

BILL ANALYSIS

Senate Research Center
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H.B. 2699
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 2699 would make technical cleanups to the hearing instrument fitters and dispensers program, which was transferred to the Texas Department of Licensing and Regulation (TDLR) from the Department of State Health Services (DSHS) in 2016. The bill would update statutory language to conform with TDLR standard testing and examination language, by clarifying that tests will contain written and practical, but not oral, portions. The bill also would remove outdated language specifying that the exam be given at least twice a year and validated by a professional. These existing provisions are unneeded because TDLR's exam process allows a qualified person to schedule and sit for an exam at any time throughout the year. TDLR exams are developed with Subject Matter Experts (SMEs) who painstakingly review questions to ensure that accurate, up-to-date exams are being given. The bill would clarify that TDLR's contacted test provider, rather than TDLR, can give test takers information on when and where to go for an exam. It also clarifies that exams can be re-taken for those who fail them and that for the practical exam only the portions that were previously failed will be re-tested. What's more, H.B. 2699 would remove a set passing score in statute, stating simply that the required exam must be passed as part of a condition of obtaining a license.

H.B. 2699 amends current law relating to the permit and license examinations for hearing instrument fitters and dispensers.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 402.104(a) and (d), Occupations Code, as follows:

(a) Requires the Texas Department of Licensing and Regulation (TDLR) to develop and maintain an examination that may include a written or practical test, rather than written, oral, or practical tests. Requires TDLR to administer or arrange for the administration and validation of the examination.

(d) Requires the practical test, rather than the practical examination, to be administered by one or more qualified proctors selected and assigned by TDLR.

SECTION 2. Amends Section 402.204(a), Occupations Code, to make a conforming change.

SECTION 3. Amends Section 402.205, Occupations Code, by amending Subsections (a) and (c) and adding Subsection (d), as follows:

(a) Requires TDLR or TDLR's authorized representative to give each applicant due notice of the date and place of the examination and the subjects, areas, and skills that will be included in the examination.

(c) Authorizes an applicant who previously failed an examination or test to retake the examination or test.

(d) Provides that an applicant who previously failed a practical test may be retested only on those portions of the practical test that the applicant failed. Creates this subsection from existing text. Deletes existing text authorizing an applicant who previously failed an examination, on reexamination, to be examined only on those portions of the examination that the applicant failed.

SECTION 4. Amends Section 402.207(a), Occupations Code, to require TDLR to issue an apprentice permit to fit and dispense hearing instruments to a temporary training permit holder who has passed the required examination, rather than passed all parts of the examination with a score of 70 percent or greater.

SECTION 5. Amends Sections 402.209(e) and (f), Occupations Code, as follows:

(e) Authorizes the applicant to take the practical test and a written test of Texas law administered by TDLR or TDLR's authorized representative if TDLR approves an application, rather than authorizing the applicant, on the next regularly scheduled examination date, to take the practical section of the examination required under Section 402.202 (Examination Required) and a written examination of Texas law administered by TDLR if TDLR approves an application. Deletes existing text requiring TDLR to issue to the applicant a license under this chapter if the applicant passes the examinations required under this section.

(f) Authorizes TDLR to allow an applicant under this section who satisfies all application requirements other than the requirement under Subsection (c)(2) (relating to certain written verifications included in an application for license) to take the examination, rather than to take all sections of the examination required under Section 402.202. Makes a conforming change.

SECTION 6. Repealer: Sections 402.104(b) (relating to a requirement that the examination be administered at least twice a year), Occupations Code.

Repealer: Sections 402.104(c) (relating to a requirement that the practicable examination be administered by one or more qualified proctors selected and assigned by TDLR), Occupations Code.

Repealer: Sections 402.203(c) (relating to authorizing TDLR to refuse to examine an applicant convicted of a misdemeanor involving moral turpitude or a felony), Occupations Code.

SECTION 7. Makes application of this Act prospective.

SECTION 8. Effective date: September 1, 2019.