) three members for terms expiring February 1, 2017.

14 SECTION 4. The executive commissioner of the Health and
15 Human Services Commission shall adopt the rules, standards,
16 procedures, and fees necessary to implement Chapter 703,
17 Occupations Code, as added by this Act, not later than March 1,
18 2012.

19 SECTION 5. Notwithstanding Chapter 703, Occupations Code,
20 as added by this Act, an individual engaged in the practice of
21 medical laboratory science is not required to hold a license under
22 that chapter to engage in the practice of medical laboratory
23 science before September 1, 2012.

24 SECTION 6. This Act takes effect September 1, 2011.