

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 29, 2009

Date

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 2330 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Bob Deuell

Sen. Bob Deuell

Leticia VandePute

Sen. Leticia VandePute

Robert Nichols

Sen. Robert Nichols

Eliot Shapleigh

Sen. Eliot Shapleigh

Zaffirini

On the part of the Senate

Se. Judith Zaffirini

Ryan Guillen

Rep. Ryan Guillen

Elliott Naishtat

Rep. Elliott Naishtat

Lois Kolkhorst

Rep. Lois Kolkhorst

John Zerwas

Rep. John Zerwas

Susan King

On the part of the House

Rep. Susan King

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 2330

A BILL TO BE ENTITLED

1 AN ACT

2 relating to laboratory tests measuring kidney function.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 42.002, Health and Safety Code, is
5 amended by adding Subdivisions (3) and (4) to read as follows:

6 (3) "Serum creatinine test" is a diagnostic test of a
7 person's blood that measures the level of creatinine present in the
8 blood.

9 (4) "Estimated glomerular filtration rate" is a
10 calculation of a person's kidney function based on:

11 (A) the person's age, race, and gender; and

12 (B) the results of the person's serum creatinine
13 test.

14 SECTION 2. Chapter 42, Health and Safety Code, is amended by
15 adding Section 42.0047 to read as follows:

16 Sec. 42.0047. ESTIMATED GLOMERULAR FILTRATION RATE
17 REPORTING. (a) A laboratory that performs a serum creatinine test
18 on a sample from a person 18 years of age or older shall also
19 calculate and include in the reported results the person's
20 estimated glomerular filtration rate or the results of an
21 alternative equivalent calculation measuring kidney function if
22 the laboratory receives along with the sample all relevant clinical
23 information about the person necessary to calculate the person's
24 estimated glomerular filtration rate or perform an alternative

1 equivalent calculation. A physician requesting a serum creatinine
2 test shall provide to the laboratory all relevant clinical
3 information about the person necessary to calculate the person's
4 estimated glomerular filtration rate or perform an alternative
5 equivalent calculation unless the physician determines that the
6 calculation is unnecessary.

7 (b) The requirements under Subsection (a) do not apply to:

8 (1) a laboratory that uses equipment to perform serum
9 creatinine tests that cannot be reprogrammed to calculate the
10 estimated glomerular filtration rate or perform an alternative
11 equivalent calculation measuring kidney function; or

12 (2) a laboratory performing a serum creatinine test on
13 a sample taken from a patient who is being treated in a hospital.

14 SECTION 3. The change in law made by this Act applies only
15 to a serum creatinine test performed on or after the effective date
16 of this Act. A serum creatinine test performed before the effective
17 date of this Act is covered by the law in effect immediately before
18 that date, and the former law is continued in effect for that
19 purpose.

20 SECTION 4. This Act takes effect September 1, 2009.

House Bill 2330
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

SECTION 1. Section 42.002, Health and Safety Code, is amended by adding Subdivisions (3) and (4).

Same as House version.

Same as House version.

SECTION 2. Chapter 42, Health and Safety Code, is amended by adding Section 42.0047 to require a laboratory that performs a serum creatinine test on a sample from a person 18 years of age or older to also calculate and include in the reported results the person's estimated glomerular filtration rate.

Similar to House version, except (a) establishes that the laboratory's calculation and inclusion in the reported results of the person's estimated glomerular filtration rate is performed at the discretion of the physician and subject to the laboratory receiving along with the sample all relevant clinical information about the person necessary to calculate that estimated rate.

Same as House version, except adds as alternatives to calculating and including the person's estimated glomerular filtration rate in the reported results including the results of an alternative equivalent calculation measuring kidney function or performing an alternative equivalent calculation, and makes a conforming change. Adds a provision requiring a physician requesting a serum creatinine test to provide to the laboratory all relevant clinical information about the person necessary to calculate the person's estimated glomerular filtration rate or perform an alternative equivalent calculation unless the physician determines that the calculation is unnecessary. *(The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.)*

No equivalent provision.

(b) Adds a provision exempting from the requirements of the section a laboratory that uses equipment to perform serum creatinine tests that cannot be reprogrammed to calculate the estimated glomerular filtration rate or a laboratory performing a serum creatinine test on a sample taken from a patient who is being treated in a hospital.

Same as Senate version, except makes a change to conform to the performance of an alternative equivalent calculation measuring kidney function.

SECTION 3. Saving provision.

Same as House version.

Same as House version.

House Bill 2330
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

SECTION 4. This Act takes effect September 1, 2009.

Same as House version.

Same as House version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2330 by Guillen (Relating to laboratory tests measuring kidney function.), Conference
Committee Report**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 537 State Health Services, Department of

LBB Staff: JOB, SD, CL, JF, MB, LR

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 2330 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.

J. A. Guillet
(name)

5/28/09
(date)