

By: Eltife

S.B. No. 1290

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the fitting and dispensing of hearing instruments.

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

SECTION 1. Section 402.003, Occupations Code, is amended to read as follows:

Sec. 402.003. APPLICABILITY OF CHAPTER. (a) Except as provided by Subsections (b) and (c) and Section 402.451(a), this chapter applies only to a person who engages or offers to engage in fitting and dispensing hearing instruments.

(b) This chapter does not apply to:

(1) a person engaged in the practice of measuring human hearing as a part of the academic curriculum of an accredited institution of higher learning if the person or the person's employees do not sell hearing instruments;

(2) a physician licensed by the Texas Medical Board;

(3) a person with a master's degree or doctorate in audiology from an accredited college or university who does not sell hearing instruments, to the extent the person engages in the measurement of human hearing by the use of an audiometer or by any other means to make selections and adaptations of or recommendations for a hearing instrument and to make impressions for earmolds to be used as part of a hearing instrument;

(4) an audiologist or an audiology intern licensed

1 under Chapter 401, except as may otherwise be provided by the  
2 following provisions, which refer to Chapter 401:

- 3 (A) Section 402.051(a)(1);
- 4 (B) Section 402.202(b);
- 5 (C) Section 402.252;
- 6 (D) Section 402.255(a); and
- 7 (E) Section 402.406(a); and
- 8 [~~(F) Section 402.451(a)(6); and~~]

9 (5) a student of audiology in an accredited college or  
10 university program, if the student's activities and services are  
11 part of the student's supervised course of study or practicum  
12 experience.

13 (c) [~~(b)~~] A student described by Subsection (b)(5) [~~(a)(5)~~]  
14 is subject to Chapter 401.

15 SECTION 2. Section 402.201, Occupations Code, is amended to  
16 read as follows:

17 Sec. 402.201. LICENSE OR PERMIT REQUIRED. Unless a person  
18 holds a license or permit issued under this chapter, the [A] person  
19 may not:

20 (1) engage or offer to engage in fitting and  
21 dispensing hearing instruments;

22 (2) represent that the person is authorized to fit and  
23 dispense hearing instruments; [~~7~~] or

24 (3) use in connection with the person's name any  
25 designation tending to imply that the person is authorized to  
26 engage in the fitting and dispensing of hearing instruments[~~7~~]  
27 ~~unless the person holds a license or is otherwise authorized to do~~

1 ~~so under this chapter].~~

2 SECTION 3. Section 402.451(a), Occupations Code, is amended  
3 to read as follows:

4 (a) A person may not:

5 (1) buy, sell, or fraudulently obtain a license or aid  
6 another person to do so;

7 (2) alter a license with the intent to defraud;

8 (3) wilfully make a false statement in an application  
9 to the committee for a license, a temporary training permit, or the  
10 renewal of a license;

11 (4) falsely impersonate a license holder; or

12 (5) engage in the fitting and dispensing of hearing  
13 instruments when the person's license is suspended or revoked[+

14 ~~[(6) dispense or fit a hearing instrument on a person  
15 who has ordered the hearing instrument or device by mail unless the  
16 person dispensing or fitting is a license holder under this chapter  
17 or under Chapter 401, or~~

18 ~~[(7) sell a hearing instrument by mail].~~

19 SECTION 4. This Act takes effect September 1, 2015.