

BILL ANALYSIS

C.S.H.B. 1549
By: Laubenberg
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Speech-language pathologists and audiologists are regulated by the State Board of Examiners for Speech-Language Pathology and Audiology, which the Sunset Advisory Commission recently reviewed. Interested parties assert that the resulting legislation did not address several necessary revisions to the laws regulating these professionals, such as the use of telepractice by licensees, certain educational requirements, the licensing of military spouses, and the issuance and renewal of certain licenses. Additionally, it has been suggested that similar revisions regarding the use of telepractice be made to provisions governing licensed hearing instrument fitters and dispensers. C.S.H.B. 1549 seeks to address these and other issues relating to the regulation of speech-language pathologists and audiologists and of hearing instrument fitters and dispensers.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the State Board of Examiners for Speech-Language Pathology and Audiology in SECTIONS 2, 6, 7, 10, and 12 of this bill and to the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments in SECTIONS 2, 7, 8, and 12 of this bill.

ANALYSIS

C.S.H.B. 1549 amends the Occupations Code to remove from a provision establishing that statutory provisions regulating speech-language pathologists and audiologists do not prevent a person in an industrial setting from engaging in hearing testing as a part of a hearing conservation program in compliance with federal Occupational Safety and Health Administration regulations the condition that such a person be certified by an agency acceptable to the Occupational Safety and Health Administration.

C.S.H.B. 1549 requires the State Board of Examiners for Speech-Language Pathology and Audiology and the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments, with the assistance of the Department of State Health Services (DSHS), to jointly adopt rules to establish requirements for the fitting and dispensing of hearing instruments by the use of telepractice.

C.S.H.B. 1549 removes the requirement that at least six of the 36 semester hours of course work required to be completed by an applicant be in audiology or speech-language pathology, as applicable, and applies that provision only to an application for a license filed on or after January 1, 2015. The bill removes the requirement that the board notify each examinee of the results of the licensing examination not later than the 30th day after the date the examination is administered.

C.S.H.B. 1549 requires the board to issue a license to a military spouse who was licensed in good standing as a speech-language pathologist or audiologist in another state as of the date of the application, who holds a master's degree in at least one of the areas of communicative sciences or disorders from a program accredited by a national accrediting organization that is

approved by the board and recognized by the U.S. secretary of education under the federal Higher Education Act of 1965, and who has not been the subject of a disciplinary action in any jurisdiction in which the applicant is or has been licensed. The bill authorizes the board to adopt rules consistent with the joint rules adopted for the fitting and dispensing of hearing instruments by the use of telepractice, to provide for the practice of speech-language pathology or audiology by the use of telepractice by a licensed speech-language pathologist or audiologist, including rules that establish the qualifications and duties of license holders who use telepractice.

C.S.H.B. 1549 repeals statutory provisions relating to the issuance of a temporary license, the issuance of a limited license to practice as a fully licensed speech-language pathologist in public schools, and the provision of information regarding continuing education requirements to license applicants and license holders. The bill authorizes the board by rule to establish a procedure to issue an audiologist license to a person who submits an application before September 1, 2014, and who has a master's degree in audiology and was licensed as an audiologist in Texas between September 1, 2007, and September 1, 2011.

C.S.H.B. 1549 requires the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments and the board, with the assistance of DSHS, to jointly adopt rules to establish requirements for the fitting and dispensing of hearing instruments by the use of telepractice. The bill authorizes the committee, for purposes of provisions regulating the practice of licensed hearing aid fitters and dispensers, to adopt rules to provide for the fitting and dispensing of hearing instruments by the use of telepractice, including rules that establish the qualifications and duties of license holders who use telepractice.

C.S.H.B. 1549 requires the board and the committee to adopt rules as required by the bill's provisions not later than January 1, 2014.

C.S.H.B. 1549 repeals the following provisions of the Occupations Code:

- Section 401.309
- Section 401.314
- Section 401.355(c)

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1549 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 401.057, Occupations Code, is amended.	SECTION 1. Same as introduced version.
No equivalent provision.	SECTION 2. Subchapter E, Chapter 401, Occupations Code, is amended by adding Section 401.2022 to read as follows: <u>Sec. 401.2022. JOINT RULES FOR FITTING AND DISPENSING OF HEARING INSTRUMENTS BY</u>

TELEPRACTICE. With the assistance of the department, the board and the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments shall jointly adopt rules to establish requirements for the fitting and dispensing of hearing instruments by the use of telepractice.

SECTION 2. Section 401.304(a), Occupations Code, is amended to read as follows:

(a) To be eligible for licensing as a speech-language pathologist or audiologist, an applicant must:

(1) if the application is for a license in:

(A) speech-language pathology, possess at least a master's degree with a major in at least one of the areas of communicative sciences or disorders from a program accredited by a national accrediting organization that is approved by the board and recognized by the United States secretary of education under the Higher Education Act of 1965 (20 U.S.C. Section 1001 et seq.) in an accredited or approved college or university; or

(B) audiology, possess at least a doctoral degree in audiology or a related hearing science from a program accredited by a national accrediting organization that is approved by the board and recognized by the United States secretary of education under the Higher Education Act of 1965 (20 U.S.C. Section 1001 et seq.) in an accredited or approved college or university;

(2) submit a transcript from a public or private institution of higher learning showing successful completion of course work in amounts set by the board in:

(A) normal development and use of speech, language, and hearing;

(B) evaluation, habilitation, and rehabilitation of speech, language, ~~and~~ hearing, and swallowing disorders, including the use of instruments to measure parameters of communication and swallowing; and

(C) related fields that augment the work of clinical practitioners of speech-language pathology and audiology;

(3) have successfully completed at least 36 semester hours in courses that are acceptable toward a graduate degree by the college or university in which the courses

SECTION 3. Section 401.304(a), Occupations Code, is amended to read as follows:

(a) To be eligible for licensing as a speech-language pathologist or audiologist, an applicant must:

(1) if the application is for a license in:

(A) speech-language pathology, possess at least a master's degree with a major in at least one of the areas of communicative sciences or disorders from a program accredited by a national accrediting organization that is approved by the board and recognized by the United States secretary of education under the Higher Education Act of 1965 (20 U.S.C. Section 1001 et seq.) in an accredited or approved college or university; or

(B) audiology, possess at least a doctoral degree in audiology or a related hearing science from a program accredited by a national accrediting organization that is approved by the board and recognized by the United States secretary of education under the Higher Education Act of 1965 (20 U.S.C. Section 1001 et seq.) in an accredited or approved college or university;

(2) submit a transcript from a public or private institution of higher learning showing successful completion of course work in amounts set by the board in:

(A) normal development and use of speech, language, and hearing;

(B) evaluation, habilitation, and rehabilitation of speech, language, and hearing disorders; and

(C) related fields that augment the work of clinical practitioners of speech-language pathology and audiology;

(3) have successfully completed at least 36 semester hours in courses that are acceptable toward a graduate degree by the college or university in which the courses

are taken, at least 24 of which must be in the professional area for which the license is requested [~~and at least six of which must be: [(A) in audiology if the application is for a speech language pathology license; or (B) in speech language pathology if the application is for an audiology license];~~ (4) have completed the minimum number of hours, established by the board, of supervised clinical experience with persons who present a variety of communication disorders; and (5) have completed the full-time supervised professional experience, as defined by board rule, in which clinical work has been accomplished in the major professional area for which the license is being sought.

SECTION 3. Section 401.306(a), Occupations Code, is amended.

SECTION 4. Subchapter G, Chapter 401, Occupations Code is amended.

SECTION 5. Section 401.403(a), Occupations Code, is amended to read as follows:

- (a) An audiologist may:
- (1) engage in any act necessary to:
 - (A) evaluate and provide therapy for hearing and balance function;
 - (B) train in the use of amplification, including hearing instruments;
 - (C) make earmolds for hearing instruments;
 - (D) fit, dispense, and sell hearing instruments; or
 - (E) manage cerumen;
 - (2) participate in consultation regarding noise control and hearing conservation;
 - (3) provide evaluations of environment or equipment, including calibration of equipment used in testing auditory functioning and hearing conservation; and
 - (4) perform basic speech and language screening tests and procedures consistent with the audiologist's training.

SECTION 6. Subchapter I, Chapter 401, Occupations Code, is amended by adding Section 401.405 to read as follows:

Sec. 401.405. TELEPRACTICE. (a) In this section, "telepractice" means the use of telecommunications technology by a license

are taken, at least 24 of which must be in the professional area for which the license is requested [~~and at least six of which must be: [(A) in audiology if the application is for a speech language pathology license; or (B) in speech language pathology if the application is for an audiology license];~~ (4) have completed the minimum number of hours, established by the board, of supervised clinical experience with persons who present a variety of communication disorders; and (5) have completed the full-time supervised professional experience, as defined by board rule, in which clinical work has been accomplished in the major professional area for which the license is being sought.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.

No equivalent provision.

SECTION 6. Subchapter I, Chapter 401, Occupations Code, is amended by adding Section 401.405 to read as follows:

Sec. 401.405. TELEPRACTICE. (a) In this section, "telepractice" means the use of telecommunications technology by a license

holder for an assessment, intervention, or consultation regarding a speech-language pathology or audiology client.

(b) The board may adopt rules to provide for the practice of speech-language pathology or audiology by the use of telepractice by a person licensed under this chapter, including rules that establish the qualifications and duties of license holders who use telepractice.

No equivalent provision.

No equivalent provision.

SECTION 7. The following sections of the Occupations Code are repealed:

- (1) Section 401.309;
- (2) Section 401.314;
- (3) Section 401.355(c); and
- (4) Section 401.401.

SECTION 8. The State Board of Examiners for Speech-Language Pathology and

holder for an assessment, intervention, or consultation regarding a speech-language pathology or audiology client.

(b) The board may adopt rules consistent with the joint rules under Section 401.2022 to provide for the practice of speech-language pathology or audiology by the use of telepractice by a person licensed under this chapter, including rules that establish the qualifications and duties of license holders who use telepractice.

SECTION 7. Subchapter C, Chapter 402, Occupations Code, is amended by adding Section 402.1023 to read as follows:

Sec. 402.1023. JOINT RULES FOR FITTING AND DISPENSING OF HEARING INSTRUMENTS BY TELEPRACTICE. With the assistance of the department, the committee and the State Board of Examiners for Speech-Language Pathology and Audiology shall jointly adopt rules to establish requirements for the fitting and dispensing of hearing instruments by the use of telepractice.

SECTION 8. Subchapter H, Chapter 402, Occupations Code, is amended by adding Section 402.354 to read as follows:

Sec. 402.354. TELEPRACTICE. (a) In this section, "telepractice" means the use of telecommunications technology by a license holder for the fitting and dispensing of hearing instruments.

(b) The committee may adopt rules consistent with the joint rules under Section 402.1023 to provide for the fitting and dispensing of hearing instruments by the use of telepractice, including rules that establish the qualifications and duties of license holders who use telepractice.

SECTION 9. The following provisions of the Occupations Code are repealed:

- (1) Section 401.309;
- (2) Section 401.314; and
- (3) Section 401.355(c).

SECTION 10. Same as introduced version.

Audiology by rule may establish a procedure to issue an audiologist license to a person who submits an application before September 1, 2014, and who:

- (1) has a master's degree in audiology; and
- (2) was licensed as an audiologist in this state between September 1, 2007, and September 1, 2011.

SECTION 9. Section 401.304, Occupations Code, as amended by this Act, applies only to an application for a license filed on or after January 1, 2015. An application for a license filed before January 1, 2015, is governed by the law in effect on the date the application was filed, and that law is continued in effect for that purpose.

SECTION 10.

The State Board of Examiners for Speech-Language Pathology and Audiology shall adopt any rules necessary to implement Section 401.304, Occupations Code, as amended by this Act, not later than January 1, 2014.

SECTION 11. This Act takes effect September 1, 2013.

SECTION 11. Same as introduced version.

SECTION 12. (a) The State Board of Examiners for Speech-Language Pathology and Audiology and the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments shall jointly adopt rules under Sections 401.2022 and 402.1023, Occupations Code, as added by this Act, not later than January 1, 2014.

(b) The State Board of Examiners for Speech-Language Pathology and Audiology shall adopt any rules necessary to implement Section 401.304, Occupations Code, as amended by this Act, and Section 401.405, Occupations Code, as added by this Act, not later than January 1, 2014.

(c) The State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments shall adopt any rules necessary to implement Section 402.354, Occupations Code, as added by this Act, not later than January 1, 2014.

SECTION 13. Same as introduced version.