

By: Naishtat

H.B. No. 2297

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of medical laboratory professionals; providing penalties; imposing fees.

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 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 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 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 under the supervision, control, and responsibility of a  
12 laboratory director.

13 (3) "CLIA" means the federal Clinical Laboratory  
14 Improvement Amendments of 1988 (42 C.F.R. Part 493).

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

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

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

21 (7) "Independent technical judgment" means the  
22 application of an individual's knowledge, skill, expertise, and  
23 experience in making decisions about the performance or validity of  
24 clinical laboratory tests without intervention by or the direct  
25 supervision of a laboratory director.

26 (8) "Laboratory director" means a person who meets the  
27 requirements of a laboratory director under CLIA.

1           (9) "Medical laboratory" means a facility in which a  
2 medical laboratory test is performed for diagnosis, prevention, or  
3 treatment of disease or impairment or assessment of human health.

4           (10) "Medical laboratory scientist" means an  
5 individual who uses independent technical judgment in the  
6 performance of tests and procedures under the supervision, control,  
7 and responsibility of a laboratory director.

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

9                   (A) the use of independent technical judgment in  
10 the performance of medical laboratory tests;

11                   (B) the establishment and implementation of  
12 protocols, quality assessment, method development and selection,  
13 equipment selection and maintenance, and all activities related to  
14 the pre-analytic, analytic, and post-analytic phases of medical  
15 laboratory testing under the supervision, control, and  
16 responsibility of a laboratory director; and

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

20           (12) "Medical laboratory technician" means an  
21 individual licensed under this chapter to perform medical  
22 laboratory technician services.

23           (13) "Medical laboratory technician services" means  
24 the performance of medical laboratory tests in accordance with  
25 established and approved protocols that require the limited  
26 exercise of independent technical judgment and are performed under  
27 the supervision of a medical laboratory scientist, laboratory

1 supervisor, or laboratory director.

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

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

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

22 (17) "Waived test" means a simple laboratory  
23 examination or procedure that, under a federal interpretation of  
24 CLIA, employs a simple and accurate methodology that renders the  
25 likelihood of erroneous results negligible or poses no reasonable  
26 risk of harm to the patient if performed incorrectly.

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

1           (1) a physician licensed to practice medicine in this  
2 state;

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

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

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

14           (5) an intern, student, or trainee enrolled in a  
15 medical laboratory science education program, provided that:

16                   (A) the activities constitute a part of a planned  
17 course in the program;

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

20                   (C) the individual works directly under an  
21 individual licensed by this state to practice medical laboratory  
22 science or an individual exempt from this chapter under Subdivision  
23 (4);

24           (6) an individual solely performing waived or  
25 provider-performed microscopy tests under CLIA;

26           (7) an individual performing point-of-care testing  
27 categorized under CLIA as moderate complexity in an acute care

1 facility, if the facility complies with the following requirements:

2 (A) in the laboratory, a laboratory director is  
3 responsible for:

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

6 (ii) supervising and monitoring the quality  
7 assurance and quality control activities of the testing site;

8 (iii) assisting in the selection of  
9 technology;

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

12 (v) monitoring the continued competency of  
13 the testing personnel; and

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

17 (8) an individual solely performing histopathology  
18 testing, as described by CLIA;

19 (9) an individual solely performing or interpreting  
20 cytology testing, including the performance or interpretation of  
21 molecular testing on cytological specimens, as described by CLIA,  
22 provided that nothing in this chapter may be construed as a  
23 limitation on the scope of work permitted under CLIA for qualified  
24 cytotechnologists;

25 (10) an individual who performs non-testing  
26 pre-analytical duties, including processing specimens,  
27 accessioning, loading specimens into analyzers, or preparing

1 specimens for referral testing; or

2 (11) an individual solely performing or interpreting  
3 histocompatibility testing for transplantation services.

4 Sec. 703.005. APPLICATION OF SUNSET ACT. The Medical  
5 Laboratory Science Advisory Committee is subject to Chapter 325,  
6 Government Code (Texas Sunset Act). Unless continued in existence  
7 as provided by that chapter, the advisory committee is abolished  
8 and this chapter expires September 1, 2027.

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

11 Sec. 703.051. RULES. (a) The executive commissioner shall  
12 adopt rules to administer this chapter and as necessary to protect  
13 the public health, safety, and welfare, including rules on:

14 (1) the qualifications for licensure under each  
15 category of medical laboratory scientist;

16 (2) the renewal of licensure;

17 (3) standards of professional conduct for each  
18 category of medical laboratory scientist;

19 (4) authorization or approval of nationally  
20 recognized and validated certification examinations for medical  
21 laboratory scientists; and

22 (5) criteria for the continuing education of medical  
23 laboratory scientists as required for license renewal.

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

27 (c) This chapter may not be construed as providing the

1 department or the executive commissioner authority to:

2 (1) regulate the activities of a physician who is  
3 directing a clinical laboratory; or

4 (2) establish by rule an academic, educational, or  
5 examination requirement that is not prescribed by this chapter for  
6 a physician who is a laboratory director.

7 Sec. 703.052. FEES. (a) The executive commissioner shall  
8 establish and collect reasonable and necessary fees in amounts  
9 sufficient to:

10 (1) cover the costs of administering this chapter; and

11 (2) provide adequate funding for education related to  
12 this chapter.

13 (b) The executive commissioner may exempt from a fee  
14 required under this chapter a person who is:

15 (1) licensed under this chapter; and

16 (2) employed by the department.

17 Sec. 703.053. DEPARTMENT POWERS AND DUTIES. (a) The  
18 department may authorize disbursements necessary to implement this  
19 chapter, including disbursements for office expenses, equipment  
20 costs, and other necessary facilities.

21 (b) The department may examine any criminal conviction or  
22 guilty plea of an applicant for issuance or renewal of a license,  
23 including by obtaining any criminal history record information  
24 authorized by law.

25 Sec. 703.054. PERSONNEL. The department may employ  
26 personnel necessary to administer this chapter.

27 Sec. 703.055. REGISTRY OF LICENSE HOLDERS. (a) The



1 department shall maintain a registry of the name and addresses of  
2 each individual licensed under this chapter and each individual  
3 whose license has been suspended or revoked.

4 (b) The department shall post the registry on the  
5 department's Internet website and make copies of the registry  
6 available to the public on request.

7 Sec. 703.056. CONSUMER INTEREST INFORMATION. (a) The  
8 department shall prepare information of consumer interest  
9 describing:

10 (1) the functions performed by the department under  
11 this chapter; and

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

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

15 (c) The department shall make the information available to  
16 the public.

17 SUBCHAPTER C. MEDICAL LABORATORY SCIENCE ADVISORY COMMITTEE

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

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

23 (1) three members who are medical laboratory  
24 scientists who are not physicians, at least one of whom is not a  
25 laboratory director;

26 (2) three members who are pathologists certified by  
27 The American Board of Pathology, the American Osteopathic Board of

1 Pathology, or another certification board the department  
2 determines has certification requirements at least as stringent as  
3 those of The American Board of Pathology or the American  
4 Osteopathic Board of Pathology;

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

7 (4) one member who is a medical laboratory science  
8 educator and is not a physician; and

9 (5) one public member.

10 (c) The executive commissioner may make appointments to the  
11 advisory committee from lists submitted by organizations of medical  
12 laboratory scientists and organizations of physician pathologists.

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

15 Sec. 703.102. TERMS; VACANCIES. (a) Members serve  
16 staggered six-year terms and until their successors are appointed  
17 and qualified.

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

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

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

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

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

27 (3) an individual related to an individual described

1 by Subdivision (1) or (2) within the second degree by affinity or  
2 consanguinity.

3 Sec. 703.104. COMPENSATION; REIMBURSEMENT. A member of the  
4 advisory committee serves without compensation. If authorized by  
5 the executive commissioner, an advisory committee member is  
6 entitled to reimbursement for actual and necessary expenses  
7 incurred in performing the functions of the advisory committee,  
8 subject to the General Appropriations Act.

9 Sec. 703.105. MEETINGS. The advisory committee shall meet  
10 annually and may meet at other times at the call of the executive  
11 commissioner.

12 Sec. 703.106. ADVISORY COMMITTEE DUTIES. The advisory  
13 committee shall provide advice and recommendations to the  
14 department and executive commissioner on technical matters  
15 relevant to the administration and enforcement of this chapter,  
16 including certification authority approval, licensing standards  
17 and qualifications, renewal requirements, standards of  
18 professional conduct, and continuing education requirements.

19 SUBCHAPTER D. LICENSE REQUIREMENTS

20 Sec. 703.151. LICENSE REQUIRED. (a) Except as provided by  
21 Subsection (b) and Section 703.004, an individual may not perform  
22 or offer to perform medical laboratory tests or represent that the  
23 individual is a medical laboratory scientist unless the individual  
24 holds an appropriate license issued under this chapter.

25 (b) The executive commissioner may adopt rules to exempt a  
26 person employed temporarily by the department during a public  
27 health emergency from the licensing requirements of this chapter.

1 A person acting without a license under this subsection may only act  
2 under the direct supervision of a person authorized by the  
3 executive commissioner. In this subsection, "direct supervision"  
4 means supervision by a person who is present in the facility in  
5 which the person acting without a license under this subsection is  
6 performing laboratory services and is immediately available to  
7 provide assistance and direction while laboratory services are  
8 being performed.

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

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

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

15 (3) demonstrate to the satisfaction of the  
16 commissioner the qualifications required by this chapter and by  
17 rule;

18 (4) demonstrate the applicant's honesty,  
19 trustworthiness, and integrity; and

20 (5) pay the application fee.

21 (b) The department shall issue the appropriate license to  
22 each individual who meets the qualifications required by this  
23 chapter and by rule.

24 (c) The department may conduct an examination of any  
25 criminal conviction of an applicant, including obtaining any  
26 criminal history record information authorized by law.

27 (d) Criminal history record information obtained by the

1 department may not be released or disclosed to any person except on  
2 court order, with the written consent of the applicant that is the  
3 subject of the criminal history record information, or as provided  
4 by Section 411.110, Government Code.

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

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

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

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

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

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

16 Sec. 703.154. CATEGORICAL MEDICAL LABORATORY SCIENTIST. An  
17 applicant for a categorical medical laboratory scientist license  
18 must:

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

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

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

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

26 (5) comply with any other requirements established by  
27 rule.

1       Sec. 703.155. MEDICAL LABORATORY TECHNICIAN. (a) Except  
2 as provided by Subsection (b), an applicant for a medical  
3 laboratory technician license must:

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

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

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

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

11          (5) comply with any other requirements established by  
12 rule.

13       (b) An applicant is not required to satisfy the requirements  
14 of Subsections (a)(1)-(3) if the applicant has:

15           (1) successfully completed a course in procedures for  
16 a military medical laboratory that was:

17                   (A) not less than 50 weeks in length; and

18                   (B) administered by a branch of the United States  
19 armed forces; and

20           (2) served as a medical laboratory specialist or  
21 laboratory technician while serving in a branch of the United  
22 States armed forces.

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

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

5        Sec. 703.157. PROVISIONAL LICENSE. The department may  
6 issue a provisional license under this chapter to an applicant who  
7 holds a license in another state, submits a proper application, and  
8 pays the required fees if the department determines that the  
9 applicant is licensed in a state in which the requirements for  
10 issuance of the license are at least as stringent as the  
11 requirements under this chapter and by rule. A provisional license  
12 under this section is valid for not more than 90 days.

13        Sec. 703.158. LICENSE: TERM AND RENEWAL. (a) A license  
14 issued under this chapter expires on the second anniversary of the  
15 date of issuance. The executive commissioner by rule may adopt a  
16 system under which licenses expire on various dates during the  
17 year.

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

20                (1) successfully completing at least 10 hours each  
21 year of continuing education courses, clinics, lectures, training  
22 programs, seminars, or other programs related to medical laboratory  
23 practice that are approved or accepted by the executive  
24 commissioner; or

25                (2) successfully completing recertification by a  
26 national certifying organization recognized by the executive  
27 commissioner that mandates at least 10 hours each year of

1 continuing education for recertification.

2 (c) The executive commissioner by rule may require  
3 additional evidence of competency to practice medical laboratory  
4 science as the executive commissioner considers reasonably  
5 appropriate as a prerequisite to the renewal of any license under  
6 this chapter if the requirements are:

7 (1) uniformly applied;

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

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

12 SUBCHAPTER E. LICENSE DENIAL AND DISCIPLINARY ACTION

13 Sec. 703.201. GROUNDS FOR DISCIPLINARY ACTION. The  
14 department may refuse to issue or renew, revoke, or suspend a  
15 license, place on probation, censure, or reprimand a license  
16 holder, or take any other disciplinary action, including the  
17 imposition of a civil penalty under Section 703.203 or the  
18 imposition of an administrative penalty under Section 703.205, the  
19 department considers appropriate for:

20 (1) a material misstatement in furnishing information  
21 to the department;

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

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



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

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

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

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

11           (8) directly or indirectly contracting to perform  
12 medical laboratory tests in a manner that offers or implies an offer  
13 of rebate, fee-splitting inducements or arrangements, or other  
14 remuneration;

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

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

21           Sec. 703.202. PROHIBITED PRACTICES. Except as provided by  
22 CLIA, a medical laboratory scientist or a medical laboratory  
23 technician may not exercise independent judgment:

24           (1) in the diagnosis or treatment of patients; or

25           (2) in the reporting or interpretation of clinical  
26 laboratory test results to patients.

27           Sec. 703.203. CIVIL PENALTY. (a) A person who violates

1 this chapter or a rule adopted under this chapter is liable to this  
2 state for a civil penalty of not more than \$500 for each violation.

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

4 (1) the seriousness of the violation;

5 (2) the history of previous violations;

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

7 and

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

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

14 Sec. 703.204. HEARINGS; ADMINISTRATIVE PROCEDURE. (a) If  
15 the department proposes to deny a license or take disciplinary  
16 action against a license holder, the license holder is entitled to a  
17 hearing.

18 (b) The proceedings relating to a license denial and  
19 disciplinary action by the department under this chapter are  
20 governed by Chapter 2001, Government Code. A hearing under this  
21 chapter shall be conducted by the State Office of Administrative  
22 Hearings.

23 Sec. 703.205. ADMINISTRATIVE PENALTY. (a) The  
24 commissioner may impose an administrative penalty on an individual  
25 licensed under this chapter who violates this chapter or a rule or  
26 order adopted under this chapter.

27 (b) The amount of the penalty may not exceed \$500. Each day

1 a violation continues or occurs is a separate violation for the  
2 purpose of imposing a penalty. The amount shall be based on:

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

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

6 (3) the history of previous violations;

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

8 (5) efforts to correct the violation; and

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

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

18 (d) The attorney general may sue to collect the penalty.

19 (e) A proceeding to impose an administrative penalty is  
20 subject to Chapter 2001, Government Code.

21 SUBCHAPTER F. TRANSITIONAL LICENSING

22 Sec. 703.251. TEMPORARY PROVISION; TRANSITIONAL LICENSING.

23 (a) This subchapter expires September 1, 2017. The department may  
24 not issue a transitional license under this subchapter after August  
25 31, 2015.

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

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

3           (A) the job description of the medical laboratory  
4 position the applicant most recently held and a sworn statement by  
5 the applicant's employer attesting to the applicant's job  
6 description; or

7           (B) proof that the applicant is certified by a  
8 nationally recognized certification agency approved by the  
9 executive commissioner; and

10           (2) pays the application and licensing fee.

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

14           (1) be currently certified to perform medical  
15 laboratory scientist services by a certification agency approved by  
16 the executive commissioner; or

17           (2) have performed the duties of a medical laboratory  
18 scientist for at least three years during the five years preceding  
19 the date of application.

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

23           (1) be currently certified to perform medical  
24 laboratory scientist services in one major practice area by a  
25 certification agency approved by the executive commissioner; or

26           (2) have performed the duties of a categorical medical  
27 laboratory scientist for at least three years during the five years

1 preceding the date of application.

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

5 (1) be currently certified to perform medical  
6 laboratory technician services by a certification agency approved  
7 by the executive commissioner; or

8 (2) have performed the duties of a medical laboratory  
9 technician for at least three years during the five years preceding  
10 the date of application.

11 Sec. 703.255. EFFECT OF TRANSITIONAL LICENSE. The holder  
12 of a transitional license issued under this subchapter is entitled  
13 to practice to the same extent as the holder of a license under  
14 Subchapter D.

15 Sec. 703.256. RENEWAL. A transitional license issued under  
16 this subchapter expires on the second anniversary of the date of  
17 issuance. Notwithstanding the qualifications for an initial  
18 license under Section 703.153, 703.154, or 703.155, the  
19 transitional license may be renewed as a license under Section  
20 703.158.

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

23 (a) The Department of State Health Services is entitled to  
24 obtain from the department criminal history record information  
25 maintained by the department that relates to:

26 (1) a person who is:

27 (A) an applicant for a license or certificate

1 under [~~the Emergency Medical Services Act~~] Chapter 773, Health and  
2 Safety Code[~~+~~];

3 (B) an owner or manager of an applicant for an  
4 emergency medical services provider license under Chapter 773,  
5 Health and Safety Code [~~that Act~~]; or

6 (C) the holder of a license or certificate under  
7 Chapter 773, Health and Safety Code [~~that Act~~];

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

10 (3) an applicant for a license, the owner or manager of  
11 an applicant for a massage establishment license, or a license  
12 holder under Chapter 455, Occupations Code;

13 (4) an applicant for employment at or current employee  
14 of:

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

16 (B) the South Texas Health Care System; [~~or~~]

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

20 (A) the vital statistics unit of the Department  
21 of State Health Services; or

22 (B) the Council on Sex Offender Treatment or  
23 other division or component of the Department of State Health  
24 Services that monitors sexually violent predators as described by  
25 Section 841.003(a), Health and Safety Code; or

26 (6) an applicant for a license or a license holder  
27 under Chapter 703, Occupations Code.

1           SECTION 3. As soon as possible after the effective date of  
2 this Act, the executive commissioner of the Health and Human  
3 Services Commission shall appoint the members of the Medical  
4 Laboratory Science Advisory Committee in accordance with Chapter  
5 703, Occupations Code, as added by this Act. In making the initial  
6 appointments, the executive commissioner shall designate:

- 7                   (1) three members for terms expiring February 1, 2015;  
8                   (2) three members for terms expiring February 1, 2017;  
9 and  
10                  (3) three members for terms expiring February 1, 2019.

11           SECTION 4. The executive commissioner of the Health and  
12 Human Services Commission shall adopt the rules, standards,  
13 procedures, and fees necessary to implement Chapter 703,  
14 Occupations Code, as added by this Act, not later than August 31,  
15 2014.

16           SECTION 5. Notwithstanding Chapter 703, Occupations Code,  
17 as added by this Act, an individual engaged in the practice of  
18 medical laboratory science is not required to hold a license under  
19 that chapter to engage in the practice of medical laboratory  
20 science before September 1, 2014.

21           SECTION 6. This Act takes effect September 1, 2013.