

SB 1383 by Senator Lucio

*Relating to the use of licensing and regulation of medical laboratory professionals: providing penalties; imposing fees.
Citations available upon request.*

Qualified Clinical Laboratory Professionals Reduce Health Care Costs & Risks

- Clinical Laboratory Professionals are responsible for performing laboratory tests that provide over 70% of the objective information for medical-decision making.
- Research indicates only 2 of 3 tests are reported accurately when laboratories use non-certified testing professionals compared to almost 100% accuracy when laboratories use only certified testing personnel.
- In the United States, Texas has the most medical laboratories that have lost their Federal CLIA certification and the most laboratories with other sanctions.
- **Rapid, accurate laboratory tests decrease health care costs.** Important, and often critical, medical decisions are made based on the results of laboratory tests. Inaccurate tests lead to unnecessary treatments and reduce patient confidence. Simply, patients get treated correctly and more quickly with accurate laboratory tests. Patients can be released from hospitals faster and patients treated outside the hospital would require less costly treatment. Inaccurate tests are a particular concern for vulnerable populations such as children and the elderly.
- Clinical laboratories also play a vital role in potential bioterrorism and pandemic (influenza, etc.) threats. Texas, as a Border state, is on the front line for potential pandemic threats.
- While automation has increased the capacity of many laboratories, additional genetic and molecular procedures have increased the complexity of many procedures and the need for qualified personnel.
- While most hospitals and clinics in Texas hire appropriately educated and certified laboratory professionals, there is concern that medical laboratories are beginning to hire non-certified workers in response to a growing shortage of qualified laboratory personnel. This is about **public safety, quality health care and increased health care cost.**
- **The State of Texas does NOT require licensure for medical laboratory personnel.**
There is no guarantee that medical laboratory tests are being performed by qualified personnel.
- Despite Texas having a wealth of higher education laboratory science programs, a lack of licensure denies access to scholarships and other funding provided for other higher education students. 12 states require some form of licensure, including such top 10 population states as California, Florida, Georgia, and New York. As well as, our neighbor, Louisiana. In fact, Texas does not even have a registry of qualified personnel, making it impossible to track unqualified or incompetent lab personnel.
- **Additionally, studies show that licensure does NOT drive up wages or costs.**
- **Licensure has been recommended in the State Health Plan and in a 2009 Joint Interim Report by the Senate Committee on Health & Human Services and the Senate Committee on International Relations & Trade.**
- **THE LEGISLATION FOR LICENSURE WOULD:**
- Mandate a standard for competency and education for over 21,000 non-licensed healthcare personnel in Texas.
- Create a registry of Texas licensees, which would improve workforce planning and provide the State of Texas with a list of qualified personnel in case of a public health emergency.
- Be revenue neutral, the fee would cover administration and provide additional funding for laboratory education programs.
- Exempt state employees from licensure and continuing education fees.
- Provide a simple path to licensure for those currently working as lab scientists, a grandfather provision requiring that experienced lab professionals have to have been working in a lab for 3 of the last 5 years.
- Allow military trained lab scientists to receive a license.
- Exempt all laboratories performing low-intensity or waived testing. Exempt physician performed tests. Point-of-care testing can be performed by unlicensed individuals if they are supervised and trained by licensed laboratory professionals. Students, phlebotomists, Medical Lab Assistants, performers of waived testing, and those who perform tests exclusively for research are all exempt from this bill.
- Require 10-hours/year continuing education for all licensees.
- Provide penalties for unprofessional conduct, negligence, or illegal activities related to lab testing. Prevent felons from other states or individuals who have lost their license in another state from working in a Texas medical laboratory.

Provided by the Texas Association for Clinical Laboratory Science