

By: Klick

H.B. No. 2815

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the licensing and regulation of genetic counselors
3 requiring an occupational license; authorizing a fee.

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

5 SECTION 1. Section 51.2031(a), Occupations Code, is amended
6 to read as follows:

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

- 9 (1) athletic trainers;
10 (2) behavior analysts;
11 (3) dietitians;
12 (4) genetic counselors;
13 (5) hearing instrument fitters and dispensers;
14 (6) [~~5~~] midwives;
15 (7) [~~6~~] orthotists and prosthetists; and
16 (8) [~~7~~] speech-language pathologists and
17 audiologists.

18 SECTION 2. Subtitle I, Title 3, Occupations Code, is
19 amended by adding Chapter 508 to read as follows:

20 CHAPTER 508. LICENSED GENETIC COUNSELORS

21 SUBCHAPTER A. GENERAL PROVISIONS

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

24 Sec. 508.002. DEFINITIONS. In this chapter:

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

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

5 (3) "Department" means the Texas Department of
6 Licensing and Regulation.

7 (4) "Executive director" means the executive director
8 of the department.

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

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

16 (1) on the documented referral by:

17 (A) a physician licensed in this state;

18 (B) a physician assistant licensed in this state;

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

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

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

24 (b) The practice of genetic counseling includes:

25 (1) obtaining and evaluating individual, family, and
26 medical histories to determine the risk for a genetic or medical
27 condition or disease in a patient, the patient's offspring, or

1 other family members of the patient;

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

5 (3) identifying, coordinating, ordering, and
6 explaining the results of genetic laboratory tests and other
7 diagnostic studies as appropriate for genetic assessment;

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

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

16 (6) identifying and using community resources that
17 provide medical, educational, financial, and psychosocial support
18 and advocacy; and

19 (7) providing written documentation of medical,
20 genetic, and counseling information for a patient's family members
21 and health care providers.

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

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

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

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

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

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

11 (2) is a student or intern:

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

15 (B) enrolled in a commission-approved,
16 graduate-level supervised genetic counseling training program and
17 engaged in an activity constituting the practice of genetic
18 counseling as a required part of the training program; or

19 (3) is a genetic counselor who:

20 (A) is certified by the American Board of Medical
21 Genetics and Genomics, the American Board of Genetic Counseling, or
22 another certification body approved by the commission;

23 (B) is not a resident of this state;

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

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

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

3 (1) is trained as:

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

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

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

10 SUBCHAPTER B. LICENSED GENETIC COUNSELOR ADVISORY BOARD

11 Sec. 508.051. LICENSED GENETIC COUNSELOR ADVISORY BOARD.

12 The advisory board consists of seven licensed genetic counselors
13 appointed by the presiding officer of the commission with the
14 approval of the commission, each of whom:

15 (1) has engaged for at least two years in the practice
16 of genetic counseling as a genetic counselor and is:

17 (A) licensed under this chapter; or

18 (B) certified by the American Board of Medical
19 Genetics and Genomics, the American Board of Genetic Counseling, or
20 another certification body approved by the commission;

21 (2) is a United States citizen; and

22 (3) has been a resident of this state for at least six
23 months preceding the date of appointment.

24 Sec. 508.052. DUTIES OF ADVISORY BOARD. The advisory board
25 shall provide advice and recommendations to the department on
26 technical matters relevant to the administration of this chapter.

27 Sec. 508.053. TERMS; VACANCY. (a) Advisory board members

1 serve two-year terms. The terms expire on February 1 of each
2 odd-numbered year.

3 (b) If a vacancy occurs during an advisory board member's
4 term, the presiding officer of the commission with the approval of
5 the commission shall appoint a new member to fill the unexpired
6 term.

7 (c) An advisory board member may not serve more than two
8 consecutive full terms.

9 Sec. 508.054. PRESIDING OFFICER. The presiding officer of
10 the commission biennially shall designate an advisory board member
11 as the presiding officer of the advisory board to serve in that
12 capacity at the will of the presiding officer of the commission.

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

16 SUBCHAPTER C. POWERS AND DUTIES

17 Sec. 508.101. GENERAL POWERS AND DUTIES. (a) The
18 executive director shall administer and enforce this chapter.

19 (b) The department shall:

20 (1) establish qualifications for licensed genetic
21 counselors in this state;

22 (2) establish the examination requirements for
23 issuance of a licensed genetic counselor license;

24 (3) establish minimum education and training
25 requirements necessary for issuance of a licensed genetic counselor
26 license;

27 (4) prescribe the application form for issuance of a

1 licensed genetic counselor license; and

2 (5) develop an approved program of mandatory
3 continuing education for licensed genetic counselors and the manner
4 in which attendance at all approved courses, clinics, forums,
5 lectures, programs, or seminars is monitored and recorded.

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

15 (b) Information described by Subsection (a) may be
16 disclosed to:

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

19 (2) professional genetic counselor licensing or
20 disciplinary boards in other jurisdictions;

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

23 (4) law enforcement agencies; and

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

26 (c) The filing of formal charges by the department against a
27 license holder, the nature of those charges, disciplinary

1 proceedings of the department, commission, or executive director,
2 and final disciplinary actions, including warnings and reprimands,
3 by the department, commission, or executive director are not
4 confidential and are subject to disclosure in accordance with
5 Chapter 552, Government Code.

6 SUBCHAPTER D. LICENSING REQUIREMENTS

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

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

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

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

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

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

27 (1) file a written application in the manner and on a

1 form prescribed by the executive director; and

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

3 Sec. 508.153. LICENSE ELIGIBILITY. To be eligible for a
4 license, a license applicant must:

5 (1) successfully complete the examination required by
6 Section 508.154;

7 (2) have successfully completed:

8 (A) a master's degree in a genetic counseling
9 training program that is approved by the commission and that is at
10 least as stringent as a genetic counseling training program
11 accredited by the Accreditation Council for Genetic Counseling or a
12 successor organization; or

13 (B) a master's degree in a medical genetics
14 training program that is approved by the commission and that is at
15 least as stringent as a medical genetics training program
16 accredited by the American Board of Medical Genetics and Genomics
17 or a successor organization; and

18 (3) meet any other requirement prescribed by the
19 commission.

20 Sec. 508.154. EXAMINATION. (a) An applicant for a license
21 under this chapter must successfully complete an examination
22 approved by the commission that demonstrates the applicant's
23 knowledge of genetic counseling.

24 (b) The commission shall adopt rules to govern the
25 development and administration of an examination for issuance of a
26 genetic counselor license. Any written portion of the examination
27 must be validated by an independent testing professional.

1 Sec. 508.155. ISSUANCE OF LICENSE. The department shall
2 issue a genetic counselor license to a person who meets the
3 requirements of this chapter and the rules adopted under this
4 chapter.

5 Sec. 508.156. TERM; RENEWAL. A genetic counselor license
6 expires on the second anniversary of the date of issuance. The
7 commission by rule shall provide for the renewal of the license.

8 SUBCHAPTER E. DISCIPLINARY PROCEDURES

9 Sec. 508.201. GROUNDS FOR DISCIPLINARY ACTION. The
10 commission or executive director shall revoke or suspend a license,
11 refuse to renew a license, place on probation a person whose license
12 has been suspended, or reprimand a license holder for a violation of
13 this chapter, a rule adopted under this chapter, or an order of the
14 commission or executive director.

15 SECTION 3. (a) Not later than October 1, 2019, the
16 presiding officer of the Texas Commission of Licensing and
17 Regulation shall appoint the members of the Licensed Genetic
18 Counselor Advisory Board created under Chapter 508, Occupations
19 Code, as added by this Act.

20 (b) The Texas Commission of Licensing and Regulation shall
21 adopt rules under Chapter 508, Occupations Code, as added by this
22 Act, not later than June 30, 2020.

23 SECTION 4. (a) Except as provided by Subsection (b) of this
24 section, this Act takes effect September 1, 2019.

25 (b) Section 508.151, Occupations Code, as added by this Act,
26 and Subchapter E, Chapter 508, Occupations Code, as added by this
27 Act, take effect July 1, 2020.