

By: Coleman

H.B. No. 3852

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the licensing and regulation of speech-language
3 pathologists and audiologists by the Texas Board of Speech-Language
4 Pathology and Audiology Examiners and to the Executive Council of
5 Examiners of Physical Therapists, Occupational Therapists, and
6 Speech-Language Pathologists and Audiologists; providing civil and
7 administrative penalties; imposing fees.

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

9 SECTION 1. Section 51.2031(a), Occupations Code, is amended
10 to read as follows:

11 (a) This section applies only to the regulation of the
12 following professions by the department:

- 13 (1) athletic trainers;
14 (2) dietitians;
15 (3) hearing instrument fitters and dispensers;
16 (4) midwives; and
17 (5) orthotists and prosthetists[~~, and~~
18 [~~(6) speech-language pathologists and audiologists~~].

19 SECTION 2. Section 401.001, Occupations Code, is amended to
20 read as follows:

21 Sec. 401.001. DEFINITIONS. In this chapter:

22 (1) [~~"Advisory board" means the Speech-Language~~
23 ~~Pathologists and Audiologists Advisory Board.~~

24 [~~(1-a)~~] "Audiologist" means a person who meets the

1 qualifications of this chapter to practice audiology.

2 (2) "Audiology" means the application of nonmedical
3 principles, methods, and procedures for measurement, testing,
4 appraisal, prediction, consultation, counseling, habilitation,
5 rehabilitation, or instruction related to disorders of the auditory
6 or vestibular systems for the purpose of providing or offering to
7 provide services modifying communicative disorders involving
8 speech, language, or auditory or vestibular function or other
9 aberrant behavior relating to hearing loss.

10 (3) "Board" [~~"Commission"~~] means the Texas Board of
11 Speech-Language Pathology and Audiology Examiners [~~Texas~~
12 ~~Commission of Licensing and Regulation~~].

13 (4) "Coordinator of speech-language pathology and
14 audiology programs" means the person employed in that position
15 under Section 452.101 [~~"Department" means the Texas Department of~~
16 ~~Licensing and Regulation~~].

17 (5) [~~(4-a)~~] "Executive council" [~~director~~] means the
18 Executive Council of Examiners of Physical Therapists,
19 Occupational Therapists, and Speech-Language Pathologists and
20 Audiologists [~~executive director of the department~~].

21 (6) [~~(4-b)~~] "Hearing instrument" has the meaning
22 assigned by Section 402.001.

23 (7) [~~(5)~~] "Speech-language pathologist" means a
24 person who meets the qualifications of this chapter to practice
25 speech-language pathology.

26 (8) [~~(6)~~] "Speech-language pathology" means the
27 application of nonmedical principles, methods, and procedures for

1 measurement, testing, evaluation, prediction, counseling,
2 habilitation, rehabilitation, or instruction related to the
3 development and disorders of communication, including speech,
4 voice, language, oral pharyngeal function, or cognitive processes,
5 for the purpose of evaluating, preventing, or modifying or offering
6 to evaluate, prevent, or modify those disorders and conditions in
7 an individual or a group.

8 SECTION 3. Subchapter A, Chapter 401, Occupations Code, is
9 amended by adding Sections 401.002 and 401.003 to read as follows:

10 Sec. 401.002. APPLICATION OF SUNSET ACT. The Texas Board of
11 Speech-Language Pathology and Audiology Examiners is subject to
12 Chapter 325, Government Code (Texas Sunset Act). Unless continued
13 in existence as provided by that chapter, the board is abolished and
14 this chapter expires on the date provided by Section 452.002.

15 Sec. 401.003. CONFLICT WITH OTHER LAW. To the extent of any
16 conflict between this chapter and Chapter 452, Chapter 452
17 controls.

18 SECTION 4. Section 401.052, Occupations Code, is amended to
19 read as follows:

20 Sec. 401.052. NURSES. This chapter does not prevent or
21 restrict a communication, speech, language, or hearing screening,
22 as defined by board [~~commission~~] rule, from being conducted by a
23 registered nurse:

- 24 (1) licensed in this state; and
25 (2) practicing in accordance with the standards of
26 professional conduct and ethics established by rules adopted by the
27 Texas Board of Nursing.

1 SECTION 5. Section 401.053(a), Occupations Code, is amended
2 to read as follows:

3 (a) This chapter does not apply to a person who shows
4 evidence of having received training by the Department of State
5 Health Services in a communication, speech, language, or hearing
6 screening training program approved by that department if the
7 person's activity is limited to screening as defined by board
8 [~~commission~~] rule.

9 SECTION 6. Sections 401.054(b), (c), and (d), Occupations
10 Code, are amended to read as follows:

11 (b) The Texas Education Agency certificate in
12 speech-language pathology must require an applicant to:

13 (1) hold a master's degree in communicative disorders
14 or the equivalent from a university program accredited by the
15 American Speech-Language-Hearing Association; and

16 (2) pass a national examination in speech-language
17 pathology or audiology approved by the board [~~department~~].

18 (c) A person affected by this section who performs work as a
19 speech-language pathologist or audiologist in addition to
20 performing the person's duties within an agency, institution, or
21 organization under the jurisdiction of the Texas Education Agency
22 is required to hold a license issued by the board [~~department~~]
23 unless that work is limited to speech and hearing screening
24 procedures performed without compensation.

25 (d) For the purposes of Subsection (b)(1), an applicant's
26 educational credentials are equivalent to a master's degree in
27 communicative disorders if the credentials:

1 (1) consist of graduate-level course work and
2 practicum from a program accredited by the American
3 Speech-Language-Hearing Association; and

4 (2) meet requirements that are the same as those
5 established by the board [~~department~~] for a license in
6 speech-language pathology or audiology.

7 SECTION 7. The heading to Subchapter C, Chapter 401,
8 Occupations Code, is amended to read as follows:

9 SUBCHAPTER C. TEXAS BOARD OF SPEECH-LANGUAGE PATHOLOGY AND
10 AUDIOLOGY EXAMINERS [~~PATHOLOGISTS AND AUDIOLOGISTS ADVISORY BOARD~~]

11 SECTION 8. Section 401.102, Occupations Code, is amended to
12 read as follows:

13 Sec. 401.102. [~~ADVISORY~~] BOARD MEMBERSHIP. (a) The
14 [~~advisory~~] board consists of nine members appointed by the governor
15 [~~presiding officer of the commission~~] with the advice and consent
16 of the senate [~~approval of the commission~~] as follows:

- 17 (1) three audiologist members;
18 (2) three speech-language pathologist members; and
19 (3) three members who represent the public.

20 (b) Board [~~Advisory board~~] members must:

- 21 (1) have been a resident of this state for the two
22 years preceding the date of appointment;
23 (2) be from the various geographic regions of the
24 state; and
25 (3) be from varying employment settings.

26 (c) The [~~advisory~~] board members appointed under
27 Subsections (a)(1) and (2) must:

1 (1) have been engaged in teaching, research, or
2 providing services in speech-language pathology or audiology for at
3 least five years; and

4 (2) be licensed under this chapter.

5 (d) One of the public [~~advisory~~] board members must be a
6 physician licensed in this state and certified in otolaryngology or
7 pediatrics.

8 (e) Appointments to the [~~advisory~~] board shall be made
9 without regard to the race, creed, sex, religion, or national
10 origin of the appointee.

11 SECTION 9. Subchapter C, Chapter 401, Occupations Code, is
12 amended by adding Sections 401.103 and 401.104 to read as follows:

13 Sec. 401.103. PUBLIC MEMBER ELIGIBILITY. A person is not
14 eligible for appointment as a public member of the board if:

15 (1) the person is registered, certified, or licensed
16 by an occupational regulatory agency in the field of health care;

17 (2) the person's spouse is registered, certified, or
18 licensed by an occupational regulatory agency in the field of
19 health care; or

20 (3) the person or the person's spouse:

21 (A) is employed by or participates in the
22 management of a business entity or other organization receiving
23 funds from the executive council or the board;

24 (B) owns or controls, directly or indirectly,
25 more than a 10 percent interest in a business entity or other
26 organization receiving funds from the executive council or the
27 board; or

1 (C) uses or receives a substantial amount of
2 funds from the executive council or the board, other than
3 compensation or reimbursement authorized by law for board
4 membership, attendance, or expenses.

5 Sec. 401.104. MEMBERSHIP RESTRICTIONS. (a) In this
6 section, "Texas trade association" means a cooperative and
7 voluntarily joined statewide association of business or
8 professional competitors in this state designed to assist its
9 members and its industry or profession in dealing with mutual
10 business or professional problems and in promoting their common
11 interest.

12 (b) A person may not be a member of the board if:

13 (1) the person is an officer, employee, manager, or
14 paid consultant of a Texas trade association in the field of health
15 care; or

16 (2) the person's spouse is an officer, employee,
17 manager, or paid consultant of a Texas trade association in the
18 field of health care.

19 (c) A person may not be a member of the board if the person
20 is required to register as a lobbyist under Chapter 305, Government
21 Code, because of the person's activities for compensation on behalf
22 of a profession related to the operation of the board.

23 SECTION 10. Section 401.105(b), Occupations Code, is
24 amended to read as follows:

25 (b) If a vacancy occurs during a member's term, the governor
26 ~~[presiding officer of the commission, with the commission's~~
27 ~~approval,]~~ shall appoint a replacement who meets the qualifications

1 for the vacant position to serve for the remainder of the term.

2 SECTION 11. Section 401.107, Occupations Code, is amended
3 to read as follows:

4 Sec. 401.107. PRESIDING OFFICER. (a) After the
5 appointment of members every two years, the board [~~The presiding~~
6 ~~officer of the commission~~] shall elect from its members a
7 [~~designate a member of the advisory board to serve as the~~] presiding
8 officer [~~of the advisory board~~] for a term of one year.

9 (b) The presiding officer of the [~~advisory~~] board may vote
10 on any matter before the [~~advisory~~] board.

11 SECTION 12. Section 401.108, Occupations Code, is amended
12 to read as follows:

13 Sec. 401.108. MEETINGS. (a) The [~~advisory~~] board shall
14 meet at least twice each year.

15 (b) Additional meetings may be held at the call of the
16 presiding officer or on written request of any three members of the
17 board [~~commission or the executive director~~].

18 SECTION 13. Subchapter C, Chapter 401, Occupations Code, is
19 amended by adding Sections 401.109, 401.110, 401.111, and 401.112
20 to read as follows:

21 Sec. 401.109. GROUNDS FOR REMOVAL. (a) It is a ground for
22 removal from the board that a member:

23 (1) does not have at the time of taking office the
24 qualifications required by Section 401.102;

25 (2) does not maintain during service on the board the
26 qualifications required by Section 401.102;

27 (3) is ineligible for membership under Section 401.103

1 or 401.104;

2 (4) cannot, because of illness or disability, complete
3 the member's duties for a substantial part of the member's term; or
4 (5) is absent from more than half of the regularly
5 scheduled board meetings that the member is eligible to attend
6 during a calendar year without an excuse approved by a majority vote
7 of the board.

8 (b) The validity of an action of the board is not affected by
9 the fact that the action is taken when a ground for removal of a
10 member exists.

11 (c) If the coordinator of speech-language pathology and
12 audiology programs has knowledge that a potential ground for
13 removal exists, the coordinator shall notify the presiding officer
14 of the board of the potential ground. The presiding officer shall
15 then notify the governor and the attorney general that a potential
16 ground for removal exists. If the potential ground for removal
17 involves the presiding officer, the coordinator shall notify the
18 next highest ranking officer of the board, who shall then notify the
19 governor and the attorney general that a potential ground for
20 removal exists.

21 Sec. 401.110. PER DIEM REIMBURSEMENT. A board member may
22 not receive compensation for the member's services. A member is
23 entitled to a per diem and travel allowance for each day the member
24 engages in board business at the rate set for state employees in the
25 General Appropriations Act.

26 Sec. 401.111. TRAINING PROGRAM FOR MEMBERS. (a) A person
27 who is appointed to and qualifies for office as a member of the

1 board may not vote, deliberate, or be counted as a member in
2 attendance at a meeting of the board until the person completes a
3 training program that complies with this section.

4 (b) The training program must provide the person with
5 information regarding:

6 (1) the law governing board operations and the
7 programs, functions, rules, and budget of the board;

8 (2) the scope of and limitations on the board's
9 rulemaking authority;

10 (3) the results of the most recent formal audit of the
11 board;

12 (4) the requirements of laws relating to open
13 meetings, public information, administrative procedure, and
14 disclosing conflicts of interest; and

15 (5) any applicable ethics policies adopted by the
16 board or the Texas Ethics Commission.

17 (c) A person appointed to the board is entitled to
18 reimbursement, as provided by the General Appropriations Act, for
19 the travel expenses incurred in attending the training program
20 regardless of whether the attendance at the program occurs before
21 or after the person qualifies for office.

22 Sec. 401.112. CIVIL LIABILITY. A member of the board is not
23 liable in a civil action for an act performed in good faith while
24 performing duties as a member.

25 SECTION 14. Section 401.201, Occupations Code, is amended
26 to read as follows:

27 Sec. 401.201. GENERAL POWERS AND DUTIES. (a) Except as

1 provided by Chapter 452, the board [~~The executive director~~] shall
2 administer and enforce this chapter.

3 (b) [~~(a-1)~~] The board [~~department~~] shall:

4 (1) evaluate the qualifications of license
5 applicants;

6 (2) provide for the examination of license applicants;

7 (3) in connection with a hearing under this chapter,
8 issue subpoenas, examine witnesses, and administer oaths under the
9 laws of this state; [~~and~~]

10 (4) investigate persons engaging in practices that
11 violate this chapter; and

12 (5) adopt rules consistent with this chapter to carry
13 out the board's duties in administering this chapter.

14 SECTION 15. Section 401.202, Occupations Code, is amended
15 to read as follows:

16 Sec. 401.202. STANDARDS OF ETHICAL PRACTICE. The board
17 [~~commission~~] shall adopt rules under this chapter that establish
18 standards of ethical practice.

19 SECTION 16. Section 401.2021, Occupations Code, is amended
20 to read as follows:

21 Sec. 401.2021. RULES FOR HEARING INSTRUMENTS. With the
22 assistance of [~~the advisory board and~~] the Hearing Instrument
23 Fitters and Dispensers Advisory Board, the board and the Texas
24 Commission of Licensing and Regulation [~~commission~~] shall jointly
25 adopt rules to establish requirements for each sale of a hearing
26 instrument for purposes of this chapter and Chapter 402. The rules
27 must:

1 (1) address:

2 (A) the information and other provisions
3 required in each written contract for the purchase of a hearing
4 instrument;

5 (B) records that must be retained under this
6 chapter or Chapter 402; and

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

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

13 SECTION 17. Section 401.2022(b), Occupations Code, is
14 amended to read as follows:

15 (b) With the assistance of [~~the advisory board and~~] the
16 Hearing Instrument Fitters and Dispensers Advisory Board, the board
17 and the Texas Commission of Licensing and Regulation [~~commission~~]
18 shall jointly adopt rules to establish requirements for the fitting
19 and dispensing of hearing instruments by the use of telepractice
20 for purposes of this chapter and Chapter 402, including rules that
21 establish the qualifications and duties of license holders who use
22 telepractice.

23 SECTION 18. Section 401.203, Occupations Code, is amended
24 to read as follows:

25 Sec. 401.203. BOARD DUTIES REGARDING COMPLAINTS
26 [~~ASSISTANCE FILING COMPLAINT~~]. (a) The board by rule shall:

27 (1) adopt a form to standardize information concerning

1 complaints made to the board; and

2 (2) prescribe information to be provided to a person
3 when the person files a complaint with the board.

4 (b) [~~(c)~~] The board [~~department~~] shall provide reasonable
5 assistance to a person who wishes to file a complaint with the board
6 [~~department~~] regarding a person or activity regulated under this
7 chapter.

8 SECTION 19. Subchapter E, Chapter 401, Occupations Code, is
9 amended by adding Sections 401.204 and 401.205 to read as follows:

10 Sec. 401.204. FEES. (a) The board may recommend to the
11 executive council reasonable and necessary fees for licenses issued
12 or services performed under this chapter that in the aggregate
13 produce sufficient revenue to cover the cost of administering this
14 chapter.

15 (b) The board may not recommend to the executive council a
16 fee that existed on September 1, 1993, for an amount less than the
17 amount of that fee on that date.

18 Sec. 401.205. EMPLOYEES; DIVISION OF RESPONSIBILITIES. (a)
19 The board may request the executive council to assign
20 administrative and clerical employees as necessary to enable the
21 board to administer this chapter.

22 (b) The board shall develop and implement policies that
23 clearly separate the policy-making responsibilities of the board
24 and the management responsibilities of the coordinator of
25 speech-language pathology and audiology programs and the staff of
26 the executive council.

27 SECTION 20. The heading to Subchapter F, Chapter 401,

1 Occupations Code, is amended to read as follows:

2 SUBCHAPTER F. PUBLIC INTEREST [~~ACCESS AND~~] INFORMATION AND
3 COMPLAINT PROCEDURES

4 SECTION 21. Section 401.251, Occupations Code, is amended
5 to read as follows:

6 Sec. 401.251. TELEPHONE NUMBER FOR COMPLAINTS. The board
7 [~~department~~] shall list with its regular telephone number any
8 toll-free telephone number established under other state law that
9 may be called to present a complaint about a health professional.

10 SECTION 22. Subchapter F, Chapter 401, Occupations Code, is
11 amended by adding Sections 401.2511, 401.2512, and 401.2513 to read
12 as follows:

13 Sec. 401.2511. PUBLIC INTEREST INFORMATION. (a) The board
14 shall prepare information of public interest describing the
15 functions of the board and the procedures by which complaints are
16 filed with and resolved by the board.

17 (b) The board shall make the information available to the
18 public and appropriate state agencies.

19 Sec. 401.2512. RECORD OF COMPLAINTS. (a) The board shall
20 keep an information file about each complaint filed with the
21 executive council and referred to the board. The file must be kept
22 current and contain a record for each complaint of:

23 (1) each person contacted in relation to the
24 complaint;

25 (2) a summary of findings made at each step of the
26 complaint process;

27 (3) an explanation of the legal basis and reason for a

1 complaint that is dismissed;

2 (4) the schedule required under Section 401.2513 and a
3 notation about a change in the schedule; and

4 (5) other relevant information.

5 (b) If a written complaint is filed with the board that the
6 board has authority to resolve, the board, at least quarterly and
7 until final disposition of the complaint, shall notify the parties
8 to the complaint of the status of the complaint unless notice would
9 jeopardize an undercover investigation.

10 Sec. 401.2513. GENERAL RULES INVOLVING COMPLAINT
11 INVESTIGATION AND DISPOSITION. (a) The board shall adopt rules
12 concerning the investigation of a complaint received by the board.
13 The rules shall:

14 (1) distinguish between categories of complaints;

15 (2) ensure that a complaint is not dismissed without
16 appropriate consideration;

17 (3) require that the board be advised of a complaint
18 that is dismissed and that a letter be sent to the person who filed
19 the complaint explaining the action taken on the dismissed
20 complaint;

21 (4) ensure that the person who filed the complaint has
22 an opportunity to explain the allegations made in the complaint;

23 (5) prescribe guidelines concerning the categories of
24 complaints that require the use of a private investigator and the
25 procedures for the board to obtain the services of a private
26 investigator; and

27 (6) require the board to advise the executive council

1 of complaints that have been disposed of.

2 (b) The board shall:

3 (1) dispose of each complaint in a timely manner; and

4 (2) establish a schedule for conducting each phase of
5 the investigation of a complaint that is under the control of the
6 board not later than the 30th day after the date the board receives
7 the complaint.

8 (c) Each party shall be notified of the projected time
9 requirements for the complaint.

10 (d) Each party to the complaint must be notified of a change
11 in the schedule not later than the seventh day after the date the
12 change is made.

13 (e) The coordinator of speech-language pathology and
14 audiology programs shall notify the board of a complaint that is
15 unresolved after the time prescribed by the board for resolving the
16 complaint so that the board may take necessary action on the
17 complaint.

18 SECTION 23. Section 401.2535, Occupations Code, is amended
19 to read as follows:

20 Sec. 401.2535. CONFIDENTIALITY OF COMPLAINT AND
21 DISCIPLINARY INFORMATION. (a) ~~[(h)]~~ All information and materials
22 subpoenaed or compiled by the board ~~[department]~~ in connection with
23 a complaint and investigation are confidential and not subject to
24 disclosure under Chapter 552, Government Code, and not subject to
25 disclosure, discovery, subpoena, or other means of legal compulsion
26 for their release to anyone other than the board ~~[department]~~ or its
27 ~~[employees or]~~ agents involved in discipline of the holder of a

1 license, except that this information may be disclosed to:

2 (1) persons involved with the board [~~department~~] in a
3 disciplinary action against the holder of a license;

4 (2) professional speech-language pathologist and
5 audiologist licensing or disciplinary boards in other
6 jurisdictions;

7 (3) peer assistance programs approved by the board
8 [~~commission~~] under Chapter 467, Health and Safety Code;

9 (4) law enforcement agencies; and

10 (5) persons engaged in bona fide research, if all
11 individual-identifying information has been deleted.

12 (b) [~~(i)~~] The filing of formal charges by the board
13 [~~department~~] against a holder of a license, the nature of those
14 charges, disciplinary proceedings of the board [~~department,~~
15 ~~commission, or executive director~~], and final disciplinary
16 actions, including warnings and reprimands, by the board
17 [~~department, commission, or executive director~~] are not
18 confidential and are subject to disclosure in accordance with
19 Chapter 552, Government Code.

20 SECTION 24. Subchapter F, Chapter 401, Occupations Code, is
21 amended by adding Section 401.254 to read as follows:

22 Sec. 401.254. PUBLIC PARTICIPATION. (a) The board shall
23 develop and implement policies that provide the public with a
24 reasonable opportunity to appear before the board and to speak on
25 any issue under the board's jurisdiction.

26 (b) The board shall prepare and maintain a written plan that
27 describes how a person who does not speak English may be provided

1 reasonable access to the board's programs.

2 SECTION 25. Section 401.302, Occupations Code, is amended
3 to read as follows:

4 Sec. 401.302. ISSUANCE OF LICENSE. (a) The board
5 [~~department~~] shall issue a license to an applicant who meets the
6 requirements of this chapter and who pays [~~to the department~~] the
7 initial nonrefundable license fee.

8 (b) The board [~~department~~] may issue to an applicant a
9 license in either speech-language pathology or audiology.

10 (c) The board [~~department~~] may issue a license in both
11 speech-language pathology and audiology to an applicant.

12 (d) The board [~~commission~~] by rule shall establish
13 qualifications for dual licensing in speech-language pathology and
14 audiology and may develop a full range of licensing options and
15 establish rules for qualifications.

16 SECTION 26. Section 401.303(a), Occupations Code, is
17 amended to read as follows:

18 (a) A person who desires a license under this chapter must
19 apply to the board [~~department~~] on a form and in the manner
20 prescribed by the board [~~executive director~~].

21 SECTION 27. Sections 401.304(a) and (c), Occupations Code,
22 are amended to read as follows:

23 (a) To be eligible for licensing as a speech-language
24 pathologist or audiologist, an applicant must:

25 (1) if the application is for a license in:

26 (A) speech-language pathology, possess at least
27 a master's degree with a major in at least one of the areas of

1 communicative sciences or disorders from a program accredited by a
2 national accrediting organization that is approved by the board
3 [~~commission or department~~] and recognized by the United States
4 secretary of education under the Higher Education Act of 1965 (20
5 U.S.C. Section 1001 et seq.) in an accredited or approved college or
6 university; or

7 (B) audiology, possess at least a doctoral degree
8 in audiology or a related hearing science from a program accredited
9 by a national accrediting organization that is approved by the
10 board [~~commission or department~~] and recognized by the United
11 States secretary of education under the Higher Education Act of
12 1965 (20 U.S.C. Section 1001 et seq.) in an accredited or approved
13 college or university;

14 (2) submit a transcript from a public or private
15 institution of higher learning showing successful completion of
16 course work in amounts set by the board [~~commission~~] by rule in:

17 (A) normal development and use of speech,
18 language, and hearing;

19 (B) evaluation, habilitation, and rehabilitation
20 of speech, language, and hearing disorders; and

21 (C) related fields that augment the work of
22 clinical practitioners of speech-language pathology and audiology;

23 (3) have successfully completed at least 36 semester
24 hours in courses that are acceptable toward a graduate degree by the
25 college or university in which the courses are taken, at least 24 of
26 which must be in the professional area for which the license is
27 requested;

1 (4) have completed the minimum number of hours,
2 established by the board [~~commission~~] by rule, of supervised
3 clinical experience with persons who present a variety of
4 communication disorders; and

5 (5) have completed the full-time supervised
6 professional experience, as defined by board [~~commission~~] rule, in
7 which clinical work has been accomplished in the major professional
8 area for which the license is being sought.

9 (c) Supervised professional experience under Subsection
10 (a)(5) must:

11 (1) be under the supervision of a qualified person
12 acceptable to the board [~~department~~] under guidelines approved by
13 the board [~~commission~~]; and

14 (2) begin after completion of the academic and
15 clinical experience required by this section.

16 SECTION 28. Section [401.3041](#), Occupations Code, is amended
17 to read as follows:

18 Sec. 401.3041. CRIMINAL HISTORY RECORD INFORMATION
19 REQUIREMENT FOR LICENSE ISSUANCE. (a) The board [~~department~~]
20 shall require that an applicant for a license submit a complete and
21 legible set of fingerprints, on a form prescribed by the board
22 [~~department~~], to the board [~~department~~] or to the Department of
23 Public Safety for the purpose of obtaining criminal history record
24 information from the Department of Public Safety and the Federal
25 Bureau of Investigation.

26 (b) The board [~~department~~] may not issue a license to a
27 person who does not comply with the requirement of Subsection (a).

1 (c) The board [~~department~~] shall conduct a criminal history
2 record information check of each applicant for a license using
3 information:

4 (1) provided by the individual under this section; and

5 (2) made available to the board [~~department~~] by the
6 Department of Public Safety, the Federal Bureau of Investigation,
7 and any other criminal justice agency under Chapter 411, Government
8 Code.

9 (d) The board [~~department~~] may:

10 (1) enter into an agreement with the Department of
11 Public Safety to administer a criminal history record information
12 check required under this section; and

13 (2) authorize the Department of Public Safety to
14 collect from each applicant the costs incurred by the Department of
15 Public Safety in conducting the criminal history record information
16 check.

17 SECTION 29. Section 401.305, Occupations Code, is amended
18 to read as follows:

19 Sec. 401.305. EXAMINATION. (a) To obtain a license, an
20 applicant must:

21 (1) pass an examination approved by the board
22 [~~commission~~] by rule; and

23 (2) pay the applicable fees [~~in a manner prescribed by~~
24 ~~the commission by rule~~].

25 (b) The board [~~department~~] shall administer an examination
26 at least twice each year.

27 (b-1) The board [~~commission~~] by rule shall determine

1 standards for acceptable performance on the examination.

2 (c) The board [~~commission~~] by rule may:

3 (1) establish procedures for the administration of the
4 examination; and

5 (2) require a written or oral examination, or both.

6 (d) The board [~~commission~~] by rule may require the
7 examination of an applicant in any theoretical or applied field of
8 speech-language pathology or audiology it considers appropriate.
9 The board [~~commission~~] by rule may require the examination of an
10 applicant on professional skills and judgment in the use of
11 speech-language pathology or audiology techniques or methods.

12 SECTION 30. Subchapter G, Chapter 401, Occupations Code, is
13 amended by adding Section 401.306 to read as follows:

14 Sec. 401.306. EXAMINATION RESULTS. (a) The board shall
15 notify each examinee of the results of a licensing examination not
16 later than the 30th day after the date the examination is
17 administered. If an examination is graded or reviewed by a national
18 testing service that does not directly notify each examinee of the
19 results, the board shall notify each examinee of the results of the
20 examination not later than the 14th day after the day on which the
21 board receives the results from the testing service.

22 (b) If the notice of the examination results graded or
23 reviewed by a national testing service will be delayed for longer
24 than 90 days after the examination date, the board shall notify each
25 examinee of the reason for the delay before the 90th day.

26 (c) If requested in writing by a person who fails a
27 licensing examination, the board shall furnish the person with an

1 analysis of the person's performance on the examination.

2 SECTION 31. Section 401.307(b), Occupations Code, is
3 amended to read as follows:

4 (b) An applicant who fails two examinations may not be
5 reexamined until the person:

6 (1) submits a new application accompanied by a
7 nonrefundable application fee; and

8 (2) presents evidence acceptable to the board
9 [~~department~~] of additional study in the area for which a license is
10 sought.

11 SECTION 32. Section 401.308, Occupations Code, is amended
12 to read as follows:

13 Sec. 401.308. PROVISIONAL LICENSE; CERTIFICATE OF CLINICAL
14 COMPETENCE WAIVER. (a) The board [~~department~~] may grant a
15 provisional license to an applicant who:

16 (1) is licensed in good standing as a speech-language
17 pathologist or an audiologist in another state that has licensing
18 requirements that are substantially equivalent to the requirements
19 of this chapter;

20 (2) has passed a national or other examination
21 recognized by the board [~~department~~] relating to speech-language
22 pathology or audiology; and

23 (3) is sponsored by a license holder with whom the
24 provisional license holder may practice under this section.

25 (b) An applicant for a provisional license may be excused
26 from the requirement of Subsection (a)(3) if the board [~~department~~]
27 determines that compliance with that requirement is a hardship to

1 the applicant.

2 (c) A provisional license is valid until the date the board
3 [~~department~~] approves or denies the provisional license holder's
4 application for a license.

5 (d) The board [~~department~~] shall issue a license under this
6 chapter to a provisional license holder:

7 (1) who passes the examination required by Section
8 401.305;

9 (2) for whom the board [~~department~~] verifies
10 satisfaction of the academic and experience requirements for a
11 license under this chapter; and

12 (3) who satisfies any other license requirements under
13 this chapter.

14 (e) The board [~~department~~] shall complete the processing of
15 a provisional license holder's application for a license not later
16 than the 180th day after the date the provisional license is issued.

17 (f) The board [~~department~~] may waive the examination
18 requirement and issue a license to an applicant who holds the
19 Certificate of Clinical Competence of the American
20 Speech-Language-Hearing Association.

21 SECTION 33. Section 401.310(a), Occupations Code, is
22 amended to read as follows:

23 (a) The board [~~department~~] shall issue a temporary
24 certificate of registration to an applicant who:

25 (1) satisfies the requirements of Section 401.304;

26 (2) has not previously applied to take the
27 examination; and

1 (3) pays the nonrefundable application fee.

2 SECTION 34. Section 401.311(c), Occupations Code, is
3 amended to read as follows:

4 (c) The board [~~commission~~] by rule shall:

5 (1) prescribe the terms governing a person's practice
6 as an intern under this section; and

7 (2) establish general guidelines and renewal
8 procedures for the holder of an intern license.

9 SECTION 35. Sections 401.312(a) and (b), Occupations Code,
10 are amended to read as follows:

11 (a) The board [~~commission~~] by rule may establish minimum
12 qualifications for licensed assistants in speech-language
13 pathology and in audiology.

14 (b) A licensed assistant in speech-language pathology or in
15 audiology must meet the minimum qualifications established by the
16 board [~~commission~~].

17 SECTION 36. Subchapter G, Chapter 401, Occupations Code, is
18 amended by adding Section 401.313 to read as follows:

19 Sec. 401.313. INACTIVE STATUS. The board by rule may
20 provide for a person licensed under this chapter to be placed on
21 inactive status.

22 SECTION 37. Section 401.352, Occupations Code, is amended
23 to read as follows:

24 Sec. 401.352. LICENSE RENEWAL. (a) Each licensed
25 speech-language pathologist or audiologist must pay to the
26 executive council the nonrefundable fee for license renewal.

27 (b) A person whose license has been expired for 90 days or

1 less may renew the license by paying to the executive council the
2 renewal fee and a late fee set by the executive council that may not
3 exceed one-half of the examination fee for the license. If a
4 person's license has been expired for more than 90 days but less
5 than one year, the person may renew the license by paying to the
6 executive council all unpaid renewal fees and a late fee set by the
7 executive council that may not exceed the amount charged for
8 examination for the license.

9 (c) A person whose license has been expired for one year or
10 longer must comply with the board's requirements and procedures to
11 reinstate the license and pay a reinstatement fee set by the
12 executive council. If the person is unable to comply with the
13 board's requirements to reinstate the license, the person may
14 obtain a new license by submitting to reexamination and complying
15 with the requirements and procedures for obtaining an original
16 license.

17 (d) At least 30 days before the expiration of a person's
18 license, the executive council shall send written notice of the
19 impending license expiration to the license holder at the person's
20 last known address.

21 SECTION 38. Subchapter H, Chapter 401, Occupations Code, is
22 amended by adding Section 401.353 to read as follows:

23 Sec. 401.353. RENEWAL OF EXPIRED LICENSE BY OUT-OF-STATE
24 PRACTITIONER. (a) The board may renew without reexamination the
25 expired license of a person who was licensed to practice as a
26 physical speech-language pathologist or audiologist in this state,
27 moved to another state, is currently licensed and in good standing

1 in the other state, and meets the board's requirements for renewal.

2 (b) The person must pay to the executive council a renewal
3 fee set by the executive council in an amount that does not exceed
4 the examination fee for the license.

5 SECTION 39. Section 401.355, Occupations Code, is amended
6 to read as follows:

7 Sec. 401.355. CONTINUING EDUCATION. (a) The board
8 [~~commission~~] by rule shall establish uniform mandatory continuing
9 education requirements. A license holder may not renew the
10 person's license unless the person meets the continuing education
11 requirements.

12 (b) The board [~~commission~~] shall establish the requirements
13 in a manner that allows a license holder to comply without an
14 extended absence from the license holder's county of residence.

15 SECTION 40. Section 401.401(c), Occupations Code, is
16 amended to read as follows:

17 (c) The board [~~commission~~] shall adopt rules necessary to
18 enforce this section.

19 SECTION 41. Section 401.403(b), Occupations Code, is
20 amended to read as follows:

21 (b) A person who meets the requirements of this chapter for
22 licensing as an audiologist or audiologist intern and who fits and
23 dispenses hearing instruments must:

24 (1) register with the board [~~department~~] the person's
25 intention to fit and dispense hearing instruments;

26 (2) comply with the profession's code of ethics;

27 (3) comply with the federal Food and Drug

1 Administration guidelines for fitting and dispensing hearing
2 instruments;

3 (4) when providing services in this state, use a
4 written contract that contains the board's [~~department's~~] name,
5 mailing address, and telephone number; and

6 (5) follow the guidelines adopted by board
7 [~~commission~~] rule for a 30-day trial period on every hearing
8 instrument purchased.

9 SECTION 42. The heading to Subchapter J, Chapter 401,
10 Occupations Code, is amended to read as follows:

11 SUBCHAPTER J. [~~LICENSE DENIAL AND~~] DISCIPLINARY ACTION AND
12 PROCEDURE [~~PROCEDURES~~]

13 SECTION 43. Section 401.451, Occupations Code, is amended
14 to read as follows:

15 Sec. 401.451. GROUNDS FOR DENIAL OF LICENSE OR DISCIPLINE
16 OF LICENSE HOLDER [~~DENIAL AND DISCIPLINARY ACTION~~]. [~~(a)~~] After a
17 hearing, the board [~~commission or executive director~~] may deny a
18 license to an applicant or may suspend or revoke a person's license
19 or place on probation a license holder if the applicant or license
20 holder:

21 (1) violates this chapter or an order issued or rule
22 adopted under this chapter;

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

25 (3) sells, barter, or offers to sell or barter a
26 license or certificate of registration; or

27 (4) engages in unprofessional conduct that:

1 (A) endangers or is likely to endanger the
2 health, welfare, or safety of the public as defined by board
3 [~~commission~~] rule; or

4 (B) violates the code of ethics adopted and
5 published by the board [~~commission~~].

6 SECTION 44. Subchapter J, Chapter 401, Occupations Code, is
7 amended by adding Section 401.452 to read as follows:

8 Sec. 401.452. PROCEDURE FOR LICENSE DENIAL OR DISCIPLINARY
9 ACTION; SCHEDULE OF SANCTIONS. (a) A person whose application for
10 a license is denied is entitled to a hearing before the State Office
11 of Administrative Hearings if the applicant submits a written
12 request for a hearing to the board.

13 (b) A proceeding to take disciplinary action under this
14 subchapter or an appeal from the proceeding is a contested case for
15 the purposes of Chapter 2001, Government Code.

16 (c) The State Office of Administrative Hearings shall use
17 the schedule of sanctions adopted by the board by rule for a
18 sanction imposed as the result of a hearing conducted by the office.

19 SECTION 45. Section 401.453(a), Occupations Code, is
20 amended to read as follows:

21 (a) The board [~~commission or department~~] may deny a license
22 or may suspend or revoke a license if the applicant or license
23 holder has been convicted of a misdemeanor involving moral
24 turpitude or a felony. The board [~~commission or department~~] may
25 take action authorized by this section when:

26 (1) the time for appeal of the person's conviction has
27 elapsed;

1 (2) the judgment or conviction has been affirmed on
2 appeal; or

3 (3) an order granting probation is made suspending the
4 imposition of the person's sentence, without regard to whether a
5 subsequent order:

6 (A) allows a withdrawal of a plea of guilty;

7 (B) sets aside a verdict of guilty; or

8 (C) dismisses an information or indictment.

9 SECTION 46. Subchapter J, Chapter 401, Occupations Code, is
10 amended by adding Sections 401.454, 401.455, 401.456, 401.457, and
11 401.458 to read as follows:

12 Sec. 401.454. PROBATION. If a license suspension is
13 probated, the board may require the license holder to:

14 (1) report regularly to the board on matters that are
15 the basis of the probation;

16 (2) limit the license holder's practice to the areas
17 prescribed by the board; or

18 (3) continue or review continuing professional
19 education until the license holder attains a degree of skill
20 satisfactory to the board in those areas that are the basis of the
21 probation.

22 Sec. 401.455. INFORMAL PROCEEDINGS. (a) The board by rule
23 shall adopt procedures governing:

24 (1) informal disposition of a contested case under
25 Section 2001.056, Government Code; and

26 (2) an informal proceeding held in compliance with
27 Section 2001.054, Government Code.

1 (b) Rules adopted under this section must:

2 (1) provide the complainant and the license holder
3 with an opportunity to be heard; and

4 (2) require the presence of the board's legal counsel
5 or a representative of the attorney general to advise the board.

6 Sec. 401.456. EMERGENCY SUSPENSION. (a) The board may
7 temporarily suspend a license issued under this chapter on an
8 emergency basis if the board determines that the continued practice
9 by the license holder constitutes a continuing or imminent threat
10 to the public health or welfare.

11 (b) A temporary suspension under this section requires a
12 two-thirds vote by the board.

13 (c) The board may suspend a license under this section
14 without notice or hearing if, at the time the suspension is ordered,
15 a hearing on whether to institute a disciplinary proceeding against
16 the license holder is scheduled to be held not later than the 14th
17 day after the date of the temporary suspension. A second hearing on
18 the suspended license must be held not later than the 60th day after
19 the date the temporary suspension was ordered. If the second
20 hearing is not held within the required time, the suspended license
21 is automatically reinstated.

22 (d) The board shall adopt rules that establish procedures
23 and standards for the temporary suspension of a license under this
24 section.

25 Sec. 401.457. SUBPOENAS. (a) The board may request or
26 compel by subpoena:

27 (1) the attendance of a witness for examination under

1 oath; and

2 (2) the production for inspection or copying of
3 evidence relevant to an investigation of an alleged violation of
4 this chapter.

5 (b) If a person fails to comply with the subpoena, the
6 board, acting through the attorney general, may file suit to
7 enforce the subpoena in a district court in Travis County or in the
8 county in which a hearing conducted by the board may be held.

9 (c) If the court determines that good cause exists for
10 issuing the subpoena, the court shall order the person to comply
11 with the subpoena. The court may punish for contempt a person who
12 fails to obey the court order.

13 Sec. 401.458. REISSUANCE OF LICENSE; ISSUANCE OF LICENSE
14 AFTER DENIAL. (a) On application by the person, the board may
15 reissue a license to a person whose license has been revoked.

16 (b) An application to reinstate a revoked license:

17 (1) may not be made before the 180th day after the date
18 the revocation order became final; and

19 (2) must be made in the manner and form the board
20 requires.

21 (c) On application by the person, the board may issue a
22 license to a person whose license application has been denied. The
23 application may not be made before the first anniversary of the date
24 of the denial.

25 SECTION 47. Section 401.5021, Occupations Code, is amended
26 to read as follows:

27 Sec. 401.5021. REFUND. The board [~~commission or executive~~

1 ~~director~~] may order an audiologist to pay a refund to a consumer who
2 returns a hearing instrument during the 30-day trial period
3 required by rules adopted under Section 401.2021.

4 SECTION 48. Subchapter K, Chapter 401, Occupations Code, is
5 amended by adding Sections 401.504, 401.505, and 401.506 to read as
6 follows:

7 Sec. 401.504. INJUNCTIVE RELIEF. The board or the attorney
8 general may institute a proceeding to enforce this chapter,
9 including a suit to enjoin a person from practicing speech-language
10 pathology or audiology without complying with this chapter.

11 Sec. 401.505. MONITORING OF LICENSE HOLDER. The board by
12 rule shall develop a system for monitoring a license holder's
13 compliance with this chapter. The rules must include procedures
14 for:

15 (1) monitoring for compliance a license holder who is
16 ordered by the board to perform a certain act; and

17 (2) identifying and monitoring each license holder who
18 represents a risk to the public.

19 Sec. 401.506. CIVIL PENALTY. (a) A person found by a court
20 to have violated this chapter is liable to this state for a civil
21 penalty of \$200 for each day the violation continues.

22 (b) A civil penalty may be recovered in a suit brought by the
23 attorney general, a district attorney, or a county attorney.

24 SECTION 49. Subchapter L, Chapter 401, Occupations Code, is
25 amended by adding Sections 401.551 and 401.553 to read as follows:

26 Sec. 401.551. IMPOSITION OF ADMINISTRATIVE PENALTY. The
27 board may impose an administrative penalty against a person

1 licensed under this chapter who violates this chapter or a rule or
2 order adopted under this chapter.

3 Sec. 401.553. ADMINISTRATIVE PROCEDURE. (a) The board
4 shall adopt rules that establish procedures for assessing an
5 administrative penalty and that provide for notice and a hearing
6 for a license holder that may be subject to a penalty under this
7 subchapter.

8 (b) A proceeding under this subchapter is subject to Chapter
9 2001, Government Code.

10 SECTION 50. Section 402.1021, Occupations Code, is amended
11 to read as follows:

12 Sec. 402.1021. RULES FOR HEARING INSTRUMENTS. With the
13 assistance of the advisory board, ~~and~~ the Texas Board of
14 Speech-Language Pathology [~~Pathologists~~] and Audiology Examiners
15 and [~~Audiologists Advisory Board,~~] the commission shall jointly
16 adopt rules to establish requirements for each sale of a hearing
17 instrument for purposes of this chapter and Chapter 401. The rules
18 must:

19 (1) address:

20 (A) the information and other provisions
21 required in each written contract for the purchase of a hearing
22 instrument;

23 (B) records that must be retained under this
24 chapter or Chapter 401; and

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

27 (2) require that the written contract and 30-day trial

1 period information provided to a purchaser of a hearing instrument
2 be in plain language designed to be easily understood by the average
3 consumer.

4 SECTION 51. Section 402.1023(b), Occupations Code, is
5 amended to read as follows:

6 (b) With the assistance of the advisory board, ~~[and]~~ the
7 Texas Board of Speech-Language Pathology ~~[Pathologists]~~ and
8 Audiology Examiners and ~~[Audiologists Advisory Board,]~~ the
9 commission shall jointly adopt rules to establish requirements for
10 the fitting and dispensing of hearing instruments by the use of
11 telepractice for purposes of this chapter and Chapter 401,
12 including rules that establish the qualifications and duties of
13 license holders who use telepractice.

14 SECTION 52. The heading to Chapter 452, Occupations Code,
15 is amended to read as follows:

16 CHAPTER 452. EXECUTIVE COUNCIL OF EXAMINERS OF PHYSICAL THERAPISTS,
17 [~~THERAPY AND~~] OCCUPATIONAL THERAPISTS, AND SPEECH-LANGUAGE
18 PATHOLOGISTS AND AUDIOLOGISTS ~~[~~THERAPY EXAMINERS~~]~~

19 SECTION 53. Section 452.001, Occupations Code, is amended
20 by amending Subdivision (1) and adding Subdivision (4) to read as
21 follows:

22 (1) "Executive council" means the Executive Council of
23 Examiners of Physical Therapists, ~~[Therapy and]~~ Occupational
24 Therapists, and Speech-Language Pathologists and Audiologists
25 ~~[Therapy Examiners]~~.

26 (4) "Speech-language pathology and audiology board"
27 means the Texas Board of Speech-Language Pathology and Audiology

1 Examiners.

2 SECTION 54. The heading to Subchapter B, Chapter 452,
3 Occupations Code, is amended to read as follows:

4 SUBCHAPTER B. EXECUTIVE COUNCIL OF EXAMINERS OF PHYSICAL
5 THERAPISTS, [THERAPY AND] OCCUPATIONAL THERAPISTS, AND
6 SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS [THERAPY EXAMINERS]

7 SECTION 55. Sections 452.051(a) and (b), Occupations Code,
8 are amended to read as follows:

9 (a) The executive council [~~Executive Council of Physical~~
10 ~~Therapy and Occupational Therapy Examiners~~] consists of:

11 (1) an occupational therapist member of the
12 occupational therapy board appointed by that board;

13 (2) a public member of the occupational therapy board
14 appointed by that board;

15 (3) a physical therapist member of the physical
16 therapy board appointed by that board;

17 (4) a public member of the physical therapy board
18 appointed by that board; [~~and~~]

19 (5) a speech-language pathologist or audiologist
20 member of the speech-language pathology and audiology board
21 appointed by that board;

22 (6) a public member of the speech-language pathology
23 and audiology board appointed by that board; and

24 (7) a public member appointed by the governor.

25 (b) The occupational therapy board, [~~and~~]
26 therapy board, and the speech-language pathology and audiology
27 board may designate an alternate to attend an executive council

1 meeting if a member appointed by that board cannot attend. The
2 alternate has the same powers and duties and is subject to the same
3 qualifications as the appointed member.

4 SECTION 56. Section 452.052, Occupations Code, is amended
5 to read as follows:

6 Sec. 452.052. ELIGIBILITY OF PUBLIC MEMBER APPOINTED BY
7 GOVERNOR. A person is not eligible for appointment by the governor
8 as a public member of the executive council if the person or the
9 person's spouse:

10 (1) is registered, certified, or licensed by an
11 occupational regulatory agency in the field of health care;

12 (2) is employed by or participates in the management
13 of a business entity or other organization regulated by or
14 receiving funds from the executive council, the occupational
15 therapy board, ~~or~~ the physical therapy board, or the
16 speech-language pathology and audiology board;

17 (3) owns or controls, directly or indirectly, more
18 than a 10 percent interest in a business entity or other
19 organization regulated by or receiving funds from the executive
20 council, the occupational therapy board, ~~or~~ the physical therapy
21 board, or the speech-language pathology and audiology board; or

22 (4) uses or receives a substantial amount of tangible
23 goods, services, or funds from the executive council, the
24 occupational therapy board, ~~or~~ the physical therapy board, or the
25 speech-language pathology and audiology board, other than
26 compensation or reimbursement authorized by law for executive
27 council, occupational therapy board, ~~or~~ physical therapy board,

1 or speech-language pathology and audiology board membership,
2 attendance, or expenses.

3 SECTION 57. Section 452.053(d), Occupations Code, is
4 amended to read as follows:

5 (d) A person may not serve as a member of the executive
6 council or act as the general counsel to the executive council if
7 the person is required to register as a lobbyist under Chapter 305,
8 Government Code, because of the person's activities for
9 compensation on behalf of a profession related to the operation of
10 the executive council, the occupational therapy board, ~~or~~ the
11 physical therapy board, or the speech-language pathology and
12 audiology board.

13 SECTION 58. Sections 452.058(b) and (c), Occupations Code,
14 are amended to read as follows:

15 (b) The executive council may hold additional meetings on
16 the request of the presiding officer or on the written request of
17 four ~~three~~ members of the executive council.

18 (c) A quorum of the executive council exists if the
19 occupational therapist member, the physical ~~both~~ therapist
20 member, the speech-language pathologist or audiologist member,
21 ~~members~~ and one public member are present.

22 SECTION 59. Section 452.101, Occupations Code, is amended
23 to read as follows:

24 Sec. 452.101. DIRECTOR; PERSONNEL. (a) The executive
25 council shall employ a director and administrative and clerical
26 employees as necessary to carry out the functions of the executive
27 council, the occupational therapy board, ~~and~~ the physical therapy

1 board, and the speech-language pathology and audiology board.

2 (b) The director shall employ a coordinator of occupational
3 therapy programs, ~~and~~ a coordinator of physical therapy programs,
4 and a coordinator of speech-language pathology and audiology
5 programs to carry out the functions of the respective boards. The
6 coordinators may request the executive council to assign additional
7 employees to carry out the duties of the coordinators.

8 SECTION 60. Section 452.151, Occupations Code, is amended
9 to read as follows:

10 Sec. 452.151. GENERAL POWERS AND DUTIES. (a) Except as
11 otherwise provided by this chapter, the executive council shall
12 administer and enforce Chapters 401, 453, and 454.

13 (b) The executive council shall:

14 (1) develop and prepare a budget for the executive
15 council, the occupational therapy board, ~~and~~ the physical therapy
16 board, and the speech-language pathology and audiology board; and

17 (2) manage all physical property used by the executive
18 council, the occupational therapy board, ~~or~~ the physical therapy
19 board, or the speech-language pathology and audiology board.

20 SECTION 61. Section 452.152(a), Occupations Code, is
21 amended to read as follows:

22 (a) In administering Chapters 401, 453, and 454, the
23 executive council shall:

24 (1) perform data processing functions; and

25 (2) administer records relating to payroll, personnel
26 files, and employee leave, benefits, and applications.

27 SECTION 62. Section 452.158, Occupations Code, is amended

1 to read as follows:

2 Sec. 452.158. DISBURSEMENT OF FUNDS. The executive council
3 may authorize from its appropriated funds all necessary
4 disbursements to carry out:

- 5 (1) this chapter;
- 6 (2) Chapter 401;
- 7 (3) Chapter 453; and
- 8 (4) [~~3~~] Chapter 454.

9 SECTION 63. Section 452.201(a), Occupations Code, is
10 amended to read as follows:

11 (a) The executive council shall prepare information of
12 public interest describing the functions of the executive council
13 and the procedures by which complaints are filed with and resolved
14 by the executive council, the occupational therapy board, [~~or~~] the
15 physical therapy board, or the speech-language pathology and
16 audiology board.

17 SECTION 64. Section 452.202(a), Occupations Code, is
18 amended to read as follows:

19 (a) The executive council by rule shall establish methods by
20 which consumers and service recipients are notified of the name,
21 mailing address, and telephone number of the executive council for
22 the purpose of directing complaints to the executive council. The
23 executive council may provide for that notice:

- 24 (1) on each registration form, application, or written
25 contract for services of a person regulated by the executive
26 council, the occupational therapy board, [~~or~~] the physical therapy
27 board, or the speech-language pathology and audiology board;

1 (2) on a sign prominently displayed in the place of
2 business of each person regulated by the executive council, the
3 occupational therapy board, ~~[or]~~ the physical therapy board, or the
4 speech-language pathology and audiology board; or

5 (3) in a bill for service provided by a person
6 regulated by the executive council, the occupational therapy board,
7 ~~[or]~~ the physical therapy board, or the speech-language pathology
8 and audiology board.

9 SECTION 65. Section 453.001(3), Occupations Code, is
10 amended to read as follows:

11 (3) "Executive council" means the Executive Council of
12 Examiners of Physical Therapists, [Therapy and] Occupational
13 Therapists, and Speech-Language Pathologists and Audiologists
14 ~~[Therapy Examiners]~~.

15 SECTION 66. Section 454.002(3), Occupations Code, is
16 amended to read as follows:

17 (3) "Executive council" means the Executive Council of
18 Examiners of Physical Therapists, [Therapy and] Occupational
19 Therapists, and Speech-Language Pathologists and Audiologists
20 ~~[Therapy Examiners]~~.

21 SECTION 67. Section 91A.001, Civil Practice and Remedies
22 Code, is amended to read as follows:

23 Sec. 91A.001. DEFINITIONS. In this chapter:

24 (1) "Audiologist" means an individual licensed to
25 practice audiology by the Texas ~~[State]~~ Board of ~~[Examiners of]~~
26 Speech-Language Pathology and Audiology Examiners.

27 (2) "Speech-language pathologist" means an individual

1 licensed to practice speech-language pathology by the Texas [~~State~~]
2 Board of [~~Examiners for~~] Speech-Language Pathology and Audiology
3 Examiners.

4 SECTION 68. Section 411.122(d), Government Code, is amended
5 to read as follows:

6 (d) The following state agencies are subject to this
7 section:

8 (1) Texas Appraiser Licensing and Certification
9 Board;

10 (2) Texas Board of Architectural Examiners;

11 (3) Texas Board of Chiropractic Examiners;

12 (4) State Board of Dental Examiners;

13 (5) Texas Board of Professional Engineers;

14 (6) Texas Funeral Service Commission;

15 (7) Texas Board of Professional Geoscientists;

16 (8) Department of State Health Services, except as
17 provided by Section 411.110, and agencies attached to the
18 department, including:

19 (A) [~~Texas State Board of Examiners of~~
20 ~~Dietitians,~~

21 [~~(B)~~] Texas State Board of Examiners of Marriage
22 and Family Therapists;

23 (B) [~~(C) Midwifery Board,~~

24 [~~(D) Texas State Perfusionist Advisory~~
25 ~~Committee,~~

26 [~~(E)~~] Texas State Board of Examiners of
27 Professional Counselors; and

- 1 (C) [~~(F)~~] Texas State Board of Social Worker
2 Examiners;
- 3 [~~(G) State Board of Examiners for~~
4 ~~Speech-Language Pathology and Audiology,~~
5 [~~(H) Advisory Board of Athletic Trainers,~~
6 [~~(I) State Committee of Examiners in the Fitting~~
7 ~~and Dispensing of Hearing Instruments,~~
8 [~~(J) Texas Board of Licensure for Professional~~
9 ~~Medical Physicists,~~ and
10 [~~(K) Texas Board of Orthotics and Prosthetics,~~]
- 11 (9) Texas Board of Professional Land Surveying;
- 12 (10) Texas Department of Licensing and Regulation,
13 except as provided by Section [411.093](#);
- 14 (11) Texas Commission on Environmental Quality;
- 15 (12) Texas Board of Occupational Therapy Examiners;
- 16 (13) Texas Optometry Board;
- 17 (14) Texas State Board of Pharmacy;
- 18 (15) Texas Board of Physical Therapy Examiners;
- 19 (16) Texas State Board of Plumbing Examiners;
- 20 (17) Texas State Board of Podiatric Medical Examiners;
- 21 (18) Texas State Board of Examiners of Psychologists;
- 22 (19) Texas Real Estate Commission;
- 23 (20) Texas Department of Transportation;
- 24 (21) State Board of Veterinary Medical Examiners;
- 25 (22) Texas Department of Housing and Community
26 Affairs;
- 27 (23) secretary of state;

- 1 (24) state fire marshal;
- 2 (25) Texas Education Agency;
- 3 (26) Department of Agriculture; ~~[and]~~
- 4 (27) Texas Department of Motor Vehicles; and
- 5 (28) Texas Board of Speech-Language Pathology and
- 6 Audiology Examiners.

7 SECTION 69. Section 2054.352(a), Government Code, is
8 amended to read as follows:

9 (a) The following licensing entities shall participate in
10 the system established under Section 2054.353:

- 11 (1) Texas Board of Chiropractic Examiners;
- 12 (2) Judicial Branch Certification Commission;
- 13 (3) State Board of Dental Examiners;
- 14 (4) Texas Funeral Service Commission;
- 15 (5) Texas Board of Professional Land Surveying;
- 16 (6) Texas Medical Board;
- 17 (7) Texas Board of Nursing;
- 18 (8) Texas Optometry Board;
- 19 (9) Department of Agriculture, for licenses issued
- 20 under Chapter 1951, Occupations Code;
- 21 (10) Texas State Board of Pharmacy;
- 22 (11) Executive Council of Examiners of Physical
- 23 Therapists, ~~[Therapy—and]~~ Occupational Therapists, and
- 24 Speech-Language Pathologists and Audiologists ~~[Therapy Examiners];~~
- 25 (12) Texas State Board of Plumbing Examiners;
- 26 (13) Texas State Board of Podiatric Medical Examiners;
- 27 (14) Texas State Board of Examiners of Psychologists;

- 1 (15) State Board of Veterinary Medical Examiners;
2 (16) Texas Real Estate Commission;
3 (17) Texas Appraiser Licensing and Certification
4 Board;
5 (18) Texas Department of Licensing and Regulation;
6 (19) Texas State Board of Public Accountancy;
7 (20) State Board for Educator Certification;
8 (21) Texas Board of Professional Engineers;
9 (22) Department of State Health Services;
10 (23) Texas Board of Architectural Examiners;
11 (24) Texas Racing Commission;
12 (25) Texas Commission on Law Enforcement; and
13 (26) Texas Private Security Board.

14 SECTION 70. Sections [1451.001](#)(3) and (20), Insurance Code,
15 are amended to read as follows:

16 (3) "Audiologist" means an individual licensed to
17 practice audiology by the Texas [~~State~~] Board of [~~Examiners for~~]
18 Speech-Language Pathology and Audiology Examiners.

19 (20) "Speech-language pathologist" means an
20 individual licensed to practice speech-language pathology by the
21 Texas [~~State~~] Board of [~~Examiners for~~] Speech-Language Pathology
22 and Audiology Examiners.

23 SECTION 71. Sections [401.10205](#) and [401.253](#), Occupations
24 Code, are repealed.

25 SECTION 72. On the effective date of this Act, a member of
26 the Speech-Language Pathologists and Audiologists Advisory Board
27 becomes a member of the Texas Board of Speech-Language Pathology

1 and Audiology Examiners.

2 SECTION 73. Sections 401.103 and 401.104, Occupations Code,
3 as added by this Act, do not affect the entitlement of a member
4 serving on the Speech-Language Pathologists and Audiologists
5 Advisory Board immediately before the effective date of this Act to
6 serve as a member of the Texas Board of Speech-Language Pathology
7 and Audiology Examiners for the remainder of the member's term. As
8 the terms of board members expire or as vacancies occur on the
9 board, the governor shall appoint members to the board as necessary
10 to comply with Sections 401.103 and 401.104, Occupations Code, as
11 added by this Act.

12 SECTION 74. (a) A rule or fee of the Texas Department of
13 Licensing and Regulation under Chapter 401, Occupations Code, in
14 effect on the effective date of this Act is continued in effect as a
15 rule or fee of the Texas Board of Speech-Language Pathology and
16 Audiology Examiners until superseded by a rule of the board or a fee
17 of the Executive Council of Examiners of Physical Therapists,
18 Occupational Therapists, and Speech-Language Pathologists and
19 Audiologists.

20 (b) A license or certificate of registration issued by the
21 Texas Department of Licensing and Regulation under Chapter 401,
22 Occupations Code, in effect on the effective date of this Act is
23 continued in effect as provided by the law in effect immediately
24 before the effective date of this Act.

25 (c) A complaint, investigation, contested case, or other
26 proceeding pending under Chapter 401, Occupations Code, on the
27 effective date of this Act is continued without change in status

1 after the effective date of this Act. An action taken by the Texas
2 Department of Licensing and Regulation is considered to be an
3 action of the Texas Board of Speech-Language Pathology and
4 Audiology Examiners.

5 SECTION 75. Not later than December 1, 2017, the Texas Board
6 of Speech-Language Pathology and Audiology Examiners shall appoint
7 members to the Executive Council of Examiners of Physical
8 Therapists, Occupational Therapists, and Speech-Language
9 Pathologists and Audiologists as required by Section [452.051](#),
10 Occupations Code, as amended by this Act, for terms expiring
11 February 1, 2019.

12 SECTION 76. As soon as practicable after the effective date
13 of this Act, the Texas Department of Licensing and Regulation and
14 the Executive Council of Examiners of Physical Therapists,
15 Occupational Therapists, and Speech-Language Pathologists and
16 Audiologists shall adopt a transition plan to provide for the
17 transfer not later than January 1, 2018, of the following from the
18 department to the executive council to the extent necessary for the
19 exercise of the executive council's powers and duties related to
20 Chapters [401](#) and [452](#), Occupations Code, as amended by this Act:

- 21 (1) personnel;
- 22 (2) equipment, files, and records; and
- 23 (3) money appropriated for the fiscal biennium ending
24 August 31, 2019.

25 SECTION 77. Not later than March 1, 2018, the Texas Board of
26 Speech-Language Pathology and Audiology Examiners shall adopt
27 rules necessary to implement the changes in law made by this Act to

1 Chapter 401, Occupations Code.

2 SECTION 78. To the extent of any conflict, this Act prevails
3 over another Act of the 85th Legislature, Regular Session, 2017,
4 relating to nonsubstantive additions to and corrections in enacted
5 codes.

6 SECTION 79. This Act takes effect September 1, 2017.