

BILL ANALYSIS

C.S.H.B. 594
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law regulates audiologists under Chapter 401, Occupations Code, and hearing instrument fitters and dispensers under Chapter 402, Occupations Code. Many provisions of these laws are ambiguous and can be interpreted differently than intended.

C.S.H.B. 594 amends Chapter 402 to remove ambiguity and to clarify and update its provisions.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments in SECTIONS 4 and 6 of this bill.

ANALYSIS

C.S.H.B. 594 amends the Occupations Code to remove exemptions from application of licensing provisions for hearing instrument fitters and dispensers relating to an audiologist or audiology intern who is among certain members of the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments, examination requirements, the affidavit of a person applying for a temporary training permit, requirements for a supervisor of a temporary training permit holder, ownership of a dispensing practice, and certain prohibited acts related to a license or permit.

C.S.H.B. 594 clarifies that a person licensed as an audiologist or audiology intern in Texas who is applying for a license to fit and dispense hearing instruments is exempt from the licensing examination but required to comply with all other licensing requirements.

C.S.H.B. 594 increases from 18 to 20 hours the amount of classroom continuing education an apprentice permit holder is required to complete during the apprentice year.

C.S.H.B. 594 removes licensing by reciprocity provisions that require the committee to waive the examination requirement and issue a license to fit and dispense hearing instruments to a license holder from another state or territory with substantially the same licensing requirements as Texas. The bill sets out license application and examination procedures for a person licensed to fit and dispense hearing instruments in another state.

C.S.H.B. 594 prohibits the committee from issuing a license to fit and distribute hearing instruments to an applicant who is a licensed audiologist in another state and requires the committee to refer the applicant to the State Board of Examiners for Speech-Language Pathology and Audiology.

C.S.H.B. 594 authorizes the committee to issue a new temporary training permit to a person on or after the 365th day after the person's previous temporary training permit expired.

C.S.H.B. 594 adds to the information required to be included in the affidavit required to accompany an application for a temporary training permit a statement that the affiant will comply with all provisions relating to such a license and rules adopted that relate to the supervision and training of a temporary training permit holder if the affiant is licensed as a speech-language pathologist or audiologist.

C.S.H.B. 594 clarifies that a supervisor of a temporary training permit holder must be licensed to fit and dispense hearing instruments in Texas and must currently practice in an established place of business.

C.S.H.B. 594 increases the term for a license to fit and dispense hearing instruments from one year to two years and requires the committee to renew the license every two years, rather than annually, on payment of the renewal fee unless the license is suspended or revoked. The bill removes the condition that a person whose license has been expired for two years or more submit to reexamination to obtain a new license. The bill prohibits the committee from renewing a license unless the license holder provides proof that all equipment that is used by the license holder to produce a measurement in the testing of hearing acuity has been properly calibrated or certified by a qualified technician.

C.S.H.B. 594 requires the owner of a hearing instrument fitting and dispensing practice to ensure that each client receives a written contract, rather than a bill of sale, at the time of purchase of a hearing instrument that contains information about the license holder who dispensed the hearing instrument, including notice of the 30-day trial period during which a person may cancel the purchase of a hearing instrument, and the name, mailing address, and telephone number of the committee. The bill establishes that all of the records and contracts of a hearing instrument fitting and dispensing business are solely the property of the person who owns the business.

C.S.H.B. 594 clarifies that the committee is authorized to undertake certain disciplinary measures against a license or permit holder who falsely uses the term "doctor," "audiologist," "clinic," "clinical audiologist," "state licensed," "state certified," "licensed hearing instrument dispenser," "board certified hearing instrument specialist," "hearing instrument specialist," or "certified hearing aid audiologist," or uses any other term, abbreviation, or symbol that gives a false impression about the person's credentials or services.

C.S.H.B. 594 repeals Section 402.302, Occupations Code.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 594 differs from the original by omitting the provision on the 70 percent minimum license examination passing score requirement for a temporary training permit holder to be issued an apprentice permit to fit and dispense hearing instruments.