

BILL ANALYSIS

Senate Research Center
81R20190 YDB-d

C.S.S.B. 1879
By: Nelson
Health & Human Services
4/15/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, genetic counselors are not regulated or licensed by the State of Texas. However, with the increased use of genetic testing in medicine, genetic counselors have become much more involved in the health care landscape.

C.S.S.B. 1879 amends current law relating to the licensing and regulation of genetic counselors; providing penalties.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Medical Board in SECTION 1 (Sections 506.102, 506.103, 506.153, 506.204, 506.207, and 506.310, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle I, Title 3, Occupations Code, by adding Chapter 506 to read as follows:

CHAPTER 506. LICENSED GENETIC COUNSELORS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 506.001. SHORT TITLE. Authorizes this chapter to be cited as the Licensed Genetic Counselor Act.

Sec. 506.002. GENERAL DEFINITIONS. Defines "advisory committee," "board," "executive director," and "licensed genetic counselor."

Sec. 506.003. DEFINITION: PRACTICE OF GENETIC COUNSELING. Defines "practice of genetic counseling."

Sec. 506.004. PRACTICE OF MEDICINE NOT AUTHORIZED. Provides that this chapter does not authorize the practice of medicine as defined by Subtitle B (Legislation), Title 3, or the making of a medical diagnosis.

Sec. 506.005. APPLICATION OF SUNSET ACT. Provides that the licensed genetic counselor advisory committee (advisory committee) is subject to Chapter 325 (Texas Sunset Act), Government Code. Provides that unless continued in existence as provided by that chapter, the advisory committee is abolished and this chapter expires September 1, 2019.

Sec. 506.006. APPLICABILITY; EXEMPTIONS. (a) Provides that this chapter does not apply to a physician licensed to practice medicine in this state unless the physician is a licensed genetic counselor.

(b) Authorizes a person to engage in the practice of genetic counseling without holding a license under this chapter if the person meets certain criteria.

(c) Provides that a student described by Subsection (b)(2) (relating to authorizing certain students to engage in the practice of genetic counseling without holding a

license under this chapter) includes an individual who is trained as a genetic counselor and has applied to take the certification examination or is trained as a doctoral medical geneticist and has applied to take the certification examination, and has not failed the certification examination more than two times.

[Reserves Sections 506.007-506.050 for expansion.]

SUBCHAPTER B. ADVISORY COMMITTEE

Sec. 506.051. **ADVISORY COMMITTEE.** (a) Provides that the advisory committee is an informal advisory committee to the Texas Medical Board (TMB) and is not subject to Chapter 2110 (State Agency Advisory Committees), Government Code.

(b) Provides that the advisory committee has no independent rulemaking authority.

Sec. 506.052. **APPOINTMENT OF ADVISORY COMMITTEE.** Sets forth the composition of the seven-member advisory committee.

Sec. 506.053. **MEMBERSHIP AND EMPLOYEE RESTRICTIONS.** (a) Defines "Texas trade association"

(b) Prohibits a person from being a member of the advisory committee if the person is an officer, employee, or paid consultant of a Texas trade association in the field of genetic counseling; or the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of genetic counseling.

(c) Prohibits a person from being a member of the advisory committee if the person is required to register as a lobbyist under Chapter 305 (Registration of Lobbyists), Government Code, because of the person's activities for compensation on behalf of a profession related to the field of genetic counseling.

Sec. 506.054. **TERMS; VACANCY.** (a) Provides that members of the advisory committee serve two-year terms. Provides that the terms of the members expire on February 1 of each odd-numbered year.

(b) Requires the president of the board, if a vacancy occurs during a member's term, to appoint a new member to fill the unexpired term.

(c) Prohibits an advisory committee member from serving more than two consecutive full terms.

Sec. 506.055. **GROUND FOR REMOVAL.** (a) Sets forth grounds for removal from the advisory committee.

(b) Requires the executive director to review the qualifications of the members of the advisory committee and notify the board of any action that may be required.

(c) Provides that the validity of an action of the committee is not affected by the fact that it is taken when a ground for removal of a committee member exists.

Sec. 506.056. **OFFICERS.** Requires the president of the board biennially to designate a committee member as the presiding officer of the advisory committee to serve in that capacity at the will of the president.

Sec. 506.057. **PER DIEM.** Provides that an advisory committee member is not entitled to reimbursement for travel expenses or compensation.

Sec. 506.058. **MEETINGS.** (a) Requires the advisory committee to meet as requested by the board.

(b) Authorizes a meeting to be held by telephone or other electronic conference call.

[Reserves Sections 506.059-506.100 for expansion.]

SUBCHAPTER C. POWERS AND DUTIES OF THE BOARD AND THE EXECUTIVE DIRECTOR

Sec. 506.101. GENERAL POWERS AND DUTIES. Sets forth the powers and duties of TMB, in consultation with the advisory committee.

Sec. 506.102. RULES. Requires TMB, in consultation with the advisory committee, to adopt rules to implement and enforce this chapter.

Sec. 506.103. FEES; SPECIAL ACCOUNT. (a) Requires TMB by rule to set fees required by this chapter in amounts reasonable and necessary to cover the costs of administering this chapter.

(b) Requires TMB to deposit all the fees collected to the credit of the genetic counseling licensing account. Provides that the genetic counseling licensing account is a special account in the general revenue fund that may be appropriated only to TMB to pay for TMB's administration of this chapter.

Sec. 506.104. ANNUAL REPORT. (a) Requires TMB annually to prepare a complete and detailed written report accounting for all funds received and disbursed by TMB under this chapter during the preceding fiscal year.

(b) Requires the annual report to meet the reporting requirements applicable to financial reporting provided by the General Appropriations Act.

Sec. 506.105. GIFTS, GRANTS, AND DONATIONS. Authorizes TMB, in addition to any fees paid to TMB or money appropriated to TMB, to receive and accept under this chapter a gift, grant, donation, or other item of value from any source, including the United States or a private source.

[Reserves Sections 506.106-506.150 for expansion.]

SUBCHAPTER D. PUBLIC INTEREST INFORMATION; COMPLAINT AND INVESTIGATIVE INFORMATION

Sec. 506.151. PUBLIC PARTICIPATION. (a) Requires TMB to develop and implement policies that provide the public with a reasonable opportunity to appear before TMB and speak on any issue relating to genetic counseling.

(b) Requires the executive director to prepare and maintain a written plan that describes how a person who does not speak English may be provided reasonable access to TMB's programs and services under this chapter.

Sec. 506.152. PUBLIC INTEREST INFORMATION. (a) Requires TMB to prepare information of public interest describing the functions of TMB under this chapter and the procedure by which complaints are filed and resolved under this chapter.

(b) Requires TMB to make the information available to the public and appropriate state agencies.

Sec. 506.153. COMPLAINTS. (a) Requires TMB by rule to establish methods by which consumers are notified of the name, mailing address, and telephone number of TMB for the purpose of directing complaints about genetic counselors to TMB.

(b) Requires TMB to list with its regular telephone number any toll-free telephone number established under other state law that may be called to present a complaint about a genetic counselor.

Sec. 506.154. RECORDS OF COMPLAINTS. (a) Requires TMB to maintain a file on each written complaint filed with TMB under this chapter. Requires the file to include certain information related to a complaint.

(b) Requires TMB to provide to the person filing the complaint and to each person who is a subject of the complaint a copy of TMB's policies and procedures relating to complaint investigation and resolution. Requires a person who reports a complaint by telephone to be given information on how to file a written complaint.

(c) Requires TMB, at least quarterly and until final disposition of the complaint, to notify the person filing the complaint and each person who is a subject of the complaint of the status of the investigation unless the notice would jeopardize an ongoing investigation.

Sec. 506.155. LICENSE HOLDER ACCESS TO COMPLAINT INFORMATION. (a) Requires TMB to provide a genetic counselor who is the subject of a formal complaint filed under this chapter with access to all information in its possession that TMB intends to offer into evidence in presenting its case in chief at the contested hearing on the complaint, subject to any other privilege or restriction established by rule, statute, or legal precedent. Requires TMB to provide the information not later than the 30th day after receipt of a written request from the license holder or the license holder's counsel, unless good cause is shown for delay.

(b) Provides that TMB is not required to provide TMB investigative reports; investigative memoranda; the identity of a non-testifying complainant; attorney-client communications; attorney work product; or other material covered by a privilege recognized by the Texas Rules of Civil Procedure or the Texas Rules of Evidence, notwithstanding Subsection (a).

Sec. 506.156. HEALTH CARE ENTITY REQUEST FOR INFORMATION. Requires TMB, on the written request of a health care entity, to provide to the entity information about a complaint filed against the license holder that was resolved after investigation by a disciplinary order of TMB; or an agreed settlement; and the basis of and current status of any complaint under active investigation that has been referred by the executive director or the director's designee for legal action.

Sec. 506.157. CONFIDENTIALITY OF INVESTIGATIVE INFORMATION. Sets forth certain information that is privileged and confidential and is not subject to discovery, subpoena, or other means of legal compulsion for release to any person other than TMB or TMB employee or agent involved in license holder discipline.

Sec. 506.158. PERMITTED DISCLOSURE OF INVESTIGATIVE INFORMATION. (a) Authorizes investigative information in the possession of TMB or a TMB employee or agent to be disclosed to a licensing authority in another state or country in which the license holder is licensed or has applied for a license or similar authority, notwithstanding Section 506.157.

(b) Requires TMB, if the investigative information in the possession of TMB or a TMB employee or agent indicates a crime may have been committed, to report the information to the proper law enforcement agency. Requires TMB to cooperate with and assist all law enforcement agencies conducting criminal investigations of a license holder by providing information relevant to the investigation. Provides that confidential information disclosed by the board to a law enforcement agency remains confidential and is prohibited from being disclosed by the law enforcement agency except as necessary to further the investigation or prosecution.

Sec. 506.159. IMMUNITY AND REPORTING REQUIREMENTS. (a) Requires any person, including a physician or genetic counselor, to report relevant information to TMB related to the acts of a licensed genetic counselor in this state if, in that person's opinion, the licensed genetic counselor poses a continuing threat to the public welfare. Prohibits the duty to report under this section from being nullified through contract.

(b) Provides that a person who without malice furnishes records, information, or assistance to TMB under this section is immune from any civil liability arising from that action in a suit against the person brought by or on behalf of a licensed genetic counselor who is reported under this section.

[Reserves Sections 506.160-506.200 for expansion.]

SUBCHAPTER E. LICENSING REQUIREMENTS

Sec. 506.201. LICENSE REQUIRED. (a) Prohibits a person, except as provided by Section 506.006, from acting as a genetic counselor unless that person is licensed under this chapter.

(b) Prohibits a person from using the title or representing or implying the person has the title "genetic counselor," "certified genetic counselor," "licensed genetic counselor," "gene counselor," "genetic consultant," "genetic associate," or any other word, abbreviation, or insignia indicating or implying the person is a licensed genetic counselor unless the person holds a license under this chapter.

(c) Provides that nothing in this chapter is authorized to be construed to prohibit a physician or an employee or other person acting under the physician's delegated authority from representing to a patient or the public that the physician, employee, or person provides genetic counseling.

Sec. 506.202. LICENSE APPLICATION. Requires an applicant for a license to file a written application with TMB on a form prescribed by TMB; and pay the application fee set by TMB.

Sec. 506.203. LICENSE ELIGIBILITY. (a) Requires a license applicant, to be eligible for a license, to demonstrate certain attributes to the satisfaction of the board.

(b) Requires an applicant, in addition to meeting the requirements of Subsection (a), to successfully complete the examination required by Section 506.204; have successfully completed a certain master's degree; and meet any requirement prescribed by TMB.

Sec. 506.204. EXAMINATION. (a) Requires an applicant for a license under this chapter to successfully complete an examination approved by TMB that demonstrates the applicant's knowledge of genetic counseling.

(b) Requires TMB to adopt rules to govern the development and administration of an examination for a license as a genetic counselor under this chapter. Requires any written portion of the examination to be validated by an independent testing professional.

Sec. 506.205. TEMPORARY LICENSE. (a) Authorizes TMB, through the executive director, to issue a temporary license to an applicant who meets certain criteria.

(b) Provides that a temporary license is valid until the 100th day after the date issued and may be extended until the 130th day after the date issued.

Sec. 506.206. ISSUANCE AND RENEWAL OF LICENSE. Requires TMB to issue a license as a genetic counselor to a person who meets the requirements of this chapter and the rules adopted under this chapter.

Sec. 506.207. TERM; RENEWAL. (a) Provides that a license as a genetic counselor expires on the second anniversary of the date of issuance. Requires TMB by rule to provide for the renewal of a license as a genetic counselor.

(b) Authorizes TMB by rule to adopt a system under which licenses expire on various dates during the year. Requires license fees, for the year in which the license expiration date is changed, to be prorated on a monthly basis so that each license holder pays only that portion of the license fee that is allocable to the number of months during which the license or license renewal is valid. Provides that on renewal of the license on the new expiration date, the total license renewal fee is payable.

Sec. 506.208. NOTICE OF LICENSE RENEWAL. Requires TMB, at least 30 days before the expiration of a person's license, to send written notice of the impending license expiration to the license holder's last known address according to TMB's records.

Sec. 506.209. PROCEDURE FOR RENEWAL. (a) Authorizes a person who is otherwise eligible to renew a license to renew an unexpired license by paying the required renewal fee to TMB before the expiration date of the license. Prohibits a person whose license has expired from engaging in activities that require a license.

(b) Authorizes a person, if the person's license has been expired for 90 days or less, to renew the license by paying to TMB one and one-half times the required renewal fee.

(c) Authorizes the person, if the person's license has been expired for longer than 90 days but less than one year, to renew the license by paying to TMB two times the required renewal fee.

(d) Prohibits the person, if the person's license has been expired for one year or longer, from renewing the license. Authorizes the person to obtain a new license by complying with the requirements and procedures for obtaining an original license.

[Reserves Sections 506.210-506.300 for expansion.]

SUBCHAPTER F. DISCIPLINARY PROCEEDINGS

Sec. 506.301. DISCIPLINARY ACTIONS BY BOARD. (a) Authorizes TMB by order to take certain action, on a determination that an applicant or license holder committed an act or attempted to commit an act described by Section 506.302, 506.303, or 506.304.

(b) Provides that if TMB stays enforcement of an order and places a person on probation, TMB retains the right to vacate the probationary stay and enforce the original order for noncompliance with the terms of probation or impose any other remedial measure or sanction authorized by this section.

(c) Authorizes TMB to restore or reissue a license or remove any disciplinary or corrective measure that the board has imposed.

Sec. 506.302. CONDUCT RELATED TO MISREPRESENTATION OR FRAUD. Authorizes TMB to take action under Section 506.301 against an applicant or a license holder who takes certain fraudulent, deceptive, unprofessional, dishonorable actions, or false representations, actions, that directly or indirectly aids or abets the practice of genetic counseling by any person not licensed by TMB to practice as a genetic counselor; or unlawfully advertises in a false, misleading, or deceptive manner as defined in Section 101.201 (False, Misleading, or Deceptive Advertising).

Sec. 506.303. CONDUCT RELATED TO VIOLATION OF LAW. (a) Authorizes TMB to take certain action under Section 506.301 against an applicant or license holder

who violates certain rules; is convicted of a felony, placed on deferred adjudication, or placed in a pretrial diversion program; or violates state law if the violation is connected with the practice of genetic counseling.

(b) Provides that a complaint, indictment, or conviction of a law violation is not necessary for TMB to act under Subsection (a)(3) (relating to the authorization for TMB to take action under Section 506.301 against an applicant or license holder who violates state law if the violation is connected with the practice of genetic counseling. Provides that proof of the commission of the act while in practice as a genetic counselor or under the guise of a genetic counselor is sufficient for action by TMB.

Sec. 506.304. CONDUCT INDICATING LACK OF FITNESS. (a) Authorizes TMB to take action under Section 506.301 against an applicant or license holder for certain reasons.

(b) Provides that an action described by Subsection (a)(8) (relating to TMB's authority to take action under Section 506.301 against an applicant or license holder who was removed or suspended or has had disciplinary action taken by the person's peers in any professional association or society, if that action, in the opinion of TMB, was based on unprofessional conduct or professional incompetence that was likely to harm the public) does not constitute state action on the part of the association or society.

Sec. 506.305. SUBPOENA. (a) Authorizes the executive director, the director's designee, or the secretary-treasurer of TMB to issue a subpoena or subpoena duces tecum to conduct an investigation or a contested case proceeding related to alleged misconduct by a genetic counselor; an alleged violation of this chapter or another law related to the practice of a genetic counselor; or the practice of genetic counseling under this chapter; for purposes of determining whether to issue, suspend, restrict, or revoke a license under this chapter; or for purposes of determining whether to issue or deny a license under this chapter.

(b) Provides that failure to timely comply with a subpoena issued under this section is a ground for disciplinary action by TMB or another licensing or regulatory agency with jurisdiction over the person subject to the subpoena; and denial of a license or license application.

Sec. 506.306. PROTECTION OF PATIENT IDENTITY. Requires TMB, in a disciplinary investigation or proceeding conducted under this chapter, to protect the identity of each patient whose medical records are examined and used in a public proceeding unless the patient testifies in a public proceeding; or submits to the board a written release in regard to the patient's record or identity.

Sec. 506.307. RULES FOR DISCIPLINARY PROCEEDINGS. Prohibits rules of practice adopted under this chapter by TMB under Section 2001.004 (Requirement to Adopt Rules of Practice and Index Rules, Orders, and Decisions), Government Code, applicable to the proceedings for a disciplinary action from conflicting with rules adopted by the State Office of Administrative Hearings.

Sec. 506.308. REQUIRED SUSPENSION OF INCARCERATED GENETIC COUNSELOR. Requires TMB, regardless of the offense, to suspend the license of a genetic counselor serving a prison term in a state or federal penitentiary during the term of the incarceration.

Sec. 506.309. TEMPORARY SUSPENSION. (a) Requires the president of TMB, with TMB approval, to appoint a three-member disciplinary panel consisting of TMB members to determine whether a genetic counselor's license should be temporarily suspended.

(b) Requires the disciplinary panel, if the disciplinary panel determines from the evidence or information presented to the panel that a person licensed to practice as a genetic counselor would, by continuing in practice, constitute a threat to the public welfare, to temporarily suspend the license of that person.

(c) Authorizes a license to be suspended under this section without notice or hearing on the complaint if institution of proceedings for a hearing before TMB is initiated simultaneously with the temporary suspension; and a hearing is held under Chapter 2001 (Administrative Procedure), Government Code, and this chapter as soon as possible.

(d) Authorizes the disciplinary panel to hold a meeting by telephone conference call if immediate action is required and convening the disciplinary panel at one location is inconvenient for any member of the panel, notwithstanding Chapter 551 (Open Meetings), Government Code.

Sec. 506.310. **INFORMAL PROCEEDINGS.** (a) Requires TMB by rule to adopt procedures under this chapter governing certain dispositions and proceedings.

(b) Requires rules adopted under this section to contain certain requirements related to an informal meeting regarding a complaint.

(c) Entitles an affected genetic counselor to, orally or in writing, reply to the staff's presentation and present the facts the genetic counselor reasonably believes the genetic counselor could prove by competent evidence or qualified witnesses at a hearing.

(d) Requires TMB, after ample time is given for the presentations, to recommend that the investigation be closed or to attempt to mediate the disputed matters and make a recommendation regarding the disposition of the case in the absence of a hearing under applicable law concerning contested cases.

(e) Requires TMB, if the license holder has previously been the subject of disciplinary action by TMB, to schedule the informal meeting as soon as practicable but not later than the deadline prescribed by Subsection (b)(1) (relating to the requirement for rules adopted under this section to require that an informal meeting in compliance with Section 2001.054 (Licenses), Government Code, be scheduled not later than the 180th day after the date TMB's official investigation of the complaint is commenced, unless good cause is shown by TMB for scheduling the informal meeting after that date).

Sec. 506.311. **ROLES AND RESPONSIBILITIES OF PARTICIPANT IN INFORMAL PROCEEDINGS.** (a) Requires a TMB or committee member that serves as a panelist at an informal meeting under Section 506.310 to make recommendations for the disposition of a complaint or allegation. Authorizes the member to request the assistance of a TMB employee at any time.

(b) Requires TMB employees to present a summary of the allegations against the affected genetic counselor and offer the facts pertaining to the allegation that the employees reasonably believe may be proven by competent evidence at a formal hearing.

(c) Requires a TMB attorney to act as counsel to the panel and, notwithstanding Subsection (e), to be present during the informal meeting and the panel's deliberation to advise the panel on legal issues that arise during the proceeding. Authorizes the attorney to ask questions of participants in the informal meeting to clarify any statement made by the participant.

(d) Requires the attorney to provide to the panel a historical perspective on comparable cases that have appeared before TMB, keep the proceedings focused

on the case being discussed, and ensure that TMB's employees and the affected genetic counselor have an opportunity to present information related to the case.

(e) Authorizes the attorney, during the panel's deliberations, to be present only to advise the panel on legal issues and to provide information on comparable cases that have appeared before the board.

[Reserves Sections 506.312-506.350 for expansion.]

SUBCHAPTER G. ADMINISTRATIVE PENALTY

Sec. 506.351. ADMINISTRATIVE PENALTY. (a) Authorizes TMB by order to impose an administrative penalty against a person licensed under this chapter who violates this chapter or a rule or order adopted under this chapter.

(b) Authorizes the penalty to be in an amount not to exceed \$5,000. Provides that each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

(c) Requires TMB to base the amount of the penalty on certain criteria.

Sec. 506.352. NOTICE OF VIOLATION AND PENALTY. Requires TMB, if TMB by order determines that a violation has occurred and imposes an administrative penalty, to give notice to the person of the order. Requires the notice to include a statement of the person's right to judicial review of the order.

Sec. 506.353. OPTIONS FOLLOWING DECISION: PAY OR APPEAL. (a) Requires the person, not later than the 30th day after the date TMB's order imposing the administrative penalty is final, to take certain actions related to payment or appealing a penalty.

(b) Authorizes a person who acts under Subsection (a)(3) (relating to the ability of the person, not later than the 30th day after the date the board's order imposing the administrative penalty is final, without paying the penalty, to file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both) within the 30-day period to take certain actions related to stay the enforcement of the penalty.

(c) Authorizes the executive director, if the executive director receives a copy of an affidavit under Subsection (b)(2), to file with the court a contest to the affidavit not later than the fifth day after the date the copy is received.

(d) Requires the court to hold a hearing on the facts alleged in the affidavit as soon as practicable and to stay the enforcement of the penalty on finding that the alleged facts are true. Provides that the person who files an affidavit has the burden of proving that the person is financially unable to pay the penalty and to give a supersedeas bond.

Sec. 506.354. COLLECTION OF PENALTY. Authorizes the executive director, if the person does not pay the administrative penalty and the enforcement of the penalty is not stayed, to refer the matter to the attorney general for collection of the penalty.

Sec. 506.355. DETERMINATION BY COURT. (a) Authorizes the court, if on appeal the court sustains the determination that a violation occurred, to uphold or reduce the amount of the administrative penalty and order the person to pay the full or reduced penalty.

(b) Requires the court, if the court does not sustain the determination that a violation occurred, to order that a penalty is not owed.

Sec. 506.356. REMITTANCE OF PENALTY AND INTEREST. (a) Requires the court, if after judicial review the administrative penalty is reduced or not imposed by the court, after the judgment becomes final, to order that the appropriate amount, plus accrued interest, be remitted to the person if the person paid the penalty; or order the release of the bond in full if the penalty is not imposed or order the release of the bond after the person pays the penalty imposed if the person posted a supersedeas bond.

(b) Provides that the interest paid under Subsection (a)(1) is a rate charged on loans to depository institutions by the New York Federal Reserve Bank. Provides that the interest is paid for the period beginning on the date the penalty is paid and ending on the date the penalty is remitted.

[Reserves Sections 506.357-506.400 for expansion.]

SUBCHAPTER H. INJUNCTIVE RELIEF

Sec. 506.401. INJUNCTIVE AUTHORITY. Authorizes TMB, in addition to any other action authorized by law, to institute an action in its own name to enjoin a violation of this chapter.

SECTION 2. (a) Requires the president of TMB, not later than October 1, 2009, to appoint the members of the licensed genetic counselor advisory committee created under Chapter 506, Occupations Code, as added by this Act.

(b) Requires TMB to adopt rules under Chapter 506, Occupations Code, as added by this Act, not later than June 30, 2010.

SECTION 3. (a) Effective date, except as provided by Subsection (b): September 1, 2009.

(b) Effective date, Section 506.201, Occupations Code, and Subchapters F, G, and H, Chapter 506, Occupations Code: July 1, 2010.