

BILL ANALYSIS

Senate Research Center

S.B. 312
By: Hegar
Health & Human Services
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Speech-language pathologists are regulated by the State Board of Examiners for Speech-Language Pathology and Audiology (board). The board was reviewed by the Texas Sunset Advisory Commission in 2010 and was continued in existence by the Legislature in 2011 (S.B. 662) until September 1, 2017. However, the Sunset Bill (S.B. 662) enacted in 2011, did not include several “clean-up” revisions to the laws regulating speech-language pathologists and audiologists because these revisions were not considered during the Sunset review process.

S.B. 312 amends current law relating to the regulation of speech-language pathology and audiology and the fitting and dispensing of hearing instruments.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the State Board of Examiners for Speech-Language Pathology and Audiology (board) and the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments (committee) in SECTION 2 (Section 401.2022, Occupations Code), SECTION 7 (Section 402.1023, Occupations Code), and SECTION 12 of this bill.

Rulemaking authority is expressly granted to the board in SECTION 6 (Section 401.405, Occupations Code), SECTION 10, and SECTION 12 of this bill.

Rulemaking authority is expressly granted to the committee in SECTION 8 (Section 402.354, Occupations Code), and SECTION 12 of this bill.

Rulemaking authority previously granted to the board is rescinded in SECTION 9 (Section 401.309, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 401.057, Occupations Code, as follows:

Sec. 401.057. HEARING CONSERVATION PROGRAM. Provides that this chapter does 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. Deletes existing text providing that this chapter does 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 Occupation Safety and Health Administration regulations if the person is certified by an agency acceptable to the Occupation Safety and Health Administration.

SECTION 2. Amends Subchapter E, Chapter 401, Occupations Code, by adding Section 401.2022, as follows:

Sec. 401.2022. JOINT RULES FOR FITTING AND DISPENSING OF HEARING INSTRUMENTS BY TELEPRACTICE. Requires the State Board of Examiners for Speech-Language Pathology and Audiology (board) and the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments (committee), 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.

SECTION 3. Amends Section 401.304(a), Occupations Code, as follows:

(a) Requires an applicant to be eligible for licensing as a speech-language pathologist or audiologist to:

(1)-(2) Makes no change to these subdivisions;

(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 are required to be in the professional area for which the license is requested, rather than requiring at least 24 of which are required to be in the professional area for which the license is requested and at least six of which are required to be in audiology if the application is for a speech-language pathology license, or in speech-language pathology if the application is for an audiology license; and

(4)-(5) Makes no change to these subdivisions.

Makes nonsubstantive changes.

SECTION 4. Amends Section 401.306(a), Occupations Code, as follows:

(a) Requires the board to notify each examinee of the results of an examination not later than the 14th day after the date the board receives the results from the testing service if the examination is graded or reviewed by a national or state testing service that does not directly notify examinees of the examination results. Deletes existing text requiring the board to notify each examinee of the results of the examination not later than the 30th day after the date the examination is administered.

SECTION 5. Amends Subchapter G, Chapter 401, Occupations Code, by adding Section 401.315, as follows:

Sec. 401.315. LICENSING FOR MILITARY SPOUSES. (a) Defines "military service member" and "military spouse" in this section.

(b) 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, 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 United States secretary of education under the Higher Education Act of 1965 (20 U.S.C. Section 1001 et seq.), and has not been the subject of a disciplinary action in any jurisdiction in which the applicant is or has been licensed.

SECTION 6. Amends Subchapter I, Chapter 401, Occupations Code, by adding Section 401.405, as follows:

Sec. 401.405. TELEPRACTICE. (a) Defines "telepractice" in this section.

(b) Authorizes the board to 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. Amends Subchapter C, Chapter 402, Occupations Code, by adding Section 402.1023, as follows:

Sec. 402.1023. JOINT RULES FOR FITTING AND DISPENSING OF HEARING INSTRUMENTS BY TELEPRACTICE. Requires the committee 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.

SECTION 8. Amends Subchapter H, Chapter 402, Occupations Code, by adding Section 402.354, as follows:

Sec. 402.354. TELEPRACTICE. (a) Defines "telepractice" in this section.

(b) Authorizes the committee to 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. Repealer: Section 401.309 (Temporary License), Occupations Code.

Repealer: Section 401.314 (Limited License to Practice in Public Schools), Occupations Code.

Repealer: Section 401.355(c) (relating to requiring the board to notify license applicants of continuing education requirements and changes to continuing education), Occupations Code.

SECTION 10. 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 this state between September 1, 2007, and September 1, 2011.

SECTION 11. Makes application of Section 401.304, Occupations Code, as amended by this Act, prospective to January 1, 2015.

SECTION 12. (a) Requires the board and the committee to jointly adopt rules under Sections 401.2022 and 402.1023, Occupations Code, as added by this Act, not later than January 1, 2014.

(b) Requires the board to 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) Requires the committee to adopt any rules necessary to implement Section 402.354, Occupations Code, as added by this Act, not later than January 1, 2014.

SECTION 13. Effective date: September 1, 2013.