

## **BILL ANALYSIS**

S.B. 312  
By: Hegar  
Public Health  
Committee Report (Unamended)

### **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. In addition, it has been suggested that similar revisions regarding the use of telepractice be made to provisions governing licensed hearing instrument fitters and dispensers. S.B. 312 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**

S.B. 312 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.

S.B. 312 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.

S.B. 312 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.

S.B. 312 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.

S.B. 312 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.

S.B. 312 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.

S.B. 312 requires the board and the committee to adopt rules as required by the bill's provisions not later than January 1, 2014.

S.B. 312 repeals the following provisions of the Occupations Code:

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

#### **EFFECTIVE DATE**

September 1, 2013.