

By: Isaac

H.B. No. 1684

A BILL TO BE ENTITLED

AN ACT

relating to abolishing the regulation of speech-language pathologists and audiologists.

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

SECTION 1. Section 84.003(5), Civil Practice and Remedies Code, is amended to read as follows:

(5) "Volunteer health care provider" means an individual who voluntarily provides health care services without compensation or expectation of compensation and who is:

(A) an individual who is licensed to practice medicine under Subtitle B, Title 3, Occupations Code;

(B) a retired physician who is eligible to provide health care services, including a retired physician who is licensed but exempt from paying the required annual registration fee under Section 156.002, Occupations Code;

(C) a physician assistant licensed under Chapter 204, Occupations Code, or a retired physician assistant who is eligible to provide health care services under the law of this state;

(D) a registered nurse, including an advanced nurse practitioner, or vocational nurse, licensed under Chapter 301, Occupations Code, or a retired vocational nurse or registered nurse, including a retired advanced nurse practitioner, who is eligible to provide health care services under the law of this

1 state;

2 (E) a pharmacist licensed under Subtitle J, Title
3 3, Occupations Code, or a retired pharmacist who is eligible to
4 provide health care services under the law of this state;

5 (F) a podiatrist licensed under Chapter 202,
6 Occupations Code, or a retired podiatrist who is eligible to
7 provide health care services under the law of this state;

8 (G) a dentist licensed under Subtitle D, Title 3,
9 Occupations Code, or a retired dentist who is eligible to provide
10 health care services under the law of this state;

11 (H) a dental hygienist licensed under Subtitle D,
12 Title 3, Occupations Code, or a retired dental hygienist who is
13 eligible to provide health care services under the law of this
14 state;

15 (I) an optometrist or therapeutic optometrist
16 licensed under Chapter 351, Occupations Code, or a retired
17 optometrist or therapeutic optometrist who is eligible to provide
18 health care services under the law of this state;

19 (J) a physical therapist or physical therapist
20 assistant licensed under Chapter 453, Occupations Code, or a
21 retired physical therapist or physical therapist assistant who is
22 eligible to provide health care services under the law of this
23 state;

24 (K) an occupational therapist or occupational
25 therapy assistant licensed under Chapter 454, Occupations Code, or
26 a retired occupational therapist or occupational therapy assistant
27 who is eligible to provide health care services under the law of

1 this state; or

2 (L) [~~an audiologist, assistant in audiology,~~
3 ~~speech-language pathologist, or assistant in speech-language~~
4 ~~pathology licensed under Chapter 401, Occupations Code, or a~~
5 ~~retired audiologist, assistant in audiology, speech-language~~
6 ~~pathologist, or assistant in speech-language pathology who is~~
7 ~~eligible to provide health care services under the laws of this~~
8 ~~state; or~~

9 [(M)] a social worker licensed under Chapter 505,
10 Occupations Code, or a retired social worker who is eligible to
11 engage in the practice of social work under the law of this state.

12 SECTION 2. Section 112.002, Occupations Code, is amended to
13 read as follows:

14 Sec. 112.002. APPLICABILITY. This chapter applies only to
15 licensing entities and health care practitioners under Chapters
16 [~~401~~] 453[~~7~~] and 454 and Subtitles B, C, D, E, F, and K.

17 SECTION 3. The heading to Subtitle G, Title 3, Occupations
18 Code, is amended to read as follows:

19 SUBTITLE G. PROFESSIONS RELATED TO HEARING [~~7 SPEECH~~] AND
20 DYSLEXIA

21 SECTION 4. Section 402.003, Occupations Code, is amended to
22 read as follows:

23 Sec. 402.003. APPLICABILITY OF CHAPTER. [(a)] This
24 chapter does not apply to:

25 (1) a person engaged in the practice of measuring
26 human hearing as a part of the academic curriculum of an accredited
27 institution of higher learning if the person or the person's

1 employees do not sell hearing instruments;

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

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

10 (4) ~~[an audiologist or an audiology intern licensed~~
11 ~~under Chapter 401, except as may otherwise be provided by the~~
12 ~~following provisions, which refer to Chapter 401:~~

13 [~~(A) Section 402.051(a)(1),~~

14 [~~(B) Section 402.202(b),~~

15 [~~(C) Section 402.252,~~

16 [~~(D) Section 402.255(a),~~

17 [~~(E) Section 402.406(a), and~~

18 [~~(F) Section 402.451(a)(6), and~~

19 [~~(5)~~] a student of audiology in an accredited college
20 or university program, if the student's activities and services are
21 part of the student's supervised course of study or practicum
22 experience.

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

25 SECTION 5. Section 402.051(a), Occupations Code, is amended
26 to read as follows:

27 (a) The advisory board consists of nine members appointed by

1 the presiding officer of the commission with the approval of the
2 commission as follows:

3 (1) six members licensed under this chapter who have
4 been residents of this state actually engaged in fitting and
5 dispensing hearing instruments for at least five years preceding
6 appointment [~~not more than one of whom may be licensed under~~
7 ~~Chapter 401~~];

8 (2) one member who is actively practicing as a
9 physician licensed by the Texas Medical Board and who:

10 (A) has been a resident of this state for at least
11 two years preceding appointment;

12 (B) is a citizen of the United States; and

13 (C) specializes in the practice of
14 otolaryngology; and

15 (3) two members of the public.

16 SECTION 6. Section 402.1021, Occupations Code, is amended
17 to read as follows:

18 Sec. 402.1021. RULES FOR HEARING INSTRUMENTS. With the
19 assistance of the advisory board [~~and the Speech-Language~~
20 ~~Pathologists and Audiologists Advisory Board~~], the commission
21 shall adopt rules to establish requirements for each sale of a
22 hearing instrument for purposes of this chapter [~~and Chapter 401~~].

23 The rules must:

24 (1) address:

25 (A) the information and other provisions
26 required in each written contract for the purchase of a hearing
27 instrument;

1 (B) records that must be retained under this
2 chapter [~~or Chapter 401~~]; and

3 (C) guidelines for the 30-day trial period during
4 which a person may cancel the purchase of a hearing instrument; and

5 (2) require that the written contract and 30-day trial
6 period information provided to a purchaser of a hearing instrument
7 be in plain language designed to be easily understood by the average
8 consumer.

9 SECTION 7. Section 402.1023(b), Occupations Code, is
10 amended to read as follows:

11 (b) With the assistance of the advisory board [~~and the~~
12 ~~Speech-Language Pathologists and Audiologists Advisory Board~~], the
13 commission shall adopt rules to establish requirements for the
14 fitting and dispensing of hearing instruments by the use of
15 telepractice for purposes of this chapter [~~and Chapter 401~~],
16 including rules that establish the qualifications and duties of
17 license holders who use telepractice.

18 SECTION 8. Section 402.252, Occupations Code, is amended to
19 read as follows:

20 Sec. 402.252. SUPERVISION STATEMENT. (a) An application
21 for a temporary training permit must be accompanied by the
22 statement of a person licensed to fit and dispense hearing
23 instruments under this chapter [~~or Chapter 401, other than a person~~
24 ~~licensed under Section 401.311 or 401.312~~].

25 (b) The statement must be on a form prescribed by the
26 department and state that:

27 (1) the person will supervise the applicant in all

1 work done by the applicant under the temporary training permit; and

2 (2) the person will notify the department not later
3 than the 10th day after the date of the applicant's termination of
4 supervision by the person[~~, and~~

5 [~~(3) if the person is licensed under Chapter 401, the~~
6 ~~person will comply with all provisions of this chapter and rules~~
7 ~~adopted under this chapter that relate to the supervision and~~
8 ~~training of a temporary training permit holder].~~

9 SECTION 9. Section 402.255(a), Occupations Code, is amended
10 to read as follows:

11 (a) A supervisor of a temporary training permit holder must:

12 (1) be licensed to fit and dispense hearing
13 instruments under this chapter [~~or Chapter 401, other than Section~~
14 ~~401.311 or 401.312];~~

15 (2) currently practice in an established place of
16 business; and

17 (3) be responsible for the direct supervision and
18 education of a temporary training permit holder.

19 SECTION 10. Section 402.406(a), Occupations Code, is
20 amended to read as follows:

21 (a) A person who owns, maintains, or operates an office or
22 place of business in which the person employs or engages under
23 contract a person who practices the fitting and dispensing of
24 hearing instruments is considered to be practicing the fitting and
25 dispensing of hearing instruments under this chapter and is
26 required to be licensed under this chapter [~~or licensed as an~~
27 ~~audiologist under Chapter 401].~~

1 SECTION 11. Section 402.451(a), Occupations Code, is
2 amended to read as follows:

3 (a) A person may not:

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

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

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

10 (4) falsely impersonate a license holder;

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

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

17 (7) sell a hearing instrument by mail.

18 SECTION 12. The following provisions are repealed:

19 (1) Sections 61.9811(1) and (4), Education Code;

20 (2) Chapter 401, Occupations Code;

21 (3) Section 402.202(b), Occupations Code; and

22 (4) Section 402.209(i), Occupations Code.

23 SECTION 13. (a) On the effective date of this Act:

24 (1) a disciplinary proceeding pending before the Texas
25 Department of Licensing and Regulation relating to an alleged
26 violation of former Chapter 401, Occupations Code, is dismissed;

27 (2) the Speech-Language Pathologists and Audiologists

1 Advisory Board is abolished; and

2 (3) a license or certificate of registration issued
3 under former Chapter 401, Occupations Code, expires.

4 (b) As soon as practicable after the effective date of this
5 Act, the Texas Commission of Licensing and Regulation shall repeal
6 all rules regarding the regulation of speech-language pathologists
7 and audiologists adopted under former Chapter 401, Occupations
8 Code.

9 SECTION 14. This Act takes effect September 1, 2017.