

SENATE AMENDMENTS

2nd Printing

By: Goldman

H.B. No. 2847

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the licensing and regulation of certain occupations,
3 activities, and agreements; providing a civil penalty; authorizing
4 fees; requiring an occupational registration and an occupational
5 license.

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

7 ARTICLE 1. EXCESS WEAR AND USE WAIVERS FOR LEASES OF MOTOR VEHICLES

8 SECTION 1.001. Subtitle B, Title 5, Business & Commerce
9 Code, is amended by adding Chapter 94 to read as follows:

10 CHAPTER 94. EXCESS WEAR AND USE WAIVERS FOR LEASES OF MOTOR

11 VEHICLES

12 Sec. 94.001. DEFINITIONS. In this chapter:

13 (1) "Excess wear and use waiver" means a provision of
14 or addendum to a lease agreement under which the lessor agrees to
15 not hold a lessee liable for all or part of the excess wear and use
16 to a motor vehicle.

17 (2) "Lease agreement" means an agreement, including
18 any addendum to the agreement, entered into in this state under
19 which a lessee pays a fee or other consideration to a lessor for the
20 right to possession and use of a motor vehicle for a term of more
21 than 180 days, regardless of whether the agreement provides the
22 lessee an option to purchase or otherwise become the owner of the
23 motor vehicle upon the expiration of the term of the agreement.

24 (3) "Lessee" means an individual who acquires the

1 right to possession and use of a motor vehicle under a lease
2 agreement primarily for personal, family, or household purposes.

3 (4) "Lessor" means a person who, in the ordinary
4 course of business, regularly leases, offers to lease, or arranges
5 for the lease of a motor vehicle under a lease agreement. Unless
6 the context clearly indicates otherwise, the term includes an
7 assignee of the lessor.

8 (5) "Motor vehicle" has the meaning assigned by
9 Section 541.201, Transportation Code.

10 Sec. 94.002. CONTRACT FOR EXCESS WEAR AND USE WAIVER. A
11 lessee may contract with a lessor for an excess wear and use waiver
12 in connection with a lease agreement.

13 Sec. 94.003. RESTRICTIONS ON LESSOR CONCERNING EXCESS WEAR
14 AND USE WAIVER. A lessor may not:

15 (1) sell an excess wear and use waiver, unless:

16 (A) the lease agreement containing the excess
17 wear and use waiver complies with this chapter; and

18 (B) the lessee agrees to the excess wear and use
19 waiver in writing; or

20 (2) impose or require the purchase of an excess wear
21 and use waiver as a condition of entering into a lease agreement.

22 Sec. 94.004. REQUIRED NOTICE. An excess wear and use waiver
23 must be in writing and include a notice substantially similar to the
24 following:

25 "This excess wear and use waiver is optional, is not a
26 condition of leasing the vehicle, and is being provided for an
27 additional charge to cover your responsibility for any excess wear

1 and use to the leased vehicle."

2 Sec. 94.005. REQUIRED DISCLOSURES. A lease agreement that
3 includes an excess wear and use waiver must disclose:

4 (1) the total charge for the excess wear and use
5 waiver; and

6 (2) any exclusions or limitations on the amount of
7 excess wear and use that may be waived under the excess wear and use
8 waiver.

9 Sec. 94.006. RELATIONSHIP TO INSURANCE. An excess wear and
10 use waiver is not insurance.

11 Sec. 94.007. CIVIL PENALTY. A lessor that violates this
12 chapter is liable for a civil penalty in an amount of not less than
13 \$500 or more than \$1,000 for each violation.

14 Sec. 94.008. INJUNCTIVE RELIEF. A person injured or
15 threatened with injury by a violation of this chapter may seek
16 injunctive relief against the person committing or threatening to
17 commit the violation.

18 Sec. 94.009. SUIT FOR CIVIL PENALTY OR INJUNCTIVE RELIEF.
19 The attorney general or a county or district attorney may bring an
20 action in the name of the state for a civil penalty under Section
21 94.007, injunctive relief under Section 94.008, or both.

22 SECTION 1.002. The change in law made by this article
23 applies only to a lease agreement entered into on or after the
24 effective date of this Act. A lease agreement entered into before
25 the effective date of this Act is governed by the law in effect on
26 the date the lease agreement was entered into, and the former law is
27 continued in effect for that purpose.

ARTICLE 2. DRIVER EDUCATION

SECTION 2.001. 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 2.002. 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 2.003. 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 approved by the department ~~executive director~~, the application is accompanied by ~~includes~~ the fee, and the department determines ~~on inspection of the premises of the school, it is determined~~ that the school:

(1) has courses, curricula, and instruction of a quality, content, and length that reasonably and adequately achieve the stated objective for which the courses, curricula, and

1 instruction are offered;

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

5 (3) has instructors who have adequate educational
6 qualifications and experience;

7 (4) provides to each student before enrollment:

8 (A) a copy of:

9 (i) the refund policy;

10 (ii) the schedule of tuition, fees, and
11 other charges; and

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

14 (B) the department's name, mailing address,
15 telephone number, and Internet website address for the purpose of
16 directing complaints to the department;

17 (5) maintains adequate records as prescribed by the
18 department to show attendance and progress or grades and enforces
19 satisfactory standards relating to attendance, progress, and
20 conduct;

21 (6) on completion of training, issues each student a
22 certificate indicating the course name and satisfactory
23 completion;

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

27 (8) is financially sound and capable of fulfilling its

1 commitments for training;

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

7 (10) does not use erroneous or misleading advertising,
8 either by actual statement, omission, or intimation, as determined
9 by the department;

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

14 (12) submits to the department for approval the
15 applicable course hour lengths and curriculum content for each
16 course offered by the school;

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

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

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

23 SECTION 2.004. Subchapter F, Chapter 1001, Education Code,
24 is amended by adding Sections 1001.2531, 1001.2532, 1001.2533,
25 1001.2534, and 1001.2535 to read as follows:

26 Sec. 1001.2531. DRIVER EDUCATION INSTRUCTOR REQUIREMENTS.

27 (a) The commission by rule shall establish standards for a driver

1 education instructor to be certified as a teaching assistant,
2 driver education teacher, or supervising teacher.

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

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

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

9 (3) present satisfactory evidence to the department
10 that the applicant:

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

12 (B) holds a high school diploma or high school
13 equivalency certificate; and

14 (C) meets any other requirement established by
15 commission rule.

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

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

21 (1) have successfully completed:

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

24 (B) a teaching assistant development course
25 approved by the department; and

26 (2) pass any required examination.

27 Sec. 1001.2533. DRIVER EDUCATION TEACHER. (a) A driver

1 education teacher is a driver education instructor who is
2 authorized to teach or provide behind-the-wheel training and
3 classroom training.

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

6 (1) have successfully completed:

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

9 (B) a driver education teacher development
10 course approved by the department; and

11 (2) pass any required examination.

12 Sec. 1001.2534. SUPERVISING TEACHER. (a) A supervising
13 teacher is a driver education instructor who is authorized to teach
14 instructor training classes.

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

17 (1) been certified as a driver education teacher for
18 at least one year; and

19 (2) successfully completed:

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

22 (B) a supervising teacher development course
23 approved by the department.

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

27 Sec. 1001.2535. DEVELOPMENT COURSE FOR TEACHING ASSISTANT,

1 DRIVER EDUCATION TEACHER, OR SUPERVISING TEACHER. The classroom
2 portion of a development course required for certification as a
3 teaching assistant, driver education teacher, or supervising
4 teacher may be completed online.

5 SECTION 2.005. Subchapter H, Chapter 1001, Education Code,
6 is amended by adding Section 1001.3542 to read as follows:

7 Sec. 1001.3542. METHOD OF INSTRUCTION FOR DRIVER EDUCATION
8 COURSE. A driver education school may teach a driver education
9 course by any method approved by the department, including an
10 alternative method under Section 1001.3541 or a traditional method
11 under Subchapter C.

12 SECTION 2.006. The following provisions of the Education
13 Code are repealed:

- 14 (1) Sections 1001.253, 1001.254, and 1001.256; and
15 (2) Section 1001.3541(b).

16 SECTION 2.007. (a) As soon as practicable after the
17 effective date of this Act, the Texas Commission of Licensing and
18 Regulation shall adopt rules to implement Section 1001.204(b),
19 Education Code, as amended by this article, and Section 1001.2531,
20 Education Code, as added by this article.

21 (b) A driver education instructor license issued under
22 Section 1001.253, Education Code, before the repeal of that section
23 by this article, continues to be valid until the license expires,
24 and former Section 1001.253, Education Code, is continued in effect
25 for that purpose.

26 (c) A person who holds on the effective date of this Act a
27 driver education instructor license described by former Section

1 1001.253(b), Education Code, is entitled on expiration of that
2 license to issuance of a driver education instructor license
3 certified as a teaching assistant under Section 1001.2532,
4 Education Code, as added by this article, if the person otherwise
5 meets the requirements for renewal of a driver education instructor
6 license certified as a teaching assistant.

7 (d) A person who holds on the effective date of this Act a
8 driver education instructor license described by former Section
9 1001.253(c), Education Code, is entitled on expiration of that
10 license to issuance of a driver education instructor license
11 certified as a driver education teacher under Section 1001.2533,
12 Education Code, as added by this article, if the person otherwise
13 meets the requirements for renewal of a driver education instructor
14 license certified as a driver education teacher.

15 (e) A person who holds on the effective date of this Act a
16 driver education instructor license described by former Section
17 1001.253(e), Education Code, is entitled on expiration of that
18 license to issuance of a driver education instructor license
19 certified as a supervising teacher under Section 1001.2534,
20 Education Code, as added by this article, if the person otherwise
21 meets the requirements for renewal of a driver education instructor
22 license certified as a supervising teacher.

23 (f) The changes in law made by this article do not affect the
24 validity of a disciplinary action or other proceeding that was
25 initiated before the effective date of this Act and that is pending
26 before a court or other governmental entity on the effective date of
27 this Act.

1 (g) Sections 1001.2531, 1001.2532, 1001.2533, and
2 1001.2534, Education Code, as added by this article, apply only to
3 an application for, or renewal of, an instructor license submitted
4 to the Texas Department of Licensing and Regulation on or after the
5 effective date of this Act. An application submitted before that
6 date is governed by the law in effect when the application was
7 submitted, and the former law is continued in effect for that
8 purpose.

9 ARTICLE 3. LASER HAIR REMOVAL

10 SECTION 3.001. Subchapter M, Chapter 401, Health and Safety
11 Code, is amended by adding Section 401.509 to read as follows:

12 Sec. 401.509. CONTINUING EDUCATION. The commission by rule
13 shall establish continuing education requirements for renewal of a
14 certificate under this subchapter.

15 SECTION 3.002. As soon as practicable after the effective
16 date of this Act, the Texas Commission of Licensing and Regulation
17 shall adopt the rules necessary to implement Section 401.509,
18 Health and Safety Code, as added by this article.

19 ARTICLE 4. PHARMACISTS

20 SECTION 4.001. Section 481.075(i), Health and Safety Code,
21 is amended to read as follows:

22 (i) Each dispensing pharmacist shall:

23 (1) fill in on the official prescription form or note
24 in the electronic prescription record each item of information
25 given orally to the dispensing pharmacy under Subsection (h) and
26 the date the prescription is filled, and:

27 (A) for a written prescription, fill in the

1 dispensing pharmacist's signature; or

2 (B) for an electronic prescription,
3 appropriately record the identity of the dispensing pharmacist in
4 the electronic prescription record;

5 (2) retain with the records of the pharmacy for at
6 least two years:

7 (A) the official prescription form or the
8 electronic prescription record, as applicable; and

9 (B) the name or other patient identification
10 required by Section 481.074(m) or (n); ~~and~~

11 (3) send all required information, including any
12 information required to complete an official prescription form or
13 electronic prescription record, to the board by electronic transfer
14 or another form approved by the board not later than the next
15 business day after the date the prescription is completely filled;
16 and

17 (4) if the pharmacy does not dispense any controlled
18 substance prescriptions during a period of seven consecutive days,
19 send a report to the board indicating that the pharmacy did not
20 dispense any controlled substance prescriptions during that
21 period, unless the pharmacy has obtained a waiver or permission to
22 delay reporting to the board.

23 SECTION 4.002. Sections 481.076(a) and (k), Health and
24 Safety Code, are amended to read as follows:

25 (a) The board may not permit any person to have access to
26 information submitted to the board under Section 481.074(q) or
27 481.075 except:

1 (1) the board, the Texas Medical Board, the Texas
2 Department of Licensing and Regulation, with respect to the
3 regulation of podiatrists [~~State Board of Podiatric Medical~~
4 ~~Examiners~~], the State Board of Dental Examiners, the State Board of
5 Veterinary Medical Examiners, the Texas Board of Nursing, or the
6 Texas Optometry Board for the purpose of:

7 (A) investigating a specific license holder; or

8 (B) monitoring for potentially harmful
9 prescribing or dispensing patterns or practices under Section
10 481.0762;

11 (2) an authorized officer or member of the department
12 or authorized employee of the board engaged in the administration,
13 investigation, or enforcement of this chapter or another law
14 governing illicit drugs in this state or another state;

15 (3) the department on behalf of a law enforcement or
16 prosecutorial official engaged in the administration,
17 investigation, or enforcement of this chapter or another law
18 governing illicit drugs in this state or another state;

19 (4) a medical examiner conducting an investigation;

20 (5) provided that accessing the information is
21 authorized under the Health Insurance Portability and
22 Accountability Act of 1996 (Pub. L. No. 104-191) and regulations
23 adopted under that Act:

24 (A) a pharmacist or a pharmacist-intern,
25 pharmacy technician, or pharmacy technician trainee, as defined by
26 Section 551.003, Occupations Code, acting at the direction of a
27 pharmacist, who is inquiring about a recent Schedule II, III, IV, or

1 V prescription history of a particular patient of the pharmacist;

2 or

3 (B) a practitioner who:

4 (i) is a physician, dentist, veterinarian,
5 podiatrist, optometrist, or advanced practice nurse or is a
6 physician assistant described by Section 481.002(39)(D) or an
7 employee or other agent of a practitioner acting at the direction of
8 a practitioner; and

9 (ii) is inquiring about a recent Schedule
10 II, III, IV, or V prescription history of a particular patient of
11 the practitioner;

12 (6) a pharmacist or practitioner who is inquiring
13 about the person's own dispensing or prescribing activity or a
14 practitioner who is inquiring about the prescribing activity of an
15 individual to whom the practitioner has delegated prescribing
16 authority; or

17 (7) one or more states or an association of states with
18 which the board has an interoperability agreement, as provided by
19 Subsection (j).

20 (k) A person authorized to access information under
21 Subsection (a)(4) or (5) who is registered with the board for
22 electronic access to the information is entitled to directly access
23 the information available from other states pursuant to an
24 interoperability agreement described by Subsection (j).

25 SECTION 4.003. Section 481.0766(a), Health and Safety Code,
26 is amended to read as follows:

27 (a) A wholesale distributor shall report to the board the

1 distribution of all Schedules II, III, IV, and V controlled
2 substances [~~information that the distributor is required to report~~
3 ~~to the Automation of Reports and Consolidated Orders System (ARCOS)~~
4 ~~of the Federal Drug Enforcement Administration for the distribution~~
5 ~~of a controlled substance~~] by the distributor to a person in this
6 state. The distributor shall report the information to the board in
7 the same format and with the same frequency as the information is
8 reported to the Federal Drug Enforcement Administration [~~ARCOS~~].

9 SECTION 4.004. Section 481.353(a), Health and Safety Code,
10 is amended to read as follows:

11 (a) The work group shall meet when necessary as determined
12 by the board [~~at least quarterly~~].

13 SECTION 4.005. Section 560.051(f), Occupations Code, is
14 amended to read as follows:

15 (f) A Class E pharmacy license or nonresident pharmacy
16 license may be issued to a pharmacy located in another state whose
17 primary business is to:

18 (1) [~~(A)~~] dispense a prescription drug or device under
19 a prescription drug order [~~+~~] and

20 [~~(B)~~] deliver the drug or device to a patient,
21 including a patient in this state, by United States mail, common
22 carrier, or delivery service;

23 (2) process a prescription drug order for a patient,
24 including a patient in this state; or

25 (3) perform another pharmaceutical service, as
26 defined by board rule.

27 SECTION 4.006. The following provisions of the Occupations

1 Code are repealed:

2 (1) Sections 554.016, 556.0555, 560.001(c), 560.0525,
3 561.003(f), 562.101(f-1), and 562.111; and

4 (2) Subchapter E, Chapter 562.

5 ARTICLE 5. BOILERS

6 SECTION 5.001. Section 755.029(c), Health and Safety Code,
7 is amended to read as follows:

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

10 ARTICLE 6. TEXAS DEPARTMENT OF LICENSING AND REGULATION

11 SECTION 6.001. Section 51.2031(a-2), Occupations Code, is
12 amended to read as follows:

13 (a-2) For each rule proposed under Subsection (a-1), the
14 commission shall either adopt the rule as proposed or return the
15 rule to the advisory board for revision. The commission retains
16 authority for final adoption of all rules and is responsible for
17 ensuring compliance with all laws regarding the rulemaking process.
18 [~~This subsection and Subsection (a-1) expire September 1, 2019.~~]

19 SECTION 6.002. Subchapter E, Chapter 51, Occupations Code,
20 is amended by adding Section 51.254 to read as follows:

21 Sec. 51.254. CONFIDENTIALITY OF COMPLAINT AND DISCIPLINARY
22 INFORMATION. (a) In this section, unless the context requires
23 otherwise:

24 (1) "Disciplinary action" includes, with respect to
25 any person subject to regulation by the department or the
26 commission:

27 (A) enforcement activity, prosecution,

1 discipline, or penalization; and

2 (B) any related complaint, investigation, or
3 resolution of a complaint or investigation.

4 (2) "Patient" includes:

5 (A) a patient;

6 (B) a client; and

7 (C) an authorized representative of a patient or
8 client.

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

10 (1) athletic trainers regulated under Chapter 451;

11 (2) behavior analysts regulated under Chapter 506;

12 (3) dietitians regulated under Chapter 701;

13 (4) dyslexia practitioners and dyslexia therapists
14 regulated under Chapter 403;

15 (5) hearing instrument fitters and dispensers
16 regulated under Chapter 402;

17 (6) massage therapists regulated under Chapter 455;

18 (7) midwives regulated under Chapter 203;

19 (8) orthotists and prosthetists regulated under
20 Chapter 605;

21 (9) podiatrists regulated under Chapter 202; and

22 (10) speech-language pathologists and audiologists
23 regulated under Chapter 401.

24 (c) Except as otherwise provided by this section, a
25 complaint and investigation concerning a person to whom this
26 section applies and all information and materials subpoenaed or
27 compiled by the department in connection with the complaint and

1 investigation are confidential and not subject to:

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

5 (d) A complaint or investigation subject to this section and
6 all information and materials subpoenaed or compiled by the
7 department in connection with the complaint and investigation may
8 be disclosed to:

9 (1) persons involved with the department in a
10 disciplinary action;

11 (2) a respondent or the respondent's authorized
12 representative;

13 (3) a governmental agency, if:

14 (A) the disclosure is required or permitted by
15 law; and

16 (B) the agency obtaining the disclosure protects
17 the identity of any patient whose records are examined;

18 (4) a professional licensing, credentialing, or
19 disciplinary entity in another jurisdiction;

20 (5) a peer assistance program approved by the
21 commission under Chapter 467, Health and Safety Code, including a
22 properly established peer assistance program in another
23 jurisdiction;

24 (6) a peer review committee reviewing a license
25 holder's application for privileges or the license holder's
26 qualifications related to retaining the privileges;

27 (7) a law enforcement agency; and

1 (8) a person engaged in bona fide research, if all
2 individual-identifying information has been deleted.

3 (e) Notwithstanding any other provision of this section, if
4 a department investigation would be jeopardized by the release or
5 disclosure, the department may temporarily withhold or otherwise
6 refrain from releasing or disclosing to any person any information
7 or materials that the department would otherwise be required to
8 release or disclose.

9 (f) The department may not be compelled to release or
10 disclose complaint and investigation information or materials to a
11 person listed in Subsection (d) if the department has not issued a
12 notice of alleged violation related to the information or
13 materials.

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

17 (h) The department shall protect the identity of any patient
18 whose records are examined in connection with a disciplinary
19 action, other than a patient who:

- 20 (1) initiates the disciplinary action;
21 (2) is a witness in the disciplinary action; or
22 (3) has submitted a written consent to release the
23 records.

24 (i) Notices of alleged violation issued by the department
25 against respondents, disciplinary proceedings of the department,
26 commission, or executive director, and final disciplinary actions,
27 including warnings and reprimands, by the department, commission,

1 or executive director are not confidential and are subject to
2 disclosure in accordance with Chapter 552, Government Code.

3 SECTION 6.003. Section 202.2032(c), Occupations Code, is
4 amended to read as follows:

5 (c) Notwithstanding any confidentiality requirements under
6 Chapter 552, Government Code, Chapter 51, or this chapter, a
7 complaint filed with the department by an insurance agent, insurer,
8 pharmaceutical company, or third-party administrator against a
9 license holder must include the name and address of the insurance
10 agent, insurer, pharmaceutical company, or third-party
11 administrator filing the complaint.

12 SECTION 6.004. Section 202.404(e), Occupations Code, is
13 amended to read as follows:

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

- 17 (1) is covered under Subsection (a)(1); or
18 (2) has submitted written consent to the release of
19 the patient's podiatric records as provided by Section 202.406.

20 SECTION 6.005. Section 202.509(g), Occupations Code, is
21 amended to read as follows:

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

26 SECTION 6.006. The following provisions of the Occupations
27 Code are repealed:

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

9 SECTION 6.007. The changes in law made by this article apply
10 to a disciplinary action initiated before the effective date of
11 this Act that has not resulted in a final order issued on or before
12 the effective date of this Act and to a disciplinary action
13 initiated on or after the effective date of this Act.

14 ARTICLE 7. PODIATRY

15 SECTION 7.001. Section 202.2032(d), Occupations Code, is
16 amended to read as follows:

17 (d) The [~~Not later than the 15th day after the date the~~
18 ~~complaint is filed with the department, the~~] department shall
19 notify the license holder who is the subject of the complaint of the
20 name and address of the insurance agent, insurer, pharmaceutical
21 company, or third-party administrator who filed the complaint,
22 unless the notice would jeopardize an investigation.

23 SECTION 7.002. Subchapter E, Chapter 202, Occupations Code,
24 is amended by adding Section 202.204 to read as follows:

25 Sec. 202.204. EXPERT WITNESS. (a) In this section, "expert
26 witness" means a podiatrist or other qualified individual with whom
27 the department contracts to assist the department with reviewing,

1 investigating, or prosecuting complaints filed under this chapter.

2 (b) The department may contract with an expert witness,
3 including an advisory board member under Section 202.051(a)(1), to
4 assist the department with reviewing, investigating, or
5 prosecuting a complaint filed under this chapter.

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

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

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

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

16 (4) making an evaluation, report, or recommendation
17 regarding a complaint.

18 SECTION 7.003. Section 202.253(a-1), Occupations Code, is
19 amended to read as follows:

20 (a-1) The commission or department may refuse to admit a
21 person to an examination, and may refuse to issue a license to
22 practice podiatry to a person, for:

23 (1) presenting a license, certificate, or diploma that
24 was illegally or fraudulently obtained or engaging in fraud or
25 deception in passing the examination;

26 (2) being convicted of [+

27 [~~(A)~~ a felony,

- 1 [~~(B)~~ a crime that involves moral turpitude, or
2 [~~(C)~~] an offense under Section 202.606;
- 3 (3) engaging in habits of intemperance or drug
4 addiction that in the department's opinion would endanger the
5 health, well-being, or welfare of patients;
- 6 (4) engaging in grossly unprofessional or
7 dishonorable conduct of a character that in the department's
8 opinion is likely to deceive or defraud the public;
- 9 (5) directly or indirectly violating or attempting to
10 violate this chapter or a rule adopted under this chapter as a
11 principal, accessory, or accomplice;
- 12 (6) using any advertising statement of a character
13 tending to mislead or deceive the public;
- 14 (7) advertising professional superiority or the
15 performance of professional service in a superior manner;
- 16 (8) purchasing, selling, bartering, or using or
17 offering to purchase, sell, barter, or use a podiatry degree,
18 license, certificate, diploma, or a transcript of a license,
19 certificate, or diploma, in or incident to an application for a
20 license to practice podiatry;
- 21 (9) altering, with fraudulent intent, a podiatry
22 license, certificate, diploma, or a transcript of a podiatry
23 license, certificate, or diploma;
- 24 (10) using a podiatry license, certificate, or
25 diploma, or a transcript of a podiatry license, certificate, or
26 diploma, that has been fraudulently purchased, issued,
27 counterfeited, or materially altered;

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

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

7 (13) directly or indirectly employing a person whose
8 license to practice podiatry has been suspended or associating in
9 the practice of podiatry with a person whose license to practice
10 podiatry has been suspended or who has been convicted of the
11 unlawful practice of podiatry in this state or elsewhere;

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

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

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

21 (17) being removed, suspended, or disciplined in
22 another manner by the podiatrist's peers in a professional podiatry
23 association or society, whether local, regional, state, or national
24 in scope, or being disciplined by a licensed hospital or the medical
25 staff of a hospital, including removal, suspension, limitation of
26 hospital privileges, or other disciplinary action, if the
27 commission or department determines that the action was:

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

3 (B) appropriate and reasonably supported by
4 evidence submitted to the association, society, hospital, or
5 medical staff; or

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

10 SECTION 7.004. Subchapter H, Chapter 202, Occupations Code,
11 is amended by adding Section 202.354 to read as follows:

12 Sec. 202.354. DELEGATION OF CERTAIN ACTS. (a) A podiatrist
13 may delegate to a qualified and properly trained podiatric medical
14 assistant acting under the podiatrist's supervision any podiatric
15 medical act that a reasonable and prudent podiatrist would find
16 within the scope of sound medical judgment to delegate if:

17 (1) in the opinion of the delegating podiatrist, the
18 medical act:

19 (A) can be properly and safely performed by the
20 podiatric medical assistant to whom the podiatric medical act is
21 delegated; and

22 (B) is performed in a customary manner and not in
23 violation of any other statute; and

24 (2) the podiatric medical assistant to whom the
25 podiatric medical act is delegated does not represent to the public
26 that the medical assistant is authorized to practice podiatry.

27 (b) A delegating podiatrist is responsible for a podiatric

1 medical act performed by the podiatric medical assistant to whom
2 the podiatrist delegates the act.

3 SECTION 7.005. Section 202.602(a), Occupations Code, is
4 amended to read as follows:

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

8 [~~(1) procedures for determining whether a podiatrist~~
9 ~~is in compliance with an~~] order issued by the commission or
10 executive director under this chapter [~~; and~~

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

13 SECTION 7.006. Subchapter D, Chapter 601, Occupations Code,
14 is amended by adding Section 601.157 to read as follows:

15 Sec. 601.157. PERSON SUPERVISED BY PODIATRIST. A person is
16 not required to hold a certificate issued under this chapter to
17 perform a radiologic procedure if:

18 (1) the procedure is performed under the supervision
19 of a podiatrist; and

20 (2) the person:

21 (A) is registered with the Texas Department of
22 Licensing and Regulation to assist a podiatrist; and

23 (B) complies with rules adopted under Section
24 601.252(e).

25 SECTION 7.007. Section 601.251, Occupations Code, is
26 amended to read as follows:

27 Sec. 601.251. APPLICABILITY. This subchapter applies to

1 the:

- 2 (1) Texas Board of Nursing;
- 3 (2) Texas Board of Chiropractic Examiners;
- 4 (3) State Board of Dental Examiners;
- 5 (4) Texas Medical Board;
- 6 (5) Texas Department of Licensing and Regulation, with
7 respect to the department's authority to regulate podiatrists
8 [~~State Board of Podiatric Medical Examiners~~]; and
- 9 (6) Texas Physician Assistant Board.

10 SECTION 7.008. Section 601.252, Occupations Code, is
11 amended by adding Subsections (e) and (f) to read as follows:

12 (e) Rules adopted under this section by the Texas Commission
13 of Licensing and Regulation must:

14 (1) require an authorized person who performs
15 radiologic procedures under the delegation of a podiatrist, other
16 than a registered nurse, to register with the Texas Department of
17 Licensing and Regulation;

18 (2) establish reasonable and necessary fees to cover
19 the administrative costs incurred by the Texas Department of
20 Licensing and Regulation in administering a registration program
21 created under this subsection;

22 (3) establish grounds for the suspension, revocation,
23 or nonrenewal of a registration issued under this subsection; and

24 (4) establish standards for training and supervising
25 the operators of the equipment.

26 (f) In adopting rules under Subsection (e), the Texas
27 Commission of Licensing and Regulation may take into account

1 whether the radiologic procedure will be performed by a registered
2 nurse.

3 SECTION 7.009. Sections 202.2025 and 202.6011, Occupations
4 Code, are repealed.

5 SECTION 7.010. Section 202.2032, Occupations Code, as
6 amended by this article, applies only to a complaint filed under
7 Chapter 202, Occupations Code, on or after the effective date of
8 this Act. A complaint filed before the effective date of this Act
9 is governed by the law in effect on the date the complaint was
10 filed, and the former law is continued in effect for that purpose.

11 SECTION 7.011. Section 202.253(a-1), Occupations Code, as
12 amended by this article, applies only to a conviction that occurs on
13 or after the effective date of this Act. A conviction that occurs
14 before the effective date of this Act is governed by the law in
15 effect on the date the conviction occurred, and the former law is
16 continued in effect for that purpose.

17 SECTION 7.012. To the extent of any conflict, Section
18 601.251, Occupations Code, as amended by this article, prevails
19 over another Act of the 86th Legislature, Regular Session, 2019,
20 relating to nonsubstantive additions to and corrections in enacted
21 codes.

22 ARTICLE 8. MIDWIVES

23 SECTION 8.001. Section 203.056, Occupations Code, is
24 amended to read as follows:

25 Sec. 203.056. PRESIDING OFFICER. The presiding officer of
26 the commission shall designate a [~~public~~] member of the advisory
27 board to serve as the presiding officer of the advisory board to

1 serve for a term of one year. The presiding officer of the advisory
2 board may vote on any matter before the advisory board.

3 SECTION 8.002. Section 203.152, Occupations Code, is
4 repealed.

5 SECTION 8.003. Section 203.056, Occupations Code, as
6 amended by this article, does not affect the entitlement of a member
7 of the Midwives Advisory Board who is serving as the presiding
8 officer of the advisory board immediately before the effective date
9 of this Act to continue to serve in that capacity for the remainder
10 of the member's term as presiding officer.

11 ARTICLE 9. AUDIOLOGISTS

12 SECTION 9.001. Section 401.403(b), Occupations Code, is
13 amended to read as follows:

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

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

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

22 (2) [~~(3)~~] comply with the federal Food and Drug
23 Administration guidelines for fitting and dispensing hearing
24 instruments;

25 (3) [~~(4)~~] when providing services in this state, use a
26 written contract that contains the department's name, mailing
27 address, [~~and~~] telephone number, and Internet website address; and

1 Section 403.004.

2 Sec. 403.006. APPLICABILITY: SUPERVISED PERSONNEL. This
3 chapter does not apply to an unlicensed person who is implementing a
4 dyslexia therapy plan under the supervision of a licensed dyslexia
5 therapist.

6 SECTION 10.004. Section 403.0511, Occupations Code, is
7 amended to read as follows:

8 Sec. 403.0511. GENERAL POWERS AND DUTIES. (a) The
9 executive director shall administer and enforce this chapter.

10 (b) The commission shall adopt rules necessary to
11 administer and enforce this chapter.

12 SECTION 10.005. Section 403.101, Occupations Code, is
13 amended to read as follows:

14 Sec. 403.101. LICENSE REQUIRED. (a) Except as provided by
15 Subchapter A, a person may not engage in the practice of dyslexia
16 therapy unless the person holds a license under this chapter.

17 (b) A person may not use the title ["~~licensed dyslexia~~
18 ~~practitioner" or~~] "licensed dyslexia therapist" in this state
19 unless the person holds a [the appropriate] license under this
20 chapter.

21 SECTION 10.006. Section 403.102, Occupations Code, is
22 amended to read as follows:

23 Sec. 403.102. ISSUANCE OF LICENSE. The department shall
24 issue a [~~licensed dyslexia practitioner or~~] licensed dyslexia
25 therapist license to an applicant who meets the requirements of
26 this chapter.

27 SECTION 10.007. Sections 403.106(a) and (b), Occupations

1 Code, are amended to read as follows:

2 (a) For purposes of determining whether an applicant
3 satisfies the training requirements for a license under this
4 chapter, a multisensory structured language education training
5 program completed by the applicant must:

6 (1) be accredited by a nationally recognized
7 accrediting organization;

8 (2) have in writing defined goals and objectives,
9 areas of authority, and policies and procedures;

10 (3) have the appropriate financial and management
11 resources to operate the training program, including a
12 knowledgeable administrator and standard accounting and reporting
13 procedures;

14 (4) have a physical site, equipment, materials,
15 supplies, and environment suitable for the training program;

16 (5) have a sufficient number of instructional
17 personnel who have completed the requirements for certification in
18 multisensory structured language education;

19 (6) have been reviewed by multisensory structured
20 language education professionals who are not affiliated with the
21 training program;

22 (7) have developed and followed procedures to maintain
23 and improve the quality of training provided by the program;

24 (8) have provided direct instruction in the principles
25 and in each element of multisensory structured language education
26 for a minimum of ~~[+]~~

27 [~~(A)~~] 200 contact hours of course work [~~for~~

1 ~~training program participants who seek a licensed dyslexia~~
2 ~~therapist license; and~~

3 ~~[(B) 45 contact hours of course work for training~~
4 ~~program participants who seek a licensed dyslexia practitioner~~
5 ~~license];~~

6 (9) have required training program participants to
7 complete a program of supervised clinical experience in which the
8 participants provided multisensory structured language education
9 to students or adults, either individually or in small groups for a
10 minimum of ~~[+~~

11 ~~[(A)] 700 hours [for training program~~
12 ~~participants who seek a licensed dyslexia therapist license; and~~

13 ~~[(B) 60 hours for training program participants~~
14 ~~who seek a licensed dyslexia practitioner license];~~

15 (10) have required training program participants to
16 demonstrate the application of multisensory structured language
17 education principles of instruction by completing demonstration
18 lessons observed by an instructor and followed by a conference with
19 and a written report by the instructor; and

20 (11) have provided instruction based on the Texas
21 Education Agency publication "The Dyslexia Handbook: Procedures
22 Concerning Dyslexia and Related Disorders (2007)," or a revised
23 version of that publication approved by the department.

24 (b) A training program must require a training program
25 participant ~~[who seeks a licensed dyslexia practitioner license]~~ to
26 have completed at least 10 ~~[five]~~ demonstration lessons described
27 by Subsection (a)(10) ~~[and a participant who seeks a licensed~~

1 ~~dyslexia therapist license to have completed at least 10~~
2 ~~demonstration lessons~~].

3 SECTION 10.008. Subchapter C, Chapter 403, Occupations
4 Code, is amended by adding Section 403.111 to read as follows:

5 Sec. 403.111. PROVISIONAL LICENSE. (a) A person is
6 eligible for a provisional license under this chapter if the person
7 is:

8 (1) certified as a Certified Academic Language
9 Therapist by the Academic Language Therapy Association; and

10 (2) pursuing a master's degree from an accredited
11 public or private institution of higher education.

12 (b) The department shall issue a provisional license to an
13 applicant who:

14 (1) meets the requirements of Subsection (a);

15 (2) complies with commission rules;

16 (3) applies to the department on the form and in the
17 manner prescribed by the executive director; and

18 (4) pays the required fee.

19 (c) The commission shall adopt rules necessary to implement
20 this section.

21 (d) This section expires September 1, 2024.

22 SECTION 10.009. Section 403.151(b), Occupations Code, is
23 amended to read as follows:

24 (b) A person may not practice dyslexia therapy [~~licensed~~
25 ~~dyslexia therapist may practice~~] in a [~~school, learning center,~~
26 ~~clinic, or~~] private practice setting, including a learning center
27 or clinic, unless the person is a licensed dyslexia therapist.

1 SECTION 10.010. The following provisions of the Occupations
2 Code are repealed:

3 (1) Section 403.104; and

4 (2) Section 403.151(a).

5 SECTION 10.011. A license issued under a law that is
6 repealed by this article expires on the effective date of this Act.

7 SECTION 10.012. (a) The change in law made by this article
8 does not affect the validity of a proceeding pending before a court
9 or other governmental entity on the effective date of this Act.

10 (b) A violation of law committed before the effective date
11 of this Act is governed by the law in effect on the date the
12 violation was committed, and the former law is continued in effect
13 for that purpose.

14 ARTICLE 11. ORTHOTIC AND PROSTHETIC TECHNICIANS

15 SECTION 11.001. The following provisions of the Occupations
16 Code are repealed:

17 (1) Sections 605.002(19), (20), and (21); and

18 (2) Section 605.259.

19 SECTION 11.002. (a) On the effective date of this Act, a
20 registered orthotic technician or registered prosthetic technician
21 certificate issued under former Section 605.259, Occupations Code,
22 expires.

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

27 SECTION 11.003. The change in law made by this article does

1 not affect the validity of a proceeding pending before a court or
2 other governmental entity on the effective date of this Act.

3 ARTICLE 12. DIETITIANS

4 SECTION 12.001. Section 701.151(b), Occupations Code, is
5 amended to read as follows:

6 (b) The commission or the department, as appropriate,
7 shall:

8 (1) [~~adopt an official seal;~~

9 [~~2~~] adopt and publish a code of ethics;

10 2 [~~3~~] establish the qualifications and fitness of
11 applicants for licenses, including renewed and reciprocal
12 licenses;

13 [~~4~~ revoke, suspend, or deny a license, probate a
14 license suspension, or reprimand a license holder for a violation
15 of this chapter, a rule adopted under this chapter, or the code of
16 ethics,] and

17 3 [~~5~~] request and receive any necessary
18 assistance from state educational institutions or other state
19 agencies.

20 SECTION 12.002. Sections 701.155 and 701.353, Occupations
21 Code, are repealed.

22 ARTICLE 13. INTERIOR DESIGNERS

23 SECTION 13.001. Section 1051.451, Occupations Code, is
24 amended to read as follows:

25 Sec. 1051.451. IMPOSITION OF ADMINISTRATIVE PENALTY. (a)
26 Except as provided by Subsection (b), the [~~The~~] board may impose an
27 administrative penalty on a person who engages in conduct for which

1 the person is subject to disciplinary action under this subtitle,
2 regardless of whether the person holds a certificate of
3 registration issued under this subtitle.

4 (b) The board may not impose an administrative penalty under
5 this subtitle on a person for conduct related to the practice of
6 interior design unless the person holds a certificate of
7 registration as an interior designer.

8 SECTION 13.002. Section 1053.251(a), Occupations Code, is
9 amended to read as follows:

10 (a) On a determination that a ground for disciplinary action
11 exists under Section 1053.252, the board shall:

12 (1) revoke, suspend, or refuse to renew a
13 certification of registration;

14 (2) reprimand a certificate holder; or

15 (3) impose an administrative penalty on a certificate
16 holder [~~person~~] under Subchapter I, Chapter 1051.

17 SECTION 13.003. Subchapter H, Chapter 1053, Occupations
18 Code, is repealed.

19 SECTION 13.004. Sections 1051.451 and 1053.251(a),
20 Occupations Code, as amended by this article, apply only to the
21 imposition of an administrative penalty for a violation that occurs
22 on or after the effective date of this Act. The imposition of an
23 administrative penalty for a violation that occurs before the
24 effective date of this Act is governed by the law in effect on the
25 date the violation occurred, and the former law is continued in
26 effect for that purpose.

27 SECTION 13.005. The repeal by this article of Subchapter H,

1 Chapter 1053, Occupations Code, does not apply to an offense
2 committed under that subchapter before the effective date of the
3 repeal. An offense committed before the effective date of the
4 repeal is governed by the law as it existed on the date the offense
5 was committed, and the former law is continued in effect for that
6 purpose. For purposes of this section, an offense was committed
7 before the effective date of the repeal if any element of the
8 offense occurred before that date.

9 ARTICLE 14. BARBERS AND COSMETOLOGISTS

10 SECTION 14.001. Section 1602.255(c), Occupations Code, is
11 amended to read as follows:

12 (c) The commission shall adopt rules for the licensing of
13 specialty instructors to teach specialty courses in the practice of
14 cosmetology defined in Sections 1602.002(a)(2), (4), (5), (6)
15 [~~1602.002(a)(5)~~], (7), (8), (9), [~~and~~] (10), and (11).

16 SECTION 14.002. Section 1602.261(a), Occupations Code, is
17 amended to read as follows:

18 (a) A person holding a manicurist/esthetician specialty
19 license may perform only the practice of cosmetology defined in
20 Sections 1602.002(a)(4) through (10) [~~(9)~~].

21 SECTION 14.003. Section 1602.305(a), Occupations Code, is
22 amended to read as follows:

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

27 SECTION 14.004. Section 1603.104, Occupations Code, is

1 amended by amending Subsection (b) and adding Subsections (c) and
2 (c-1) to read as follows:

3 (b) Except as otherwise provided by this section, at [At]
4 least once every four [~~two~~] years, the department shall inspect
5 each shop or other facility that holds a license, certificate, or
6 permit in which the practice of barbering or cosmetology is
7 performed under this chapter, Chapter 1601, or Chapter 1602.

8 (c) At [~~, and at~~] least twice per year, the department shall
9 inspect each school in which barbering or cosmetology is taught
10 under this chapter, Chapter 1601, or Chapter 1602.

11 (c-1) At least once every two years, the department shall
12 inspect each specialty shop that holds a license, certificate, or
13 permit issued under this chapter, Chapter 1601, or Chapter 1602 and
14 at which the practices described by Section 1601.002(1)(E) or (F)
15 or 1602.002(a)(8) or (9) are performed.

16 ARTICLE 15. USED AUTOMOTIVE PARTS RECYCLERS

17 SECTION 15.001. Section 2309.102(a), Occupations Code, is
18 amended to read as follows:

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

21 SECTION 15.002. The heading to Section 2309.106,
22 Occupations Code, is amended to read as follows:

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

24 SECTION 15.003. The following provisions of the Occupations
25 Code are repealed:

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

27 (2) Section 2309.154.

1 SECTION 15.004. (a) On the effective date of this Act, a
2 used automotive parts employee license issued under former Section
3 2309.154, Occupations Code, expires.

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

8 SECTION 15.005. (a) The change in law made by this article
9 to Chapter 2309, Occupations Code, does not affect the validity of a
10 proceeding pending before a court or other governmental entity on
11 the effective date of this Act.

12 (b) An offense or other violation of law committed before
13 the effective date of this Act is governed by the law in effect when
14 the offense or violation was committed, and the former law is
15 continued in effect for that purpose. For purposes of this
16 subsection, an offense or violation was committed before the
17 effective date of this Act if any element of the offense or
18 violation occurred before that date.

19 ARTICLE 16. EFFECTIVE DATE

20 SECTION 16.001. This Act takes effect September 1, 2019.

ADOPTED

MAY 21 2019

Letai Spaw
Secretary of the Senate

By: Hancock

H.B. No. 2847

Substitute the following for __.B. No. _____:

By: _____

C.S. H.B. No. 2847

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the licensing and regulation of certain occupations,
3 activities, and agreements; providing a civil penalty; authorizing
4 fees; requiring an occupational registration and an occupational
5 license.

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

7 ARTICLE 1. EXCESS WEAR AND USE WAIVERS FOR LEASES OF MOTOR VEHICLES

8 SECTION 1.001. Subtitle B, Title 5, Business & Commerce
9 Code, is amended by adding Chapter 94 to read as follows:

10 CHAPTER 94. EXCESS WEAR AND USE WAIVERS FOR LEASES OF MOTOR
11 VEHICLES

12 Sec. 94.001. DEFINITIONS. In this chapter:

13 (1) "Excess wear and use waiver" means a provision of
14 or addendum to a lease agreement under which the lessor agrees to
15 not hold a lessee liable for all or part of the excess wear and use
16 to a motor vehicle.

17 (2) "Lease agreement" means an agreement, including
18 any addendum to the agreement, entered into in this state under
19 which a lessee pays a fee or other consideration to a lessor for the
20 right to possession and use of a motor vehicle for a term of more
21 than 180 days, regardless of whether the agreement provides the
22 lessee an option to purchase or otherwise become the owner of the
23 motor vehicle upon the expiration of the term of the agreement.

24 (3) "Lessee" means an individual who acquires the

1 right to possession and use of a motor vehicle under a lease
2 agreement primarily for personal, family, or household purposes.

3 (4) "Lessor" means a person who, in the ordinary
4 course of business, regularly leases, offers to lease, or arranges
5 for the lease of a motor vehicle under a lease agreement. Unless
6 the context clearly indicates otherwise, the term includes an
7 assignee of the lessor.

8 (5) "Motor vehicle" has the meaning assigned by
9 Section 541.201, Transportation Code.

10 Sec. 94.002. CONTRACT FOR EXCESS WEAR AND USE WAIVER. A
11 lessee may contract with a lessor for an excess wear and use waiver
12 in connection with a lease agreement.

13 Sec. 94.003. RESTRICTIONS ON LESSOR CONCERNING EXCESS WEAR
14 AND USE WAIVER. A lessor may not:

15 (1) sell an excess wear and use waiver, unless:

16 (A) the lease agreement containing the excess
17 wear and use waiver complies with this chapter; and

18 (B) the lessee agrees to the excess wear and use
19 waiver in writing; or

20 (2) impose or require the purchase of an excess wear
21 and use waiver as a condition of entering into a lease agreement.

22 Sec. 94.004. REQUIRED NOTICE. An excess wear and use waiver
23 must be in writing and include a notice substantially similar to the
24 following:

25 "This excess wear and use waiver is optional, is not a
26 condition of leasing the vehicle, and is being provided for an
27 additional charge to cover your responsibility for any excess wear

1 and use to the leased vehicle."

2 Sec. 94.005. REQUIRED DISCLOSURES. A lease agreement that
3 includes an excess wear and use waiver must disclose:

4 (1) the total charge for the excess wear and use
5 waiver; and

6 (2) any exclusions or limitations on the amount of
7 excess wear and use that may be waived under the excess wear and use
8 waiver.

9 Sec. 94.006. RELATIONSHIP TO INSURANCE. An excess wear and
10 use waiver is not insurance.

11 Sec. 94.007. CIVIL PENALTY. A lessor that violates this
12 chapter is liable for a civil penalty in an amount of not less than
13 \$500 or more than \$1,000 for each violation.

14 Sec. 94.008. INJUNCTIVE RELIEF. A person injured or
15 threatened with injury by a violation of this chapter may seek
16 injunctive relief against the person committing or threatening to
17 commit the violation.

18 Sec. 94.009. SUIT FOR CIVIL PENALTY OR INJUNCTIVE RELIEF.
19 The attorney general or a county or district attorney may bring an
20 action in the name of the state for a civil penalty under Section
21 94.007, injunctive relief under Section 94.008, or both.

22 SECTION 1.002. The change in law made by this article
23 applies only to a lease agreement entered into on or after the
24 effective date of this Act. A lease agreement entered into before
25 the effective date of this Act is governed by the law in effect on
26 the date the lease agreement was entered into, and the former law is
27 continued in effect for that purpose.

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ARTICLE 2. DRIVER EDUCATION

SECTION 2.001. 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 2.002. 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 2.003. 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 approved by the department [~~executive director~~], the application is accompanied by [~~includes~~] the fee, and the department determines [~~on inspection of the premises of the school, it is determined~~] that the school:

(1) has courses, curricula, and instruction of a quality, content, and length that reasonably and adequately achieve the stated objective for which the courses, curricula, and

1 instruction are offered;

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

5 (3) has instructors who have adequate educational
6 qualifications and experience;

7 (4) provides to each student before enrollment:

8 (A) a copy of:

9 (i) the refund policy;

10 (ii) the schedule of tuition, fees, and
11 other charges; and

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

14 (B) the department's name, mailing address,
15 telephone number, and Internet website address for the purpose of
16 directing complaints to the department;

17 (5) maintains adequate records as prescribed by the
18 department to show attendance and progress or grades and enforces
19 satisfactory standards relating to attendance, progress, and
20 conduct;

21 (6) on completion of training, issues each student a
22 certificate indicating the course name and satisfactory
23 completion;

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

27 (8) is financially sound and capable of fulfilling its

1 commitments for training;

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

7 (10) does not use erroneous or misleading advertising,
8 either by actual statement, omission, or intimation, as determined
9 by the department;

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

14 (12) submits to the department for approval the
15 applicable course hour lengths and curriculum content for each
16 course offered by the school;

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

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

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

23 SECTION 2.004. Section 1001.2513, Education Code, is
24 amended to read as follows:

25 Sec. 1001.2513. CONFIDENTIALITY OF INFORMATION. A social
26 security number, driver's license number, other identification
27 number, or fingerprint record ~~[Information]~~ collected for ~~[about]~~ a

1 person to comply with Section 1001.2511[~~, including the person's~~
2 ~~name, address, phone number, social security number, driver's~~
3 ~~license number, other identification number, and fingerprint~~
4 ~~records~~]:

5 (1) may not be released except:

6 (A) to provide relevant information to driver
7 education schools or otherwise to comply with Section 1001.2511;

8 (B) by court order; or

9 (C) with the consent of the person who is the
10 subject of the information;

11 (2) is not subject to disclosure as provided by
12 Chapter 552, Government Code; and

13 (3) shall be destroyed by the requestor or any
14 subsequent holder of the information not later than the first
15 anniversary of the date the information is received.

16 SECTION 2.005. Subchapter F, Chapter 1001, Education Code,
17 is amended by adding Sections 1001.2531, 1001.2532, 1001.2533,
18 1001.2534, and 1001.2535 to read as follows:

19 Sec. 1001.2531. DRIVER EDUCATION INSTRUCTOR REQUIREMENTS.

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

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

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

27 (2) submit with the application a nonrefundable

1 application fee in an amount set by commission rule; and

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

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

5 (B) holds a high school diploma or high school
6 equivalency certificate; and

7 (C) meets any other requirement established by
8 commission rule.

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

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

14 (1) have successfully completed:

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

17 (B) a teaching assistant development course
18 approved by the department; and

19 (2) pass any required examination.

20 Sec. 1001.2533. DRIVER EDUCATION TEACHER. (a) A driver
21 education teacher is a driver education instructor who is
22 authorized to teach or provide behind-the-wheel training and
23 classroom training.

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

26 (1) have successfully completed:

27 (A) nine semester hours of driver and traffic

1 safety education from an accredited college or university; or

2 (B) a driver education teacher development
3 course approved by the department; and

4 (2) pass any required examination.

5 Sec. 1001.2534. SUPERVISING TEACHER. (a) A supervising
6 teacher is a driver education instructor who is authorized to teach
7 instructor training classes.

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

10 (1) been certified as a driver education teacher for
11 at least one year; and

12 (2) successfully completed:

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

15 (B) a supervising teacher development course
16 approved by the department.

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

20 Sec. 1001.2535. DEVELOPMENT COURSE FOR TEACHING ASSISTANT,
21 DRIVER EDUCATION TEACHER, OR SUPERVISING TEACHER. The classroom
22 portion of a development course required for certification as a
23 teaching assistant, driver education teacher, or supervising
24 teacher may be completed online.

25 SECTION 2.006. Subchapter H, Chapter 1001, Education Code,
26 is amended by adding Section 1001.3542 to read as follows:

27 Sec. 1001.3542. METHOD OF INSTRUCTION FOR DRIVER EDUCATION

1 COURSE. A driver education school may teach a driver education
2 course by any method approved by the department, including an
3 alternative method under Section 1001.3541 or a traditional method
4 under Subchapter C.

5 SECTION 2.007. The following provisions of the Education
6 Code are repealed:

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

8 (2) Section 1001.3541(b).

9 SECTION 2.008. (a) As soon as practicable after the
10 effective date of this Act, the Texas Commission of Licensing and
11 Regulation shall adopt rules to implement Section 1001.204(b),
12 Education Code, as amended by this article, and Section 1001.2531,
13 Education Code, as added by this article.

14 (b) A driver education instructor license issued under
15 Section 1001.253, Education Code, before the repeal of that section
16 by this article, continues to be valid until the license expires,
17 and former Section 1001.253, Education Code, is continued in effect
18 for that purpose.

19 (c) A person who holds on the effective date of this Act a
20 driver education instructor license described by former Section
21 1001.253(b), Education Code, is entitled on expiration of that
22 license to issuance of a driver education instructor license
23 certified as a teaching assistant under Section 1001.2532,
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 teaching assistant.

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

1 driver education instructor license described by former Section
2 1001.253(c), Education Code, is entitled on expiration of that
3 license to issuance of a driver education instructor license
4 certified as a driver education teacher under Section 1001.2533,
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 driver education teacher.

8 (e) A person who holds on the effective date of this Act a
9 driver education instructor license described by former Section
10 1001.253(e), Education Code, is entitled on expiration of that
11 license to issuance of a driver education instructor license
12 certified as a supervising teacher under Section 1001.2534,
13 Education Code, as added by this article, if the person otherwise
14 meets the requirements for renewal of a driver education instructor
15 license certified as a supervising teacher.

16 (f) The changes in law made by this article do not affect the
17 validity of a disciplinary action or other proceeding that was
18 initiated before the effective date of this Act and that is pending
19 before a court or other governmental entity on the effective date of
20 this Act.

21 (g) Sections 1001.2531, 1001.2532, 1001.2533, and
22 1001.2534, Education Code, as added by this article, apply only to
23 an application for, or renewal of, an instructor license submitted
24 to the Texas Department of Licensing and Regulation on or after the
25 effective date of this Act. An application submitted before that
26 date is governed by the law in effect when the application was
27 submitted, and the former law is continued in effect for that

1 purpose.

2 ARTICLE 3. LASER HAIR REMOVAL

3 SECTION 3.001. Subchapter M, Chapter 401, Health and Safety
4 Code, is amended by adding Section 401.509 to read as follows:

5 Sec. 401.509. CONTINUING EDUCATION. The commission by rule
6 shall establish continuing education requirements for renewal of a
7 certificate under this subchapter.

8 SECTION 3.002. As soon as practicable after the effective
9 date of this Act, the Texas Commission of Licensing and Regulation
10 shall adopt the rules necessary to implement Section 401.509,
11 Health and Safety Code, as added by this article.

12 ARTICLE 4. PHARMACISTS

13 SECTION 4.001. Section 481.075(i), Health and Safety Code,
14 is amended to read as follows:

15 (i) Each dispensing pharmacist shall:

16 (1) fill in on the official prescription form or note
17 in the electronic prescription record each item of information
18 given orally to the dispensing pharmacy under Subsection (h) and
19 the date the prescription is filled, and:

20 (A) for a written prescription, fill in the
21 dispensing pharmacist's signature; or

22 (B) for an electronic prescription,
23 appropriately record the identity of the dispensing pharmacist in
24 the electronic prescription record;

25 (2) retain with the records of the pharmacy for at
26 least two years:

27 (A) the official prescription form or the

1 electronic prescription record, as applicable; and

2 (B) the name or other patient identification
3 required by Section 481.074(m) or (n); ~~and~~

4 (3) send all required information, including any
5 information required to complete an official prescription form or
6 electronic prescription record, to the board by electronic transfer
7 or another form approved by the board not later than the next
8 business day after the date the prescription is completely filled;
9 and

10 (4) if the pharmacy does not dispense any controlled
11 substance prescriptions during a period of seven consecutive days,
12 send a report to the board indicating that the pharmacy did not
13 dispense any controlled substance prescriptions during that
14 period, unless the pharmacy has obtained a waiver or permission to
15 delay reporting to the board.

16 SECTION 4.002. Sections 481.076(a) and (k), Health and
17 Safety Code, are amended to read as follows:

18 (a) The board may not permit any person to have access to
19 information submitted to the board under Section 481.074(q) or
20 481.075 except:

21 (1) the board, the Texas Medical Board, the Texas
22 Department of Licensing and Regulation, with respect to the
23 regulation of podiatrists [~~State Board of Podiatric Medical~~
24 ~~Examiners~~], the State Board of Dental Examiners, the State Board of
25 Veterinary Medical Examiners, the Texas Board of Nursing, or the
26 Texas Optometry Board for the purpose of:

27 (A) investigating a specific license holder; or

1 (B) monitoring for potentially harmful
2 prescribing or dispensing patterns or practices under Section
3 481.0762;

4 (2) an authorized officer or member of the department
5 or authorized employee of the board engaged in the administration,
6 investigation, or enforcement of this chapter or another law
7 governing illicit drugs in this state or another state;

8 (3) the department on behalf of a law enforcement or
9 prosecutorial official engaged in the administration,
10 investigation, or enforcement of this chapter or another law
11 governing illicit drugs in this state or another state;

12 (4) a medical examiner conducting an investigation;

13 (5) provided that accessing the information is
14 authorized under the Health Insurance Portability and
15 Accountability Act of 1996 (Pub. L. No. 104-191) and regulations
16 adopted under that Act:

17 (A) a pharmacist or a pharmacist-intern,
18 pharmacy technician, or pharmacy technician trainee, as defined by
19 Section 551.003, Occupations Code, acting at the direction of a
20 pharmacist, who is inquiring about a recent Schedule II, III, IV, or
21 V prescription history of a particular patient of the pharmacist;
22 or

23 (B) a practitioner who:

24 (i) is a physician, dentist, veterinarian,
25 podiatrist, optometrist, or advanced practice nurse or is a
26 physician assistant described by Section 481.002(39)(D) or an
27 employee or other agent of a practitioner acting at the direction of

1 a practitioner; and

2 (ii) is inquiring about a recent Schedule
3 II, III, IV, or V prescription history of a particular patient of
4 the practitioner;

5 (6) a pharmacist or practitioner who is inquiring
6 about the person's own dispensing or prescribing activity or a
7 practitioner who is inquiring about the prescribing activity of an
8 individual to whom the practitioner has delegated prescribing
9 authority; or

10 (7) one or more states or an association of states with
11 which the board has an interoperability agreement, as provided by
12 Subsection (j).

13 (k) A person authorized to access information under
14 Subsection (a)(4) or (5) who is registered with the board for
15 electronic access to the information is entitled to directly access
16 the information available from other states pursuant to an
17 interoperability agreement described by Subsection (j).

18 SECTION 4.003. Section 481.0766(a), Health and Safety Code,
19 is amended to read as follows:

20 (a) A wholesale distributor shall report to the board the
21 distribution of all Schedules II, III, IV, and V controlled
22 substances [~~information that the distributor is required to report~~
23 ~~to the Automation of Reports and Consolidated Orders System (ARCOS)~~
24 ~~of the Federal Drug Enforcement Administration for the distribution~~
25 ~~of a controlled substance]~~ by the distributor to a person in this
26 state. The distributor shall report the information to the board in
27 the same format and with the same frequency as the information is

1 reported to the Federal Drug Enforcement Administration [~~ARCOS~~].

2 SECTION 4.004. Section 481.353(a), Health and Safety Code,
3 is amended to read as follows:

4 (a) The work group shall meet when necessary as determined
5 by the board [~~at least quarterly~~].

6 SECTION 4.005. Section 560.051(f), Occupations Code, is
7 amended to read as follows:

8 (f) A Class E pharmacy license or nonresident pharmacy
9 license may be issued to a pharmacy located in another state whose
10 primary business is to:

11 (1) [~~(A)~~] dispense a prescription drug or device under
12 a prescription drug order[+] and

13 [~~(B)~~] deliver the drug or device to a patient,
14 including a patient in this state, by United States mail, common
15 carrier, or delivery service;

16 (2) process a prescription drug order for a patient,
17 including a patient in this state; or

18 (3) perform another pharmaceutical service, as
19 defined by board rule.

20 SECTION 4.006. The following provisions of the Occupations
21 Code are repealed:

22 (1) Sections 554.016, 556.0555, 560.001(c), 560.0525,
23 561.003(f), 562.101(f-1), and 562.111; and

24 (2) Subchapter E, Chapter 562.

25 SECTION 4.007. To the extent of any conflict, Section
26 481.076(a), Health and Safety Code, as amended by this article,
27 prevails over another Act of the 86th Legislature, Regular Session,

1 2019, relating to nonsubstantive additions to and corrections in
2 enacted codes.

3 ARTICLE 5. ELEVATORS, ESCALATORS, AND RELATED EQUIPMENT

4 SECTION 5.001. Chapter 754, Health and Safety Code, is
5 amended by adding Section 754.026 to read as follows:

6 Sec. 754.026. DISCLOSURE OF E-MAIL ADDRESS.

7 Notwithstanding any other law, an e-mail address provided to the
8 department relating to an inspection or review of plans under this
9 chapter is not confidential and is subject to disclosure under
10 Chapter 552, Government Code.

11 ARTICLE 6. BOILERS

12 SECTION 6.001. Section 755.025, Health and Safety Code, is
13 amended by adding Subsection (h) to read as follows:

14 (h) Notwithstanding any other law, an e-mail address
15 provided to the department relating to an inspection under this
16 chapter is not confidential and is subject to disclosure under
17 Chapter 552, Government Code.

18 SECTION 6.002. Section 755.029(c), Health and Safety Code,
19 is amended to read as follows:

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

22 ARTICLE 7. TEXAS DEPARTMENT OF LICENSING AND REGULATION

23 SECTION 7.001. Section 51.203, Occupations Code, is amended
24 to read as follows:

25 Sec. 51.203. RULES REGARDING PROGRAMS REGULATED BY
26 DEPARTMENT. (a) The commission shall adopt rules as necessary to
27 implement each law establishing a program regulated by the

1 department.

2 (b) Notwithstanding any other law, for each program
3 regulated by the department, including a program under which a
4 license is issued by the department, the commission by rule may
5 establish:

6 (1) the length of a license term, not to exceed two
7 years;

8 (2) a fee for the issuance or renewal of a license; and

9 (3) any continuing education required to renew a
10 license.

11 SECTION 7.002. Section 51.2031(a-2), Occupations Code, is
12 amended to read as follows:

13 (a-2) For each rule proposed under Subsection (a-1), the
14 commission shall either adopt the rule as proposed or return the
15 rule to the advisory board for revision. The commission retains
16 authority for final adoption of all rules and is responsible for
17 ensuring compliance with all laws regarding the rulemaking process.

18 ~~[This subsection and Subsection (a-1) expire September 1, 2019.]~~

19 SECTION 7.003. Section 51.252, Occupations Code, is amended
20 by amending Subsection (b) and adding Subsections (b-1) and (e) to
21 read as follows:

22 (b) The department shall maintain a file on each written
23 complaint filed with the department. The file must include:

24 (1) except for a complaint described by Subsection
25 (b-1), the name of the person who filed the complaint;

26 (2) the date the complaint is received by the
27 department;

- 1 (3) the subject matter of the complaint;
- 2 (4) the name of each person contacted in relation to
3 the complaint;
- 4 (5) a summary of the results of the review or
5 investigation of the complaint; and
- 6 (6) an explanation of the reason the file was closed,
7 if the department closed the file without taking action other than
8 to investigate the complaint.

9 (b-1) The department may accept, but is not required to
10 investigate, a complaint that lacks sufficient information to
11 identify the source or the name of the person who filed the
12 complaint.

13 (e) The department may contract with a qualified
14 individual, including an advisory board member unless otherwise
15 prohibited by law, to assist the department with reviewing or
16 investigating complaints filed with the department. Except for an
17 act of the individual involving fraud, conspiracy, or malice, an
18 individual with whom the department contracts under this subsection
19 is immune from liability and may not be subject to a suit for
20 damages for any act arising from the performance of the
21 individual's duties in:

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

24 (2) evaluating evidence in a complaint and offering an
25 expert opinion or technical guidance on an alleged violation of:

26 (A) a law establishing a regulatory program
27 administered by the department; or

1 (B) a rule adopted or order issued by the
2 executive director or commission;

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

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

6 SECTION 7.004. Subchapter E, Chapter 51, Occupations Code,
7 is amended by adding Section 51.254 to read as follows:

8 Sec. 51.254. CONFIDENTIALITY OF COMPLAINT AND DISCIPLINARY
9 INFORMATION. (a) In this section, unless the context requires
10 otherwise:

11 (1) "Disciplinary action" includes, with respect to
12 any person subject to regulation by the department or the
13 commission:

14 (A) enforcement activity, prosecution,
15 discipline, or penalization; and

16 (B) any related complaint, investigation, or
17 resolution of a complaint or investigation.

18 (2) "Patient" includes:

19 (A) a patient;

20 (B) a client; and

21 (C) an authorized representative of a patient or
22 client.

23 (b) This section applies to health-related professions
24 regulated by this state the administration of which is assigned to
25 the department by law, including the following professions:

26 (1) athletic trainers regulated under Chapter 451;

27 (2) behavior analysts regulated under Chapter 506;

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

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

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

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

- 25 (1) persons involved with the department in a
26 disciplinary action;
27 (2) a respondent or the respondent's authorized

1 representative;

2 (3) a governmental agency, if:

3 (A) the disclosure is required or permitted by
4 law; and

5 (B) the agency obtaining the disclosure protects
6 the identity of any patient whose records are examined;

7 (4) a professional licensing, credentialing, or
8 disciplinary entity in another jurisdiction;

9 (5) a peer assistance program approved by the
10 commission under Chapter 467, Health and Safety Code, including a
11 properly established peer assistance program in another
12 jurisdiction;

13 (6) a peer review committee reviewing a license
14 holder's application for privileges or the license holder's
15 qualifications related to retaining the privileges;

16 (7) a law enforcement agency; and

17 (8) a person engaged in bona fide research, if all
18 individual-identifying information has been deleted.

19 (e) Notwithstanding any other provision of this section, if
20 a department investigation would be jeopardized by the release or
21 disclosure, the department may temporarily withhold or otherwise
22 refrain from releasing or disclosing to any person any information
23 or materials that the department would otherwise be required to
24 release or disclose.

25 (f) The department may not be compelled to release or
26 disclose complaint and investigation information or materials to a
27 person listed in Subsection (d) if the department has not issued a

1 notice of alleged violation related to the information or
2 materials.

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

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

9 (1) initiates the disciplinary action;

10 (2) is a witness in the disciplinary action; or

11 (3) has submitted a written consent to release the
12 records.

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

19 SECTION 7.005. Section 202.2032(c), Occupations Code, is
20 amended to read as follows:

21 (c) Notwithstanding any confidentiality requirements under
22 Chapter 552, Government Code, Chapter 51, or this chapter, a
23 complaint filed with the department by an insurance agent, insurer,
24 pharmaceutical company, or third-party administrator against a
25 license holder must include the name and address of the insurance
26 agent, insurer, pharmaceutical company, or third-party
27 administrator filing the complaint.

1 SECTION 7.006. Section 202.404(e), Occupations Code, is
2 amended to read as follows:

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

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

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

9 SECTION 7.007. Section 202.509(g), Occupations Code, is
10 amended to read as follows:

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

15 SECTION 7.008. The following provisions of the Occupations
16 Code are repealed:

17 (1) Section 202.404(d);

18 (2) Sections 202.509(a), (b), (c), (d), and (h);

19 (3) Section 401.2535;

20 (4) Section 402.154;

21 (5) Section 451.110;

22 (6) Section 506.202;

23 (7) Subchapter E, Chapter 605; and

24 (8) Subchapter E, Chapter 701.

25 SECTION 7.009. The changes in law made by this article apply
26 to a disciplinary action initiated before the effective date of
27 this Act that has not resulted in a final order issued on or before

1 the effective date of this Act and to a disciplinary action
2 initiated on or after the effective date of this Act.

3 ARTICLE 8. PODIATRISTS

4 SECTION 8.001. Section 202.2032(d), Occupations Code, is
5 amended to read as follows:

6 (d) The [~~Not later than the 15th day after the date the~~
7 ~~complaint is filed with the department, the~~] department shall
8 notify the license holder who is the subject of the complaint of the
9 name and address of the insurance agent, insurer, pharmaceutical
10 company, or third-party administrator who filed the complaint,
11 unless the notice would jeopardize an investigation.

12 SECTION 8.002. Subchapter E, Chapter 202, Occupations Code,
13 is amended by adding Section 202.204 to read as follows:

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

18 (b) The department may contract with an expert witness,
19 including an advisory board member under Section 202.051(a)(1), to
20 assist the department with reviewing, investigating, or
21 prosecuting a complaint filed under this chapter.

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

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

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

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

5 (4) making an evaluation, report, or recommendation
6 regarding a complaint.

7 SECTION 8.003. Section 202.253(a-1), Occupations Code, is
8 amended to read as follows:

9 (a-1) The commission or department may refuse to admit a
10 person to an examination, and may refuse to issue a license to
11 practice podiatry to a person, for:

12 (1) presenting a license, certificate, or diploma that
13 was illegally or fraudulently obtained or engaging in fraud or
14 deception in passing the examination;

15 (2) being convicted of[+

16 ~~[(A) a felony,~~

17 ~~[(B) a crime that involves moral turpitude, or~~

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

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

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

25 (5) directly or indirectly violating or attempting to
26 violate this chapter or a rule adopted under this chapter as a
27 principal, accessory, or accomplice;

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

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

5 (8) purchasing, selling, bartering, or using or
6 offering to purchase, sell, barter, or use a podiatry degree,
7 license, certificate, diploma, or a transcript of a license,
8 certificate, or diploma, in or incident to an application for a
9 license to practice podiatry;

10 (9) altering, with fraudulent intent, a podiatry
11 license, certificate, diploma, or a transcript of a podiatry
12 license, certificate, or diploma;

13 (10) using a podiatry license, certificate, or
14 diploma, or a transcript of a podiatry license, certificate, or
15 diploma, that has been fraudulently purchased, issued,
16 counterfeited, or materially altered;

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

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

23 (13) directly or indirectly employing a person whose
24 license to practice podiatry has been suspended or associating in
25 the practice of podiatry with a person whose license to practice
26 podiatry has been suspended or who has been convicted of the
27 unlawful practice of podiatry in this state or elsewhere;

1 (14) wilfully making in the application for a license
2 to practice podiatry a material misrepresentation or material
3 untrue statement;

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

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

10 (17) being removed, suspended, or disciplined in
11 another manner by the podiatrist's peers in a professional podiatry
12 association or society, whether local, regional, state, or national
13 in scope, or being disciplined by a licensed hospital or the medical
14 staff of a hospital, including removal, suspension, limitation of
15 hospital privileges, or other disciplinary action, if the
16 commission or department determines that the action was:

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

19 (B) appropriate and reasonably supported by
20 evidence submitted to the association, society, hospital, or
21 medical staff; or

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

26 SECTION 8.004. Subchapter H, Chapter 202, Occupations Code,
27 is amended by adding Section 202.354 to read as follows:

1 Sec. 202.354. DELEGATION OF CERTAIN ACTS. (a) A podiatrist
2 may delegate to a qualified and properly trained podiatric medical
3 assistant acting under the podiatrist's supervision any podiatric
4 medical act that a reasonable and prudent podiatrist would find
5 within the scope of sound medical judgment to delegate if:

6 (1) in the opinion of the delegating podiatrist, the
7 medical act:

8 (A) can be properly and safely performed by the
9 podiatric medical assistant to whom the podiatric medical act is
10 delegated; and

11 (B) is performed in a customary manner and not in
12 violation of any other statute; and

13 (2) the podiatric medical assistant to whom the
14 podiatric medical act is delegated does not represent to the public
15 that the medical assistant is authorized to practice podiatry.

16 (b) A delegating podiatrist is responsible for a podiatric
17 medical act performed by the podiatric medical assistant to whom
18 the podiatrist delegates the act.

19 (c) The department may determine whether:

20 (1) an act constitutes the practice of podiatric
21 medicine; and

22 (2) a podiatric medical act may be properly or safely
23 delegated by podiatrists.

24 SECTION 8.005. Section 202.602(a), Occupations Code, is
25 amended to read as follows:

26 (a) The department [~~commission by rule~~] shall develop a
27 system to identify and monitor a podiatrist's compliance with this

1 chapter and any [~~The system must include:~~

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

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

7 SECTION 8.006. Subchapter D, Chapter 601, Occupations Code,
8 is amended by adding Section 601.157 to read as follows:

9 Sec. 601.157. PERSON SUPERVISED BY PODIATRIST. A person is
10 not required to hold a certificate issued under this chapter to
11 perform a radiologic procedure if:

12 (1) the procedure is performed under the supervision
13 of a podiatrist; and

14 (2) the person:

15 (A) is registered with the Texas Department of
16 Licensing and Regulation to assist a podiatrist; and

17 (B) complies with rules adopted under Section
18 601.252(e).

19 SECTION 8.007. Section 601.251, Occupations Code, is
20 amended to read as follows:

21 Sec. 601.251. APPLICABILITY. This subchapter applies to
22 the:

23 (1) Texas Board of Nursing;

24 (2) Texas Board of Chiropractic Examiners;

25 (3) State Board of Dental Examiners;

26 (4) Texas Medical Board;

27 (5) Texas Department of Licensing and Regulation, with

1 respect to the department's authority to regulate podiatrists
2 [State Board of Podiatric Medical Examiners]; and

3 (6) Texas Physician Assistant Board.

4 SECTION 8.008. Section 601.252, Occupations Code, is
5 amended by adding Subsections (e) and (f) to read as follows:

6 (e) Rules adopted under this section by the Texas Commission
7 of Licensing and Regulation must:

8 (1) require an authorized person who performs
9 radiologic procedures under the delegation of a podiatrist, other
10 than a registered nurse, to register with the Texas Department of
11 Licensing and Regulation;

12 (2) establish reasonable and necessary fees to cover
13 the administrative costs incurred by the Texas Department of
14 Licensing and Regulation in administering a registration program
15 created under this subsection;

16 (3) establish grounds for the suspension, revocation,
17 or nonrenewal of a registration issued under this subsection; and

18 (4) establish standards for training and supervising
19 the operators of podiatric equipment, including standards for
20 curricula and instructors.

21 (f) In adopting rules under Subsection (e), the Texas
22 Commission of Licensing and Regulation may take into account
23 whether the radiologic procedure will be performed by a registered
24 nurse.

25 SECTION 8.009. Sections 202.2025 and 202.6011, Occupations
26 Code, are repealed.

27 SECTION 8.010. Section 202.2032, Occupations Code, as

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

6 SECTION 8.011. Section 202.253(a-1), Occupations Code, as
7 amended by this article, applies only to a conviction that occurs on
8 or after the effective date of this Act. A conviction that occurs
9 before the effective date of this Act is governed by the law in
10 effect on the date the conviction occurred, and the former law is
11 continued in effect for that purpose.

12 SECTION 8.012. To the extent of any conflict, Section
13 601.251, Occupations Code, as amended by this article, prevails
14 over another Act of the 86th Legislature, Regular Session, 2019,
15 relating to nonsubstantive additions to and corrections in enacted
16 codes.

17 ARTICLE 9. MIDWIVES

18 SECTION 9.001. Section 203.056, Occupations Code, is
19 amended to read as follows:

20 Sec. 203.056. PRESIDING OFFICER. The presiding officer of
21 the commission shall designate a [~~public~~] member of the advisory
22 board to serve as the presiding officer of the advisory board to
23 serve for a term of one year. The presiding officer of the advisory
24 board may vote on any matter before the advisory board.

25 SECTION 9.002. Section 203.152, Occupations Code, is
26 repealed.

27 SECTION 9.003. Section 203.056, Occupations Code, as

1 amended by this article, does not affect the entitlement of a member
2 of the Midwives Advisory Board who is serving as the presiding
3 officer of the advisory board immediately before the effective date
4 of this Act to continue to serve in that capacity for the remainder
5 of the member's term as presiding officer.

6 ARTICLE 10. AUDIOLOGISTS

7 SECTION 10.001. Section 401.403(b), Occupations Code, is
8 amended to read as follows:

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

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

14 [~~2~~] comply with rules adopted under this chapter
15 related to fitting and dispensing hearing instruments [~~the~~
16 ~~profession's code of ethics~~];

17 (2) [~~3~~] comply with the federal Food and Drug
18 Administration guidelines for fitting and dispensing hearing
19 instruments;

20 (3) [~~4~~] when providing services in this state, use a
21 written contract that contains the department's name, mailing
22 address, [~~and~~] telephone number, and Internet website address; and

23 (4) [~~5~~] follow the guidelines adopted by commission
24 rule for a 30-day trial period on every hearing instrument
25 purchased.

26 ARTICLE 11. ORTHOTIC AND PROSTHETIC TECHNICIANS

27 SECTION 11.001. The following provisions of the Occupations

1 Code are repealed:

2 (1) Sections 605.002(19), (20), and (21); and

3 (2) Section 605.259.

4 SECTION 11.002. (a) On the effective date of this Act, a
5 registered orthotic technician or registered prosthetic technician
6 certificate issued under former Section 605.259, Occupations Code,
7 expires.

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

12 SECTION 11.003. The change in law made by this article does
13 not affect the validity of a proceeding pending before a court or
14 other governmental entity on the effective date of this Act.

15 ARTICLE 12. DIETITIANS

16 SECTION 12.001. Section 701.151(b), Occupations Code, is
17 amended to read as follows:

18 (b) The commission or the department, as appropriate,
19 shall:

20 (1) ~~[adopt an official seal,~~

21 ~~[(2)]~~ adopt and publish a code of ethics;

22 (2) ~~[(3)]~~ establish the qualifications and fitness of
23 applicants for licenses, including renewed and reciprocal
24 licenses;

25 ~~[(4) revoke, suspend, or deny a license, probate a~~
26 ~~license suspension, or reprimand a license holder for a violation~~
27 ~~of this chapter, a rule adopted under this chapter, or the code of~~

1 ~~ethics,~~] and

2 (3) [~~4~~] request and receive any necessary
3 assistance from state educational institutions or other state
4 agencies.

5 SECTION 12.002. Sections 701.155 and 701.353, Occupations
6 Code, are repealed.

7 ARTICLE 13. INTERIOR DESIGNERS

8 SECTION 13.001. Subchapter H, Chapter 1053, Occupations
9 Code, is repealed.

10 SECTION 13.002. The repeal by this article of Subchapter H,
11 Chapter 1053, Occupations Code, does not apply to an offense
12 committed under that subchapter before the effective date of the
13 repeal. An offense committed before the effective date of the
14 repeal is governed by the law as it existed on the date the offense
15 was committed, and the former law is continued in effect for that
16 purpose. For purposes of this section, an offense was committed
17 before the effective date of the repeal if any element of the
18 offense occurred before that date.

19 ARTICLE 14. BARBERS AND COSMETOLOGISTS

20 SECTION 14.001. Section 1602.254(b), Occupations Code, is
21 amended to read as follows:

22 (b) To be eligible for an operator license, an applicant
23 must meet the requirements of Subsection (c) or:

24 (1) be at least 17 years of age;

25 (2) have obtained a high school diploma or the
26 equivalent of a high school diploma or have passed a valid
27 examination administered by a certified testing agency that

1 measures the person's ability to benefit from training; and

2 (3) have completed:

3 (A) 1,000 [~~1,500~~] hours of instruction in a
4 licensed beauty culture school; or

5 (B) 1,000 hours of instruction in beauty culture
6 courses and 500 hours of related high school courses prescribed by
7 the commission in a vocational cosmetology program in a public
8 school.

9 SECTION 14.002. Section 1602.255(c), Occupations Code, is
10 amended to read as follows:

11 (c) The commission shall adopt rules for the licensing of
12 specialty instructors to teach specialty courses in the practice of
13 cosmetology defined in Sections 1602.002(a)(2), (4), (5), (6)
14 [~~1602.002(a)(5)~~], (7), (8), (9), [~~and~~] (10), and (11).

15 SECTION 14.003. Section 1602.261(a), Occupations Code, is
16 amended to read as follows:

17 (a) A person holding a manicurist/esthetician specialty
18 license may perform only the practice of cosmetology defined in
19 Sections 1602.002(a)(4) through (10) [~~(9)~~].

20 SECTION 14.004. Section 1602.305(a), Occupations Code, is
21 amended to read as follows:

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

26 SECTION 14.005. Section 1602.451(a), Occupations Code, is
27 amended to read as follows:

1 (a) The holder of a private beauty culture school license
2 shall:

3 (1) maintain a sanitary establishment;

4 (2) maintain on duty one licensed instructor for each
5 25 students in attendance;

6 (3) maintain a daily record of students' attendance;

7 (4) establish regular class and instruction hours and
8 grades;

9 (5) require a school term of not less than six [~~nine~~]
10 months and not less than 1,000 [~~1,500~~] hours instruction for a
11 complete course in cosmetology;

12 (6) require a school term of not less than 600 hours
13 instruction for a complete course in manicuring;

14 (7) hold examinations before issuing diplomas;

15 (8) maintain a copy of the school's curriculum in a
16 conspicuous place and verify that the curriculum is being followed;

17 (9) publish in the school's catalogue and enrollment
18 contract a description of the refund policy required under Section
19 1602.458; and

20 (10) provide the department with information on:

21 (A) the current course completion rates of
22 students who attend a course of instruction offered by the school;
23 and

24 (B) job placement rates and employment rates of
25 students who complete the course of instruction.

26 SECTION 14.006. Section 1603.104, Occupations Code, is
27 amended by amending Subsection (b) and adding Subsections (c) and

1 (c-1) to read as follows:

2 (b) Except as otherwise provided by this section, at [A~~t~~]
3 least once every four [~~two~~] years, the department shall inspect
4 each shop or other facility that holds a license, certificate, or
5 permit in which the practice of barbering or cosmetology is
6 performed under this chapter, Chapter 1601, or Chapter 1602.

7 (c) At [~~and at~~] least twice per year, the department shall
8 inspect each school in which barbering or cosmetology is taught
9 under this chapter, Chapter 1601, or Chapter 1602.

10 (c-1) At least once every two years, the department shall
11 inspect each specialty shop that holds a license, certificate, or
12 permit issued under this chapter, Chapter 1601, or Chapter 1602 and
13 at which the practices described by Section 1601.002(1)(E) or (F)
14 or 1602.002(a)(8) or (9) are performed.

15 SECTION 14.007. Section 1603.255, Occupations Code, is
16 amended to read as follows:

17 Sec. 1603.255. EARLY EXAMINATION. The department may allow
18 for the early written examination of a student who has completed the
19 following number of hours of instruction in a department-approved
20 training program:

21 (1) 1,000 hours for a student seeking a Class A barber
22 certificate [~~or operator license~~] in a private barber [~~or~~
23 ~~cosmetology~~] school; [~~or~~

24 (2) 900 hours for a student seeking an operator
25 license in a private cosmetology school; or

26 (3) 900 hours for a student seeking a Class A barber
27 certificate or operator license in a publicly funded barber or

1 cosmetology school.

2 SECTION 14.008. Section 1603.256(c), Occupations Code, is
3 amended to read as follows:

4 (c) The following persons may administer a practical
5 examination required under this subchapter:

6 (1) the department; [~~or~~]

7 (2) a person with whom the department contracts under
8 Section 1603.252;

9 (3) a barber school, private beauty culture school, or
10 public secondary or postsecondary beauty culture school that is
11 approved by the department to administer the examination under
12 Section 1603.252; or

13 (4) the Windham School District.

14 SECTION 14.009. As soon as practicable after the effective
15 date of this Act, the Texas Commission of Licensing and Regulation
16 shall adopt rules implementing Chapters 1602 and 1603, Occupations
17 Code, as amended by this article.

18 SECTION 14.010. The change in law made by this article to
19 Section 1602.254(b), Occupations Code, applies only to an
20 application for an operator license submitted on or after September
21 1, 2020. An application for an operator license submitted before
22 that date is governed by the law in effect immediately before the
23 effective date of this Act, and the former law is continued in
24 effect for that purpose.

25 SECTION 14.011. The changes in law made by this article to
26 Section 1603.255, Occupations Code, apply only to a person who
27 applies to take an early examination for a barbering or cosmetology

1 license on or after the effective date of this Act. A person who
2 applies to take an early examination before the effective date of
3 this Act is governed by the law in effect on the date the person
4 applies, and the former law is continued in effect for that purpose.

5 ARTICLE 15. USED AUTOMOTIVE PARTS RECYCLERS

6 SECTION 15.001. 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 15.002. 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 15.003. Section 2309.106(a), Occupations Code, is
14 amended to read as follows:

15 (a) The department shall inspect each used automotive parts
16 recycling facility at least once every four [~~two~~] years.

17 SECTION 15.004. The following provisions of the Occupations
18 Code are repealed:

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

20 (2) Section 2309.154.

21 SECTION 15.005. (a) On the effective date of this Act, a
22 used automotive parts employee license issued under former Section
23 2309.154, Occupations Code, expires.

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

1 SECTION 15.006. (a) The change in law made by this article
2 to Chapter 2309, Occupations Code, does not affect the validity of a
3 proceeding pending before a court or other governmental entity on
4 the effective date of this Act.

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

12 ARTICLE 16. IMPLEMENTATION; EFFECTIVE DATE

13 SECTION 16.001. The Texas Commission of Licensing and
14 Regulation and the Texas Department of Licensing and Regulation are
15 required to implement a provision of this Act only if the
16 legislature appropriates money specifically for that purpose. If
17 the legislature does not appropriate money specifically for that
18 purpose, the commission and the department may, but are not
19 required to, implement a provision of this Act using other
20 appropriations available for that purpose.

21 SECTION 16.002. This Act takes effect September 1, 2019.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 21, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2847 by Goldman (Relating to the licensing and regulation of certain occupations, activities, and agreements; providing a civil penalty; authorizing fees; requiring an occupational registration and an occupational license.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2847, As Passed 2nd House: a negative impact of (\$152,800) through the biennium ending August 31, 2021.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill. The Texas Department of Licensing and Regulation and any other state agency subject to this Act are required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the agencies may, but are not required to, implement a provision of this Act using other appropriations available for that purpose.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2020	(\$76,400)
2021	(\$76,400)
2022	(\$76,400)
2023	(\$76,400)
2024	(\$76,400)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from	Probable (Cost) from
	<i>General Revenue Fund</i>	<i>General Revenue Fund</i>
	1	1
2020	(\$11,400)	(\$65,000)
2021	(\$76,400)	\$0
2022	(\$76,400)	\$0
2023	(\$76,400)	\$0
2024	(\$76,400)	\$0

Fiscal Analysis

The bill would amend the Business & Commerce, Education, Health & Safety, and Occupations Codes relating to the licensing and regulation of certain occupations, activities, and agreements; providing a civil penalty; authorizing fees; requiring an occupational registration and an occupational license.

The bill states the Texas Department of Licensing and Regulation (TDLR) and any other state agency subject to the bill would be required to implement the provisions of the bill only if the Legislature appropriates money specifically for that purpose. The bill would take effect on September 1, 2019.

Methodology

Driver Education

Based on information provided by TDLR, this analysis assumes the bill would result in a loss of fee revenue of approximately \$15,000 per fiscal year, beginning in fiscal year 2020, due to the removal of the requirement of approval by TDLR for alternative methods of instruction for driver education courses. This analysis assumes the bill's requirement for one driver instructor license and three certifications will take the place of the current instructor licenses with no fiscal impact to the state. The bill would not have an effect on TDLR's workload in this program and no change in full-time-equivalent (FTE) positions is necessary to implement the provisions of the bill related to the driver education program.

Pharmacists

The Prescription Monitoring Program (PMP) does not currently have the capacity to allow practitioners access to the prescribing activity of an individual to whom they have delegated prescriptive authority. According to information provided by the State Board of Pharmacy, the vendor estimates that modifying the database to allow this access would have a one-time cost of approximately \$65,000 in fiscal year 2020.

Seven regulatory agencies whose licensees have prescriptive authority (Texas Medical Board, Optometry Board, Texas State Board of Dental Examiners, Texas Board of Nursing, Board of Veterinary Medical Examiners, Texas Department of Licensing and Regulation (TDLR), and Texas State Board of Pharmacy) share PMP costs. This analysis assumes the participating agencies will increase fees or use available revenue to fund the cost of implementing the provisions of the bill.

Repeal Orthotic and Prosthetic Technicians

TDLR issues very few orthotic and prosthetic technician licenses. The deregulation of this program would result in a revenue loss of approximately \$400 per fiscal year to General Revenue beginning in fiscal year 2020.

Repeal Used Automotive Parts Regulation

Based on information provided by TDLR, this analysis assumes the repeal of the used automotive parts employee license would result in a revenue loss of approximately \$61,000 per fiscal year to the General Revenue Fund beginning in fiscal year 2020. The program currently uses minimal TDLR employee time so no related savings are anticipated from removing this program.

Based on information provided by the Office of the Attorney General, Office of Court Administration, Department of Motor Vehicles, TDLR and the Board of Architectural Examiners, this analysis assumes all other provisions of the bill can be implemented with no significant fiscal impact to the state. This analysis assumes that any increased cost to TDLR, which is statutorily required to generate sufficient revenue to cover its costs of operation, would be offset by an increase in fee-generated revenue.

Technology

Technology costs are estimated to be \$65,000 in the first year for modifying the PMP database and no cost in subsequent fiscal years.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 452 Department of Licensing and Regulation, 459 Board of Architectural Examiners, 515 Board of Pharmacy, 608 Department of Motor Vehicles

LBB Staff: WP, SD, CLo, SGr, DFR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 13, 2019

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2847 by Goldman (Relating to the licensing and regulation of certain occupations, activities, and agreements; providing a civil penalty; authorizing fees; requiring an occupational registration and an occupational license.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2847, Committee Report 2nd House, Substituted: a negative impact of (\$152,800) through the biennium ending August 31, 2021.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill. The Texas Department of Licensing and Regulation and any other state agency subject to this Act are required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the agencies may, but are not required to, implement a provision of this Act using other appropriations available for that purpose.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2020	(\$76,400)
2021	(\$76,400)
2022	(\$76,400)
2023	(\$76,400)
2024	(\$76,400)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from	Probable (Cost) from
	<i>General Revenue Fund</i>	<i>General Revenue Fund</i>
	1	1
2020	(\$11,400)	(\$65,000)
2021	(\$76,400)	\$0
2022	(\$76,400)	\$0
2023	(\$76,400)	\$0
2024	(\$76,400)	\$0

Fiscal Analysis

The bill would amend the Business & Commerce, Education, Health & Safety, and Occupations Codes relating to the licensing and regulation of certain occupations, activities, and agreements; providing a civil penalty; authorizing fees; requiring an occupational registration and an occupational license.

The bill states the Texas Department of Licensing and Regulation (TDLR) and any other state agency subject to the bill would be required to implement the provisions of the bill only if the Legislature appropriates money specifically for that purpose. The bill would take effect on September 1, 2019.

Methodology

Driver Education

Based on information provided by TDLR, this analysis assumes the bill would result in a loss of fee revenue of approximately \$15,000 per fiscal year, beginning in fiscal year 2020, due to the removal of the requirement of approval by TDLR for alternative methods of instruction for driver education courses. This analysis assumes the bill's requirement for one driver instructor license and three certifications will take the place of the current instructor licenses with no fiscal impact to the state. The bill would not have an effect on TDLR's workload in this program and no change in full-time-equivalent (FTE) positions is necessary to implement the provisions of the bill related to the driver education program.

Pharmacists

The Prescription Monitoring Program (PMP) does not currently have the capacity to allow practitioners access to the prescribing activity of an individual to whom they have delegated prescriptive authority. According to information provided by the State Board of Pharmacy, the vendor estimates that modifying the database to allow this access would have a one-time cost of approximately \$65,000 in fiscal year 2020.

Seven regulatory agencies whose licensees have prescriptive authority (Texas Medical Board, Optometry Board, Texas State Board of Dental Examiners, Texas Board of Nursing, Board of Veterinary Medical Examiners, Texas Department of Licensing and Regulation (TDLR), and Texas State Board of Pharmacy) share PMP costs. This analysis assumes the participating agencies will increase fees or use available revenue to fund the cost of implementing the provisions of the bill.

Repeal Orthotic and Prosthetic Technicians

TDLR issues very few orthotic and prosthetic technician licenses. The deregulation of this program would result in a revenue loss of approximately \$400 per fiscal year to General Revenue beginning in fiscal year 2020.

Repeal Used Automotive Parts Regulation

Based on information provided by TDLR, this analysis assumes the repeal of the used automotive parts employee license would result in a revenue loss of approximately \$61,000 per fiscal year to the General Revenue Fund beginning in fiscal year 2020. The program currently uses minimal TDLR employee time so no related savings are anticipated from removing this program.

Based on information provided by the Office of the Attorney General, Office of Court Administration, Department of Motor Vehicles, TDLR and the Board of Architectural Examiners, this analysis assumes all other provisions of the bill can be implemented with no significant fiscal impact to the state. This analysis assumes that any increased cost to TDLR, which is statutorily required to generate sufficient revenue to cover its costs of operation, would be offset by an increase in fee-generated revenue.

Technology

Technology costs are estimated to be \$65,000 in the first year for modifying the PMP database and no cost in subsequent fiscal years.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 452 Department of Licensing and Regulation, 459 Board of Architectural Examiners, 515 Board of Pharmacy, 608 Department of Motor Vehicles

LBB Staff: WP, CLo, SGr, DFR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 4, 2019

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
 Legislative Budget Board

IN RE: HB2847 by Goldman (Relating to the licensing and regulation of certain occupations, activities, and agreements; providing a civil penalty; authorizing fees; requiring an occupational registration and an occupational license.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2847, As Engrossed: a negative impact of (\$152,800) through the biennium ending August 31, 2021.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2020	(\$76,400)
2021	(\$76,400)
2022	(\$76,400)
2023	(\$76,400)
2024	(\$76,400)

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from <i>General Revenue Fund</i> 1	Probable Revenue Gain/(Loss) from <i>General Revenue Fund</i> 1
2020	(\$65,000)	(\$11,400)
2021	\$0	(\$76,400)
2022	\$0	(\$76,400)
2023	\$0	(\$76,400)
2024	\$0	(\$76,400)

Fiscal Analysis

The bill would amend the Business & Commerce Code relating to excess wear and use waivers in connection with the lease of motor vehicles; providing a civil penalty. The bill would amend the

Education Code related to driver education, instructor licenses and certifications, and alternative methods of driver education instruction. The bill would amend the Health and Safety Code related to continuing education for laser hair removal certification, relating to the licensing and regulation of pharmacists and pharmacies, and related to certificates of operation for boilers. The bill would amend the Occupations Code relating to confidentiality of complaint and disciplinary information for certain occupations; relating to podiatry and delegation of certain acts by podiatrists; relating to midwives; relating to audiologists; repealing the regulation of licensed dyslexia practitioners and maintaining licensed dyslexia therapists; repealing the regulation of orthotic and prosthetic technicians; relating to dietitians; relating to interior designers; relating to the regulation and inspections of barbers and cosmetologists; and, repealing the regulation of used automotive parts employee licenses and amending the periodic inspections of used automotive parts recyclers.

The bill would take effect on September 1, 2019.

Methodology

Driver Education

Based on information provided by TDLR, this analysis assumes the bill would result in a loss of fee revenue of approximately \$15,000 per fiscal year, beginning in fiscal year 2020, due to the removal of the requirement of approval by TDLR for alternative methods of instruction for driver education courses. This analysis assumes the bill's requirement for one driver instructor license and three certifications will take the place of the current instructor licenses with no fiscal impact to the state. The bill would not have an effect on TDLR's workload in this program and no change in full-time-equivalent (FTE) positions is necessary to implement the provisions of the bill related to the driver education program.

Pharmacists

The Prescription Monitoring Program (PMP) does not currently have the capacity to allow practitioners access to the prescribing activity of an individual to whom they have delegated prescriptive authority. According to information provided by the State Board of Pharmacy, the vendor estimates that modifying the database to allow this access would have a one-time cost of approximately \$65,000 in fiscal year 2020.

Seven regulatory agencies whose licensees have prescriptive authority (Texas Medical Board, Optometry Board, Texas State Board of Dental Examiners, Texas Board of Nursing, Board of Veterinary Medical Examiners, Texas Department of Licensing and Regulation (TDLR), and Texas State Board of Pharmacy) share PMP costs. This analysis assumes the participating agencies will increase fees or use available revenue to fund the cost of implementing the provisions of the bill.

Repeal Orthotic and Prosthetic Technicians

TDLR issues very few orthotic and prosthetic technician licenses. The deregulation of this program would result in a revenue loss of approximately \$400 per fiscal year to General Revenue beginning in fiscal year 2020.

Repeal Used Automotive Parts Regulation

Based on information provided by TDLR, this analysis assumes the repeal of the used automotive parts employee license would result in a revenue loss of approximately \$61,000 per fiscal year to the General Revenue Fund beginning in fiscal year 2020. The program currently uses minimal TDLR employee time so no related savings are anticipated from removing this program.

Based on information provided by the Office of the Attorney General, Office of Court

Administration, Department of Motor Vehicles, TDLR and the Board of Architectural Examiners, this analysis assumes all other provisions of the bill can be implemented with no significant fiscal impact to the state. This analysis assumes that any increased cost to TDLR, which is statutorily required to generate sufficient revenue to cover its costs of operation, would be offset by an increase in fee-generated revenue.

Technology

Technology costs are estimated to be \$65,000 in the first year for modifying the PMP database and no cost in subsequent fiscal years.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 452 Department of Licensing and Regulation, 459 Board of Architectural Examiners, 515 Board of Pharmacy, 608 Department of Motor Vehicles

LBB Staff: WP, CLo, SGr, DFR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 14, 2019

TO: Honorable Tracy O. King, Chair, House Committee on Licensing & Administrative Procedures

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2847 by Goldman (Relating to the licensing and regulation of certain occupations and activities; authorizing fees.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2847, Committee Report 1st House, Substituted: a negative impact of (\$152,800) through the biennium ending August 31, 2021.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2020	(\$76,400)
2021	(\$76,400)
2022	(\$76,400)
2023	(\$76,400)
2024	(\$76,400)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue (Loss) from <i>General Revenue Fund</i> 1
2020	(\$76,400)
2021	(\$76,400)
2022	(\$76,400)
2023	(\$76,400)
2024	(\$76,400)

Fiscal Analysis

The bill would amend the Education Code related to driver education, instructor licenses and certifications, and alternative methods of driver education instruction. The bill would amend the Health and Safety Code related to continuing education for laser hair removal certification and related to certificates of operation for boilers. The bill would amend the Occupations Code

relating to confidentiality of complaint and disciplinary information for certain occupations; the prohibition of local licensing requirements; relating to podiatry; relating to audiologists; repealing the regulation of orthotic and prosthetic technicians; relating to dietitians; relating to cosmetologists; and, repealing the regulation of used automotive parts employee licenses and amending the periodic inspections of used automotive parts recyclers.

The bill would take effect on September 1, 2019.

Methodology

Driver Education

Based on information provided by TDLR, this analysis assumes the bill would result in a loss of fee revenue of approximately \$15,000 per fiscal year, beginning in fiscal year 2020, due to the removal of the requirement of approval by TDLR for alternative methods of instruction for driver education courses. This analysis assumes the bill's requirement for one driver instructor license and three certifications will take the place of the current instructor licenses with no fiscal impact to the state. The bill would not have an effect on TDLR's workload in this program and no change in full-time-equivalent (FTE) positions is necessary to implement the provisions of the bill related to the driver education program.

Repeal Orthotic and Prosthetic Technicians

TDLR issues very few orthotic and prosthetic technician licenses. The deregulation of this program would result in a revenue loss of approximately \$400 per fiscal year to General Revenue beginning in fiscal year 2020.

Repeal Used Automotive Parts Regulation

Based on information provided by TDLR, this analysis assumes the repeal of the used automotive parts employee license would result in a revenue loss of approximately \$61,000 per fiscal year to the General Revenue Fund beginning in fiscal year 2020. The program currently uses minimal TDLR employee time so no related savings are anticipated from removing this program.

Based on information provided by TDLR, this analysis assumes all other provisions of the bill can be implemented with no significant fiscal impact to the state. This analysis assumes that any increased cost to TDLR, which is statutorily required to generate sufficient revenue to cover its costs of operation, would be offset by an increase in fee generated revenue.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts,
452 Department of Licensing and Regulation

LBB Staff: WP, CLo, SGr, DFR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 8, 2019

TO: Honorable Tracy O. King, Chair, House Committee on Licensing & Administrative Procedures

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2847 by Goldman (Relating to the licensing and regulation of certain occupations and activities; authorizing fees.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2847, As Introduced: a negative impact of (\$1,242,200) through the biennium ending August 31, 2021.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2020	(\$621,100)
2021	(\$621,100)
2022	(\$621,100)
2023	(\$621,100)
2024	(\$621,100)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue (Loss) from General Revenue Fund 1	Probable Savings from General Revenue Fund 1	Change in Number of State Employees from FY 2019
2020	(\$794,100)	\$173,000	(1.5)
2021	(\$794,100)	\$173,000	(1.5)
2022	(\$794,100)	\$173,000	(1.5)
2023	(\$794,100)	\$173,000	(1.5)
2024	(\$794,100)	\$173,000	(1.5)

Fiscal Analysis

The bill would amend the Education Code related to driver education, instructor licenses and certifications, and alternative methods of driver education instruction. The bill would amend the Health and Safety Code related to certificates of operation for boilers. The bill would amend the Insurance Code relating to the deregulation of mold assessors and remediators. The bill would

amend the Occupations Code repealing the regulation of mold assessors and remediators; relating to audiologists; repealing the regulation of orthotic and prosthetic technicians; relating to dietitians; and, repealing the regulation of used automotive parts employee licenses.

The bill would take effect on September 1, 2019.

Methodology

Driver Education

Based on information provided by TDLR, this analysis assumes the bill would result in a loss of fee revenue of approximately \$15,000 per fiscal year, beginning in fiscal year 2020, due to the removal of the requirement of approval by TDLR for alternative methods of instruction for driver education courses. This analysis assumes the bill's requirement for one driver instructor license and three certifications will take the place of the current instructor licenses with no fiscal impact to the state. The bill would not have an effect on TDLR's workload in this program and no change in full-time-equivalent (FTE) positions is necessary to implement the provisions of the bill related to the driver education program.

Repeal Mold Assessor and Remediators

Based on information provided by TDLR, this analysis assumes the deregulation of the mold assessors and remediators program would result in a revenue loss of approximately \$717,700 per fiscal year to the General Revenue Fund beginning in fiscal year 2020. TDLR would no longer license the approximately 5,000 individuals and companies which assess and remediate mold, accredit the training providers, or enforce the statute and rules. This would result in savings of \$93,000 annually in salary, benefits, and other operating costs, and the loss of 1.5 FTEs each year beginning in fiscal year 2020. Additionally, with the deregulation of the program, there would no longer be a need for TDLR to contract with the Department of State Health Services (DSHS) to conduct the related mold inspections. This results in a savings of \$80,000 each year at TDLR and that workload would no longer be required at DSHS beginning in fiscal year 2020.

Repeal Orthotic and Prosthetic Technicians

TDLR issues very few orthotic and prosthetic technician licenses. The deregulation of this program would result in a revenue loss of approximately \$400 per fiscal year to General Revenue beginning in fiscal year 2020.

Repeal Used Automotive Parts Regulation

Based on information provided by TDLR, this analysis assumes the repeal of the used automotive parts employee license would result in a revenue loss of approximately \$61,000 per fiscal year to the General Revenue Fund beginning in fiscal year 2020. The program currently uses minimal TDLR employee time so no related savings are anticipated from removing this program.

Based on information provided by TDLR, this analysis assumes all other provisions of the bill can be implemented with no significant fiscal impact to the state. This analysis assumes that any increased cost to TDLR, which is statutorily required to generate sufficient revenue to cover its costs of operation, would be offset by an increase in fee generated revenue.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts,
452 Department of Licensing and Regulation

LBB Staff: WP, CLo, SGr, DFR