

BILL ANALYSIS

C.S.H.B. 4007
By: Kuempel
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties report that recently enacted legislation provides for a phased transfer of certain occupational licensing programs from the Department of State Health Services (DSHS) to the Texas Department of Licensing and Regulation (TDLR). The parties note that TDLR conducted a strategic planning review of current and future TDLR programs, which included recommendations to the 85th Texas Legislature relating to the TDLR licensing process. Based on these recommendations, C.S.H.B. 4007 seeks to remove certain barriers, redundancies, and impediments within the TDLR licensing process for the programs transferred during the first phase of those programs from DSHS.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTIONS 3.004, 6.003, and 11.001 of this bill.

ANALYSIS

C.S.H.B. 4007 amends the Occupations Code to revise provisions relating to the licensing and regulation of certain health-related occupations under the Texas Department of Licensing and Regulation (TDLR).

Midwifery

C.S.H.B. 4007 replaces the requirement that TDLR provide each county clerk and each local registrar of births in a county with the name of each midwife practicing in the county with a requirement that TDLR post a list of licensed midwives on the TDLR website. The bill repeals statutory provisions imposing civil liability on a person who knowingly or intentionally practices midwifery without a license, while the license is suspended or revoked, or in violation of an order of the Texas Commission of Licensing and Regulation and creating the criminal offense for a person who knowingly practices midwifery without a license.

Speech-Language Pathologists and Audiologists

C.S.H.B. 4007 removes the requirement that members of the Speech-Language Pathologists and Audiologists Advisory Board have been Texas residents for the two years preceding the date of appointment and gives TDLR the option of providing for the administration of an examination for persons applying for a license to practice speech-language pathology or audiology at least twice a year as an alternative to TDLR administering such an examination at least twice a year.

The bill removes the prohibition against a person licensed as a speech-language pathologist selling hearing instruments unless the person meets certain requirements for fitting and dispensing hearing instruments. The bill repeals statutory provisions relating to rules regarding the use of a private investigator, the reexamination of a person for licensure as a speech-language pathologist or audiologist who fails the examination, a temporary certificate of registration, the denial, revocation, or suspension of a license for certain criminal convictions, a criminal offense for violating provisions governing speech-language pathologists and audiologists, and administrative penalties. The bill specifies that a temporary certificate of registration that is in effect on the bill's effective date continues to be valid until the certificate expires and prohibits TDLR from renewing or extending a temporary certificate of registration. The bill establishes that a proceeding that is pending against a temporary certificate of registration holder on the date the certificate expires is terminated on that date.

Hearing Instrument Fitters and Dispensers

C.S.H.B. 4007 limits the applicability of statutory provisions relating to hearing instrument fitters and dispensers to a person who engages or offers to engage in fitting and dispensing hearing instruments, subject to certain exceptions. The bill removes residency requirements applicable to certain members of the Hearing Instrument Fitters and Dispensers Advisory Board and removes the requirement that an applicant for a license to fit and dispense hearing instruments who is licensed in another state to do so has held the license for at least three years preceding the date of application. The bill removes from the qualifications for a temporary training permit that a permit applicant has never taken the examination administered for persons to engage in fitting and dispensing hearing instruments and replaces the authorization for TDLR to issue a new temporary training permit to a person on or after the 365th day after the person's previous temporary training permit expired with an authorization for the Texas Commission of Licensing and Regulation to provide by rule for the issuance of a new temporary training permit after a person's temporary training permit expires. The bill replaces the requirement that the supervisor of a temporary training permit holder and the permit holder sign and mail to TDLR a notarized form logging the permit holder's contact hours with a requirement that the supervisor and permit holder submit to TDLR verification of compliance with certain contact hour requirements.

C.S.H.B. 4007 removes the authorization for a license holder to take the state examination on written request to TDLR as an alternative means of satisfying the continuing education requirements for licensed hearing instrument fitters and dispensers and removes an exemption from those continuing education requirements for a license holder who has served in the regular armed forces of the United States during part of the 24 months before the reporting date. The bill removes the prohibition against a person dispensing or fitting a hearing instrument on a person who has ordered the hearing instrument or device by mail unless the person dispensing or fitting is licensed to dispense and fit hearing instruments or to practice speech-language pathology or audiology and the prohibition against a person selling a hearing instrument by mail. The bill repeals statutory provisions relating to the prohibition against an applicant to fit and dispense hearing instruments who is licensed to do so in another state and who fails an examination from retaking the examination, the ownership of a dispensing practice, and administrative and civil penalties for a violation of statutory provisions governing hearing instrument fitters and dispensers or a rule adopted or order issued under those provisions.

Dyslexia Practitioners and Dyslexia Therapists

C.S.H.B. 4007 removes the specification that TDLR consult with the advisory committee appointed to provide advice and recommendations on technical matters relevant to the administration of statutory provisions governing licensed dyslexia practitioners and licensed dyslexia therapists in performing certain duties under those provisions relating to a training program, examination requirements, and a waiver of examination requirements. The bill removes the specification regarding the manner in which the Texas Commission of Licensing and

Regulation is required to establish continuing education requirements for licensed dyslexia practitioners and licensed dyslexia therapists in consultation with the advisory committee. The bill repeals statutory provisions relating to the denial, revocation, or suspension of such a license for certain criminal convictions, sanctions for a violation of statutory provisions governing such license holders, reprimands and continuing education requirements for a violation of those provisions, and a civil penalty for a violation of those provisions or a rule adopted or order issued under those provisions.

Athletic Trainers

C.S.H.B. 4007 repeals statutory provisions requiring each member of the Advisory Board of Athletic Trainers to be a United States citizen and a Texas resident for the five years preceding appointment and statutory provisions requiring TDLR to make a copy of the roster showing the names and addresses of all licensed athletic trainers available to any person requesting the roster for a fee. The bill repeals statutory provisions relating to the grounds for denial of a license or disciplinary action against a license holder, criminal penalties for a violation of statutory provisions governing athletic trainers, and administrative penalties for a violation of those provisions or a rule adopted or order issued under those provisions.

Massage Therapy

C.S.H.B. 4007 revises the powers and duties of the executive director of TDLR and TDLR to administer and enforce statutory provisions relating to massage therapy. The bill requires the Texas Commission of Licensing and Regulation by rule to establish the minimum number of hours of continuing education required for a person who is licensed under statutory provisions relating to massage therapy to renew the person's license and provide for the recognition, preparation, or administration of continuing education programs for such persons. The bill authorizes TDLR to develop and establish processes to evaluate and approve continuing education providers and programs and to assess a license holder's participation in continuing education programs. The bill authorizes TDLR, its authorized representative, or a peace officer to enter the premises of a massage establishment or massage school at reasonable times to conduct an inspection incidental to the issuance of a license and at other times that TDLR, its authorized representative, or a peace officer considers necessary to ensure compliance with statutory provisions relating to massage therapy and the rules adopted under those provisions.

C.S.H.B. 4007 removes statutory provisions relating to a memorandum of understanding with the Texas Education Agency regarding massage schools, inspections and investigations of certain applicant premises, and a registry of licensed massage therapists. The bill creates the Massage Therapy Advisory Board and sets out provisions relating to the composition of the board, member appointments, member terms and board vacancies, the designation of a presiding officer, and meeting requirements. The bill requires the board to provide advice and recommendations to TDLR on technical matters relevant to the administration of statutory provisions relating to massage therapy and authorizes the presiding officer and the board to vote on any matter before the board.

C.S.H.B. 4007 makes a person ineligible for a license as a massage establishment, massage school, massage therapist, or massage therapy instructor if the person is an individual and has been convicted of, entered a plea of nolo contendere or guilty to, or received deferred adjudication for an offense relating to the trafficking of persons in the same manner as a prostitution offense or other sexual offense. The bill removes a statutory provision establishing that an applicant for a license under statutory provisions relating to massage therapy who, in the five years preceding the date of the application, has been finally convicted of a misdemeanor involving moral turpitude or a felony is ineligible for the license. The bill requires an applicant for such a license to pass any required examination and removes a specification that the examination be the written state examination. The bill repeals statutory provisions relating to a provisional massage therapist or massage therapy instructor license and administrative penalties

for a violation of statutory provisions relating to massage therapy or a rule adopted under those provisions.

Orthotists and Prosthetists

C.S.H.B. 4007 replaces the requirement that the members of the Orthotists and Prosthetists Advisory Board elect from the board's membership a presiding officer with a requirement that the presiding officer of the Texas Commission of Licensing and Regulation, with the commission's approval, designate a member to serve as the presiding officer of the board. The bill requires the presiding officer of the board who is serving on the bill's effective date to continue to serve as the presiding officer until a new presiding officer is designated as required by that bill provision. The bill removes the requirements that a person be a resident of Texas to be eligible for a license to practice orthotics or prosthetics in Texas, to be entitled to an exemption from the license requirements to practice orthotics or prosthetics, or to be eligible for a temporary license. The bill replaces the condition that an individual applying for a license as an orthotist, prosthetist, or both has practiced orthotics regularly since January 1, 1996, with a condition that the individual has regularly practiced orthotics, prosthetics, or both for the three years preceding the date of the application for purposes of issuing a temporary license to an individual. The bill repeals statutory provisions authorizing TDLR to accept proof that a license applicant holds a license in a state that has licensing requirements equal to or greater than those under the Orthotics and Prosthetics Act as a substitute for satisfaction of the examination requirement and statutory provisions requiring TDLR to provide certain notice to a license holder of the license holder's failure to comply with applicable continuing education requirements. The bill repeals statutory provisions relating to disciplinary actions and civil, criminal, and administrative penalties for certain violations under the Orthotics and Prosthetics Act.

Dietitians

C.S.H.B. 4007 repeals statutory provisions relating to the amount of fees applicable to dietitians, investigations of an applicant's application for a license as a dietitian, reexamination for a licensing examination, a provisional dietitian license, a temporary license, penalties and other enforcement provisions, and the amount of an administrative penalty. The bill establishes that a provisional or temporary license issued under statutory provisions repealed by the bill that is in effect on the bill's effective date continues to be valid until the license expires and prohibits TDLR from renewing or extending such a license on or after the bill's effective date. The bill establishes that a proceeding under statutory provisions relating to dietitians that is pending against such a license holder on the date the license expires is terminated on that date.

Code Enforcement Officers

C.S.H.B. 4007 repeals certain statutory provisions relating to the register of applications for a certificate of registration as a code enforcement officer and administrative penalties for a violation of statutory provisions relating to code enforcement officers or a rule or order adopted under those provisions. The bill repeals statutory provisions relating to criminal penalties for a violation of a statutory provision prohibiting a person from claiming to be a code enforcement officer or from using the title "code enforcement officer" unless the person holds a certificate of registration.

Sanitarians

C.S.H.B. 4007 repeals statutory provisions relating to the register of applications for a certificate of registration as a sanitarian and criminal penalties for a violation of a statutory provision prohibiting a person from representing that the person is a sanitarian or from using a title containing the word "sanitarian" unless the person holds a certificate of registration. The bill repeals certain statutory provisions relating to administrative penalties for a violation of statutory

provisions relating to sanitarians or a rule or order adopted under those provisions.

Mold Assessors and Remediators

C.S.H.B. 4007 requires the Texas Commission of Licensing and Regulation to adopt rules as necessary to administer statutory provisions relating to mold assessors and remediators and removes the requirement that an applicant for a mold assessment license or a mold remediation license required by TDLR to pass an examination to qualify for the license do so with a score of 70 percent or more. The bill removes certain specifications regarding the manner in which a license holder is required to notify TDLR regarding a mold remediation project, including in an emergency, and instead requires TDLR to develop a mechanism by which a license holder may notify TDLR of an emergency. The bill postpones from not later than one week after completion of a mold remediation to not later than the 10th day after the date of completion of a mold remediation the deadline by which a mold remediator license holder is required to provide the property owner with copies of all required photographs. The bill authorizes TDLR to serve any notice required to be served on a license holder by personal service on the license holder, certified mail, return receipt requested, to the license holder at the last known address the license holder provided to TDLR, or certified electronic mail to the license holder at the last known electronic mail address the license holder provided to TDLR. The bill repeals certain statutory provisions relating to fees, disciplinary procedures, administrative penalties, and civil penalties with regards to mold assessors and remediators.

Transition Provisions for Certain Proceedings

C.S.H.B. 4007 establishes that, except as provided by the bill, its changes do not apply to an administrative proceeding pending on the bill's effective date, but that a civil or criminal proceeding based on a provision repealed by the bill that is pending on the bill's effective date is terminated on that date.

Repealed Provisions

C.S.H.B. 4007 repeals the following provisions of the Occupations Code:

- Section 203.501
- Section 203.504
- Section 401.253
- Section 401.307
- Section 401.310
- Section 401.453
- Section 401.503
- Subchapter L, Chapter 401
- Section 402.209(h)
- Section 402.406
- Section 402.551
- Section 402.553
- Section 403.204
- Section 403.207
- Section 403.212
- Subchapter F, Chapter 403

- Section 451.051(c)
- Section 451.101(a-2)
- Subchapters F, G, and H, Chapter 451
- Section 455.1572
- Subchapter G, Chapter 455
- Section 605.252(d)
- Section 605.261(c)
- Section 605.353
- Section 605.354
- Section 605.356
- Subchapter I, Chapter 605
- Section 701.154
- Section 701.255
- Section 701.257
- Section 701.259
- Section 701.260
- Subchapter J, Chapter 701
- Section 701.502
- Section 1952.053, as effective September 1, 2017
- Subchapter E, Chapter 1952
- Subchapter F, Chapter 1952, as effective September 1, 2017
- Section 1953.053
- Subchapter F, Chapter 1953
- Subchapter G, Chapter 1953, as effective September 1, 2017
- Section 1958.055
- Subchapter E, Chapter 1958, as effective September 1, 2017
- Subchapter F, Chapter 1958, as effective September 1, 2017
- Section 1958.301

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4007 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

ARTICLE 1. REGULATION OF THE PRACTICE OF MIDWIFERY

ARTICLE 1. MIDWIFERY

SECTION 1.01. Section 203.157(c), Occupations Code, is amended.

SECTION 1.001. Same as introduced version.

SECTION 1.02. The heading to Subchapter K, Chapter 203, Occupations Code, is amended.

SECTION 1.002. Same as introduced version.

SECTION 1.03. The following provisions of the Occupations Code are repealed:
(1) Section 203.501; and
(2) Section 203.504.

SECTION 1.003. Same as introduced version.

ARTICLE 2. LICENSING AND REGULATION OF SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

ARTICLE 2. SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

SECTION 2.01. Section 401.102(b), Occupations Code, is amended.

SECTION 2.001. Same as introduced version.

SECTION 2.02. Section 401.305(b), Occupations Code, is amended.

SECTION 2.002. Same as introduced version.

SECTION 2.03. Section 401.402(b), Occupations Code, is amended.

SECTION 2.003. Same as introduced version.

SECTION 2.04. The following provisions of the Occupations Code are repealed:
(1) Section 401.253;
(2) Section 401.307;
(3) Section 401.310;
(4) Section 401.453;
(5) Section 401.503; and
(6) Subchapter L, Chapter 401.

SECTION 2.004. Same as introduced version.

SECTION 2.05. (a) A temporary certificate of registration issued under former Section 401.310, Occupations Code, that is in effect on the effective date of this Act continues to be valid until the certificate expires and former Section 401.310, Occupations Code, is continued in effect for that purpose. Chapter 401, Occupations Code, as amended by this article, continues to apply to a holder of an unexpired temporary certificate of registration.
(b) On or after the effective date of this Act, the Texas Department of Licensing and Regulation may not renew or extend a temporary certificate of registration.
(c) A proceeding under Chapter 401,

SECTION 2.005. Substantially the same as introduced version.

Occupations Code, that is pending against a holder of a temporary certificate of registration on the date the certificate expires is terminated on that date.

SECTION 2.06. A disciplinary or other proceeding based on a provision repealed by this article that is pending on the effective date of this Act is terminated on that date.

ARTICLE 3. REGULATION OF THE FITTING AND DISPENSING OF HEARING INSTRUMENTS

SECTION 3.01. Section 402.003, Occupations Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsections (a-1) and (b) and Section 402.451(a), this chapter applies only to a person who engages or offers to engage in fitting and dispensing hearing instruments.

(a-1) 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 under Chapter 401, except as may otherwise be provided by the following provisions, which refer to Chapter 401:

(A) Section 402.051(a)(1);

(B) Section 402.202(b);

(C) Section 402.252; and

(D) Section 402.255(a);

~~[(E) Section 402.406(a); and~~

~~[(F) Section 402.451(a)(6);]~~ and

(5) a student of audiology in an accredited college or university program, if the

(See SECTION 12.001, below.)

ARTICLE 3. HEARING INSTRUMENT FITTERS AND DISPENSERS

SECTION 3.001. Section 402.003, Occupations Code, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsections (a-1) and (b) and Section 402.451(a), this chapter applies only to a person who engages or offers to engage in fitting and dispensing hearing instruments.

(a-1) 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 under Chapter 401, except as may otherwise be provided by the following provisions, which refer to Chapter 401:

(A) Section 402.051(a)(1);

(B) Section 402.202(b);

(C) Section 402.252; and

(D) Section 402.255(a);

~~[(E) Section 402.406(a); and~~

~~[(F) Section 402.451(a)(6);]~~ and

(5) a student of audiology in an accredited college or university program, if the

student's activities and services are part of the student's supervised course of study or practicum experience.

student's activities and services are part of the student's supervised course of study or practicum experience.

(b) A student described by Subsection (a-1)(5) [~~(a)(5)~~] is subject to Chapter 401.

SECTION 3.02. Section 402.051(a), Occupations Code, is amended.

SECTION 3.002. Substantially the same as introduced version.

SECTION 3.03. Section 402.209(c), Occupations Code, is amended.

SECTION 3.003. Same as introduced version.

SECTION 3.04. Section 402.251, Occupations Code, is amended.

SECTION 3.004. Same as introduced version.

SECTION 3.05. Section 402.255(d), Occupations Code, is amended.

SECTION 3.005. Same as introduced version.

SECTION 3.06. Section 402.304, Occupations Code, is amended.

SECTION 3.006. Same as introduced version.

SECTION 3.07. Section 402.305, Occupations Code, is amended.

SECTION 3.007. Same as introduced version.

SECTION 3.08. Section 402.451(a), Occupations Code, is amended.

SECTION 3.008. Same as introduced version.

SECTION 3.09. The heading to Subchapter L, Chapter 402, Occupations Code, is amended.

SECTION 3.009. Same as introduced version.

SECTION 3.10. The following provisions of the Occupations Code are repealed:

- (1) Section 402.209(h);
- (2) Section 402.406;
- (3) Section 402.551; and
- (4) Section 402.553.

SECTION 3.010. Same as introduced version.

SECTION 3.11. Section 402.209, Occupations Code, as amended by this article, applies only to an application submitted on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

SECTION 3.011. Substantially the same as introduced version.

SECTION 3.12. A disciplinary or other proceeding based on a provision repealed by this article that is pending on the effective date of this Act is terminated on that date.

(See SECTION 12.001, below.)

ARTICLE 4. LICENSING AND

ARTICLE 4. DYSLEXIA

REGULATION OF DYSLEXIA PRACTITIONERS AND THERAPISTS

SECTION 4.01. Section 403.106(c), Occupations Code, is amended.

SECTION 4.02. Section 403.107(b), Occupations Code, is amended.

SECTION 4.03. Section 403.108, Occupations Code, is amended.

SECTION 4.04. Section 403.152(b), Occupations Code, is amended.

SECTION 4.05. The following provisions of the Occupations Code are repealed:

- (1) Section 403.204;
- (2) Section 403.207;
- (3) Section 403.212; and
- (4) Subchapter F, Chapter 403.

ARTICLE 5. LICENSING AND REGULATION OF ATHLETIC TRAINERS

SECTION 5.01. Section 451.156, Occupations Code, is amended.

SECTION 5.02. The following provisions of the Occupations Code are repealed:

- (1) Section 451.051(c);
- (2) Section 451.101(a-2); and
- (3) Subchapters F, G, and H, Chapter 451.

ARTICLE 6. REGULATION OF MASSAGE THERAPY

SECTION 6.01. Section 455.001, Occupations Code, is amended.

SECTION 6.02. Subchapter B, Chapter 455, Occupations Code, is amended.

SECTION 6.03. Subchapter B, Chapter 455, Occupations Code, is amended.

SECTION 6.04. Subchapter B, Chapter 455, Occupations Code, is amended.

SECTION 6.05. Subchapter C, Chapter 455, Occupations Code, as effective September 1, 2017, is amended

PRACTITIONERS AND DYSLEXIA THERAPISTS

SECTION 4.001. Same as introduced version.

SECTION 4.002. Same as introduced version.

SECTION 4.003. Same as introduced version.

SECTION 4.004. Same as introduced version.

SECTION 4.005. Same as introduced version.

ARTICLE 5. ATHLETIC TRAINERS

SECTION 5.001. Same as introduced version.

SECTION 5.002. Same as introduced version.

ARTICLE 6. MASSAGE THERAPY

SECTION 6.001. Same as introduced version.

SECTION 6.002. Same as introduced version.

SECTION 6.003. Same as introduced version.

SECTION 6.004. Substantially the same as introduced version.

SECTION 6.005. Same as introduced version.

SECTION 6.06. Section 455.152(a), Occupations Code, is amended.

SECTION 6.006. Same as introduced version.

SECTION 6.07. Section 455.1525, Occupations Code, is amended.

SECTION 6.007. Same as introduced version.

SECTION 6.08. Section 455.153, Occupations Code, as effective September 1, 2017, is amended.

SECTION 6.008. Same as introduced version.

SECTION 6.09. Section 455.156(b), Occupations Code, is amended.

SECTION 6.009. Same as introduced version.

SECTION 6.10. The following provisions of the Occupations Code are repealed:

SECTION 6.010. Same as introduced version.

- (1) Section 455.1572; and
- (2) Subchapter G, Chapter 455.

SECTION 6.11. As soon as practicable after the effective date of this Act, the presiding officer of the Texas Commission of Licensing and Regulation shall appoint the members of the Massage Therapy Advisory Board created by Subchapter C, Chapter 455, Occupations Code, as amended by this article.

SECTION 6.011. Substantially the same as introduced version.

SECTION 6.12. Section 455.152(a), Occupations Code, as amended by this article, applies only to a person who files an initial application for or an application for renewal of a license as a massage establishment, massage school, massage therapist, or massage therapy instructor on or after the effective date of this Act.

SECTION 6.012. Substantially the same as introduced version.

SECTION 6.13. The changes in law made by this article do not affect the validity of a proceeding pending before a court or other governmental entity under Subchapter G, Chapter 455, Occupations Code, as that subchapter existed immediately before the effective date of this Act.

(See SECTION 12.001, below.)

ARTICLE 7. LICENSING AND REGULATION OF ORTHOTISTS AND PROSTHETISTS

ARTICLE 7. ORTHOTISTS AND PROSTHETISTS

SECTION 7.01. Section 605.056, Occupations Code, is amended.

SECTION 7.001. Same as introduced version.

SECTION 7.02. Section 605.252(a), Occupations Code, is amended.

SECTION 7.002. Same as introduced version.

SECTION 7.03. Section 605.254(a), Occupations Code, is amended.

SECTION 7.003. Same as introduced version.

SECTION 7.04. Section 605.257(a), Occupations Code, is amended.

SECTION 7.004. Same as introduced version.

SECTION 7.05. The heading to Subchapter H, Chapter 605, Occupations Code, is amended.

SECTION 7.005. Same as introduced version.

SECTION 7.06. The following provisions of the Occupations Code are repealed:

SECTION 7.006. Same as introduced version.

- (1) Section 605.252(d);
- (2) Section 605.261(c);
- (3) Section 605.353;
- (4) Section 605.354;
- (5) Section 605.356; and
- (6) Subchapter I, Chapter 605.

SECTION 7.07. The presiding officer of the Orthotists and Prosthetists Advisory Board who is serving on the effective date of this Act shall continue to serve as the presiding officer until the presiding officer of the Texas Commission of Licensing and Regulation, with the commission's approval, designates a member of the advisory board to serve as the presiding officer of the advisory board as required by Section 605.056, Occupations Code, as amended by this article.

SECTION 7.007. Substantially the same as introduced version.

SECTION 7.08. Sections 605.252, 605.254, and 605.257, Occupations Code, as amended by this article, apply only to an application submitted on or after the effective date of this Act. An application submitted under Section 605.252, 605.254, or 605.257, Occupations Code, before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

SECTION 7.008. Substantially the same as introduced version.

ARTICLE 8. LICENSING AND REGULATION OF DIETITIANS

ARTICLE 8. DIETITIANS

SECTION 8.01. The following provisions of the Occupations Code are repealed:

SECTION 8.001. Same as introduced version.

- (1) Section 701.154;
- (2) Section 701.255;
- (3) Section 701.257;
- (4) Section 701.259;
- (5) Section 701.260;
- (6) Subchapter J, Chapter 701; and

(7) Section 701.502.

SECTION 8.02. (a) A provisional or temporary license issued under former Section 701.259 or 701.260, Occupations Code, that is in effect on the effective date of this Act continues to be valid until the license expires, and former Sections 701.259 and 701.260, Occupations Code, are continued in effect for that purpose. Chapter 701, Occupations Code, as amended by this article, continues to apply to a holder of an unexpired provisional or temporary license.

(b) On or after the effective date of this Act, the Texas Department of Licensing and Regulation may not renew or extend a provisional or temporary license issued under former Section 701.259 or 701.260, Occupations Code.

(c) A proceeding under Chapter 701, Occupations Code, that is pending against a holder of a provisional or temporary license on the date the license expires is terminated on that date.

SECTION 8.03. The repeal by this article of Subchapter J, Chapter 701, Occupations Code, does not apply to an offense committed before the effective date of the repeal. An offense committed before the effective date of the repeal is governed by the law as it existed on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of the repeal if any element of the offense occurred before that date.

ARTICLE 9. LICENSING AND REGULATION OF CODE ENFORCEMENT OFFICERS

SECTION 9.01. The following provisions of the Occupations Code are repealed:

- (1) Section 1952.053, as effective September 1, 2017;
- (2) Subchapter E, Chapter 1952; and
- (3) Subchapter F, Chapter 1952, as effective September 1, 2017.

SECTION 9.02. The repeal by this article of Subchapter E, Chapter 1952, Occupations Code, does not apply to an offense

SECTION 8.002. Substantially the same as introduced version.

No equivalent provision, but see SECTION 12.001, below.

ARTICLE 9. CODE ENFORCEMENT OFFICERS

SECTION 9.001. Same as introduced version.

No equivalent provision, but see SECTION 12.001, below.

committed under that subchapter before the effective date of the repeal. An offense committed before the effective date of the repeal is governed by the law as it existed on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of the repeal if any element of the offense occurred before that date.

ARTICLE 10. REGISTRATION AND REGULATION OF SANITARIANS

SECTION 10.01. The following provisions of the Occupations Code are repealed:

- (1) Section 1953.053;
- (2) Subchapter F, Chapter 1953; and
- (3) Subchapter G, Chapter 1953, as effective September 1, 2017.

ARTICLE 11. REGULATION OF MOLD ASSESSORS AND REMEDIATORS

SECTION 11.01. Subchapter B, Chapter 1958, Occupations Code, is amended.

SECTION 11.02. Section 1958.105, Occupations Code, is amended.

SECTION 11.03. Section 1958.153, Occupations Code, as effective September 1, 2017, is amended

SECTION 11.04. Section 1958.156(d), Occupations Code, is amended.

SECTION 11.05. Subchapter D, Chapter 1958, Occupations Code, is amended by adding Section 1958.158 to read as follows:

Sec. 1958.158. SERVICE OF PROCESS ON LICENSE HOLDER. The department may serve any notice that law requires the department to serve on a license holder by:
(1) personal service on the license holder; or
(2) registered or certified mail to the license holder at the last known address the license holder provided to the department.

SECTION 11.06. The following provisions

ARTICLE 10. SANITARIANS

SECTION 10.001. Same as introduced version.

ARTICLE 11. MOLD ASSESSORS AND REMEDIATORS

SECTION 11.001. Same as introduced version.

SECTION 11.002. Same as introduced version.

SECTION 11.003. Same as introduced version.

SECTION 11.004. Same as introduced version.

SECTION 11.005. Subchapter D, Chapter 1958, Occupations Code, is amended by adding Section 1958.158 to read as follows:

Sec. 1958.158. SERVICE OF PROCESS ON LICENSE HOLDER. The department may serve any notice that law requires the department to serve on a license holder by:
(1) personal service on the license holder;
(2) certified mail, return receipt requested, to the license holder at the last known address the license holder provided to the department; or
(3) certified electronic mail to the license holder at the last known electronic mail address the license holder provided to the department.

SECTION 11.006. Same as introduced

of the Occupations Code are repealed:
(1) Section 1958.055;
(2) Subchapter E, Chapter 1958, as effective September 1, 2017;
(3) Subchapter F, Chapter 1958, as effective September 1, 2017; and
(4) Section 1958.301.

SECTION 11.07. The changes in law made by this article do not affect the validity of a disciplinary action or other proceeding that was initiated before the effective date of this Act and that is pending before a court or other governmental entity on the effective date of this Act.

SECTION 11.08. Section 1958.153, Occupations Code, as amended by this article, applies only to notice of a mold remediation project that is provided on or after the effective date of this Act. Notice of a mold remediation project that is provided before that date is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

ARTICLE 12. EFFECTIVE DATE

No equivalent provision, but see SECTIONS 2.06, 3.12, 6.13, 8.03, 9.02, and 11.07, above.

SECTION 12.01. This Act takes effect September 1, 2017.

version.

(See SECTION 12.001, below.)

SECTION 11.007. Substantially the same as introduced version.

ARTICLE 12. TRANSITION PROVISIONS FOR CERTAIN PROCEEDINGS; EFFECTIVE DATE

SECTION 12.001. (a) Except as provided by this Act, the changes in law made by this Act do not apply to an administrative proceeding pending on the effective date of this Act. An administrative proceeding pending on the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.
(b) Except as provided by this Act, a civil or criminal proceeding based on a provision repealed by this Act that is pending on the effective date of this Act is terminated on that date.

SECTION 12.002. Same as introduced version.