

Amend HB 2667 on third reading as follows:

(1) On page 40, strike lines 14-16 and substitute the following:

(b) The following provisions, as added by this Act, take effect September 1, 2020:

(1) Sections 171.0151 and 171.0202, Government Code;

(2) Subchapters I, J, and K, Chapter 171, Government Code;

(3) Section 508.151, Occupations Code; and

(4) Subchapter F, Chapter 508, Occupations Code.

(2) Add the following appropriately numbered ARTICLE to the bill and renumber subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. LICENSED GENETIC COUNSELORS

SECTION _____.001. Section 51.2031(a), Occupations Code, is amended to read as follows:

(a) This section applies only to the regulation of the following professions by the department:

(1) athletic trainers;

(2) behavior analysts;

(3) dietitians;

(4) genetic counselors;

(5) hearing instrument fitters and dispensers;

(6) [~~(5)~~] midwives;

(7) [~~(6)~~] orthotists and prosthetists; and

(8) [~~(7)~~] speech-language pathologists and audiologists.

SECTION _____.002. Subtitle I, Title 3, Occupations Code, is amended by adding Chapter 508 to read as follows:

CHAPTER 508. LICENSED GENETIC COUNSELORS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 508.001. SHORT TITLE. This chapter may be cited as the Licensed Genetic Counselor Act.

Sec. 508.002. DEFINITIONS. In this chapter:

(1) "Advisory board" means the Licensed Genetic Counselor Advisory Board.

(2) "Certifying entity" means the American Board of

Medical Genetics and Genomics, the American Board of Genetic Counseling, or another entity that is nationally accredited to issue credentials in the practice of genetic counseling and is approved by the department.

(3) "Commission" means the Texas Commission of Licensing and Regulation.

(4) "Department" means the Texas Department of Licensing and Regulation.

(5) "Executive director" means the executive director of the department.

(6) "Licensed genetic counselor" means a person licensed under this chapter to engage in the practice of genetic counseling.

Sec. 508.003. PRACTICE OF GENETIC COUNSELING. (a) In this chapter, "practice of genetic counseling" means providing professional services described by Subsection (b) for compensation to communicate genetic information to an individual, family, group, or other entity:

(1) on the documented referral by:

(A) a physician licensed in this state;

(B) a physician assistant licensed in this state;

(C) an advanced practice registered nurse licensed in this state; or

(D) a person acting under authority delegated under Subchapter A, Chapter 157; or

(2) by a patient's self-referral.

(b) The practice of genetic counseling:

(1) consists of:

(A) obtaining and evaluating individual, family, and medical histories to determine the risk for a genetic or medical condition or disease in a patient, the patient's offspring, or other family members of the patient;

(B) discussing the features, natural history, means of diagnosis, genetic and environmental factors, and management of risk for a genetic or medical condition or disease;

(C) identifying, coordinating, ordering, and explaining the results of genetic laboratory tests and other

diagnostic studies as appropriate for genetic assessment;

(D) integrating the results of laboratory tests and other diagnostic studies with medical histories to assess and communicate risk factors for a genetic or medical condition or disease;

(E) evaluating a patient's or family member's response to a genetic or medical condition or disease, including the risk of recurrence, and providing patient-centered counseling and anticipatory guidance;

(F) identifying and using community resources that provide medical, educational, financial, and psychosocial support and advocacy; and

(G) providing written documentation of medical, genetic, and counseling information for a patient's family members and health care providers; and

(2) does not include the diagnosis of disorders.

Sec. 508.004. PRACTICE OF MEDICINE NOT AUTHORIZED. This chapter does not authorize the practice of medicine as defined by the law of this state.

Sec. 508.005. APPLICABILITY; EXEMPTIONS. (a) This chapter does not apply to a physician licensed to practice medicine in this state unless the physician is a licensed genetic counselor.

(b) A person may engage in the practice of genetic counseling without holding a license under this chapter if the person:

(1) is licensed, certified, or registered to practice in this state in a health care-related occupation and:

(A) acts within the occupation's scope of practice; and

(B) does not use the title "genetic counselor" or represent or imply the person is licensed as a genetic counselor under this chapter;

(2) is a student or intern:

(A) pursuing a course of study or engaged in a training program for an occupation regulated by this state and acting within the occupation's scope of practice; or

(B) enrolled in a graduate-level supervised

genetic counseling training program approved or accepted by the department and engaged in an activity constituting the practice of genetic counseling as a required part of the training program; or

(3) is a genetic counselor who:

(A) is certified by a certifying entity;

(B) is not a resident of this state;

(C) performs an activity or provides a service in this state for not more than 30 days during any year; and

(D) meets any other requirement established by commission rule.

(c) A student or intern described by Subsection (b)(2) includes a person who:

(1) is trained as:

(A) a genetic counselor and has applied to take the certification examination; or

(B) a doctoral medical geneticist and has applied to take the certification examination; and

(2) has not failed the certification examination more than twice.

SUBCHAPTER B. LICENSED GENETIC COUNSELOR ADVISORY BOARD

Sec. 508.051. LICENSED GENETIC COUNSELOR ADVISORY BOARD.

(a) The advisory board consists of nine members appointed by the presiding officer of the commission with the approval of the commission, as follows:

(1) six licensed genetic counselors, each of whom has at least two years of experience practicing genetic counseling as a genetic counselor and is:

(A) licensed under this chapter; or

(B) certified by a certifying entity;

(2) one physician who has experience with genetic counseling; and

(3) two members who represent the public.

(b) Appointments to the advisory board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.

Sec. 508.052. DUTIES OF ADVISORY BOARD. The advisory board shall provide advice and recommendations to the department on

technical matters relevant to the administration of this chapter.

Sec. 508.053. TERMS; VACANCY. (a) Members of the advisory board serve staggered six-year terms, with the terms of three members expiring February 1 of each odd-numbered year.

(b) A member of the advisory board may not serve more than two consecutive six-year terms.

(c) If a vacancy occurs during a term of a member of the advisory board, the presiding officer of the commission, with the commission's approval, shall appoint a replacement who meets the qualifications for the vacant position to serve for the remainder of the term.

Sec. 508.054. PRESIDING OFFICER. The presiding officer of the commission shall designate a member of the advisory board to serve as the presiding officer of the advisory board for a term of two years. The presiding officer of the advisory board may vote on any matter before the advisory board.

Sec. 508.055. MEETINGS. The advisory board shall meet as requested by the presiding officer of the commission or the executive director.

Sec. 508.056. GROUNDS FOR REMOVAL. A member of the advisory board may be removed as provided by Section 51.209.

Sec. 508.057. COMPENSATION; REIMBURSEMENT. (a) A member of the advisory board may not receive compensation for service on the advisory board.

(b) A member of the advisory board is entitled to reimbursement for actual and necessary expenses incurred in performing functions as a member of the advisory board, subject to any applicable limitation on reimbursement provided by the General Appropriations Act.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 508.101. GENERAL POWERS AND DUTIES. (a) The commission shall adopt rules consistent with this chapter for the administration and enforcement of this chapter.

(b) The department shall:

(1) administer and enforce this chapter;

(2) evaluate the qualifications of license applicants;

(3) provide for the examination of license applicants;
(4) issue licenses;
(5) in connection with a hearing under this chapter,
issue subpoenas, examine witnesses, and administer oaths under the
laws of this state; and
(6) investigate persons engaging in practices that
violate this chapter.

Sec. 508.102. CONFIDENTIALITY OF COMPLAINT AND
DISCIPLINARY INFORMATION. (a) Except as provided by Subsection
(b), all information and materials subpoenaed or compiled by the
department in connection with a complaint and investigation are
confidential and not subject to disclosure under Chapter 552,
Government Code, and not subject to disclosure, discovery,
subpoena, or other means of legal compulsion for their release to
anyone other than the department or its employees or agents
involved in discipline of a license holder.

(b) Information described by Subsection (a) may be
disclosed in accordance with Chapter 51 to:

(1) persons involved with the department in a
disciplinary action against a license holder;

(2) a respondent or the respondent's authorized
representative;

(3) a governmental agency, if:

(A) the disclosure is required or permitted by
law; and

(B) the agency obtaining the disclosure protects
the identity of any patient whose records are examined;

(4) a professional genetic counselor licensing or
disciplinary board in another jurisdiction;

(5) peer assistance programs approved by the
commission under Chapter 467, Health and Safety Code;

(6) law enforcement agencies; and

(7) persons engaged in bona fide research, if all
individual-identifying information has been deleted.

(c) As provided by Chapter 51, notices of alleged violations
issued by the department, commission, or executive director, and
final disciplinary actions, including warnings and reprimands, by

the department, commission, or executive director are not confidential and are subject to disclosure in accordance with Chapter 552, Government Code.

(d) Notwithstanding any other law, the requirements of Chapter 51 related to the confidentiality of complaint and investigation information for a health-related program are applicable to complaint and investigation information under this chapter.

Sec. 508.103. STANDARDS OF ETHICAL PRACTICE. The commission shall adopt rules under this chapter that establish standards of ethical practice.

Sec. 508.104. ASSISTANCE FILING COMPLAINT. The department, in accordance with Section 51.252, shall provide reasonable assistance to a person who wishes to file a complaint with the department regarding a person or activity regulated under this chapter.

Sec. 508.105. FEES. The commission by rule shall set fees in amounts reasonable and necessary to cover the costs of administering this chapter.

SUBCHAPTER D. LICENSING REQUIREMENTS

Sec. 508.151. LICENSE REQUIRED. (a) Except as provided by Section 508.005, a person may not act as a genetic counselor or engage in the practice of genetic counseling in this state unless the person holds a license under this chapter.

(b) Except as provided by Section 508.005, unless a person holds a license under this chapter, the person may not:

(1) use the title or represent or imply that the person has the title "genetic counselor," "certified genetic counselor," "licensed genetic counselor," "gene counselor," "genetic consultant," or "genetic associate"; or

(2) use any other word, abbreviation, or insignia indicating or implying that the person is a licensed genetic counselor.

(c) This chapter may not be construed to prohibit a physician or an employee or other person acting under a physician's delegated authority from representing to a patient or the public that the physician, employee, or person provides genetic

counseling.

Sec. 508.152. LICENSE APPLICATION. An applicant for a license must:

(1) submit an application in the manner and on a form prescribed by the department;

(2) successfully complete a state-approved criminal background check; and

(3) pay the application fee set by the commission.

Sec. 508.153. LICENSE ELIGIBILITY. To be eligible for a genetic counselor license, a license applicant must present evidence to the department that the applicant:

(1) has passed an examination by a certifying entity or an equivalent examination in genetic counseling approved by the department;

(2) is currently certified by a certifying entity in genetic counseling or medical genetics;

(3) has met the educational requirements of a certifying entity, which must include a master's degree in genetic counseling or medical genetics or an equivalent educational standard adopted by the certifying entity;

(4) is in compliance with all professional, ethical, and disciplinary standards established by the certifying entity; and

(5) is not subject to any disciplinary action by the certifying entity.

Sec. 508.154. ISSUANCE OF LICENSE. The department shall issue a genetic counselor license to an applicant who:

(1) complies with the requirements of this chapter;

(2) meets any additional requirements the commission establishes by rule; and

(3) pays the required fees.

Sec. 508.155. TERM. A license issued under this chapter expires on the second anniversary of the date of issuance.

Sec. 508.156. RENEWAL. Before the expiration of a license, a license may be renewed by:

(1) submitting an application for renewal;

(2) paying the renewal fee imposed by the commission;

and

(3) providing verification to the department of continued certification by a certifying entity, which signifies that the applicant for renewal has met any continuing education requirements established by the certifying entity.

SUBCHAPTER E. DISCIPLINARY PROCEDURES

Sec. 508.201. GROUNDS FOR DISCIPLINARY ACTION. In accordance with Section 51.353, the commission or executive director may deny, revoke, or suspend a license, refuse to renew a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of this chapter, a rule adopted under this chapter, or an order of the commission or executive director.

SUBCHAPTER F. ENFORCEMENT PROCEDURES

Sec. 508.251. ENFORCEMENT PROCEEDINGS. The commission, department, or executive director may enforce this chapter, a rule adopted under this chapter, or an order of the commission or executive director as provided by Subchapters F and G, Chapter 51.

SECTION _____.003. (a) As soon as practicable after the effective date of this Act, the presiding officer of the Texas Commission of Licensing and Regulation shall appoint nine members to the Licensed Genetic Counselor Advisory Board in accordance with Chapter 508, Occupations Code, as added by this Act. In making the initial appointments, the presiding officer of the commission shall designate three members for terms expiring February 1, 2021, three members for terms expiring February 1, 2023, and three members for terms expiring February 1, 2025.

(b) Notwithstanding Section 508.051, Occupations Code, as added by this Act, a person who meets the requirements of Section 508.153, Occupations Code, as added by this Act, may be appointed as an initial licensed genetic counselor member of the Licensed Genetic Counselor Advisory Board, regardless of whether the person holds a license issued under Chapter 508, Occupations Code, as added by this Act.

SECTION _____.004. Not later than May 1, 2020, the Texas Commission of Licensing and Regulation shall adopt the rules, procedures, and fees necessary to administer Chapter 508,

Occupations Code, as added by this Act.

SECTION _____.005. Notwithstanding Chapter 508, Occupations Code, as added by this Act, a person is not required to hold a license under that chapter to practice as a licensed genetic counselor in this state before September 1, 2020.