By:  Goldman (Senate Sponsor - Zaffirini) H.B. No. 2699

(In the Senate - Received from the House April 16, 2019; April 17, 2019, read first time and referred to Committee on Health & Human Services; May 16, 2019, reported favorably by the following vote: Yeas 9, Nays 0; May 16, 2019, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Kolkhorst         X

Perry             X

Buckingham        X

Campbell          X

Flores            X

Johnson           X

Miles             X

Powell            X

Seliger           X

A BILL TO BE ENTITLED

AN ACT

relating to the permit and license examinations for hearing instrument fitters and dispensers.

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

SECTION 1.  Sections 402.104(a) and (d), Occupations Code, are amended to read as follows:

(a)  The department shall develop and maintain an examination that may include a written [~~, oral,~~] or practical test [~~tests~~]. The department shall administer or arrange for the administration and validation of the examination.

(d)  The practical test [~~examination~~] must be administered by one or more qualified proctors selected and assigned by the department.

SECTION 2.  Section 402.204(a), Occupations Code, is amended to read as follows:

(a)  The examination must consist of written and [~~, oral, or~~] practical tests that are objective in method and applied in a consistent manner.

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

(a)  The department or the department's authorized representative shall 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. A change may not be made in those subjects, areas, and skills after the date of the examination has been announced and publicized.

(c)  An [~~On reexamination, an~~] applicant who previously failed an examination or test may retake the examination or test.

(d)  An applicant who previously failed a practical test may be retested [~~examined~~] only on those portions of the practical test [~~examination~~] that the applicant failed.

SECTION 4.  Section 402.207(a), Occupations Code, is amended to read as follows:

(a)  The department shall issue an apprentice permit to fit and dispense hearing instruments to a temporary training permit holder who has:

(1)  passed the required [~~all parts of the~~] examination [~~with a score of 70 percent or greater~~];

(2)  paid the required fees; and

(3)  met all requirements of this chapter.

SECTION 5.  Sections 402.209(e) and (f), Occupations Code, are amended to read as follows:

(e)  If the department approves an application, [~~on the next regularly scheduled examination date~~] the applicant may take the practical test [~~section of the examination required under Section 402.202~~] and a written test [~~examination~~] of Texas law administered by the department or the department's authorized representative. [~~If the applicant passes the examinations required under this section, the department shall issue to the applicant a license under this chapter.~~]

(f)  The department may allow an applicant under this section who satisfies all application requirements other than the requirement under Subsection (c)(2) to take [~~all sections of~~] the examination [~~required under Section 402.202. If the applicant passes the examination, the department shall issue to the applicant a license under this chapter~~].

SECTION 6.  The following provisions of the Occupations Code are repealed:

(1)  Sections 402.104(b) and (c); and

(2)  Section 402.203(c).

SECTION 7.  The changes in law made by this Act to Chapter 402, Occupations Code, apply only to a person who applies to take an examination on or after the effective date of this Act. A person who first applies to take an examination before the effective date of this Act is governed by the law in effect on the date the person applies, and the former law is continued in effect for that purpose.

SECTION 8.  This Act takes effect September 1, 2019.

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