

**From:** [Sunset Advisory Commission](#)  
**To:** [Janet Wood](#); [Brittany Roberson](#)  
**Subject:** FW: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Tuesday, June 10, 2014 2:01:15 PM

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-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]  
Sent: Tuesday, June 10, 2014 1:35 PM  
To: Sunset Advisory Commission  
Subject: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)

Submitted on Tuesday, June 10, 2014 - 13:34

Agency: DEPARTMENT STATE HEALTH SERVICES DSHS

First Name: David

Last Name: Falleur

Title: Past President

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

City: San Marcos

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. Over the past six years Texas has lead the nation in sanctioned labs under the federal Clinical Laboratory Improvement Act. 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 by the Centers for Medicare and Medicaid Services. 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. I strongly believe that removing the licensure requirements for those allied health professions that are currently licensed by DSHS will result in the same patient safety issues that we are currently seeing in clinical laboratories in Texas.

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