

Amend CSSB 311 by striking everything below the enacting clause and substituting:

SECTION 1. The heading to Subtitle G, Title 3, Occupations Code, is amended to read as follows:

SUBTITLE G. PROFESSIONS RELATED TO HEARING,  
LANGUAGE, AND SPEECH

SECTION 2. Subtitle G, Title 3, Occupations Code, is amended by adding Chapter 403 to read as follows:

CHAPTER 403. ACADEMIC LANGUAGE TEACHERS AND THERAPISTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 403.001. DEFINITIONS. In this chapter:

(1) "Academic language" means the treatment of dyslexia or related disorders.

(2) "Commission" means the Texas Commission of Licensing and Regulation.

(3) "Department" means the Texas Department of Licensing and Regulation.

(4) "License holder" means a person who holds a license issued under this chapter.

Sec. 403.002. ADMINISTRATION BY DEPARTMENT OF LICENSING AND REGULATION. The department shall administer this chapter.

[Sections 403.003-403.050 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES

Sec. 403.051. ADVISORY COMMITTEE. The department may appoint an advisory committee to advise the department in administering this chapter.

Sec. 403.052. RULES. The commission shall adopt rules necessary to administer and enforce this chapter, including rules that establish standards of ethical practice.

[Sections 403.053-403.100 reserved for expansion]

SUBCHAPTER C. LICENSE REQUIREMENTS

Sec. 403.101. LICENSE REQUIRED. A person may not use the title "academic language teacher" or "academic language therapist" in this state unless the person holds the appropriate license under this chapter.

Sec. 403.102. ISSUANCE OF LICENSE. The department shall issue an academic language teaching or therapy license to an

applicant who meets the requirements of this chapter.

Sec. 403.103. LICENSE APPLICATION. (a) A license applicant must apply to the department on a form and in the manner the department prescribes.

(b) The application must be accompanied by a nonrefundable application fee.

Sec. 403.104. ELIGIBILITY FOR ACADEMIC LANGUAGE TEACHER LICENSE. (a) To be eligible for an academic language teacher license, an applicant must have:

(1) successfully completed at least 45 hours in courses related to academic language, including training in multisensory structured language training; and

(2) completed at least 90 hours of practice of supervised clinical experience related to academic language, including at least five conferences with clients observed by the supervisor.

(b) Clinical experience required under Subsection (a)(2) must be obtained under:

(1) the supervision of a license holder; and

(2) guidelines approved by the department.

Sec. 403.105. ELIGIBILITY FOR ACADEMIC LANGUAGE THERAPIST LICENSE. (a) To be eligible for an academic language therapist license, an applicant must have:

(1) successfully completed at least 200 hours in courses related to academic language, including training in multisensory structured language training; and

(2) completed at least 700 hours of practice of supervised clinical experience related to academic language, including at least 10 conferences with clients observed by the supervisor.

(b) Clinical experience required under Subsection (a)(2) must be obtained under:

(1) the supervision of a person holding an academic language therapy license; and

(2) guidelines approved by the department.

Sec. 403.106. EXAMINATION; RULES. (a) To obtain a license, an applicant must:

(1) pass an examination approved by the department;  
and

(2) pay fees set by the commission.

(b) The department shall:

(1) administer an examination at least twice each  
year;

(2) determine standards for acceptable performance on  
the examination; and

(3) maintain a record of all examination scores for at  
least two years after the date of examination.

(c) The commission by rule may:

(1) establish procedures for the administration of the  
examination; and

(2) require a written or oral examination, or both.

Sec. 403.107. REEXAMINATION. (a) A person who fails the  
examination may take a later examination on payment of a  
nonrefundable fee for the examination.

(b) An applicant who fails two examinations may not be  
reexamined until the person:

(1) submits a new application accompanied by a  
nonrefundable application fee; and

(2) presents evidence acceptable to the department of  
additional study in the area for which a license is sought.

Sec. 403.108. WAIVER OF EXAMINATION REQUIREMENT. The  
department may waive the examination requirement and issue a  
license to an applicant who holds an appropriate certificate or  
other accreditation from a national organization recognized by the  
department.

Sec. 403.109. PROVISIONAL LICENSE. (a) The department may  
issue a provisional license to an applicant currently licensed in  
another jurisdiction who seeks a license in this state and who:

(1) has been licensed in good standing as an academic  
language teacher or therapist for at least two years in another  
jurisdiction, including a foreign country, that has licensing  
requirements substantially equivalent to the requirements of this  
chapter;

(2) has passed a national or other examination

recognized by the department relating to the practice of academic language; and

(3) is sponsored by a person licensed by the department under this chapter with whom the provisional license holder will practice during the time the person holds a provisional license.

(b) The department may waive the requirement of Subsection (a)(3) for an applicant if the department determines that compliance with that subsection would be a hardship to the applicant.

(c) A provisional license is valid until the date the department approves or denies the provisional license holder's application for a license.

(d) The department shall issue a license under this chapter to the provisional license holder if:

(1) the provisional license holder is eligible to be licensed under Section 51.404 or the provisional license holder passes the part of the examination under Section 403.106 that relates to the applicant's knowledge and understanding of the laws and rules relating to the practice of academic language in this state;

(2) the department verifies that the provisional license holder meets the academic and experience requirements for a license under this chapter; and

(3) the provisional license holder satisfies any other licensing requirements under this chapter.

(e) The department must approve or deny a provisional license holder's application for a license not later than the 180th day after the date the provisional license is issued. The department may extend the 180-day period if the results of an examination have not been received by the department before the end of that period.

Sec. 403.110. TEMPORARY LICENSE; RULES. The commission by rule may provide for the issuance of a temporary license.

Sec. 403.111. INACTIVE STATUS; RULES. (a) The commission by rule may provide for a license holder to be placed on inactive status.

(b) Rules adopted under this section must include a time limit for a license holder to remain on inactive status.

[Sections 403.112-403.150 reserved for expansion]

SUBCHAPTER D. PRACTICE BY LICENSE HOLDER

Sec. 403.151. CONTINUING EDUCATION. (a) A license holder may not renew the person's license unless the person meets the continuing education requirements established by the commission under Section 51.405.

(b) The commission shall establish the continuing education requirements in a manner that allows a license holder to comply without an extended absence from the license holder's county of residence.

(c) The department shall:

(1) provide to a license applicant, with the application form on which the person is to apply for a license, information describing the continuing education requirements; and

(2) notify each license holder of any change in the continuing education requirements at least one year before the date the change takes effect.

[Sections 403.152-403.200 reserved for expansion]

SUBCHAPTER E. LICENSE DENIAL; COMPLAINT AND DISCIPLINARY PROCEDURES

Sec. 403.201. COMPLAINTS. Any person may file a complaint with the department alleging a violation of this chapter or a rule adopted under this chapter.

Sec. 403.202. PROHIBITED ACTIONS. A license holder may not:

(1) obtain a license by means of fraud, misrepresentation, or concealment of a material fact;

(2) sell, barter, or offer to sell or barter a license;  
or

(3) engage in unprofessional conduct that endangers or is likely to endanger the health, welfare, or safety of the public as defined by commission rule.

Sec. 403.203. MONITORING OF LICENSE HOLDER; RULES. (a) The commission by rule shall develop a system for monitoring a license holder's compliance with this chapter.

(b) Rules adopted under this section must include procedures to:

(1) monitor for compliance a license holder who is ordered by the department to perform certain acts; and

(2) identify and monitor license holders who represent a risk to the public.

Sec. 403.204. LICENSE DENIAL, REVOCATION, OR SUSPENSION FOR CRIMINAL CONVICTION. (a) The commission may deny a license or may suspend or revoke a license if the applicant or license holder has been convicted of a misdemeanor involving moral turpitude or a felony. The commission may take action authorized by this section when:

(1) the time for appeal of the person's conviction has elapsed;

(2) the judgment or conviction has been affirmed on appeal; or

(3) an order granting probation is made suspending the imposition of the person's sentence, without regard to whether a subsequent order:

(A) allows withdrawal of a plea of guilty;

(B) sets aside a verdict of guilty; or

(C) dismisses an information or indictment.

(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is a conviction for purposes of this section.

Sec. 403.205. SCHEDULE OF SANCTIONS; RULES. The commission shall use the schedule of sanctions adopted by commission rule for any sanction imposed as the result of a hearing conducted by the department.

Sec. 403.206. REINSTATEMENT. (a) A person may apply for reinstatement of a revoked license on or after the first anniversary of the date of revocation.

(b) The department may:

(1) accept or reject the application; and

(2) require an examination as a condition for reinstatement of the license.

Sec. 403.207. REPRIMAND; CONTINUING EDUCATION. (a) In addition to other disciplinary action authorized by this subchapter, the commission may:

(1) issue a written reprimand to a license holder who violates this chapter; or

(2) require that a license holder who violates this chapter attend continuing education programs.

(b) The commission may specify the number of hours of continuing education that must be completed by a license holder to fulfill the requirement of Subsection (a)(2).

Sec. 403.208. EMERGENCY SUSPENSION. (a) The commission or a three-member committee of members designated by the commission shall temporarily suspend the license of a license holder if the

commission or committee determines from the evidence or information presented to it that continued practice by the license holder would constitute a continuing and imminent threat to the public welfare.

(b) A license may be suspended under this section without notice or hearing on the complaint if:

(1) action is taken to initiate proceedings for a hearing before the State Office of Administrative Hearings simultaneously with the temporary suspension; and

(2) a hearing is held as soon as practicable under this chapter and Chapter 2001, Government Code.

(c) The State Office of Administrative Hearings shall hold a preliminary hearing not later than the 14th day after the date of the temporary suspension to determine if there is probable cause to believe that a continuing and imminent threat to the public welfare still exists. A final hearing on the matter shall be held not later than the 61st day after the date of the temporary suspension.



[Sections 403.209-403.250 reserved for expansion]

SUBCHAPTER F. PENALTIES AND OTHER

ENFORCEMENT PROCEDURES

Sec. 403.251. DECEPTIVE TRADE PRACTICE. A violation of Section 403.101 is a deceptive trade practice.

Sec. 403.252. CRIMINAL OFFENSE. (a) A person commits an offense if the person violates Section 403.101.

(b) An offense under this section is a Class B misdemeanor.

SECTION 3. Section 51.301, Occupations Code, applies only to a violation of Chapter 403, Occupations Code, as added by this Act, that occurs on or after February 1, 2006.

SECTION 4. (a) Except as required by Subsection (b), this Act takes effect September 1, 2005.

(b) Section 403.101 and Subchapters E and F, Chapter 403, Occupations Code, as added by this Act, take effect February 1, 2006.