

**BILL ANALYSIS**

Senate Research Center  
80R4736 BEF-F

S.B. 703  
By: Deuell  
Health & Human Services  
4/16/2007  
As Filed

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The professional title "dyslexia practitioner" has no statutory definition in Texas. As a result, services offered by a dyslexia practitioner are often performed by a person without any formal training. Customers that hire a dyslexia practitioner for services to improve their disorder have no guarantee that services rendered are quality professional services.

As proposed, S.B. 703 provides certain educational requirements for dyslexia practitioners.

**RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 2 (Sections 403.052, 403.107, 403.111, 403.112, 403.202, 403.203, 403.205, Occupations Code) of this bill.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Subtitle G, Title 3, Occupations Code, to read as follows:

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

SECTION 2. Amends Subtitle G, Title 3, Occupations Code, by adding Chapter 403, as follows:

**CHAPTER 403. BASIC DYSLEXIA PRACTITIONERS AND ADVANCED  
DYSLEXIA THERAPISTS**

**SUBCHAPTER A. GENERAL PROVISIONS**

Sec. 403.001. DEFINITIONS. Defines "commission," "department," "license holder," and "multisensory structured language education."

Sec. 403.002. ADMINISTRATION BY DEPARTMENT OF LICENSING AND REGULATION. Requires the Texas Department of Licensing and Regulation (TDLR) to administer this chapter.

Sec. 403.003. EXEMPTION FOR CERTAIN EDUCATORS. Provides that this chapter does not apply to a person who is required to hold a certificate issued under Subchapter B, Chapter 21, Education Code.

[Reserves Sections 403.004-403.050 for expansion.]

**SUBCHAPTER B. POWERS AND DUTIES**

Sec. 403.051. ADVISORY COMMITTEE. Authorizes TDLR to appoint an advisory committee to advise TDLR in administering this chapter.

Sec. 403.052. RULES. Requires the Texas Commission of Licensing and Regulation (commission) to adopt rules necessary to administer and enforce this chapter, including rules that establish standards of ethical practice.

[Reserves Sections 403.053-403.100 for expansion.]

## SUBCHAPTER C. LICENSE REQUIREMENTS

Sec. 403.101. LICENSE REQUIRED. Prohibits a person from using the title "basic dyslexia practitioner" or "advanced dyslexia therapist" in this state unless the person holds the appropriate license under this chapter.

Sec. 403.102. ISSUANCE OF LICENSE. Requires TDLR to issue a basic dyslexia practitioner or an advanced dyslexia therapist license to an applicant who meets the requirements of this chapter.

Sec. 403.103. LICENSE APPLICATION. Requires a license applicant to apply to TDLR on a form and in the manner TDLR prescribes, and requires the application to be accompanied by a nonrefundable application fee.

Sec. 403.104. ELIGIBILITY FOR BASIC DYSLEXIA PRACTITIONER LICENSE.

(a) Sets forth certain criteria an applicant is required to meet to be eligible for a basic dyslexia practitioner license.

(b) Requires that clinical experience under Subsection (a)(3) be obtained under the supervision of a training program that meets the requirements of Section 403.106, and guidelines approved by TDLR.

Sec. 403.105. ELIGIBILITY FOR ADVANCED DYSLEXIA THERAPIST LICENSE.

(a) Sets forth certain criteria an applicant is required to meet to be eligible for an advanced dyslexia therapist license.

(b) Requires that clinical experience required under Subsection (a)(3) be obtained under the supervision of a person holding an advanced dyslexia therapist license, and guidelines approved by TDLR.

Sec. 403.106. REQUIREMENTS FOR TRAINING PROGRAMS. (a) Requires that a multisensory structured language education training program completed by the applicant meet certain criteria for purposes of determining whether an applicant satisfies the training requirements for a license under this chapter.

(b) Requires TDLR to determine whether a training program meets the requirements of Subsection (a).

Sec. 403.107. EXAMINATION; RULES. (a) Requires an applicant for a license to pass an examination approved by TDLR and pay fees set by the commission.

(b) Requires TDLR to administer an examination at least twice each year, determine standards for acceptable performance on the examination, and maintain a record of all examination scores for at least two years after the date of examination.

(c) Authorizes the commission by rule to establish procedures for the administration of the examination and require a written or oral examination, or both.

Sec. 403.108. REEXAMINATION. (a) Authorizes a person who fails the examination to take a later examination on payment of a nonrefundable fee for the examination.

(b) Prohibits an applicant who fails two examinations from being reexamined until the person meets certain criteria.

Sec. 403.109. WAIVER OF EXAMINATION REQUIREMENT. Authorizes TDLR to 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 TDLR.

Sec. 403.110. PROVISIONAL LICENSE. (a) Authorizes TDLR to issue a provisional license to an applicant currently licensed in another jurisdiction who seeks a license in this state and who meets certain criteria.

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

(c) Provides that a provisional license is valid until the date TDLR approves or denies the professional license holder's application for a license.

(d) Requires TDLR to issue a license under this chapter to the provisional license holder if the holder meets certain criteria relating to experience and eligibility.

(e) Requires TDLR to 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. Authorizes TDLR to extend the 180-day period provided the results of an examination have not been received by TDLR before the end of that period.

Sec. 403.111. TEMPORARY LICENSE; RULES. Authorizes the commission by rule to provide for the issuance of a temporary license.

Sec. 403.112. INACTIVE STATUS; RULES. (a) Authorizes the commission by rule to provide for a license holder to be placed on inactive status.

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

[Reserves Sections 403.113-403.150 for expansion.]

#### SUBCHAPTER D. PRACTICE BY LICENSE HOLDER

Sec. 403.151. PRACTICE SETTING. Authorizes a basic dyslexia practitioner to practice only in a school or clinic. Authorizes an advanced dyslexia therapist to practice in a school, clinic, or private practice setting.

Sec. 403.152. CONTINUING EDUCATION. (a) Prohibits a license holder from renewing the person's license unless the person meets certain requirement relating to continuing education.

(b) Requires the commission to 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) Requires TDLR to 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 notify each license holder of any change in the continuing education requirements at least one year before the date the change takes effect.

[Reserves Sections 403.153-403.200 for expansion.]

#### SUBCHAPTER E. LICENSE DENIAL; COMPLAINT AND DISCIPLINARY PROCEDURES

Sec. 403.201. COMPLAINTS. Authorizes any person to file a complaint with TDLR alleging a violation of this chapter or a rule adopted under this chapter.

Sec. 403.202. PROHIBITED ACTIONS. Prohibits a license holder from obtaining a license by means of fraud, misrepresentation, or concealment of a material fact, selling,

bartering, or offering to sell or barter a license, or engaging 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) Requires the commission to develop a system for monitoring a license holder's compliance with this chapter by rule.

(b) Requires rules adopted under this section to include certain procedures relating to monitoring and identifying a license holder who represents a risk to the public.

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

(b) Provides that 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. Requires the commission to use the schedule of sanctions adopted by commission rule for any sanction imposed as the result of a hearing conducted by TDLR.

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

(b) Authorizes TDLR to accept or reject the application and require an examination as a condition for reinstatement of the license.

Sec. 403.207. REPRIMAND; CONTINUING EDUCATION. (a) Authorizes the commission to issue a written reprimand to a license holder who violates this chapter, or require that a license holder who violates this chapter attend continuing education programs.

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

Sec. 403.208. EMERGENCY SUSPENSION. (a) Requires the commission or a three-member committee of members designated by the commission to temporarily suspend the license of a license holder under certain circumstances.

(b) Provides that a license may be suspended under this section without notice or hearing on the complaint under certain circumstances

(c) Requires the State Office of Administrative Hearings to 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. Requires a final hearing on the matter to be held not later than the 61st day after the date of the temporary suspension.

[Reserves Sections 403.209-403.250 for expansion.]

#### SUBCHAPTER F. PENALTIES AND OTHER ENFORCEMENT PROCEDURES

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

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

(b) Provides that an offense under this section is a Class B misdemeanor.

SECTION 3. Provides that 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, 2008.

SECTION 4. (a) Effective date: September 1, 2007, except as required by Subsection (b) of this section.

(b) Effective date, Section 403.101 and Subchapters E and F, Chapter 403, Occupations Code, as added by this Act: February 1, 2008.