

By: Eissler

H.B. No. 2505

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of dyslexia practitioners and therapists; imposing penalties.

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

SECTION 1. Subtitle G, Title 3, Occupations Code, is amended by adding Chapter 403 to read as follows:

CHAPTER 403. BASIC DYSLEXIA PRACTITIONERS AND ADVANCED DYSLEXIA THERAPISTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 403.001. DEFINITIONS. In this chapter:

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

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

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

(4) "Multisensory structured language education" means a program for the treatment of dyslexia and related disorders that:

(A) includes instruction in:

(i) phonology and phonological awareness;

(ii) sound and symbol association;

(iii) syllables;

(iv) morphology;

1 (v) syntax; and

2 (vi) semantics; and

3 (B) is taught with the principles of:

4 (i) simultaneous multisensory instruction,
5 including visual-auditory-kinesthetic-tactile instruction;

6 (ii) systematic and cumulative
7 instruction;

8 (iii) explicit instruction;

9 (iv) diagnostic teaching to automaticity;
10 and

11 (v) synthetic and analytic instruction.

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

14 Sec. 403.003. EXEMPTION FOR CERTAIN EDUCATORS. This
15 chapter does not:

16 (1) apply to a person who is required to hold a
17 certificate issued under Subchapter B, Chapter 21, Education Code;
18 or

19 (2) require a school district to employ a person
20 licensed under this chapter.

21 [Sections 403.004-403.050 reserved for expansion]

22 SUBCHAPTER B. POWERS AND DUTIES

23 Sec. 403.051. ADVISORY COMMITTEE. The department shall
24 appoint an advisory committee to advise the department in
25 administering this chapter.

26 Sec. 403.052. RULES. The commission shall adopt rules
27 necessary to administer and enforce this chapter, including rules

1 that establish standards of ethical practice.

2 [Sections 403.053-403.100 reserved for expansion]

3 SUBCHAPTER C. LICENSE REQUIREMENTS

4 Sec. 403.101. LICENSE REQUIRED. A person may not use the
5 title "basic dyslexia practitioner" or "advanced dyslexia
6 therapist" in this state unless the person holds the appropriate
7 license under this chapter.

8 Sec. 403.102. ISSUANCE OF LICENSE. The department shall
9 issue a basic dyslexia practitioner or an advanced dyslexia
10 therapist license to an applicant who meets the requirements of
11 this chapter.

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

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

17 Sec. 403.104. ELIGIBILITY FOR BASIC DYSLEXIA PRACTITIONER
18 LICENSE. (a) To be eligible for a basic dyslexia practitioner
19 license, an applicant must have:

20 (1) earned a bachelor's degree from an accredited
21 institution of higher education;

22 (2) successfully completed at least 45 hours of course
23 work in multisensory structured language education from a training
24 program that meets the requirements of Section 403.106;

25 (3) completed at least 90 hours of practice of
26 supervised clinical experience in multisensory structured language
27 education; and

1 (4) completed at least five observations of the
2 practice of multisensory structured language education, each
3 followed by a conference and a written report and observed by an
4 instructor from a training program that meets the requirements of
5 Section 403.106.

6 (b) Clinical experience required under Subsection (a)(3)
7 must be obtained under:

8 (1) the supervision of a training program that meets
9 the requirements of Section 403.106; and

10 (2) guidelines approved by the department.

11 Sec. 403.105. ELIGIBILITY FOR ADVANCED DYSLEXIA THERAPIST
12 LICENSE. (a) To be eligible for an advanced dyslexia therapist
13 license, an applicant must have:

14 (1) earned at least a master's degree from an
15 accredited institution of higher education;

16 (2) successfully completed at least 200 hours of
17 course work in multisensory structured language education from a
18 training program that meets the requirements of Section 403.106;

19 (3) completed at least 700 hours of practice of
20 supervised clinical experience in multisensory structured language
21 education; and

22 (4) completed at least 10 observations of the practice
23 of multisensory structured language education, each followed by a
24 conference and a written report and observed by an instructor from a
25 training program that meets the requirements of Section 403.106.

26 (b) Clinical experience required under Subsection (a)(3)
27 must be obtained under:

1 (1) the supervision of a person holding an advanced
2 dyslexia therapist license; and

3 (2) guidelines approved by the department.

4 Sec. 403.106. REQUIREMENTS FOR TRAINING PROGRAMS. (a) For
5 purposes of determining whether an applicant satisfies the training
6 requirements for a license under this chapter, a multisensory
7 structured language education training program completed by the
8 applicant must:

9 (1) be accredited by a nationally recognized
10 accrediting organization;

11 (2) provide instruction in each element of
12 multisensory structured language education;

13 (3) provide instruction based on the Texas Education
14 Agency publication The Dyslexia Handbook: Procedures Concerning
15 Dyslexia and Related Disorders (2001);

16 (4) be committed to self-study;

17 (5) have been reviewed by dyslexia education
18 professionals who are not affiliated with the training program; and

19 (6) develop and follow procedures to maintain and
20 improve the quality of training provided by the program.

21 (b) The department, in consultation with the advisory
22 committee, shall determine whether a training program meets the
23 requirements of Subsection (a).

24 Sec. 403.107. EXAMINATION; RULES. (a) To obtain a
25 license, an applicant must:

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

27 and

1 (2) pay fees set by the commission.

2 (b) The department shall, in consultation with the advisory
3 committee:

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

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

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

10 (c) In consultation with the advisory committee, the
11 commission by rule may:

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

14 (2) require a written examination.

15 Sec. 403.108. REEXAMINATION. (a) A person who fails the
16 examination may take a later examination on payment of a
17 nonrefundable fee for the examination.

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

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

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

24 Sec. 403.109. WAIVER OF EXAMINATION REQUIREMENT. The
25 department, in consultation with the advisory committee, may waive
26 the examination requirement and issue a license to an applicant who
27 holds an appropriate certificate or other accreditation from a

1 national organization recognized by the department.

2 Sec. 403.110. PROVISIONAL LICENSE. (a) The department, in
3 consultation with the advisory committee, may issue a provisional
4 license to an applicant currently licensed in another jurisdiction
5 who seeks a license in this state and who:

6 (1) has been licensed in good standing as a basic
7 dyslexia practitioner or an advanced dyslexia therapist for at
8 least two years in another jurisdiction, including a foreign
9 country, that has licensing requirements substantially equivalent
10 to the requirements of this chapter;

11 (2) has passed a national or other examination
12 recognized by the department relating to the practice of
13 multisensory structured language education; and

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

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

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

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

27 (1) the provisional license holder is eligible to be

1 licensed under Section 51.404 or the provisional license holder
2 passes the part of the examination under Section 403.107 that
3 relates to the applicant's knowledge and understanding of the laws
4 and rules relating to the practice of multisensory structured
5 language education in this state;

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

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

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

17 Sec. 403.111. TEMPORARY LICENSE; RULES. The commission by
18 rule may provide for the issuance of a temporary license.

19 Sec. 403.112. INACTIVE STATUS; RULES. (a) The commission
20 by rule may provide for a license holder to be placed on inactive
21 status.

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

24 [Sections 403.113-403.150 reserved for expansion]

25 SUBCHAPTER D. PRACTICE BY LICENSE HOLDER

26 Sec. 403.151. PRACTICE SETTING. (a) A basic dyslexia
27 practitioner may practice only in a supervised educational setting,

1 including a school, learning center, or clinic.

2 (b) An advanced dyslexia therapist may practice in a school,
3 clinic, or private practice setting.

4 Sec. 403.152. CONTINUING EDUCATION. (a) A license holder
5 may not renew the person's license unless the person meets the
6 continuing education requirements established by the commission
7 under Section 51.405.

8 (b) The commission, in consultation with the advisory
9 committee, shall establish the continuing education requirements
10 in a manner that allows a license holder to comply without an
11 extended absence from the license holder's county of residence.

12 (c) The department shall:

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

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

19 [Sections 403.153-403.200 reserved for expansion]

20 SUBCHAPTER E. LICENSE DENIAL; COMPLAINT AND DISCIPLINARY

21 PROCEDURES

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

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

27 (1) obtain a license by means of fraud,

1 misrepresentation, or concealment of a material fact;

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

3 or

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

7 Sec. 403.203. MONITORING OF LICENSE HOLDER; RULES.

8 (a) The commission by rule shall develop a system for monitoring a
9 license holder's compliance with this chapter.

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

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

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

16 Sec. 403.204. LICENSE DENIAL, REVOCATION, OR SUSPENSION FOR

17 CRIMINAL CONVICTION. (a) The commission may deny a license or may
18 suspend or revoke a license if the applicant or license holder has
19 been convicted of a misdemeanor involving moral turpitude or a
20 felony. The commission may take action authorized by this section
21 when:

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

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

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

1 subsequent order:

2 (A) allows withdrawal of a plea of guilty;

3 (B) sets aside a verdict of guilty; or

4 (C) dismisses an information or indictment.

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

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

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

15 (b) The department may:

16 (1) accept or reject the application; and

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

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

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

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

26 (b) The commission, in consultation with the advisory
27 committee, may specify the number of hours of continuing education

1 that must be completed by a license holder to fulfill the
2 requirement of Subsection (a)(2).

3 Sec. 403.208. EMERGENCY SUSPENSION. (a) The commission or
4 a three-member committee of members designated by the commission
5 shall temporarily suspend the license of a license holder if the
6 commission or committee determines from the evidence or information
7 presented to it that continued practice by the license holder would
8 constitute a continuing and imminent threat to the public welfare.

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

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

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

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

22 [Sections 403.209-403.250 reserved for expansion]

23 SUBCHAPTER F. PENALTIES AND OTHER ENFORCEMENT PROCEDURES

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

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

