

From: [Sunset Advisory Commission](#)
To: [Janet Wood](#); [Brittany Roberson](#)
Subject: FW: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)
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-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Thursday, June 05, 2014 6:01 PM
To: Sunset Advisory Commission
Subject: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)

Submitted on Thursday, June 5, 2014 - 18:01

Agency: DEPARTMENT STATE HEALTH SERVICES DSHS

First Name: Joanna

Last Name: Ellis

Title: TACLS President, Medical Laboratory Scientist

Organization you are affiliated with: Texas Association for Clinical Laboratory Science (TACLS)

City: Austin

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed: The recommendation on DSHS report page 47 that several currently licensed allied health professions should be deregulated by using the lack of licensure of medical laboratory professionals as justification should be reassessed. This statement implies that the performance and quality of Texas labs is acceptable. Texas is number 1 in the nation for CLIA sanctioned labs six years running. In 2012, seven Texas labs had their CLIA licenses revoked or suspended. That means that these labs had significant deficiencies that were not corrected for 2-3 YEARS before ultimately being shut down. FOUR of these labs were pediatric clinics! This represents HIGH risk to public health and inadequate regulation. To suggest that other allied health professionals should follow the under-regulated standards set for laboratory professionals is NOT the appropriate recommendation. I oppose the recommendation that licensure is not needed for medical laboratory professionals performing lab tests that directly impacts public health.

Any Alternative or New Recommendations on This Agency: The Department of State Health Services and all clinical laboratories in the state need licensed laboratory personnel performing laboratory tests that impact public health. Certification and education equate quality; however, certification is not mandatory in Texas. The Clinical Laboratory Improvement Act (CLIA) requires a high school education for personnel performing moderately complex laboratory tests such as microscopically analyzing a blood smear to determine if a patient has malignant cells and performing blood typing for life or death blood transfusions. Lab testing requires expertise that is NOT provided in high school. Texas has had the highest number of CLIA sanctioned labs in the country for the last 6 years. Clearly, the status quo is not working. I recommend licensure for clinical laboratory professionals that are performing lab testing in clinical and public health labs.

My Comment Will Be Made Public: I agree

Joanna Ellis

Statement of Joanna Ellis, MS, MLS(ASCP)^{CM}

President

The Texas Association for Clinical Laboratory Science (TACLS)

Sunset Staff Report: Department of State Health Services Recommendation to Deregulate Healthcare Practitioners using medical laboratory personnel as standard.

A Texas Tribune article released yesterday entitled "Health Officials: Immigrant Surge is a Medical Crisis" states that officials from DSHS "reported that conditions at [border detention centers] posed a high risk for infectious disease outbreaks." The article also states that physicians in border areas said immigrants released from detention "primarily mothers and children are coming out in rough shape." Senator Nelson is quoted as saying that this is a "growing public health problem." In this very area four (4) pediatric clinic laboratories in were shut down by CLIA in 2012 alone. So for 2-3 years children in Weslaco, Donna, Mercedes, and Edinburg potentially received erroneous lab results before those labs were finally closed.

The mandatory hiring of certified laboratory personnel would have ensured that individuals with adequate training were doing that lab testing. CLIA only requires a high-school diploma to perform moderately complex testing such as performing blood types on patients needing blood transfusions, drug screens, complete blood counts with a microscopic white blood cell differential. These individuals are not trained to catch leukemia cells on a blood smear. These are life-altering services that must be correct. Misdiagnosed children lead to disease progression and in some cases increased transmission rates, more hospital admissions, longer hospital stays, increased healthcare costs and an overall negative impact on public health. The Star Telegram reported a Southlake emergency clinic was closed in 2011 due to uncertified personnel repeatedly failing proficiency testing. In 2013, The Statesman reported that the Lakeway Regional Medical Center hired a lab manager who falsified credentials which resulted in incorrect lab tests, resulting patient treatment that was not warranted and the lab was partially shut down. All of these would have been avoidable if licensure was imposed.

CLIA only requires a high school education for those performing moderately complex testing. These personnel requirements are not adequate to satisfy the proficiency testing and standards CLIA requires for the labs. This is evident because Texas is number one in the nation for CLIA sanctioned labs six (6) years running. Minimum education and training through mandatory certification would significantly reduce these lab errors and bring the labs into better CLIA compliance as proven by licensed states such as Louisiana and Florida.

Over five hundred (500) laboratory professionals in the state of Texas signed this petition in support of licensure. Laboratory professionals have seen first-hand the problems with allowing unqualified people to perform and report lab results. Trust members of the industry when they say that it is a mistake to use lab techs as a standard for why we should **deregulate** healthcare practitioners on page 47 of the Sunset Staff report. The Texas State Health Plan by the Statewide Health Coordinating Council consistently recommends that laboratory professionals be licensed. We would be satisfied with oversight through the TDLR. Public Health and healthcare costs would be improved by requiring certification that mandates minimum education and training for lab professionals.

Partial Petition Results:

Senator Jane Nelson: 6 signatures from Cibolo, Denton, The Colony

Senator Brian Birdwell: 10 signatures from Pflugerville, McKelroy and Waco

Senator Juan "Chuy" Hinojosa: 21 signatures from Corpus Christi, Pharr, and Edinburg

Senator Dan Patrick: 46 signatures from Houston

Senator Charles Schwertner: 9 Round Rock, Georgetown, and Bryan

Representative Four Price: 2 signatures from Amarillo

Representative Cindy Burkett: 7 signatures from Mesquite, Garland, and Dallas

Representative Harold V. Dutton, Jr.: 46 signatures from Houston

Representative Larry Gonzales: 18 signatures from Round Rock, Hutto, Leander, Cedar Park

Representative Richard Pena Raymond: 2 signatures from Laredo