

BILL ANALYSIS

H.B. 2815
By: Klick
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been noted that Texas currently has no enforceable standards for the practice or training of genetic counselors. H.B. 2815 seeks to address this need and ensure accountability and access to quality care by creating a professional licensure process for genetic counselors and a licensed genetic counselor advisory board.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTIONS 2 and 3 of this bill.

ANALYSIS

H.B. 2815 amends the Occupations Code to provide for the licensing and regulation of genetic counseling. The bill sets out the scope of practice of genetic counseling and, effective July 1, 2020, prohibits a person from acting as a genetic counselor or engaging in the practice of genetic counseling in Texas unless the person holds a license, with certain exceptions.

H.B. 2815 provides for the applicability of its provisions with respect to a person engaging in genetic counseling within the scope of practice of another licensed health care-related occupation. The bill establishes that its provisions do not authorize a genetic counselor to practice medicine and do not apply to a licensed physician unless the physician is a licensed genetic counselor.

H.B. 2815 sets out license eligibility and license application and issuance requirements. As part of the application process, an applicant must successfully complete an examination approved by the Texas Commission of Licensing and Regulation (TCLR) that demonstrates the applicant's knowledge of genetic counseling. The bill requires TCLR to adopt rules to govern the development and administration of such an examination and requires any written portion of the examination to be validated by an independent testing professional.

H.B. 2815 sets a license to expire on the second anniversary of the date of issuance and requires TCLR to provide by rule for license renewal. The bill requires TCLR or the executive director of the Texas Department of Licensing and Regulation (TDLR), effective July 1, 2020, to 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 the applicable bill provisions, a rule adopted under those provisions, or an order of TCLR or the executive director.

H.B. 2815 establishes the seven-member licensed genetic counselor advisory board to provide

advice and recommendations to TDLR on technical matters relevant to the licensing and regulation of genetic counselors. The bill sets out the composition of the advisory board and provides for its operation and administration, including the appointment of initial board members not later than October 1, 2019.

H.B. 2815 requires the executive director of TDLR to administer and enforce the bill's provisions providing for the licensing of genetic counselors and requires TDLR to adopt rules under those provisions not later than June 30, 2020. The bill sets out certain required actions for TDLR with respect to the licensing of genetic counselors and provides for the confidentiality of certain complaint and disciplinary information relating to a license holder.

H.B. 2815 includes genetic counselors among the professions regulated by TDLR to which certain limitations and requirements apply with regard to rulemaking that relates to the scope of practice of or a health-related standard of care for the applicable profession.

EFFECTIVE DATE

Except as otherwise provided, September 1, 2019.