

By: Hegar

S.B. No. 312

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of speech-language pathology and audiology and the fitting and dispensing of hearing instruments.

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

SECTION 1. Section 401.057, Occupations Code, is amended to read as follows:

Sec. 401.057. HEARING CONSERVATION PROGRAM. 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 [~~if the person is certified by an agency acceptable to the Occupational Safety and Health Administration~~].

SECTION 2. Subchapter E, Chapter 401, Occupations Code, is amended by adding Section 401.2022 to read as follows:

Sec. 401.2022. JOINT RULES FOR FITTING AND DISPENSING OF HEARING INSTRUMENTS BY 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 3. Subsection (a), Section 401.304, 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 (1) if the application is for a license in:

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

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

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

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

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

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

24 (3) have successfully completed at least 36 semester
25 hours in courses that are acceptable toward a graduate degree by the
26 college or university in which the courses are taken, at least 24 of
27 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. Subsection (a), Section 401.306, Occupations
Code, is amended to read as follows:

(a) ~~[The board shall notify each examinee of the results of
the examination not later than the 30th day after the date the
examination is administered.]~~ If an examination is graded or
reviewed by a national or state testing service that does not
directly notify examinees of the examination results, the board
shall notify each examinee of the results not later than the 14th
day after the date the board receives the results from the testing
service.

SECTION 5. Subchapter G, Chapter 401, Occupations Code, is
amended by adding Section 401.315 to read as follows:

Sec. 401.315. LICENSING FOR MILITARY SPOUSES. (a) In this
section:

(1) "Military service member" means a person who is

1 currently serving in the armed forces of the United States, in a
2 reserve component of the armed forces of the United States,
3 including the National Guard, or in the state military service of
4 any state.

5 (2) "Military spouse" means a person who is married to
6 a military service member.

7 (b) The board shall issue a license to a military spouse
8 who:

9 (1) was licensed in good standing as a speech-language
10 pathologist or audiologist in another state as of the date of the
11 application;

12 (2) holds a master's degree in at least one of the
13 areas of communicative sciences or disorders from a program
14 accredited by a national accrediting organization that is:

15 (A) approved by the board; and

16 (B) recognized by the United States secretary of
17 education under the Higher Education Act of 1965 (20 U.S.C. Section
18 1001 et seq.); and

19 (3) has not been the subject of a disciplinary action
20 in any jurisdiction in which the applicant is or has been licensed.

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

23 Sec. 401.405. TELEPRACTICE. (a) In this section,
24 "telepractice" means the use of telecommunications technology by a
25 license holder for an assessment, intervention, or consultation
26 regarding a speech-language pathology or audiology client.

27 (b) The board may adopt rules consistent with the joint

1 rules under Section 401.2022 to provide for the practice of
2 speech-language pathology or audiology by the use of telepractice
3 by a person licensed under this chapter, including rules that
4 establish the qualifications and duties of license holders who use
5 telepractice.

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

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

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

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

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

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

27 (1) Section 401.309;

1 (2) Section 401.314; and

2 (3) Subsection (c), Section 401.355.

3 SECTION 10. The State Board of Examiners for
4 Speech-Language Pathology and Audiology by rule may establish a
5 procedure to issue an audiologist license to a person who submits an
6 application before September 1, 2014, and who:

7 (1) has a master's degree in audiology; and

8 (2) was licensed as an audiologist in this state
9 between September 1, 2007, and September 1, 2011.

10 SECTION 11. Section 401.304, Occupations Code, as amended
11 by this Act, applies only to an application for a license filed on
12 or after January 1, 2015. An application for a license filed before
13 January 1, 2015, is governed by the law in effect on the date the
14 application was filed, and that law is continued in effect for that
15 purpose.

16 SECTION 12. (a) The State Board of Examiners for
17 Speech-Language Pathology and Audiology and the State Committee of
18 Examiners in the Fitting and Dispensing of Hearing Instruments
19 shall jointly adopt rules under Sections 401.2022 and 402.1023,
20 Occupations Code, as added by this Act, not later than January 1,
21 2014.

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

27 (c) The State Committee of Examiners in the Fitting and

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1 Dispensing of Hearing Instruments shall adopt any rules necessary
2 to implement Section 402.354, Occupations Code, as added by this
3 Act, not later than January 1, 2014.

4 SECTION 13. This Act takes effect September 1, 2013.