

By: Rodriguez of Travis

H.B. No. 2072

A BILL TO BE ENTITLED

AN ACT

1
2 relating to services for persons who are deaf or hard of hearing and
3 licensing requirements for interpreters for persons who are deaf or
4 hard of hearing; providing criminal penalties; changing the rate of
5 a fee.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Chapter 81, Human Resources Code, is amended by
8 designating Sections 81.001, 81.002, 81.0021, 81.0022, 81.003,
9 81.004, 81.005, 81.0051, 81.0055, 81.006, 81.008, 81.009, 81.013,
10 81.014, 81.015, 81.016, 81.017, 81.019, 81.020, and 81.021 as
11 Subchapter A and adding a heading to that subchapter to read as
12 follows:

13 SUBCHAPTER A. GENERAL PROVISIONS; POWERS AND DUTIES

14 SECTION 2. Section 81.001, Human Resources Code, is amended
15 by adding Subdivision (5) to read as follows:

16 (5) "Department" means the Department of Assistive and
17 Rehabilitative Services.

18 SECTION 3. Section 81.006, Human Resources Code, is amended
19 to read as follows:

20 Sec. 81.006. DUTIES AND POWERS. (a) The department
21 [~~commission~~] shall:

22 (1) develop and implement a statewide program of
23 advocacy and education to ensure continuity of services to persons
24 who are deaf, deaf-blind, or hard of hearing;

1 (2) provide direct services to persons who are deaf or
2 hard of hearing, including communication access, information and
3 referral services, advocacy services, services to elderly persons
4 who are deaf or hard of hearing, and training in accessing basic
5 life skills;

6 (3) work to ensure more effective coordination and
7 cooperation among public and nonprofit organizations providing
8 social and educational services to individuals who are deaf or hard
9 of hearing;

10 (4) maintain a registry of available licensed
11 ~~[qualified]~~ interpreters for persons who are deaf or hard of
12 hearing by updating the registry at least quarterly and making the
13 registry available to interested persons at cost;

14 (5) establish a system to approve and provide courses
15 and workshops for the instruction and continuing education of
16 interpreters for persons who are deaf or hard of hearing;

17 (6) assist institutions of higher education in
18 initiating training programs for interpreters and develop
19 guidelines for instruction to promote uniformity of signs taught
20 within those programs;

21 (7) with the assistance of the Texas Higher Education
22 Coordinating Board, develop standards for evaluation of the
23 programs described by Subdivision (6); and

24 (8) develop guidelines and requirements to clarify the
25 circumstances under which interpreters licensed ~~[certified]~~ by the
26 department ~~[commission]~~ are qualified to interpret effectively,
27 accurately, and impartially, both receptively and expressively,

1 using any necessary specialized vocabulary.

2 (b) The department [~~commission~~] may:

3 (1) appoint one or more advisory committees to consult
4 with and advise the department [~~commission~~];

5 (2) establish and collect training fees and accept
6 gifts, grants, and donations of money, personal property, or real
7 property for use in expanding and improving services to persons of
8 this state who are deaf or hard of hearing;

9 (3) adopt rules necessary to implement this chapter;

10 (4) contract with or provide grants to agencies,
11 organizations, or individuals as necessary to implement this
12 chapter;

13 (5) establish a reasonable fee and charge interpreters
14 for training to defray the cost of conducting the training;

15 (6) develop guidelines and requirements for
16 trilingual interpreter licensing [~~services~~]; and

17 (7) provide training programs for persons licensed as
18 [~~who provide~~] trilingual interpreters [~~interpreter services~~].

19 (e) The department [~~commission~~] shall develop and implement
20 policies that clearly define the respective responsibilities of the
21 governing body of the department [~~commission~~] and the staff of the
22 department [~~commission~~].

23 (f) The department [~~commission~~] shall establish and charge
24 reasonable fees for some or all department [~~commission~~]
25 publications to cover the department's [~~commission's~~] publication
26 costs. However, the department [~~commission~~] shall waive the fee if
27 a person who is deaf or hard of hearing is financially unable to pay

1 for the publication, and may waive the fees for publications
2 provided to certain entities. The department [~~commission~~] shall
3 adopt rules to implement this subsection. The rules must specify
4 the standards used for determining ability to pay for a publication
5 and must specify the types of entities for which the fees will be
6 waived.

7 SECTION 4. Chapter 81, Human Resources Code, is amended by
8 adding Subchapter B, and a heading is added to that subchapter to
9 read as follows:

10 SUBCHAPTER B. SERVICES FOR PERSONS WHO ARE DEAF OR HARD OF HEARING

11 SECTION 5. Section 81.007, Human Resources Code, is
12 transferred to Subchapter B, Chapter 81, Human Resources Code, as
13 added by this Act, redesignated as Section 81.052, Human Resources
14 Code, and amended to read as follows:

15 Sec. 81.052 [~~81.007~~]. INTERPRETER LICENSING PROGRAM [~~BOARD~~
16 ~~FOR EVALUATION OF INTERPRETERS~~]. (a) The department shall
17 [~~commission may~~] establish a program in accordance with this
18 subchapter [~~section~~] for the licensing [~~certification~~] of
19 interpreters who have reached varying levels of proficiency in
20 communication skills necessary to facilitate communication between
21 persons who are deaf or hard of hearing and persons who are not deaf
22 or hard of hearing.

23 (b) The department [~~commission~~] shall appoint an advisory
24 board of seven persons to assist in administering the interpreter
25 licensing [~~certification~~] program. A board member may not receive
26 compensation, but is entitled to reimbursement of the travel
27 expenses incurred by the member while conducting the business of

1 the board, as provided in the General Appropriations Act.

2 (c) Subject to approval of the department [~~commission~~], the
3 board shall prescribe qualifications for each of several levels of
4 licensing [~~certification~~] based on proficiency and shall evaluate
5 and provide licenses to [~~certify~~] interpreters using these
6 qualifications.

7 (d) A qualified board member may serve as an evaluator under
8 Subsection (c), and the department [~~commission~~] shall compensate
9 the board member for services performed as an evaluator.

10 (e) The department [~~commission~~] shall charge fees for
11 written and performance examinations, for annual license
12 [~~certificate~~] renewal, and for relicensing [~~recertification~~]. The
13 fees must be in an amount sufficient to recover the costs of the
14 licensing [~~certification~~] program.

15 (f) The department [~~commission~~] may waive any prerequisite
16 to obtaining a license [~~certificate~~] for an applicant after
17 reviewing the applicant's credentials and determining that the
18 applicant holds a license or certificate issued by another
19 jurisdiction that has licensing [~~certification~~] requirements
20 substantially equivalent to those of this state.

21 (g) The department [~~commission~~] by rule may adopt a system
22 under which licenses [~~certificates~~] are valid for a five-year
23 period, subject to the license [~~certificate~~] holder's payment of an
24 annual license [~~certificate~~] renewal fee. After expiration of the
25 five-year period, an interpreter must apply to [~~be recertified by~~]
26 the department for license renewal [~~commission~~]. The department
27 [~~commission~~] may renew the license of [~~recertify~~] an interpreter

1 who:

2 (1) receives specified continuing education credits;

3 or

4 (2) achieves an adequate score on a specified
5 examination.

6 (h) The department [~~commission~~] shall adopt rules
7 specifying the grounds for denying, suspending, or revoking an
8 interpreter's license [~~certificate~~].

9 (i) The department [~~commission~~] shall determine the
10 frequency for conducting the interpreter examinations. The
11 department [~~commission~~] shall conduct the interpreter
12 examinations:

13 (1) in a space that can be obtained free of charge; or

14 (2) at a facility selected in compliance with Section
15 2113.106, Government Code.

16 (k) The department [~~commission~~] shall compensate an
17 evaluator based on a fee schedule as determined by department
18 [~~commission~~] rule.

19 (l) The department [~~commission~~] shall recognize, prepare,
20 or administer continuing education programs for its license
21 [~~certificate~~] holders. A license [~~certificate~~] holder must
22 participate in the programs to the extent required by the
23 department [~~commission~~] to keep the person's license
24 [~~certificate~~].

25 SECTION 6. Section 81.0071, Human Resources Code, is
26 transferred to Subchapter B, Chapter 81, Human Resources Code, as
27 added by this Act, redesignated as Section 81.053, Human Resources

1 Code, and amended to read as follows:

2 Sec. 81.053 [~~81.0071~~]. EXAMINATION RESULTS. (a) Not
3 later than the 60th day after the date on which a license
4 [~~certification~~] examination is administered under this chapter,
5 the department [~~commission~~] shall notify each examinee of the
6 results of the examination. However, if an examination is graded or
7 reviewed by a national testing service, the department [~~commission~~]
8 shall notify examinees of the results of the examination not later
9 than the 14th day after the date on which the department
10 [~~commission~~] receives the results from the testing service. If the
11 notice of the examination results will be delayed for longer than 90
12 days after the examination date, the department [~~commission~~] shall
13 notify each examinee of the reason for the delay before the 90th
14 day.

15 (c) The department [~~commission~~] may require a testing
16 service to notify a person of the results of the person's
17 examination.

18 SECTION 7. Section 81.0072, Human Resources Code, is
19 transferred to Subchapter B, Chapter 81, Human Resources Code, as
20 added by this Act, redesignated as Section 81.054, Human Resources
21 Code, and amended to read as follows:

22 Sec. 81.054 [~~81.0072~~]. REVOCATION OR SUSPENSION OF
23 LICENSE [~~CERTIFICATE~~]. (a) The department [~~commission, based on~~
24 ~~the recommendation of the Board for Evaluation of Interpreters,~~]
25 may revoke or suspend a license [~~certificate~~] or place a license
26 [~~certificate~~] holder on probation for a violation of a statute,
27 rule, or policy of the department [~~commission~~]. If a license

1 ~~[certificate]~~ holder is placed on probation, the department
2 ~~[commission]~~ may require the practitioner:

3 (1) to report regularly to the department ~~[commission]~~
4 on matters that are the basis of the probation;

5 (2) to limit practice to those areas prescribed by the
6 department ~~[commission]~~; or

7 (3) to continue or renew professional education until
8 a satisfactory degree of skill has been attained in those areas that
9 are the basis of the probation.

10 (b) If the department ~~[commission]~~ proposes to suspend or
11 revoke a license ~~[certificate]~~ or place a license ~~[certificate]~~
12 holder on probation, the license ~~[certificate]~~ holder is entitled
13 to a hearing before the department ~~[commission]~~ or a hearings
14 officer appointed by the department ~~[commission]~~. All final
15 decisions to suspend or revoke a license ~~[certificate]~~ or place a
16 license ~~[certificate]~~ holder on probation shall be made by the
17 department ~~[commission]~~.

18 SECTION 8. Section 81.0073, Human Resources Code, is
19 transferred to Subchapter B, Chapter 81, Human Resources Code, as
20 added by this Act, redesignated as Section 81.055, Human Resources
21 Code, and amended to read as follows:

22 Sec. 81.055 ~~[81.0073]~~. LICENSE ~~[CERTIFICATE]~~ RENEWAL. (a)
23 A person who is otherwise eligible to renew a license ~~[certificate]~~
24 may renew an unexpired license ~~[certificate]~~ by paying the required
25 renewal fee to the department ~~[commission]~~ before the expiration
26 date of the license ~~[certificate]~~. A person whose license
27 ~~[certificate]~~ has expired may not engage in activities that require

1 a license [~~certificate~~] until the license [~~certificate~~] has been
2 renewed.

3 (b) A person whose license [~~certificate~~] has been expired
4 for 90 days or less may renew the license [~~certificate~~] by paying to
5 the department [~~commission~~] a renewal fee that is equal to 1-1/2
6 times the normally required renewal fee.

7 (c) A person whose license [~~certificate~~] has been expired
8 for more than 90 days but less than one year may renew the license
9 [~~certificate~~] by paying to the department [~~commission~~] a renewal
10 fee that is equal to two times the normally required renewal fee.

11 (d) A person whose license [~~certificate~~] has been expired
12 for one year or more may not renew the license [~~certificate~~]. The
13 person may obtain a new license [~~certificate~~] by complying with the
14 requirements and procedures, including the examination
15 requirements, for obtaining an original license [~~certificate~~].

16 (e) A person who holds a current license or certificate
17 issued by another [~~was certified in this~~] state[, ~~moved to another~~
18 ~~state, and is currently certified and has been in practice in the~~
19 ~~other state for the two years preceding the date of application~~] may
20 obtain a license [~~new certificate~~] without examination
21 [~~reexamination~~]. The person must pay to the department
22 [~~commission~~] a fee determined by the department [~~that is equal to~~
23 ~~two times the normally required renewal fee~~] for the license
24 [~~certificate~~].

25 (f) Not later than the 30th day before the date a person's
26 license [~~certificate~~] is scheduled to expire, the department
27 [~~commission~~] shall send written notice of the impending expiration

1 to the person at the person's last known address according to the
2 records of the department [~~commission~~].

3 SECTION 9. Section 81.0074, Human Resources Code, is
4 transferred to Subchapter B, Chapter 81, Human Resources Code, as
5 added by this Act, redesignated as Section 81.056, Human Resources
6 Code, and amended to read as follows:

7 Sec. 81.056 [~~81.0074~~]. PROVISIONAL LICENSE [~~CERTIFICATE~~].

8 (a) The department [~~commission~~] may issue a provisional license
9 [~~certificate~~] to an applicant currently licensed or certified in
10 another jurisdiction who seeks a license [~~certificate~~] in this
11 state and who:

12 (1) has been licensed or certified in good standing as
13 an interpreter for at least two years in another jurisdiction,
14 including a foreign country, that has licensing or certification
15 requirements substantially equivalent to the requirements of this
16 subchapter [~~chapter~~];

17 (2) has passed another [~~a national or other~~]
18 examination recognized by the department [~~commission~~] relating to
19 the practice of interpretation for people who are deaf or hard of
20 hearing; and

21 (3) is sponsored by a person licensed [~~certified~~] by
22 the department [~~commission~~] under this subchapter [~~chapter~~] with
23 whom the provisional license [~~certificate~~] holder will practice
24 during the time the person holds a provisional license
25 [~~certificate~~].

26 (b) The department [~~commission~~] may waive the requirement
27 of Subsection (a)(3) for an applicant if the department

1 ~~[commission]~~ determines that compliance with that subdivision
2 ~~[subsection]~~ would be a hardship to the applicant.

3 (c) A provisional license ~~[certificate]~~ is valid until the
4 date the department ~~[commission]~~ approves or denies the provisional
5 license ~~[certificate]~~ holder's application for a license
6 ~~[certificate]~~. The department ~~[commission]~~ shall issue a license
7 ~~[certificate]~~ under this chapter to the provisional license
8 ~~[certificate]~~ holder if:

9 (1) the provisional license ~~[certificate]~~ holder is
10 eligible to be licensed ~~[certified]~~ under Section 81.052(f)
11 ~~[81.007(f)]~~; or

12 (2) the provisional license ~~[certificate]~~ holder
13 passes the part of the examination under this subchapter ~~[chapter]~~
14 that relates to the applicant's knowledge and understanding of the
15 laws and rules relating to the practice of interpretation for
16 people who are deaf or hard of hearing in this state, and:

17 (A) the department ~~[commission]~~ verifies that
18 the provisional license ~~[certificate]~~ holder meets the academic and
19 experience requirements for a license ~~[certificate]~~ under this
20 subchapter ~~[chapter]~~; and

21 (B) the provisional license ~~[certificate]~~ holder
22 satisfies any other licensing ~~[certification]~~ requirements under
23 this subchapter ~~[chapter]~~.

24 (d) The department ~~[commission]~~ must approve or deny a
25 provisional license ~~[certificate]~~ holder's application for a
26 license ~~[certificate]~~ not later than the 180th day after the date
27 the provisional license ~~[certificate]~~ is issued. The department

1 ~~[commission]~~ may extend the 180-day period if the results of an
2 examination have not been received by the department ~~[commission]~~
3 before the end of that period.

4 (e) The department ~~[commission]~~ may establish a fee for
5 provisional licenses ~~[certificates]~~ in an amount reasonable and
6 necessary to cover the cost of issuing the license ~~[certificate]~~.

7 SECTION 10. Subchapter B, Chapter 81, Human Resources Code,
8 as added by this Act, is amended by adding Sections 81.057 through
9 81.062 to read as follows:

10 Sec. 81.057. LICENSE REQUIREMENT. (a) A person may not
11 practice, offer or attempt to practice, or hold that person out to
12 be practicing as an interpreter for persons who are deaf or hard of
13 hearing unless the person is licensed under this subchapter.

14 (b) The department shall adopt rules related to the
15 investigation and enforcement of activity prohibited under
16 Subsection (a).

17 Sec. 81.058. PENALTIES AND OTHER ENFORCEMENT PROVISIONS.

18 (a) A violation of Section 81.057(a) is a deceptive trade practice.

19 (b) The department may apply to a district court in any
20 county for an injunction or another order to restrain the violation
21 of this subchapter by a person other than a license holder under
22 this subchapter.

23 (c) If it appears to the department that a person who is not
24 licensed under this subchapter is violating this subchapter or a
25 rule adopted under this subchapter, the department, after notice
26 and opportunity for a hearing, may issue a cease and desist order
27 prohibiting the person from engaging in the activity.

1 (d) A person commits an offense if the person violates this
2 subchapter.

3 (e) An offense under Subsection (d) is a misdemeanor
4 punishable by:

5 (1) confinement in the county jail for a period not to
6 exceed six months;

7 (2) a fine not to exceed \$2,500; or

8 (3) both the confinement and the fine.

9 (f) If the person does not pay the fine and the enforcement
10 of the fine is not stayed, the fine may be collected and the
11 attorney general may sue to collect the penalty.

12 (g) This section does not apply to:

13 (1) a person interpreting in religious,
14 family-oriented, or other social activities as authorized by the
15 department;

16 (2) a person interpreting in an emergency situation
17 involving health care services in which an ordinarily prudent
18 physician in the same or similar circumstances might reasonably
19 believe that the delay necessary to obtain a licensed interpreter
20 is likely to cause injury or loss to the patient, until such time as
21 the services of a licensed interpreter can be obtained;

22 (3) a person enrolled in a course of study leading to a
23 certificate or degree in interpreting, provided that the person is
24 clearly designated as a student, trainee, or intern, and that the
25 person engages only in activities and services that constitute a
26 part of a supervised course of study;

27 (4) a person working as an educational interpreter in

1 compliance with rules established by the Texas Education Agency;

2 (5) a person interpreting at the request of an
3 individual who is deaf or hard of hearing, as long as the person
4 informs the individual who is deaf or hard of hearing that the
5 person is not licensed, and the person does not force, coerce, or
6 misguide the individual who is deaf or hard of hearing in seeking
7 the individual's consent;

8 (6) a person who is not a resident of this state and
9 who is currently licensed or certified in another jurisdiction, if
10 the person provides interpretation services in this state on fewer
11 than 30 days in a calendar year, except that days on which the
12 person provides services relating to a state of disaster declared
13 by the governor do not count toward the 30-day limit; and

14 (7) a person who engages in video relay interpreting.

15 Sec. 81.059. GROUNDS FOR DISCIPLINARY ACTION. The
16 department may refuse to issue or renew a license, revoke or suspend
17 a license, place on probation a person whose license has been
18 suspended, reprimand a license holder, or take other disciplinary
19 action deemed appropriate by the department, including the
20 imposition of a fine not to exceed \$2,500, against a license holder
21 who:

22 (1) makes a material misstatement in furnishing
23 information to the department;

24 (2) violates this subchapter or a rule adopted under
25 this subchapter;

26 (3) is convicted of a felony or misdemeanor that
27 includes dishonesty as an essential element or of a crime directly

1 related to the practice of interpreting;

2 (4) demonstrates a pattern or practice of incapacity
3 or incompetence to practice or otherwise comply under this
4 subchapter;

5 (5) aids or assists another person in violating this
6 subchapter or a rule adopted under this subchapter;

7 (6) does not provide information in response to a
8 written request made by the department by certified mail within 30
9 days;

10 (7) engages in malpractice or dishonorable,
11 unethical, or unprofessional conduct that is likely to deceive,
12 defraud, or harm the public;

13 (8) is habitually intoxicated or addicted to a
14 controlled substance or a drug that is likely to result in a license
15 holder's inability to practice interpretation with reasonable
16 judgment, skill, or safety;

17 (9) is disciplined by another jurisdiction if at least
18 one of the grounds for the discipline is the same or substantially
19 equivalent to one of those set forth in this section;

20 (10) violates a term of probation;

21 (11) by clear and convincing evidence, is shown to
22 have abused or neglected a child;

23 (12) has been grossly negligent in the practice of
24 interpreting;

25 (13) with fraudulent intent interprets for an
26 individual under any name, including a false name or alias;

27 (14) knowingly allows another person or organization

1 to use the license holder's license to deceive an individual or the
2 public;

3 (15) cheats or attempts to cheat on an examination or
4 evaluation related to obtaining an interpreter license, or
5 intentionally divulges or inappropriately uses any aspect of
6 confidential information relating to the license examination;

7 (16) commits immoral conduct such as sexual abuse,
8 sexual misconduct, or sexual exploitation in the commission of an
9 act related to the license holder's practice;

10 (17) wilfully violates the confidentiality between an
11 interpreter and client, except as required by law;

12 (18) practices or attempts to practice interpreting
13 under a name other than the license holder's actual name;

14 (19) uses any false, fraudulent, or deceptive
15 statement in any document connected with the license holder's
16 practice;

17 (20) fails to report to the department any adverse
18 final action that is related to acts or conduct similar to acts or
19 conduct that would constitute grounds for action under this
20 section, taken against the license holder by another licensing
21 jurisdiction, a peer review body, a professional interpreting
22 association for persons who are deaf or hard of hearing, a
23 governmental agency, or a court presiding over a liability claim in
24 which the license holder is a party;

25 (21) fails to report to the department the license
26 holder's surrender of the license holder's:

27 (A) license or authorization to practice

1 interpreting in another state or jurisdiction; or

2 (B) membership in any interpreting association
3 or society for persons who are deaf or hard of hearing while under
4 disciplinary investigation by the association or society for acts
5 or conduct similar to acts or conduct that would constitute grounds
6 for action under this section;

7 (22) becomes unable to practice interpretation with
8 reasonable judgment, skill, or safety as a result of physical
9 illness or injury, including deterioration through the aging
10 process, loss of motor skills, or mental illness; or

11 (23) wilfully and grossly overcharges for interpreter
12 services, including charging for services that have not been
13 rendered.

14 Sec. 81.060. MENTAL OR PHYSICAL EXAMINATION. (a) The
15 department may compel a license holder who is licensed under this
16 subchapter, or who has applied for a license under this subchapter,
17 to submit to a mental or physical examination if the department has
18 a reasonable suspicion that the license holder or applicant is in
19 violation of a provision in Section 81.059 and if an examination
20 would be appropriate to reveal or address the violation. An
21 examination under this section must be at the expense of the
22 department and must be performed by a physician selected by the
23 department. The license holder or applicant being examined may, at
24 the expense of the license holder or applicant, select an
25 additional physician to be present during the examination.

26 (b) After the examining physician completes a mental or
27 physical examination under this section, the physician shall

1 provide to the department a report concerning the results of the
2 examination of the license holder or applicant. Any common law or
3 statutory privilege relating to communications between the license
4 holder or applicant and the examining physician does not apply to
5 the report.

6 (c) If a license holder or applicant fails to submit to an
7 examination under this section, the department, after notice and a
8 hearing, may suspend the license holder's license or withhold
9 decision on the applicant's application until the person submits to
10 the examination, if the department finds that the failure to submit
11 to the examination was without reasonable cause.

12 Sec. 81.061. ACTION FOLLOWING MENTAL OR PHYSICAL
13 EXAMINATION. (a) If the department determines, based on the mental
14 or physical examination performed under Section 81.060, that a
15 license holder or applicant is unable to practice interpretation,
16 the department may:

17 (1) allow the license holder or applicant to practice
18 interpretation:

19 (A) conditionally on the individual's submission
20 to appropriate care, counseling, or treatment; or

21 (B) subject to any other restriction or condition
22 that the department determines to be appropriate; or

23 (2) take disciplinary action, including suspension or
24 probation, that the department determines to be appropriate.

25 (b) If a license holder or applicant to whom the department
26 grants conditional permission to practice interpretation under
27 Subsection (a)(1) fails to comply with any condition or restriction

1 on the individual's practice, the department may immediately
2 suspend the license holder's license.

3 (c) If the department immediately suspends a license
4 holder's license according to Subsection (b), the department must
5 afford the license holder the opportunity for a hearing to be held
6 not later than the 15th day after the date on which the department
7 suspended the license holder's license. At a hearing held under
8 this subsection, the department may review any of the license
9 holder's treatment or counseling records to the extent allowed by
10 applicable confidentiality restrictions.

11 Sec. 81.062. RESUMING PRACTICE AFTER SUSPENSION. A license
12 holder whose practice was suspended according to any provision in
13 this subchapter may demonstrate to the department that the license
14 holder has remedied the reason for which the license was suspended
15 and is capable of resuming practice in compliance with the
16 requirements of this subchapter.

17 SECTION 11. A person is not required to hold a license
18 issued under Section 81.052, Human Resources Code, redesignated and
19 amended by this Act, until September 1, 2014.

20 SECTION 12. The changes in law made by this Act relating to
21 conduct that is grounds for imposition of a disciplinary sanction
22 apply only to conduct that occurs on or after September 1, 2014.
23 Conduct that occurs before that date is governed by the law in
24 effect on the date the conduct occurred, and the former law is
25 continued in effect for that purpose.

26 SECTION 13. Not later than September 1, 2014, the
27 Department of Assistive and Rehabilitative Services shall adopt

1 rules necessary to implement the changes in law made by this Act.

2 SECTION 14. This Act takes effect immediately if it
3 receives a vote of two-thirds of all the members elected to each
4 house, as provided by Section 39, Article III, Texas Constitution.
5 If this Act does not receive the vote necessary for immediate
6 effect, this Act takes effect September 1, 2013.