

By: Miller of Fort Bend, Zerwas,
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H.B. No. 2683

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of dyslexia practitioners
and therapists by the Texas Department of Licensing and Regulation;
imposing an administrative penalty; authorizing fees.

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

SECTION 1. Section 403.001, Occupations Code, as amended by
S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is
amended by adding Subdivisions (1) and (1-a) and amending
Subdivisions (2) and (3) to read as follows:

(1) "Advisory board" means the Licensed Dyslexia
Practitioner and Licensed Dyslexia Therapist Advisory Board.

(1-a) "Commission" means the Texas Commission of
Licensing and Regulation.

(2) "Department" means the Texas Department of
Licensing and Regulation ~~[State Health Services]~~.

(3) "Executive director" [commissioner] means the
executive director [commissioner] of the department [Health and
Human Services Commission].

SECTION 2. Section 403.051, Occupations Code, is amended to
read as follows:

Sec. 403.051. ADVISORY BOARD ~~[COMMITTEE]~~. (a) The
~~[department shall appoint an]~~ advisory board shall provide advice
and recommendations ~~[committee]~~ to ~~[advise]~~ the department on
technical matters relevant to the administration of ~~[in]~~

1 ~~administering]~~ this chapter.

2 (b) The advisory board consists of seven members appointed
3 by the commission as follows:

4 (1) three licensed dyslexia therapists;

5 (2) two licensed dyslexia practitioners; and

6 (3) two members representing the public, at least one
7 of whom must be a person with dyslexia or a parent of a person with
8 dyslexia.

9 (c) Advisory board members serve staggered four-year terms,
10 with the terms of three or four members expiring on February 1 of
11 each odd-numbered year.

12 (d) If a vacancy occurs during the term of an advisory board
13 member, the presiding officer of the commission, with the
14 commission's approval, shall appoint a replacement who meets the
15 qualifications of the vacated position to serve for the remainder
16 of the term.

17 (e) The presiding officer of the commission shall designate
18 a member of the advisory board to serve as the presiding officer of
19 the advisory board for a term of two years. The presiding officer
20 of the advisory board may vote on any matter before the advisory
21 board.

22 (f) Advisory board members may not receive compensation but
23 are entitled to reimbursement for actual and necessary expenses
24 incurred in performing the functions of the advisory board, subject
25 to the General Appropriations Act.

26 (g) The advisory board shall meet at the call of the
27 presiding officer of the commission or the executive director.

1 (h) A member of the advisory board may be removed from the
2 advisory board as provided by Section 51.209.

3 SECTION 3. Section 403.052, Occupations Code, is amended to
4 read as follows:

5 Sec. 403.052. RULES. The commission [~~executive~~
6 ~~commissioner~~] shall adopt rules necessary to administer and enforce
7 this chapter, including rules that establish:

- 8 (1) standards of ethical practice; and
9 (2) continuing education requirements, including the
10 minimum number of hours of continuing education required to renew a
11 license under this chapter.

12 SECTION 4. Section 403.053, Occupations Code, as added by
13 S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is
14 amended to read as follows:

15 Sec. 403.053. FEES. The commission [~~executive~~
16 ~~commissioner~~] shall set fees for the issuance or renewal of a
17 license under this chapter in amounts designed to allow the
18 department to recover from the license holders all of the direct and
19 indirect costs to the department in administering and enforcing
20 this chapter.

21 SECTION 5. Subchapter B, Chapter 403, Occupations Code, is
22 amended by adding Section 403.054 to read as follows:

23 Sec. 403.054. POWERS AND DUTIES OF EXECUTIVE DIRECTOR. The
24 executive director shall administer and enforce this chapter.

25 SECTION 6. Section 403.103, Occupations Code, is amended to
26 read as follows:

27 Sec. 403.103. LICENSE APPLICATION. (a) A license

1 applicant must apply to the department on a form and in the manner
2 the executive director [~~department~~] prescribes.

3 (b) The commission by rule shall specify the information and
4 documentation required to be submitted in an application.

5 (c) The application must be accompanied by the fees required
6 by commission rule [~~a nonrefundable application fee~~].

7 SECTION 7. Section 403.106(c), Occupations Code, is amended
8 to read as follows:

9 (c) The department [~~, in consultation with the advisory~~
10 ~~committee,~~] shall determine whether a training program meets the
11 requirements of this section.

12 SECTION 8. Section 403.107, Occupations Code, as amended by
13 S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is
14 amended to read as follows:

15 Sec. 403.107. EXAMINATION; RULES. (a) To obtain a license,
16 an applicant must:

17 (1) pass a written examination approved by the
18 department under Subsection (b); and

19 (2) pay the required fees [~~set by the executive~~
20 ~~commissioner by rule~~].

21 (b) The department shall [~~, in consultation with the~~
22 ~~advisory committee~~]:

23 (1) identify and designate a competency examination
24 that is related to multisensory structured language education and
25 that will be administered at least twice each year by a professional
26 organization that issues national certifications; and

27 (2) maintain a record of all examinations for at least

two years after the date of examination.

SECTION 9. Section 403.108, Occupations Code, is amended to read as follows:

Sec. 403.108. WAIVER OF EXAMINATION REQUIREMENT. The department [~~, in consultation with the advisory committee,~~] may waive the examination requirement and issue a license to an applicant who holds an appropriate certificate or other accreditation from a nationally accredited multisensory structured language education organization recognized by the department.

SECTION 10. Subchapter C, Chapter 403, Occupations Code, is amended by adding Section 403.1081 to read as follows:

Sec. 403.1081. LICENSE TERM; RENEWAL. (a) A license issued under this chapter is valid for one year from the date of issuance.

(b) The commission by rule shall establish requirements for renewing a license under this chapter, including the payment of applicable fees.

SECTION 11. Section 403.202, Occupations Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 403.202. PROHIBITED ACTIONS. A license holder may not:

(1) obtain a license by means of fraud, misrepresentation, or concealment of a material fact;

(2) sell, barter, or offer to sell or barter a license; or

(3) engage in unprofessional conduct that endangers or is likely to endanger the health, welfare, or safety of the public

as defined by commission ~~[department]~~ rule.

SECTION 12. Section 403.203, Occupations Code, is amended to read as follows:

Sec. 403.203. GROUNDS FOR DISCIPLINARY ACTION. If an applicant for or ~~[a license]~~ holder of a license violates this chapter or a rule ~~[or code of ethics]~~ adopted or order issued under this chapter ~~[by the executive commissioner]~~, the commission or executive director may ~~[department shall]~~:

(1) revoke or suspend the license;

(2) place on probation the person if the person's license has been suspended;

(3) reprimand the license holder; or

(4) refuse to issue or renew the license.

SECTION 13. Section 403.251(a), Occupations Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a) A person who violates this chapter or ~~[7]~~ a rule adopted ~~[by the executive commissioner under this chapter,]~~ or ~~[an]~~ order issued ~~[adopted by the department]~~ under this chapter is liable for a civil penalty not to exceed \$500 for each occurrence.

SECTION 14. Subchapter F, Chapter 403, Occupations Code, is amended by adding Section 403.253 to read as follows:

Sec. 403.253. ADMINISTRATIVE PENALTY. The commission or executive director may impose an administrative penalty against a person who violates this chapter or a rule adopted or order issued under this chapter as provided by Subchapter F, Chapter 51.

SECTION 15. The following provisions of the Occupations

Code, including provisions amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, are repealed:

- (1) Section 403.002;
- (2) Section 403.109;
- (3) Section 403.152;
- (4) Section 403.201;
- (5) Section 403.204;
- (6) Section 403.205;
- (7) Section 403.207;
- (8) Section 403.208;
- (9) Section 403.209;
- (10) Section 403.210;
- (11) Section 403.211;
- (12) Section 403.212; and
- (13) Section 403.252.

SECTION 16. Not later than March 1, 2016, the Texas Commission of Licensing and Regulation shall adopt rules necessary to implement the changes in law made by this Act to Chapter 403, Occupations Code.

SECTION 17. A rule or fee under Chapter 403, Occupations Code, in effect on the effective date of this Act remains in effect until changed by the Texas Commission of Licensing and Regulation.

SECTION 18. As soon as practicable after the effective date of this Act, the Department of State Health Services and the Texas Department of Licensing and Regulation shall adopt a transition plan to provide for the transfer not later than January 1, 2016, of the following to the Texas Department of Licensing and Regulation

1 to the extent necessary for the exercise of that department's
2 powers and duties related to Chapter 403, Occupations Code, as
3 amended by this Act:

- 4 (1) personnel;
- 5 (2) equipment, files, and records; and
- 6 (3) money appropriated for the fiscal biennium ending
7 August 31, 2017.

8 SECTION 19. This Act takes effect immediately if it
9 receives a vote of two-thirds of all the members elected to each
10 house, as provided by Section 39, Article III, Texas Constitution.
11 If this Act does not receive the vote necessary for immediate
12 effect, this Act takes effect September 1, 2015.