

By: Huffman

S.B. No. 1971

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the transfer of the regulation of licensed dyslexia  
3 practitioners and licensed dyslexia therapists to the Texas  
4 Department of Licensing and Regulation.

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

6 SECTION 1. Section 403.001, Occupations Code, is amended to  
7 read as follows:

8 Sec. 403.001. DEFINITIONS. In this chapter:

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

11 (2) [~~(1)~~] "Commission" [~~"Commissioner"~~] means the  
12 Texas Commission of Licensing and Regulation [~~commissioner of state~~  
13 ~~health services~~].

14 (3) [~~(2)~~] "Department" means the Texas Department of  
15 Licensing and Regulation [~~Department of State Health Services~~].

16 (4) [~~(3)~~] "Executive Director" [~~"Executive~~  
17 ~~commissioner"~~] means the executive director of the Texas Department  
18 of Licensing and Regulation [~~commissioner of the Health and Human~~  
19 ~~Services Commission~~].

20 (5) [~~(4)~~] "License holder" means a person who holds a  
21 license issued under this chapter.

22 (6) [~~(5)~~] "Multisensory structured language  
23 education" means a program described by the International  
24 Multisensory Structured Language Education Council for the

1 treatment of individuals with dyslexia and related disorders that  
2 provides instruction in the skills of reading, writing, and  
3 spelling:

4 (A) through program content that includes:

- 5 (i) phonology and phonological awareness;
- 6 (ii) sound and symbol association;
- 7 (iii) syllables;
- 8 (iv) morphology;
- 9 (v) syntax; and
- 10 (vi) semantics; and

11 (B) following principles of instruction that  
12 include:

- 13 (i) simultaneous multisensory instruction,  
14 including visual-auditory-kinesthetic-tactile instruction;
- 15 (ii) systematic and cumulative  
16 instruction;
- 17 (iii) explicit instruction;
- 18 (iv) diagnostic teaching to automaticity;
- 19 and
- 20 (v) synthetic and analytic instruction.

21 [(6) "Qualified instructor" means a person described  
22 by Section 403.110.]

23 SECTION 2. Subchapter B, Chapter 403, Occupations Code, is  
24 amended by adding new Section 403.049 as follows:

25 Sec. 403.049. FEES. The commission by rule shall establish  
26 reasonable and necessary fees in amounts sufficient to cover the  
27 costs of administering and enforcing this chapter.

1 SECTION 3. Subchapter B, Chapter 403, Occupations Code, is  
2 amended by adding new Section 403.050 as follows:

3 Section 403.050. POWERS AND DUTIES OF EXECUTIVE DIRECTOR.  
4 The executive director shall administer and enforce this chapter.

5 SECTION 4. Section 403.051, Occupations Code, is amended to  
6 read as follows:

7 Sec. 403.051. ADVISORY BOARD [~~COMMITTEE~~]. (a) The  
8 commission [~~department~~] shall appoint an advisory board  
9 [~~committee~~] to advise the department in administering this chapter.

10 (b) The Advisory board consists of 7 members appointed by  
11 the presiding officer of the commission with the approval of the  
12 commission as follows:

13 (1) 3 dyslexia therapists licensed under this Chapter;

14 (2) 2 dyslexia practitioner licensed under this  
15 Chapter; and

16 (3) 2 public members, one of whom must be a person with  
17 dyslexia or the parent of a person with dyslexia.

18 (c) Advisory board members serve terms of four years, with  
19 the terms of three members expiring on February 1 of each  
20 odd-numbered year.

21 (d) If a vacancy occurs during a term, the presiding officer  
22 of the commission, with the approval of the commission, shall  
23 appoint a replacement who meets the qualifications of the vacated  
24 position to serve for the remainder of the term.

25 (e) The presiding officer of the commission shall appoint  
26 one of the advisory board members to serve as presiding officer of  
27 the advisory board for a term of two years. The presiding officer of

1 the advisory board may vote on any matter before the advisory board.

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

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

8 (h) The advisory board shall provide advice and  
9 recommendations to the department on technical matters relevant to  
10 the administration of this chapter.

11 (i) A member of the advisory board may be removed from the  
12 advisory board as provided by Section 51.209, Occupations Code.

13 SECTION 5. Section 403.052, Occupations Code, is amended to  
14 read as follows:

15 Sec. 403.052. RULES. The commission [~~executive~~  
16 ~~commissioner~~] shall adopt rules necessary to administer and enforce  
17 this chapter including rules that establish standards of ethical  
18 practice and establish requirements for continuing education  
19 including a minimum number of hours of continuing education  
20 required to renew a license under this chapter.

21 SECTION 6. Section 403.103, Occupations Code, is amended to  
22 read as follows:

23 Sec. 403.103. LICENSE APPLICATION. (a) An application for  
24 a license under this chapter must be submitted in the manner and on  
25 a form prescribed by the executive director [~~A license applicant~~  
26 ~~must apply to the department on a form and in the manner the~~  
27 ~~department prescribes~~].

1           (b) The commission by rule shall determine the information  
2 and documentation required to be submitted as part of an  
3 application for each license under this chapter [~~application must~~  
4 ~~be accompanied by a nonrefundable application fee~~].

5           (c) The commission by rule shall establish the appropriate  
6 fees required to be paid by the applicant to obtain a license under  
7 this chapter.

8           SECTION 7. Subchapter C, Chapter 403, Occupations Code, is  
9 amended to add Section 403.1035 to read as follows:

10           Sec. 403.1035. LICENSE RENEWAL. (a) A license issued under  
11 this chapter is valid for one year.

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

15           SECTION 8. Section 403.106, Occupations Code, is amended to  
16 read as follows;

17           Sec. 403.106. REQUIREMENTS FOR TRAINING PROGRAMS.

18           (a) For purposes of determining whether an applicant  
19 satisfies the training requirements for a license under this  
20 chapter, a multisensory structured language education training  
21 program completed by the applicant must:

22                   (1) be accredited by a nationally recognized  
23 accrediting organization;

24                   (2) have in writing defined goals and objectives,  
25 areas of authority, and policies and procedures;

26                   (3) have the appropriate financial and management  
27 resources to operate the training program, including a

1 knowledgeable administrator and standard accounting and reporting  
2 procedures;

3 (4) have a physical site, equipment, materials,  
4 supplies, and environment suitable for the training program;

5 (5) have a sufficient number of instructional  
6 personnel who have completed the requirements for certification in  
7 multisensory structured language education;

8 (6) have been reviewed by multisensory structured  
9 language education professionals who are not affiliated with the  
10 training program;

11 (7) have developed and followed procedures to maintain  
12 and improve the quality of training provided by the program;

13 (8) have provided direct instruction in the principles  
14 and in each element of multisensory structured language education  
15 for a minimum of:

16 (A) 200 contact hours of course work for training  
17 program participants who seek a licensed dyslexia therapist  
18 license; and

19 (B) 45 contact hours of course work for training  
20 program participants who seek a licensed dyslexia practitioner  
21 license;

22 (9) have required training program participants to  
23 complete a program of supervised clinical experience in which the  
24 participants provided multisensory structured language education  
25 to students or adults, either individually or in small groups for a  
26 minimum of:

27 (A) 700 hours for training program participants

1 who seek a licensed dyslexia therapist license; and

2 (B) 60 hours for training program participants  
3 who seek a licensed dyslexia practitioner license;

4 (10) have required training program participants to  
5 demonstrate the application of multisensory structured language  
6 education principles of instruction by completing demonstration  
7 lessons observed by an instructor and followed by a conference with  
8 and a written report by the instructor; and

9 (11) have provided instruction based on the Texas  
10 Education Agency publication "The Dyslexia Handbook: Procedures  
11 Concerning Dyslexia and Related Disorders (2007)," or a revised  
12 version of that publication approved by the department.

13 (b) A training program must require a training program  
14 participant who seeks a licensed dyslexia practitioner license to  
15 have completed at least five demonstration lessons described by  
16 Subsection (a)(10) and a participant who seeks a licensed dyslexia  
17 therapist license to have completed at least 10 demonstration  
18 lessons.

19 (c) The department [~~in consultation with the advisory~~  
20 ~~committee~~] shall determine whether a training program meets the  
21 requirements of this section.

22 SECTION 10. Section 403.107, Occupations Code, is amended  
23 to read as follows:

24 Sec. 403.107. Examination; Rules. (a) To obtain a license,  
25 an applicant must:

26 (1) Pass a written examination approved by the  
27 department under Subsection (b); and

1           ~~(2)~~ pay the required fees.~~[set by the executive~~  
2 ~~commissioner]~~

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

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

9           (2) maintain~~[s]~~ a record of all examinations for at  
10 least two years after the date of examination.

11           SECTION 11. Section 403.108, Occupations Code, is amended  
12 to read as follows:

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

19           SECTION 12. Section 403.202, Occupations Code, is amended  
20 to read as follows:

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

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

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

27           (3) engage in unprofessional conduct that endangers or



1 is likely to endanger the health, welfare, or safety of the public  
2 as defined by commission [~~executive commissioner~~] rule.

3 SECTION 13. Section 403.203, Occupations Code, is amended  
4 to read as follows:

5 Sec. 403.203. GROUNDS FOR LICENSE DENIAL AND DISCIPLINARY  
6 ACTION. The commission or executive director may refuse to issue or  
7 renew a license or registration, revoke or suspend a license or  
8 registration, place on probation a person whose license or  
9 registration has been suspended, or reprimand a license or  
10 registration holder who violates this chapter, a rule adopted under  
11 this chapter, or an order of the commission or executive director.  
12 [~~If a license holder violates this chapter or a rule or code of~~  
13 ~~ethics adopted by the executive commissioner, the department shall:~~  
14 (1) ~~revoke or suspend the license;~~  
15 (2) ~~place on probation the person if the person's~~  
16 ~~license has been suspended;~~  
17 (3) ~~reprimand the license holder; or~~  
18 (4) ~~refuse to renew the license.~~]

19 SECTION 14. Section 403.207, Occupations Code, is amended  
20 to read as follows:

21 Sec. 403.207. ADMINISTRATIVE PENALTY [~~SANCTIONS~~]. The  
22 commission or executive director may impose an administrative  
23 penalty against a person who violates a law establishing a  
24 regulatory program administered by the department or a rule adopted  
25 or issued by the commission or executive director as provided by  
26 Section 51.301, Occupations Code. [~~(a) The executive~~  
27 ~~commissioner, in consultation with the advisory committee, by rule~~

1 ~~shall adopt a broad schedule of sanctions for a violation of this~~  
2 ~~chapter.~~

3 ~~(b) The State Office of Administrative Hearings shall use~~  
4 ~~the schedule of sanctions for a sanction imposed as the result of a~~  
5 ~~hearing conducted by that office.]~~

6 SECTION 15. Section 403.251, Occupations Code, is amended  
7 to read as follows:

8 Sec. 403.251. CIVIL PENALTY. (a) A person who violates  
9 this chapter, a rule adopted by the commission [~~executive~~  
10 ~~commissioner~~], or an order adopted by the commission or executive  
11 director [~~commissioner~~] under this chapter is liable for a civil  
12 penalty not to exceed \$500 for each occurrence.

13 (b) At the request of the department, the attorney general  
14 shall bring an action to recover a civil penalty authorized under  
15 this section.

16 SECTION 16. REPEALERS. The following sections are  
17 repealed:

- 18 Section 403.002;
- 19 Section 403.109;
- 20 Section 403.152;
- 21 Section 403.201;
- 22 Section 403.204;
- 23 Section 403.205;
- 24 Section 403.208;
- 25 Section 403.209;
- 26 Section 403.210;
- 27 Section 403.211;

1           Section 403.212; and

2           Section 403.252.

3           SECTION 17. The commission shall adopt rules implementing  
4 Chapter 403, Occupations Code, as amended by this Act, no later than  
5 March 1, 2016.

6           SECTION 18. A rule or fee under Chapter 403, Occupations  
7 Code, in effect on the effective date of this Act remains in effect  
8 until changed by the Texas Commission of Licensing and Regulation.

9           SECTION 19. As soon as practicable after the effective date  
10 of this Act, the Department of State Health Services and the Texas  
11 Department of Licensing and Regulation shall adopt a transition  
12 plan to provide for the transfer not later than January 1, 2016, of  
13 the following to the Texas Department of Licensing and Regulation  
14 to the extent necessary for the exercise of that department's  
15 powers and duties related to Chapter 403, Occupations Code, as  
16 amended by this Act:

17           (1) personnel;

18           (2) equipment; and

19           (3) money appropriated for the fiscal biennium ending  
20 August 31, 2017.

21           SECTION 20. Effective Date. This Act takes effect  
22 immediately if it receives a vote of two-thirds of all the members  
23 elected to each house, as provided by Section 39, Article III, Texas  
24 Constitution. If this Act does not receive the vote necessary for  
25 immediate effect, this Act takes effect September 1, 2015.