

House Bill 461
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

CHAPTER 403. DYSLEXIA PRACTITIONERS AND THERAPISTS

Sec. 403.001. SHORT TITLE. This chapter may be cited as the Dyslexia Practitioners and Therapists Title Recognition Act.

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

CHAPTER 403. **LICENSED** DYSLEXIA PRACTITIONERS AND **LICENSED** DYSLEXIA THERAPISTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 403.001. DEFINITIONS. In this chapter:

(1) "Commissioner" means the commissioner of state health services.

(2) "Department" means the Department of State Health Services.

(3) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

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

(5) "Multisensory structured language education" means a program described by the International Multisensory Structured Language Education Council for the treatment of individuals with dyslexia and related disorders that provides instruction in the skills of reading, writing, and spelling:

(A) through program content that includes:

(i) phonology and phonological awareness;

(ii) sound and symbol association;

(iii) syllables;

(iv) morphology;

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(v) syntax; and
(vi) semantics; and
(B) following principles of instruction that include:
(i) simultaneous multisensory instruction, including visual-auditory-kinesthetic-tactile instruction;
(ii) systematic and cumulative instruction;
(iii) explicit instruction;
(iv) diagnostic teaching to automaticity; and
(v) synthetic and analytic instruction.
(6) "Qualified instructor" means a person described by Section 403.110.

Sec. 403.002. ADMINISTRATION BY DEPARTMENT OF STATE HEALTH SERVICES.
The department shall administer this chapter.
[Sections 403.004-403.050 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES

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

Sec. 403.052. RULES. The executive commissioner 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. 403.102. ISSUANCE OF LICENSE. The department shall issue a licensed dyslexia practitioner or licensed dyslexia therapist license to an applicant who meets the requirements of this chapter.

Sec. 403.103. LICENSE APPLICATION. (a) A license

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Sec. 403.002. **STATE TITLE RECOGNITION STANDARDS.**

(a) To meet the state dyslexia practitioner title recognition standards, a person must have:

(1) earned at least a bachelor's degree from an accredited public or private institution of higher education;

(2) successfully completed at least 45 hours of course work in multisensory structured language education from a training program that meets the requirements of Section 403.0025;

(3) completed at least 60 hours of supervised clinical experience in multisensory structured language education;

(4) completed at least five demonstration lessons of the practice of multisensory structured language education, each observed by an instructor from a training program that meets the requirements of Section 403.0025 and followed by a conference with and a written report by the instructor; and

(5) successfully completed a national multisensory structured language education competency examination as required by a national certifying professional organization.

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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 LICENSED DYSLEXIA PRACTITIONER LICENSE.**

(a) To be eligible for a licensed dyslexia practitioner license, an applicant must have:

(1) earned a bachelor's degree from an accredited public or private institution of higher education;

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

(3) completed at least 60 hours of supervised clinical experience in multisensory structured language education;

(4) completed at least five demonstration lessons of the practice of multisensory structured language education, each observed by an instructor from a training program that meets the requirements of Section 403.106 and followed by a conference with and a written report by the instructor; and

(5) successfully completed a national multisensory structured language education competency examination approved by the department and administered by a national certifying professional organization.

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

(1) the supervision of a qualified instructor or an

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- (b) To meet the state dyslexia therapist title recognition standards, a person must have:
- (1) earned at least a bachelor's degree from an accredited public or private institution of higher education;
 - (2) successfully completed at least 200 hours of course work in multisensory structured language education from a training program that meets the requirements of Section 403.0025;
 - (3) completed at least 700 hours of supervised clinical experience in multisensory structured language education;
 - (4) completed at least 10 demonstration lessons of the practice of multisensory structured language education, each observed by an instructor from a training program that meets the requirements of Section 403.0025 and followed by a conference with and a written report by the instructor; and
 - (5) successfully completed a national multisensory structured language education competency examination as required by a national certifying professional organization.
- (c) Clinical experience required under Subsections (a)(3) and (b)(3) must be obtained under the supervision of a qualified instructor or an instructor from an accredited training program that meets the

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- instructor from an accredited training program that meets the requirements of Section 403.106; and
- (2) guidelines approved by the department.
- Sec. 403.105. ELIGIBILITY FOR LICENSED DYSLEXIA THERAPIST LICENSE.**
- (a) To be eligible for a licensed dyslexia therapist license, an applicant must have:
- (1) earned at least a master's degree from an accredited public or private institution of higher education;
 - (2) successfully completed at least 200 hours of course work in multisensory structured language education from a training program that meets the requirements of Section 403.106;
 - (3) completed at least 700 hours of supervised clinical experience in multisensory structured language education;
 - (4) completed at least 10 demonstration lessons of the practice of multisensory structured language education, each observed by an instructor from a training program that meets the requirements of Section 403.106 and followed by a conference with and a written report by the instructor; and
 - (5) successfully completed a national multisensory structured language education competency examination approved by the department and administered by a national certifying professional organization.
- (b) Clinical experience required under Subsection (a)(3) must be obtained under:
- (1) the supervision of a qualified instructor or an instructor from an accredited training program that meets

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requirements of Section 403.0025.

Sec. 403.0025. REQUIREMENTS FOR TRAINING PROGRAMS. (a) For purposes of determining whether a person satisfies the training requirements under the state dyslexia practitioner or state dyslexia therapist title recognition standards, a multisensory structured language education training program completed by the applicant must:

- (1) be accredited by a nationally recognized accrediting organization;
- (2) have in writing defined goals and objectives, areas of authority, and policies and procedures;
- (3) have the appropriate financial and management resources to operate the training program, including a knowledgeable administrator and standard accounting and reporting procedures;
- (4) have a physical site, equipment, materials, supplies, and environment suitable for the training program;
- (5) have a sufficient number of instructional personnel who have completed the requirements for certification in multisensory structured language education;
- (6) have been reviewed by multisensory structured language education professionals who are not affiliated with the training program;
- (7) have developed and followed procedures to maintain and improve the quality of training provided by the program;
- (8) have provided direct instruction in the principles and in each element of multisensory structured language

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the requirements of Section 403.106; and
(2) guidelines approved by the department.

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

- (1) be accredited by a nationally recognized accrediting organization;
- (2) have in writing defined goals and objectives, areas of authority, and policies and procedures;
- (3) have the appropriate financial and management resources to operate the training program, including a knowledgeable administrator and standard accounting and reporting procedures;
- (4) have a physical site, equipment, materials, supplies, and environment suitable for the training program;
- (5) have a sufficient number of instructional personnel who have completed the requirements for certification in multisensory structured language education;
- (6) have been reviewed by multisensory structured language education professionals who are not affiliated with the training program;
- (7) have developed and followed procedures to maintain and improve the quality of training provided by the program;
- (8) have provided direct instruction in the principles and in each element of multisensory structured language

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education for a minimum of:

(A) 45 contact hours of course work for training program participants who seek to meet the state dyslexia practitioner title recognition standards; and

(B) 200 contact hours of course work for training program participants who seek to meet the state dyslexia therapist title recognition standards;

(9) have required training program participants to complete a program of supervised clinical experience in which the participants provided multisensory structured language education to students or adults, either individually or in small groups, for a minimum of:

(A) 60 hours for training program participants who seek to meet the state dyslexia practitioner title recognition standards; and

(B) 700 hours for training program participants who seek to meet the state dyslexia therapist title recognition standards;

(10) have required training program participants to demonstrate the application of multisensory structured language education principles of instruction by completing demonstration lessons observed by an instructor and followed by a conference with and a written report by the instructor; and

(11) have provided instruction based on the Texas Education Agency publication "The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders (2007)," or a revised version of that publication approved by the Texas Education Agency.

(b) A training program must require a training program

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education for a minimum of:

(B) 45 contact hours of course work for training program participants who seek a licensed dyslexia practitioner license;

(A) 200 contact hours of course work for training program participants who seek a licensed dyslexia therapist license; and

(9) have required training program participants to complete a program of supervised clinical experience in which the participants provided multisensory structured language education to students or adults, either individually or in small groups for a minimum of:

(B) 60 hours for training program participants who seek a licensed dyslexia practitioner license;

(A) 700 hours for training program participants who seek a licensed dyslexia therapist license; and

(10) have required training program participants to demonstrate the application of multisensory structured language education principles of instruction by completing demonstration lessons observed by an instructor and followed by a conference with and a written report by the instructor; and

(11) have provided instruction based on the Texas Education Agency publication "The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders (2007)," or a revised version of that publication approved by the department.

(b) A training program must require a training program

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participant who seeks to meet the state dyslexia practitioner title recognition standards to have completed at least five demonstration lessons described by Subsection (a)(10) and a participant who seeks to meet the state dyslexia therapist title recognition standards to have completed at least 10 demonstration lessons described by Subsection (a)(10).

Sec. 403.003. **CERTIFICATION REQUIRED.** (a) A person may not use the title of, or represent to the public that the person is, a "registered dyslexia practitioner" or "associate academic language teacher" or use the initials "RDP" or "AALT" unless the person is certified by the Academic Language Therapy Association as meeting the state dyslexia practitioner title recognition standards.

(b) A person may not use the title of, or represent to the public that the person is, a "registered dyslexia therapist" or "certified academic language therapist" or use the initials "RDT" or "CALT" unless the person is certified by the Academic Language Therapy Association as meeting the state dyslexia therapist title recognition standards.

Sec. 403.004. **CRIMINAL PENALTY.** (a) A person commits an offense if the person violates Section 403.003.

(b) An offense under this section is a misdemeanor punishable by a fine not to exceed \$1,000.

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participant who seeks a licensed dyslexia practitioner license to have completed at least five demonstration lessons described by Subsection (a)(10) and a participant who seeks a licensed dyslexia therapist license to have completed at least 10 demonstration lessons.

(c) The department, in consultation with the advisory committee, shall determine whether a training program meets the requirements of this section.

Sec. 403.101. **LICENSE REQUIRED.** A person may not use the title "licensed dyslexia practitioner" or "licensed dyslexia therapist" in this state unless the person holds the appropriate license under this chapter.

Sec. 403.251. **CIVIL PENALTY.** (a) A person who

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Sec. 403.005. APPLICABILITY. This chapter does not:
(1) require a school district to employ a person who meets the state dyslexia practitioner or state dyslexia therapist title recognition standards;
(2) require a person who holds a license issued under Chapter 501 to meet the state dyslexia practitioner or state dyslexia therapist title recognition standards; or
(3) authorize a person who is not licensed under Chapter 401 to practice audiology or speech-language pathology.

violates this chapter, a rule adopted by the executive commissioner, or an order adopted by the commissioner under this chapter is liable for a civil penalty not to exceed \$500 for each occurrence.

(b) At the request of the department, the attorney general shall bring an action to recover a civil penalty authorized under this section.

Sec. 403.003. APPLICABILITY. This chapter does not:
(1) require a school district to employ a person licensed under this chapter;

(2) require an individual who is licensed under Chapter 501 to obtain a license under this chapter; or

(3) authorize a person who is not licensed under Chapter 401 to practice audiology or speech-language pathology.

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

(1) pass a written examination approved by the department under Subsection (b); and

(2) pay fees set by the executive commissioner.

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

(1) identify and designate a competency examination that is related to multisensory structured language education and that will be administered at least twice each year by a professional organization that issues national certifications; and

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

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Sec. 403.108. WAIVER OF EXAMINATION REQUIREMENT. The department, in consultation with the advisory committee, may waive the examination requirement and issue a license to an applicant who holds an appropriate certificate or other accreditation from a nationally accredited multisensory structured language education organization recognized by the department.

Sec. 403.109. INACTIVE STATUS; RULES. (a) The executive commissioner 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.

Sec. 403.110. QUALIFIED INSTRUCTOR. To be considered a qualified instructor under this chapter, a person must:

(1) be a licensed dyslexia therapist;

(2) have at least 1,400 hours of clinical teaching experience in addition to the hours required to obtain a licensed dyslexia therapist license; and

(3) have completed a two-year course of study dedicated to the administration and supervision of multisensory structured language education programs taught by a nationally accredited training program that meets the requirements of Section 403.106.

[Sections 403.111-403.150 reserved for expansion]

SUBCHAPTER D. PRACTICE BY LICENSE HOLDER

Sec. 403.151. PRACTICE SETTING. (a) A licensed dyslexia practitioner may practice only in an educational setting, including a school, learning center, or clinic.

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(b) A licensed dyslexia therapist may practice in a school, learning center, clinic, or private practice setting.
Sec. 403.152. CONTINUING EDUCATION. (a) A license holder's license may not be renewed unless the license holder meets the continuing education requirements established by the executive commissioner.
(b) The executive commissioner, in consultation with the advisory committee, 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 403.153-403.200 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

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

Sec. 403.203. GROUNDS FOR DISCIPLINARY ACTION. If a license holder violates this chapter or a rule or code of ethics adopted by the executive commissioner, the department shall:

- (1) revoke or suspend the license;
- (2) place on probation the person if the person's license has been suspended;
- (3) reprimand the license holder; or
- (4) refuse to renew the license.

Sec. 403.204. LICENSE DENIAL, REVOCATION, OR SUSPENSION FOR CRIMINAL CONVICTION. (a) The department 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 department 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

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a plea of nolo contendere is a conviction for purposes of this section.

Sec. 403.205. HEARING. (a) If the department proposes to revoke, suspend, or refuse to renew a person's license, the person is entitled to a hearing before a hearings officer appointed by the State Office of Administrative Hearings.

(b) The executive commissioner shall prescribe procedures for appealing to the commissioner a decision to revoke, suspend, or refuse to renew a license.

Sec. 403.206. ADMINISTRATIVE PROCEDURE. A proceeding under this subchapter to suspend, revoke, or refuse to renew a license is governed by Chapter 2001, Government Code.

Sec. 403.207. SANCTIONS. (a) The executive commissioner, in consultation with the advisory committee, by rule shall adopt a broad schedule of sanctions for a violation of this chapter.

(b) The State Office of Administrative Hearings shall use the schedule of sanctions for a sanction imposed as the result of a hearing conducted by that office.

Sec. 403.208. PROBATION. The department may require a license holder whose license suspension is probated to:

(1) report regularly to the department on matters that are the basis of the probation;

(2) limit practice to areas prescribed by the department;
or

(3) continue the license holder's professional education until the license holder attains a degree of skill

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satisfactory to the department in those areas that are the basis of the probation.

Sec. 403.209. MONITORING OF LICENSE HOLDER.

(a) The executive commissioner by rule shall develop a system for monitoring a license holder's compliance with the requirements of 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. 403.210. INFORMAL PROCEDURES. (a) The executive commissioner by rule shall adopt procedures governing:

(1) informal disposition of a contested case under Section 2001.056, Government Code; and

(2) an informal proceeding held in compliance with Section 2001.054, Government Code.

(b) Rules adopted under Subsection (a) must:

(1) provide the complainant and the license holder an opportunity to be heard; and

(2) require the presence of a representative of the attorney general or the department's legal counsel to advise the department or the department's employees.

Sec. 403.211. 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

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

Sec. 403.212. REPRIMAND; CONTINUING EDUCATION. (a) In addition to other disciplinary action authorized by this subchapter, the department 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 department, in consultation with the advisory committee, 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).

[Sections 403.213-403.250 reserved for expansion]

SUBCHAPTER F. PENALTIES AND OTHER ENFORCEMENT PROCEDURES

Sec. 403.252. CEASE AND DESIST ORDER. (a) If it appears to the commissioner that a person who is not licensed under this chapter is violating this chapter or a rule adopted under this chapter, the commissioner after notice and an opportunity for a hearing may issue a cease and desist order prohibiting the person from engaging in the activity.

(b) A violation of an order under this section constitutes grounds for imposing a civil penalty under this chapter.

SECTION 2. The heading to Subtitle G, Title 3, Occupations Code, is amended to read as follows:

SUBTITLE G. PROFESSIONS RELATED TO

No equivalent provision.

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SECTION 2. (a) An interim committee is created to study and recommend legislation to increase awareness of early detection and treatment of dyslexia and related disorders. The committee's study shall examine:

- (1) early detection and intervention;
- (2) access to treatment in rural areas of the state;
- (3) the role of public education and higher education in detection and treatment;
- (4) treatment for older students and adults; and
- (5) any barriers related to accommodations for individuals with dyslexia and related disorders.

(b) The committee consists of the following nine members:

(1) **three** members appointed by the lieutenant governor as follows: (A) two senators, one of whom represents a rural area; and

(B) one member who represents an institution of higher education that offers courses in dyslexia and related disorders (*appointed by the lieutenant governor*);

(2) **three** members appointed by the speaker of the house of representatives as follows: (A) two state representatives, one of whom represents a rural area; and

(B) one member who represents a nationally accredited training center (*appointed by the speaker of the house*); and

(3) **three** members appointed by the governor as follows:

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SECTION 3. (a) An interim committee is created to study and recommend legislation to increase awareness of early detection and treatment of dyslexia and related disorders. The committee's study shall examine:

- (1) early detection and intervention;
- (2) access to treatment in rural areas of the state;
- (3) the role of public education and higher education in detection and treatment;
- (4) treatment for older students and adults; and
- (5) any barriers related to accommodations for individuals with dyslexia and related disorders.

(b) The committee consists of the following nine members:

(1) **two** members who are senators, one of whom represents a rural area, appointed by the lieutenant governor

(3)(A) one member who represents an institution of higher education that offers courses in dyslexia and related disorders (*appointed by the governor*);

(2) **two** members who are state representatives, one of whom represents a rural area, appointed by the speaker of the house of representatives; and

(3)(B) one member who represents a nationally accredited training center (*appointed by the governor*);

(3) **five** members appointed by the governor as follows:

(A) *see above*

(B) *see above*

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- (A) one member who is a certified academic language therapist;
- (B) one member who is a public school dyslexia designee; and
- (C) one member who is a parent of a student with dyslexia.
- (c) The committee shall elect a presiding officer from among its members.
- (d) The committee shall convene at the call of the presiding officer.
- (e) Committee members may not receive compensation or reimbursement of expenses for serving on the committee.
- (f) Not later than December 1, 2010, the committee shall report the committee's findings and recommendations to the lieutenant governor, the speaker of the house of representatives, and the governor.
- (g) Not later than the 60th day after the effective date of this Act, the lieutenant governor, the speaker of the house of representatives, and the governor shall appoint the members of the interim committee created under this section.

SECTION 3. Section 2 of this Act expires September 1, 2011.

No equivalent provision.

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- (C) one member who is a certified academic language therapist;
- (D) one member who is a public school dyslexia designee; and
- (E) one member who is a parent of a student with dyslexia.
- (c) The committee shall elect a presiding officer from among its members.
- (d) The committee shall convene at the call of the presiding officer.
- (e) Committee members may not receive compensation or reimbursement of expenses for serving on the committee.
- (f) Not later than December 1, 2010, the committee shall report the committee's findings and recommendations to the lieutenant governor, the speaker of the house of representatives, and the governor.
- (g) Not later than the 60th day after the effective date of this Act, the lieutenant governor, the speaker of the house of representatives, and the governor shall appoint the members of the interim committee created under this section.

(h) This section expires September 1, 2011.

SECTION 4. Not later than November 1, 2009, the commissioner of the Department of State Health Services

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shall appoint the initial members of the advisory committee under Section 403.051, Occupations Code, as added by this Act.

No equivalent provision.

SECTION 5. Not later than June 1, 2010, the executive commissioner of the Health and Human Services Commission shall adopt final rules under Section 403.052, Occupations Code, as added by this Act.

No equivalent provision.

SECTION 6. The Department of State Health Services shall issue a licensed dyslexia therapist license to an applicant under this section who:

- (1) applies for a license under this section not later than December 31, 2012;
- (2) not later than November 30, 2012, meets the requirements of Sections 403.105(a)(2)-(5), Occupations Code, as added by this Act;
- (3) submits any other information required by the department by rule; and
- (4) pays the application fee.

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

SECTION 7. (a) Except as required by Subsection (b) of this section, this Act takes effect September 1, 2009.
(b) Section 403.101 and Subchapters E and F, Chapter 403, Occupations Code, as added by this Act, take effect September 1, 2010.

