

By: Goldman

H.B. No. 2847

Substitute the following for H.B. No. 2847:

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C.S.H.B. No. 2847

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of certain occupations and activities; authorizing fees.

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

ARTICLE 1. DRIVER EDUCATION

SECTION 1.001. Section 1001.001(7), Education Code, is amended to read as follows:

(7) "Driver education school" means an enterprise that:

(A) maintains a place of business or solicits business in this state; and

(B) is operated by an individual, association, partnership, or corporation for educating and training persons ~~at a primary or branch location~~ in driver education or driver education instructor development.

SECTION 1.002. Section 1001.151(e), Education Code, is amended to read as follows:

(e) The commission may establish a fee for an application for approval to offer a driver education course ~~by an alternative method of instruction under Section 1001.3541~~.

SECTION 1.003. Section 1001.204(b), Education Code, is amended to read as follows:

(b) The department shall approve an application for a driver education school license if the application is submitted on a form

1 approved by the department [~~executive director~~], the application is
2 accompanied by [~~includes~~] the fee, and the department determines
3 [~~on inspection of the premises of the school, it is determined~~] that
4 the school:

5 (1) has courses, curricula, and instruction of a
6 quality, content, and length that reasonably and adequately achieve
7 the stated objective for which the courses, curricula, and
8 instruction are offered;

9 (2) has adequate space, equipment, instructional
10 material, and instructors to provide training of good quality in
11 the classroom and behind the wheel, if applicable;

12 (3) has instructors who have adequate educational
13 qualifications and experience;

14 (4) provides to each student before enrollment:

15 (A) a copy of:

16 (i) the refund policy;

17 (ii) the schedule of tuition, fees, and
18 other charges; and

19 (iii) the regulations relating to absence,
20 grading policy, and rules of operation and conduct; and

21 (B) the department's name, mailing address,
22 telephone number, and Internet website address for the purpose of
23 directing complaints to the department;

24 (5) maintains adequate records as prescribed by the
25 department to show attendance and progress or grades and enforces
26 satisfactory standards relating to attendance, progress, and
27 conduct;

1 (6) on completion of training, issues each student a
2 certificate indicating the course name and satisfactory
3 completion;

4 (7) complies with all county, municipal, state, and
5 federal regulations, including fire, building, and sanitation
6 codes and assumed name registration, if applicable;

7 (8) is financially sound and capable of fulfilling its
8 commitments for training;

9 (9) maintains and publishes as part of its student
10 enrollment contract the proper policy for the refund of the unused
11 portion of tuition, fees, and other charges if a student fails to
12 take the course or withdraws or is discontinued from the school at
13 any time before completion;

14 (10) does not use erroneous or misleading advertising,
15 either by actual statement, omission, or intimation, as determined
16 by the department;

17 (11) does not use a name similar to the name of another
18 existing school or tax-supported educational institution in this
19 state, unless specifically approved in writing by the executive
20 director;

21 (12) submits to the department for approval the
22 applicable course hour lengths and curriculum content for each
23 course offered by the school;

24 (13) does not owe an administrative penalty for a
25 violation of this chapter; ~~and~~

26 (14) meets any additional criteria required by the
27 department, including any applicable inspection requirements; and

1 (15) provides adequate testing and security measures
2 for the school's method of instruction.

3 SECTION 1.004. Subchapter F, Chapter 1001, Education Code,
4 is amended by adding Sections 1001.2531, 1001.2532, 1001.2533, and
5 1001.2534 to read as follows:

6 Sec. 1001.2531. DRIVER EDUCATION INSTRUCTOR REQUIREMENTS.

7 (a) The commission by rule shall establish standards for a driver
8 education instructor to be certified as a teaching assistant,
9 driver education teacher, or supervising teacher.

10 (b) An applicant for a driver education instructor license
11 under this section must:

12 (1) apply to the department on a form prescribed by the
13 department and under rules adopted by the commission;

14 (2) submit with the application a nonrefundable
15 application fee in an amount set by commission rule; and

16 (3) present satisfactory evidence to the department
17 that the applicant:

18 (A) is at least 21 years of age;

19 (B) holds a high school diploma or high school
20 equivalency certificate; and

21 (C) meets any other requirement established by
22 commission rule.

23 Sec. 1001.2532. TEACHING ASSISTANT. (a) A teaching
24 assistant is a driver education instructor who is authorized to
25 teach or provide only behind-the-wheel training.

26 (b) To be eligible to be certified as a teaching assistant,
27 a driver education instructor must:

1 (1) have successfully completed:

2 (A) six semester hours of driver and traffic
3 safety education from an accredited college or university; or

4 (B) a teaching assistant development course
5 approved by the department; and

6 (2) pass any required examination.

7 Sec. 1001.2533. DRIVER EDUCATION TEACHER. (a) A driver
8 education teacher is a driver education instructor who is
9 authorized to teach or provide behind-the-wheel training and
10 classroom training.

11 (b) To be eligible to be certified as a driver education
12 teacher, a driver education instructor must:

13 (1) have successfully completed:

14 (A) nine semester hours of driver and traffic
15 safety education from an accredited college or university; or

16 (B) a driver education teacher development
17 course approved by the department; and

18 (2) pass any required examination.

19 Sec. 1001.2534. SUPERVISING TEACHER. (a) A supervising
20 teacher is a driver education instructor who is authorized to teach
21 instructor training classes.

22 (b) To be eligible to be certified as a supervising teacher,
23 a driver education instructor must have:

24 (1) been certified as a driver education teacher for
25 at least one year;

26 (2) successfully completed:

27 (A) 15 semester hours of driver and traffic

1 safety education from an accredited college or university; or
2 (B) a supervising teacher development course
3 approved by the department; and

4 (3) obtained or successfully completed, as
5 applicable, at least one of the following:

6 (A) a teaching certificate and any additional
7 certification required by commission rule to teach driver
8 education;

9 (B) 15 semester hours in education courses at an
10 accredited college or university during the 10 years before the
11 application date; or

12 (C) an associate or baccalaureate degree in
13 education from an accredited college or university.

14 (c) The commission, department, or executive director may
15 adopt an alternative method to determine or verify an instructor's
16 eligibility under Subsection (b).

17 SECTION 1.005. Subchapter H, Chapter 1001, Education Code,
18 is amended by adding Section 1001.3542 to read as follows:

19 Sec. 1001.3542. METHOD OF INSTRUCTION FOR DRIVER EDUCATION
20 COURSE. A driver education school may teach a driver education
21 course by any method approved by the department, including an
22 alternative method under Section 1001.3541 or a traditional method
23 under Subchapter C.

24 SECTION 1.006. The following provisions of the Education
25 Code are repealed:

26 (1) Sections 1001.253, 1001.254, and 1001.256; and

27 (2) Section 1001.3541(b).

1 SECTION 1.007. (a) As soon as practicable after the
2 effective date of this Act, the Texas Commission of Licensing and
3 Regulation shall adopt rules to implement Section 1001.204(b),
4 Education Code, as amended by this article, and Section 1001.2531,
5 Education Code, as added by this article.

6 (b) A driver education instructor license issued under
7 Section 1001.253, Education Code, before the repeal of that section
8 by this article, continues to be valid until the license expires,
9 and former Section 1001.253, Education Code, is continued in effect
10 for that purpose.

11 (c) A person who holds on the effective date of this Act a
12 driver education instructor license described by former Section
13 1001.253(b), Education Code, is entitled on expiration of that
14 license to issuance of a driver education instructor license
15 certified as a teaching assistant under Section 1001.2532,
16 Education Code, as added by this article, if the person otherwise
17 meets the requirements for renewal of a driver education instructor
18 license certified as a teaching assistant.

19 (d) A person who holds on the effective date of this Act a
20 driver education instructor license described by former Section
21 1001.253(c), Education Code, is entitled on expiration of that
22 license to issuance of a driver education instructor license
23 certified as a driver education teacher under Section 1001.2533,
24 Education Code, as added by this article, if the person otherwise
25 meets the requirements for renewal of a driver education instructor
26 license certified as a driver education teacher.

27 (e) A person who holds on the effective date of this Act a

1 driver education instructor license described by former Section
2 1001.253(e), Education Code, is entitled on expiration of that
3 license to issuance of a driver education instructor license
4 certified as a supervising teacher under Section 1001.2534,
5 Education Code, as added by this article, if the person otherwise
6 meets the requirements for renewal of a driver education instructor
7 license certified as a supervising teacher.

8 (f) The changes in law made by this article do not affect the
9 validity of a disciplinary action or other proceeding that was
10 initiated before the effective date of this Act and that is pending
11 before a court or other governmental entity on the effective date of
12 this Act.

13 (g) Sections 1001.2531, 1001.2532, 1001.2533, and
14 1001.2534, Education Code, as added by this article, apply only to
15 an application for, or renewal of, an instructor license submitted
16 to the Texas Department of Licensing and Regulation on or after the
17 effective date of this Act. An application submitted before that
18 date is governed by the law in effect when the application was
19 submitted, and the former law is continued in effect for that
20 purpose.

21 ARTICLE 2. LASER HAIR REMOVAL

22 SECTION 2.001. Subchapter M, Chapter 401, Health and Safety
23 Code, is amended by adding Section 401.509 to read as follows:

24 Sec. 401.509. CONTINUING EDUCATION. The commission by rule
25 shall establish continuing education requirements for renewal of a
26 certificate under this subchapter.

27 SECTION 2.002. As soon as practicable after the effective

1 date of this Act, the Texas Commission of Licensing and Regulation
2 shall adopt the rules necessary to implement Section 401.509,
3 Health and Safety Code, as added by this article.

4 ARTICLE 3. BOILERS

5 SECTION 3.001. Section 755.029(c), Health and Safety Code,
6 is amended to read as follows:

7 (c) A certificate of operation must be posted [~~under glass~~]
8 in a conspicuous place on or near the boiler for which it is issued.

9 ARTICLE 4. GENERAL PROVISIONS RELATING TO LICENSING

10 SECTION 4.001. Subchapter E, Chapter 51, Occupations Code,
11 is amended by adding Section 51.254 to read as follows:

12 Sec. 51.254. CONFIDENTIALITY OF COMPLAINT AND DISCIPLINARY
13 INFORMATION. (a) In this section, unless the context requires
14 otherwise:

15 (1) "Disciplinary action" includes, with respect to
16 any person subject to regulation by the department or the
17 commission:

18 (A) enforcement activity, prosecution,
19 discipline, or penalization; and

20 (B) any related complaint, investigation, or
21 resolution of a complaint or investigation.

22 (2) "Patient" includes:

23 (A) a patient;

24 (B) a client; and

25 (C) an authorized representative of a patient or
26 client.

27 (b) This section applies only to the following professions:

- 1 (1) athletic trainers regulated under Chapter 451;
- 2 (2) behavior analysts regulated under Chapter 506;
- 3 (3) dietitians regulated under Chapter 701;
- 4 (4) dyslexia practitioners and dyslexia therapists
5 regulated under Chapter 403;
- 6 (5) hearing instrument fitters and dispensers
7 regulated under Chapter 402;
- 8 (6) massage therapists regulated under Chapter 455;
- 9 (7) midwives regulated under Chapter 203;
- 10 (8) orthotists and prosthetists regulated under
11 Chapter 605;
- 12 (9) podiatrists regulated under Chapter 202; and
- 13 (10) speech-language pathologists and audiologists
14 regulated under Chapter 401.

15 (c) Except as otherwise provided by this section, a
16 complaint and investigation concerning a person to whom this
17 section applies and all information and materials subpoenaed or
18 compiled by the department in connection with the complaint and
19 investigation are confidential and not subject to:

- 20 (1) disclosure under Chapter 552, Government Code; or
- 21 (2) disclosure, discovery, subpoena, or other means of
22 legal compulsion for their release to any person.

23 (d) A complaint or investigation subject to this section and
24 all information and materials subpoenaed or compiled by the
25 department in connection with the complaint and investigation may
26 be disclosed to:

- 27 (1) persons involved with the department in a

- 1 disciplinary action;
2 (2) a respondent or the respondent's authorized
3 representative;
4 (3) a governmental agency, if:
5 (A) the disclosure is required or permitted by
6 law; and
7 (B) the agency obtaining the disclosure protects
8 the identity of any patient whose records are examined;
9 (4) a professional licensing, credentialing, or
10 disciplinary entity in another jurisdiction;
11 (5) a peer assistance program approved by the
12 commission under Chapter 467, Health and Safety Code, including a
13 properly established peer assistance program in another
14 jurisdiction;
15 (6) a peer review committee reviewing a license
16 holder's application for privileges or the license holder's
17 qualifications related to retaining the privileges;
18 (7) a law enforcement agency; and
19 (8) a person engaged in bona fide research, if all
20 individual-identifying information has been deleted.
21 (e) Notwithstanding any other provision of this section, if
22 a department investigation would be jeopardized by the release or
23 disclosure, the department may temporarily withhold or otherwise
24 refrain from releasing or disclosing to any person any information
25 or materials that the department would otherwise be required to
26 release or disclose.
27 (f) The department may not be compelled to release or

1 disclose complaint and investigation information or materials to a
2 person listed in Subsection (d) if the department has not issued a
3 notice of alleged violation related to the information or
4 materials.

5 (g) The department may release or disclose complaint and
6 investigation information or materials in accordance with
7 Subsection (d) at any stage of a disciplinary action.

8 (h) The department shall protect the identity of any patient
9 whose records are examined in connection with a disciplinary action
10 against a license holder, other than a patient who:

- 11 (1) initiates the disciplinary action;
12 (2) is a witness in the disciplinary action; or
13 (3) has submitted a written consent to release the
14 records.

15 (i) Notices of alleged violation issued by the department
16 against respondents, disciplinary proceedings of the department,
17 commission, or executive director, and final disciplinary actions,
18 including warnings and reprimands, by the department, commission,
19 or executive director are not confidential and are subject to
20 disclosure in accordance with Chapter 552, Government Code.

21 SECTION 4.002. Chapter 57, Occupations Code, is amended by
22 designating Section 57.001 as Subchapter A and adding a subchapter
23 heading to read as follows:

24 SUBCHAPTER A. GENERAL PROVISIONS

25 SECTION 4.003. Section 57.001, Occupations Code, is amended
26 by amending Subdivision (1) and adding Subdivision (1-a) to read as
27 follows:

1 (1) "License" means a license, certificate,
2 registration, permit, or other form of authorization required by
3 law, ~~[or a state agency]~~ rule, ordinance, regulation, or policy
4 that must be obtained by an individual to engage in a particular
5 business, occupation, or profession.

6 (1-a) "Political subdivision" means a county,
7 municipality, special district, or other political subdivision of
8 this state.

9 SECTION 4.004. Chapter 57, Occupations Code, is amended by
10 adding Subchapter B, and a heading is added to that subchapter to
11 read as follows:

12 SUBCHAPTER B. GOVERNING BOARD MEMBERSHIP

13 SECTION 4.005. Section 57.002, Occupations Code, is
14 transferred to Subchapter B, Chapter 57, Occupations Code, as added
15 by this Act, and redesignated as Section 57.051, Occupations Code,
16 to read as follows:

17 Sec. 57.051 [~~57.002~~]. REQUIREMENTS FOR GOVERNING BOARD
18 MEMBERSHIP. A person may not be required to be a member of a private
19 trade association as a precondition to serving as a member of the
20 governing board of a state agency that issues a license or otherwise
21 regulates a business, occupation, or profession.

22 SECTION 4.006. Chapter 57, Occupations Code, is amended by
23 adding Subchapter C to read as follows:

24 SUBCHAPTER C. LOCAL LICENSING AGENCIES

25 Sec. 57.101. PROHIBITION ON CERTAIN LOCAL LICENSING
26 REQUIREMENTS. (a) Notwithstanding any other law, if an individual
27 is required to possess a license issued by a state agency to engage

1 in an occupation, a political subdivision may not adopt or enforce
2 any ordinance, order, rule, regulation, law, or policy that
3 requires the individual to:

4 (1) possess a license issued by the political
5 subdivision to engage in that occupation; or

6 (2) meet any other requirement or precondition to
7 engage in that occupation.

8 (b) An ordinance, order, rule, regulation, law, or policy
9 that violates Subsection (a) is void and unenforceable.

10 SECTION 4.007. Section 202.2032(c), Occupations Code, is
11 amended to read as follows:

12 (c) Notwithstanding any confidentiality requirements under
13 Chapter 552, Government Code, Chapter 51, or this chapter, a
14 complaint filed with the department by an insurance agent, insurer,
15 pharmaceutical company, or third-party administrator against a
16 license holder must include the name and address of the insurance
17 agent, insurer, pharmaceutical company, or third-party
18 administrator filing the complaint.

19 SECTION 4.008. Section 202.404(e), Occupations Code, is
20 amended to read as follows:

21 (e) The department shall protect the identity of a patient
22 whose podiatric records are examined or provided under Subsection
23 (c) [~~or (d)~~], other than a patient who:

24 (1) is covered under Subsection (a)(1); or

25 (2) has submitted written consent to the release of
26 the patient's podiatric records as provided by Section 202.406.

27 SECTION 4.009. Section 202.509(g), Occupations Code, is

1 amended to read as follows:

2 (g) The department's disclosure of information under
3 Subsection [~~(b), (d), or~~] (f) of this section, Section 202.2031, or
4 Section 202.2032 does not constitute a waiver of privilege or
5 confidentiality under this chapter or any other law.

6 SECTION 4.010. The following provisions of the Occupations
7 Code are repealed:

- 8 (1) Section 202.404(d);
- 9 (2) Sections 202.509(a), (b), (c), (d), and (h);
- 10 (3) Section 401.2535;
- 11 (4) Section 402.154;
- 12 (5) Section 451.110;
- 13 (6) Section 506.202;
- 14 (7) Subchapter E, Chapter 605; and
- 15 (8) Subchapter E, Chapter 701.

16 SECTION 4.011. The changes in law made by this article apply
17 to a disciplinary action initiated before the effective date of
18 this Act that has not resulted in a final order issued on or before
19 the effective date of this Act and to a disciplinary action
20 initiated on or after the effective date of this Act.

21 ARTICLE 5. PODIATRY

22 SECTION 5.001. Section 202.2032(d), Occupations Code, is
23 amended to read as follows:

24 (d) The [~~Not later than the 15th day after the date the~~
25 ~~complaint is filed with the department, the~~] department shall
26 notify the license holder who is the subject of the complaint of the
27 name and address of the insurance agent, insurer, pharmaceutical

1 company, or third-party administrator who filed the complaint,
2 unless the notice would jeopardize an investigation.

3 SECTION 5.002. Subchapter E, Chapter 202, Occupations Code,
4 is amended by adding Section 202.204 to read as follows:

5 Sec. 202.204. EXPERT WITNESS. (a) In this section, "expert
6 witness" means a podiatrist or other qualified individual with whom
7 the department contracts to assist the department with reviewing,
8 investigating, or prosecuting complaints filed under this chapter.

9 (b) The department may contract with an expert witness to
10 assist the department with reviewing, investigating, or
11 prosecuting a complaint filed under this chapter.

12 (c) Except for an act by an expert witness involving fraud,
13 conspiracy, or malice, an expert witness is immune from liability
14 and may not be subject to a suit for damages for any act arising from
15 the performance of the expert witness's duties in:

16 (1) participating in an informal conference to
17 determine the facts of a complaint;

18 (2) evaluating evidence in a complaint and offering an
19 opinion or technical guidance on an alleged violation of this
20 chapter or a rule adopted under this chapter;

21 (3) testifying at a hearing regarding a complaint; or

22 (4) making an evaluation, report, or recommendation
23 regarding a complaint.

24 SECTION 5.003. Section 202.253(a-1), Occupations Code, is
25 amended to read as follows:

26 (a-1) The commission or department may refuse to admit a
27 person to an examination, and may refuse to issue a license to

1 practice podiatry to a person, for:

2 (1) presenting a license, certificate, or diploma that
3 was illegally or fraudulently obtained or engaging in fraud or
4 deception in passing the examination;

5 (2) being convicted of ~~[+~~

6 [~~(A)~~ a felony;

7 [~~(B)~~ a crime that involves moral turpitude; or

8 [~~(C)~~] an offense under Section [202.606](#);

9 (3) engaging in habits of intemperance or drug
10 addiction that in the department's opinion would endanger the
11 health, well-being, or welfare of patients;

12 (4) engaging in grossly unprofessional or
13 dishonorable conduct of a character that in the department's
14 opinion is likely to deceive or defraud the public;

15 (5) directly or indirectly violating or attempting to
16 violate this chapter or a rule adopted under this chapter as a
17 principal, accessory, or accomplice;

18 (6) using any advertising statement of a character
19 tending to mislead or deceive the public;

20 (7) advertising professional superiority or the
21 performance of professional service in a superior manner;

22 (8) purchasing, selling, bartering, or using or
23 offering to purchase, sell, barter, or use a podiatry degree,
24 license, certificate, diploma, or a transcript of a license,
25 certificate, or diploma, in or incident to an application for a
26 license to practice podiatry;

27 (9) altering, with fraudulent intent, a podiatry

1 license, certificate, diploma, or a transcript of a podiatry
2 license, certificate, or diploma;

3 (10) using a podiatry license, certificate, or
4 diploma, or a transcript of a podiatry license, certificate, or
5 diploma, that has been fraudulently purchased, issued,
6 counterfeited, or materially altered;

7 (11) impersonating, or acting as proxy for, another
8 person in a podiatry license examination;

9 (12) impersonating a license holder, or permitting
10 another person to use the license holder's license to practice
11 podiatry in this state, to treat or offer to treat, by any method,
12 conditions and ailments of human feet;

13 (13) directly or indirectly employing a person whose
14 license to practice podiatry has been suspended or associating in
15 the practice of podiatry with a person whose license to practice
16 podiatry has been suspended or who has been convicted of the
17 unlawful practice of podiatry in this state or elsewhere;

18 (14) wilfully making in the application for a license
19 to practice podiatry a material misrepresentation or material
20 untrue statement;

21 (15) being unable to practice podiatry with reasonable
22 skill and safety to a patient because of age, illness, drunkenness,
23 or excessive use of drugs, narcotics, chemicals, or other
24 substances or as a result of a mental or physical condition;

25 (16) failing to practice podiatry in an acceptable
26 manner consistent with public health and welfare;

27 (17) being removed, suspended, or disciplined in

1 another manner by the podiatrist's peers in a professional podiatry
2 association or society, whether local, regional, state, or national
3 in scope, or being disciplined by a licensed hospital or the medical
4 staff of a hospital, including removal, suspension, limitation of
5 hospital privileges, or other disciplinary action, if the
6 commission or department determines that the action was:

7 (A) based on unprofessional conduct or
8 professional incompetence likely to harm the public; and

9 (B) appropriate and reasonably supported by
10 evidence submitted to the association, society, hospital, or
11 medical staff; or

12 (18) having repeated or recurring meritorious health
13 care liability claims filed against the podiatrist that in the
14 commission's or department's opinion are evidence of professional
15 incompetence likely to injure the public.

16 SECTION 5.004. Section 202.602(a), Occupations Code, is
17 amended to read as follows:

18 (a) The department [~~commission by rule~~] shall develop a
19 system to identify and monitor a podiatrist's compliance with this
20 chapter and any [~~. The system must include:~~

21 [~~(1) procedures for determining whether a podiatrist~~
22 ~~is in compliance with an~~] order issued by the commission or
23 executive director under this chapter [~~, and~~

24 [~~(2) a method of identifying and monitoring each~~
25 ~~podiatrist who represents a risk to the public~~].

26 SECTION 5.005. Sections 202.2025 and 202.6011, Occupations
27 Code, are repealed.

1 SECTION 5.006. Section 202.2032, Occupations Code, as
2 amended by this article, applies only to a complaint filed under
3 Chapter 202, Occupations Code, on or after the effective date of
4 this Act. A complaint filed before the effective date of this Act
5 is governed by the law in effect on the date the complaint was
6 filed, and the former law is continued in effect for that purpose.

7 SECTION 5.007. Section 202.253(a-1), Occupations Code, as
8 amended by this article, applies only to a conviction that occurs on
9 or after the effective date of this Act. A conviction that occurs
10 before the effective date of this Act is governed by the law in
11 effect on the date the conviction occurred, and the former law is
12 continued in effect for that purpose.

13 ARTICLE 6. AUDIOLOGISTS

14 SECTION 6.001. Section 401.403(b), Occupations Code, is
15 amended to read as follows:

16 (b) A person who holds a license [~~meets the requirements of~~
17 ~~this chapter for licensing~~] as an audiologist or audiologist intern
18 and who fits and dispenses hearing instruments must:

19 (1) [~~register with the department the person's~~
20 ~~intention to fit and dispense hearing instruments,~~

21 [~~(2)~~] comply with rules adopted under this chapter
22 related to fitting and dispensing hearing instruments [~~the~~
23 ~~profession's code of ethics~~];

24 (2) [~~(3)~~] comply with the federal Food and Drug
25 Administration guidelines for fitting and dispensing hearing
26 instruments;

27 (3) [~~(4)~~] when providing services in this state, use a

1 written contract that contains the department's name, mailing
2 address, [~~and~~] telephone number, and Internet website address; and
3 (4) [~~(5)~~] follow the guidelines adopted by commission
4 rule for a 30-day trial period on every hearing instrument
5 purchased.

6 ARTICLE 7. ORTHOTIC AND PROSTHETIC TECHNICIANS

7 SECTION 7.001. The following provisions of the Occupations
8 Code are repealed:

- 9 (1) Sections 605.002(19), (20), and (21); and
10 (2) Section 605.259.

11 SECTION 7.002. (a) On the effective date of this Act, a
12 registered orthotic technician or registered prosthetic technician
13 certificate issued under former Section 605.259, Occupations Code,
14 expires.

15 (b) As soon as practicable after the effective date of this
16 Act, the Texas Commission of Licensing and Regulation shall repeal
17 all rules regarding the regulation of orthotic and prosthetic
18 technicians adopted under Chapter 605, Occupations Code.

19 SECTION 7.003. The change in law made by this article does
20 not affect the validity of a proceeding pending before a court or
21 other governmental entity on the effective date of this Act.

22 ARTICLE 8. DIETITIANS

23 SECTION 8.001. Section 701.151(b), Occupations Code, is
24 amended to read as follows:

25 (b) The commission or the department, as appropriate,
26 shall:

- 27 (1) [~~adopt an official seal,~~

1 (a) A person holding a specialty shop license may maintain
2 an establishment in which only the practice of cosmetology as
3 defined in Section 1602.002(a)(2), (4), (5), (6), (7), (8), (9),
4 [~~or~~] (10), or (11) is performed.

5 ARTICLE 10. USED AUTOMOTIVE PARTS RECYCLERS

6 SECTION 10.001. Section 2309.102(a), Occupations Code, is
7 amended to read as follows:

8 (a) The commission shall adopt rules for licensing used
9 automotive parts recyclers [~~and used automotive parts employees~~].

10 SECTION 10.002. The heading to Section 2309.106,
11 Occupations Code, is amended to read as follows:

12 Sec. 2309.106. PERIODIC [~~AND RISK-BASED~~] INSPECTIONS.

13 SECTION 10.003. The following provisions of the Occupations
14 Code are repealed:

15 (1) Sections 2309.106(c) and (d); and

16 (2) Section 2309.154.

17 SECTION 10.004. (a) On the effective date of this Act, a
18 used automotive parts employee license issued under former Section
19 2309.154, Occupations Code, expires.

20 (b) As soon as practicable after the effective date of this
21 Act, the Texas Commission of Licensing and Regulation shall repeal
22 all rules regarding the regulation of used automotive parts
23 employees adopted under Chapter 2309, Occupations Code.

24 SECTION 10.005. (a) The change in law made by this article
25 to Chapter 2309, Occupations Code, does not affect the validity of a
26 proceeding pending before a court or other governmental entity on
27 the effective date of this Act.

1 (b) An offense or other violation of law committed before
2 the effective date of this Act is governed by the law in effect when
3 the offense or violation was committed, and the former law is
4 continued in effect for that purpose. For purposes of this
5 subsection, an offense or violation was committed before the
6 effective date of this Act if any element of the offense or
7 violation occurred before that date.

8 ARTICLE 11. EFFECTIVE DATE

9 SECTION 11.001. This Act takes effect September 1, 2019.