

By: Goldman

H.B. No. 2699

A BILL TO BE ENTITLED

AN ACT

relating to clarifying and updating examination provisions for hearing instrument fitters and dispensers.

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

SECTION 1. Section 402.104, Occupations Code, is amended to read as follows:

Sec. 402.104. POWERS AND DUTIES REGARDING EXAMINATION. (a) The department shall develop and maintain an examination that may include a written~~[, oral,]~~ or practical tests. The department shall administer or arrange for the administration and validation of the examination.

~~(b) [The examination shall be administered at least twice each year.]~~

~~[(c) The examination must be validated by an independent testing professional.]~~

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

(c) ~~[(e)]~~ The commission by rule shall establish the qualifications for a proctor. The rules must:

(1) require a proctor to be licensed in good standing as a hearing instrument fitter and dispenser;

(2) specify the number of years a proctor must be licensed as a hearing instrument fitter and dispenser; and

(3) specify the disciplinary actions or other actions that disqualify a person from serving as a proctor.

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

Sec. 402.204. CONTENTS OF EXAMINATION. (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 to read as follows:

Sec. 402.205. EXAMINATION PROCEDURES. (a) The department or the department's designee 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.

(b) An examination shall be conducted in writing and by other means the department determines adequate to ascertain the qualifications of applicants.

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

(d) An applicant who previously failed a practical test may be retested ~~[be 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:

1 Sec. 402.207. ISSUANCE OF APPRENTICE PERMIT. (a) The
2 department shall issue an apprentice permit to fit and dispense
3 hearing instruments to a temporary training permit holder who has:

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

6 (2) paid the required fees; and

7 (3) met all requirements of this chapter.

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

10 (e) If the department approves an application, ~~[on the next~~
11 ~~regularly scheduled examination date]~~ the applicant may take the
12 practical test ~~[section of the examination required under Section~~
13 ~~402.202]~~ and a written test ~~[examination]~~ of Texas law administered
14 by the department or its designee. ~~[If the applicant passes the~~
15 ~~examinations required under this section, the department shall~~
16 ~~issue to the applicant a license under this chapter.]~~

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

23 SECTION 6. Section 402.203(c), Occupations Code, is
24 repealed.

25 SECTION 7. This Act takes effect September 1, 2019.