

State Licensure - Frequently Asked Questions (FAQ)

What is the licensure bill title and number? Where can I get a copy of it?

Senate Bill 775, The Clinical Laboratory Science Practice Act

If you want to read the bill, go to the legislature page – www.legis.state.tx.us and type in the number (SB 775). The bill will come up and you need to click on the “text” tab. It comes up in Adobe or Word. You can also follow the progress of the bill at this web site.

Who is the sponsor of the bill?

Senator Eddie Lucio, Jr.

What is the purpose of this legislation?

The practice of clinical laboratory science affects the public health and requires minimum standards for those persons who perform laboratory testing. The Federal CLIA regulations do not address the qualifications of testing personnel since they focus on the complexity of testing. The Texas licensure would fill in the gap that the CLIA regulations have left. This legislation would also provide a mechanism to track laboratory personnel, and collect critical information about personnel, their qualifications, and where they work. Currently there is no comprehensive database of clinical laboratory personnel in Texas so these data will help identify and respond to shortages of laboratory personnel across the state.

Who is covered under the licensure bill?

The Clinical Laboratory Science Practice Act is a licensure bill for testing personnel performing moderate and high complexity testing in Texas.

Will there be a state exam to be licensed?

The licensing board will not develop its own exam. The licensing board will use existing national certification exams (e.g., ASCP, AMT, NCA) as part of the qualifications to apply for a license.

What about people who are not certified by a national certification exam or who don't meet the education requirements but are currently working in the laboratory?

The bill does have a "grandfather" clause which allows for existing laboratory personnel to apply for a license. All current laboratory personnel will have 2-years to apply for a license. Individuals not meeting the education or certification requirements will provide information to the department and they will be licensed at their current position.

What about cytotechs, histotechs, and phlebotomists?

We decided to not include cytotechs, histotechs, and phlebotomists from our bill, because we did not have members of those groups in our organization and did not believe we could speak for them.

What about nurses, respiratory therapists, and others who perform laboratory testing?

Our licensure bill applies to clinical laboratory testing personnel, it does not affect nurses, respiratory therapists, physicians, or other allied health personnel who are licensed by the State of Texas, and are performing these procedures as part of their scope of practice.

What about a phlebotomist or laboratory assistant that performs a non-waived laboratory test?

Our bill does not license phlebotomists or laboratory assistants. If they are performing moderate complexity or high complexity tests and meet CLIA requirements for testing personnel in these categories, they would be able to apply for a license over a two year period (grandfather clause). The licensing board would review their documentation and make a decision as to which license they would be eligible for. After two years have passed, they would need an associate's degree and certification, to apply for a CLT license, and a bachelor's degree and certification, to apply for a CLS license.

What about non-waived point of care testing (POCT)?

The bill has a specific exemption for POCT if the testing is supervised by the laboratory with appropriate monitoring and supervision.

What will it cost to be licensed by the State?

You will have to pay a licensing fee to renew your license every two years. This fee will be comparable to the fees paid by radiologic technologists, respiratory therapists, and other allied health professionals that are currently licensed by the State of Texas. We estimate that the initial fee will be between \$50 and \$100. Continuing education is also required by the licensure bill for renewal of your license. We believe this will improve the quality of laboratory testing.

Won't licensure make the shortage of laboratory personnel even worse?

We have compared vacancy rates in states with licensure and states without licensure, and the states with licensure actually have lower vacancy rates. The reason for that is the states with licensure (i.e. Louisiana) have more accurate data on the number of people who are actually working in the laboratory. Another reason is that employers value and support their laboratory staff because they are required to hire licensed individuals and highly qualified individuals move to states where they are recognized as professionals.

What titles will be used for licensed laboratory testing personnel?

We chose CLS for the Medical Technologist equivalent and CLT for the MLT equivalent. The terms MT and MLT are not well understood by the general public and often are confused with EMT's, paramedics, and others. Other allied health professionals also don't understand the difference between a technician and technologist. This is terminology used in most recent licensure bills that were passed in other states (i.e. Louisiana).