

House Bill 2847
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

Sec. 94.001. DEFINITIONS. In this chapter:

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

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

(3) "Lessee" means an individual who acquires the right to possession and use of a motor vehicle under a lease agreement primarily for personal, family, or household purposes.

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

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

SENATE VERSION (CS)

ARTICLE 1. Same as House version.

SECTION 1.001. Same as House version.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 1.002. The change in law made by this article applies only to a lease agreement entered into on or after the effective date of this Act. A lease agreement entered into before the effective date of this Act is governed by the law in effect on the date the lease agreement was entered into, and the former law is 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

SENATE VERSION (CS)

SECTION 1.002. Same as House version.

ARTICLE 2. Same as House version.

SECTION 2.001. Same as House version.

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(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 instruction are offered;
- (2) has adequate space, equipment, instructional material, and instructors to provide training of good quality in the classroom and behind the wheel, if applicable;
- (3) has instructors who have adequate educational qualifications and experience;
- (4) provides to each student before enrollment:
 - (A) a copy of:

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SECTION 2.002. Same as House version.

SECTION 2.003. Same as House version.

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- (i) the refund policy;
- (ii) the schedule of tuition, fees, and other charges; and
- (iii) the regulations relating to absence, grading policy, and rules of operation and conduct; and
- (B) the department's name, mailing address, telephone number, and Internet website address for the purpose of directing complaints to the department;
- (5) maintains adequate records as prescribed by the department to show attendance and progress or grades and enforces satisfactory standards relating to attendance, progress, and conduct;
- (6) on completion of training, issues each student a certificate indicating the course name and satisfactory completion;
- (7) complies with all county, municipal, state, and federal regulations, including fire, building, and sanitation codes and assumed name registration, if applicable;
- (8) is financially sound and capable of fulfilling its commitments for training;
- (9) maintains and publishes as part of its student enrollment contract the proper policy for the refund of the unused portion of tuition, fees, and other charges if a student fails to take the course or withdraws or is discontinued from the school at any time before completion;
- (10) does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the department;
- (11) does not use a name similar to the name of another existing school or tax-supported educational institution in this state, unless specifically approved in writing by the executive director;

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- (12) submits to the department for approval the applicable course hour lengths and curriculum content for each course offered by the school;
- (13) does not owe an administrative penalty for a violation of this chapter; ~~and~~
- (14) meets any additional criteria required by the department, including any applicable inspection requirements; and
- (15) provides adequate testing and security measures for the school's method of instruction.

No equivalent provision.

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SECTION 2.004. Section 1001.2513, Education Code, is amended to read as follows:
Sec. 1001.2513. **CONFIDENTIALITY OF INFORMATION.** A social security number, driver's license number, other identification number, or fingerprint record ~~[Information]~~ collected for ~~for~~ ~~about~~ a person to comply with Section 1001.2511~~[-, including the person's name, address, phone number, social security number, driver's license number, other identification number, and fingerprint records]:~~
(1) may not be released except:
(A) to provide relevant information to driver education schools or otherwise to comply with Section 1001.2511;
(B) by court order; or
(C) with the consent of the person who is the subject of the information;
(2) is not subject to disclosure as provided by Chapter 552, Government Code; and

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

SECTION 2.005. Same as House version.

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

Sec. 1001.2531. DRIVER EDUCATION INSTRUCTOR REQUIREMENTS. (a) The commission by rule shall establish standards for a driver education instructor to be certified as a teaching assistant, driver education teacher, or supervising teacher.

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

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

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

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

(A) is at least 21 years of age;

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

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

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

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

(1) have successfully completed:

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(A) six semester hours of driver and traffic safety education from an accredited college or university; or
(B) a teaching assistant development course approved by the department; and
(2) pass any required examination.

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

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

(1) have successfully completed:

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

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

(2) pass any required examination.

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

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

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

(2) successfully completed:

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

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

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

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

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

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

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

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

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

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SECTION 2.006. Same as House version.

SECTION 2.007. Same as House version.

SECTION 2.008. Same as House version.

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

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

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

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

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

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

ARTICLE 3. LASER HAIR REMOVAL

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

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

SECTION 3.002. As soon as practicable after the effective date of this Act, the Texas Commission of Licensing and Regulation shall adopt the rules necessary to implement

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ARTICLE 3. Same as House version.

SECTION 3.001. Same as House version.

SECTION 3.002. Same as House version.

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Section 401.509, Health and Safety Code, as added by this article.

ARTICLE 4. PHARMACISTS

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

(i) Each dispensing pharmacist shall:

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

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

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

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

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

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

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

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ARTICLE 4. Same as House version.

SECTION 4.001. Same as House version.

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

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

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

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

(A) investigating a specific license holder; or

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

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

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

(4) a medical examiner conducting an investigation;

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SECTION 4.002. Same as House version.

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

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

(B) a practitioner who:

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

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

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

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

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

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

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

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

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

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

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

(1) [(A)] dispense a prescription drug or device under a prescription drug order[;] and

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

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

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SECTION 4.003. Same as House version.

SECTION 4.004. Same as House version.

SECTION 4.005. Same as House version.

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

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

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

(2) Subchapter E, Chapter 562.

SECTION 4.006. Same as House version.

No equivalent provision.

SECTION 4.007. To the extent of any conflict, Section 481.076(a), Health and Safety Code, as amended by this article, prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

No equivalent provision.

ARTICLE 5. ELEVATORS, ESCALATORS, AND RELATED EQUIPMENT

No equivalent provision.

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

Sec. 754.026. DISCLOSURE OF E-MAIL ADDRESS. Notwithstanding any other law, an e-mail address provided to the department relating to an inspection or review of plans under this chapter is not confidential and is subject to disclosure under Chapter 552, Government Code.

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ARTICLE 5. BOILERS

No equivalent provision.

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

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

ARTICLE 6. TEXAS DEPARTMENT OF LICENSING AND REGULATION

No equivalent provision.

SENATE VERSION (CS)

ARTICLE 6. Same as House version.

SECTION 6.001. Section 755.025, Health and Safety Code, is amended by adding Subsection (h) to read as follows:
(h) Notwithstanding any other law, an e-mail address provided to the department relating to an inspection under this chapter is not confidential and is subject to disclosure under Chapter 552, Government Code.

SECTION 6.002. Same as House version.

ARTICLE 7. Same as House version.

SECTION 7.001. Section 51.203, Occupations Code, is amended to read as follows:
Sec. 51.203. RULES REGARDING PROGRAMS REGULATED BY DEPARTMENT. (a) The commission shall adopt rules as necessary to implement each law establishing a program regulated by the department.
(b) Notwithstanding any other law, for each program regulated by the department, including a program under

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which a license is issued by the department, the commission by rule may establish:

- (1) the length of a license term, not to exceed two years;
- (2) a fee for the issuance or renewal of a license; and
- (3) any continuing education required to renew a license.

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

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

SECTION 7.002. Same as House version.

No equivalent provision.

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

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

- (1) except for a complaint described by Subsection (b-1), the name of the person who filed the complaint;
- (2) the date the complaint is received by the department;
- (3) the subject matter of the complaint;
- (4) the name of each person contacted in relation to the complaint;
- (5) a summary of the results of the review or investigation of the complaint; and

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(6) an explanation of the reason the file was closed, if the department closed the file without taking action other than to investigate the complaint.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) "Patient" includes:

(A) a patient;

(B) a client; and

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

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

(1) athletic trainers regulated under Chapter 451;

(2) behavior analysts regulated under Chapter 506;

(3) dietitians regulated under Chapter 701;

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

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

(6) massage therapists regulated under Chapter 455;

(7) midwives regulated under Chapter 203;

(8) orthotists and prosthetists regulated under Chapter 605;

(9) podiatrists regulated under Chapter 202; and

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

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

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

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

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

(2) "Patient" includes:

(A) a patient;

(B) a client; and

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

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

(1) athletic trainers regulated under Chapter 451;

(2) behavior analysts regulated under Chapter 506;

(3) dietitians regulated under Chapter 701;

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

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

(6) massage therapists regulated under Chapter 455;

(7) midwives regulated under Chapter 203;

(8) orthotists and prosthetists regulated under Chapter 605;

(9) podiatrists regulated under Chapter 202; and

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

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

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

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

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

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

(3) a governmental agency, if:

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

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

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

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

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

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

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

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

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

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

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

(3) a governmental agency, if:

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

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

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

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

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

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(7) a law enforcement agency; and
(8) a person engaged in bona fide research, if all individual-identifying information has been deleted.
(e) Notwithstanding any other provision of this section, if a department investigation would be jeopardized by the release or disclosure, the department may temporarily withhold or otherwise refrain from releasing or disclosing to any person any information or materials that the department would otherwise be required to release or disclose.
(f) The department may not be compelled to release or disclose complaint and investigation information or materials to a person listed in Subsection (d) if the department has not issued a notice of alleged violation related to the information or materials.
(g) The department may release or disclose complaint and investigation information or materials in accordance with Subsection (d) at any stage of a disciplinary action.
(h) The department shall protect the identity of any patient whose records are examined in connection with a disciplinary action, other than a patient who:
(1) initiates the disciplinary action;
(2) is a witness in the disciplinary action; or
(3) has submitted a written consent to release the records.
(i) Notices of alleged violation issued by the department against respondents, disciplinary proceedings of the department, commission, or executive director, and final disciplinary actions, including warnings and reprimands, by the department, commission, or executive director are not confidential and are subject to disclosure in accordance with Chapter 552, Government Code.

SENATE VERSION (CS)

(7) a law enforcement agency; and
(8) a person engaged in bona fide research, if all individual-identifying information has been deleted.
(e) Notwithstanding any other provision of this section, if a department investigation would be jeopardized by the release or disclosure, the department may temporarily withhold or otherwise refrain from releasing or disclosing to any person any information or materials that the department would otherwise be required to release or disclose.
(f) The department may not be compelled to release or disclose complaint and investigation information or materials to a person listed in Subsection (d) if the department has not issued a notice of alleged violation related to the information or materials.
(g) The department may release or disclose complaint and investigation information or materials in accordance with Subsection (d) at any stage of a disciplinary action.
(h) The department shall protect the identity of any patient whose records are examined in connection with a disciplinary action, other than a patient who:
(1) initiates the disciplinary action;
(2) is a witness in the disciplinary action; or
(3) has submitted a written consent to release the records.
(i) Notices of alleged violation issued by the department against respondents, disciplinary proceedings of the department, commission, or executive director, and final disciplinary actions, including warnings and reprimands, by the department, commission, or executive director are not confidential and are subject to disclosure in accordance with Chapter 552, Government Code.

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

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

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

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

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

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

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

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

- (1) Section 202.404(d);

SENATE VERSION (CS)

SECTION 7.005. Same as House version.

SECTION 7.006. Same as House version.

SECTION 7.007. Same as House version.

SECTION 7.008. Same as House version.

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

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

ARTICLE 7. **PODIATRY**

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

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

SENATE VERSION (CS)

SECTION 7.009. Same as House version.

ARTICLE 8. **PODIATRISTS**

SECTION 8.001. Same as House version.

CONFERENCE

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

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

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

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

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

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

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

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

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

SENATE VERSION (CS)

SECTION 8.002. Same as House version.

SECTION 8.003. Same as House version.

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

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

(2) being convicted of[=

~~[(A) a felony;~~

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

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

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

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

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

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

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

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

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

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- (10) using a podiatry license, certificate, or diploma, or a transcript of a podiatry license, certificate, or diploma, that has been fraudulently purchased, issued, counterfeited, or materially altered;
- (11) impersonating, or acting as proxy for, another person in a podiatry license examination;
- (12) impersonating a license holder, or permitting another person to use the license holder's license to practice podiatry in this state, to treat or offer to treat, by any method, conditions and ailments of human feet;
- (13) directly or indirectly employing a person whose license to practice podiatry has been suspended or associating in the practice of podiatry with a person whose license to practice podiatry has been suspended or who has been convicted of the unlawful practice of podiatry in this state or elsewhere;
- (14) wilfully making in the application for a license to practice podiatry a material misrepresentation or material untrue statement;
- (15) being unable to practice podiatry with reasonable skill and safety to a patient because of age, illness, drunkenness, or excessive use of drugs, narcotics, chemicals, or other substances or as a result of a mental or physical condition;
- (16) failing to practice podiatry in an acceptable manner consistent with public health and welfare;
- (17) being removed, suspended, or disciplined in another manner by the podiatrist's peers in a professional podiatry association or society, whether local, regional, state, or national in scope, or being disciplined by a licensed hospital or the medical staff of a hospital, including removal, suspension, limitation of hospital privileges, or other disciplinary action, if the commission or department determines that the action was:

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- (A) based on unprofessional conduct or professional incompetence likely to harm the public; and
- (B) appropriate and reasonably supported by evidence submitted to the association, society, hospital, or medical staff; or
- (18) having repeated or recurring meritorious health care liability claims filed against the podiatrist that in the commission's or department's opinion are evidence of professional incompetence likely to injure the public.

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

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

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

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

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

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

SENATE VERSION (CS)

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

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

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

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

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

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

CONFERENCE

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

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

(a) The department ~~[commission by rule]~~ shall develop a system to identify and monitor a podiatrist's compliance with this chapter and any [The system must include:
~~[(1) procedures for determining whether a podiatrist is in compliance with an]~~ order issued by the commission or executive director under this chapter [; and
~~[(2) a method of identifying and monitoring each podiatrist who represents a risk to the public].~~

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

Sec. 601.157. PERSON SUPERVISED BY PODIATRIST. A person is not required to hold a certificate issued under this chapter to perform a radiologic procedure if:
(1) the procedure is performed under the supervision of a podiatrist; and
(2) the person:
(A) is registered with the Texas Department of Licensing and Regulation to assist a podiatrist; and

SENATE VERSION (CS)

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

(c) The department may determine whether:
(1) an act constitutes the practice of podiatric medicine; and
(2) a podiatric medical act may be properly or safely delegated by podiatrists.

SECTION 8.005. Same as House version.

SECTION 8.006. Same as House version.

CONFERENCE

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SENATE VERSION (CS)

CONFERENCE

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

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

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

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

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

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

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

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

SECTION 8.007. Same as House version.

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

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

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

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

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

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

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

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

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

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

SENATE VERSION (CS)

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

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

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

SECTION 8.009. Same as House version.

SECTION 8.010. Same as House version.

SECTION 8.011. Same as House version.

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

ARTICLE 8. MIDWIVES

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

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

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

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

SENATE VERSION (CS)

SECTION 8.012. Same as House version.

ARTICLE 9. Same as House version.

SECTION 9.001. Same as House version.

SECTION 9.002. Same as House version.

SECTION 9.003. Same as House version.

CONFERENCE

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SENATE VERSION (CS)

CONFERENCE

ARTICLE 9. AUDIOLOGISTS

ARTICLE 10. Same as House version.

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

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

(1) ~~[register with the department the person's intention to fit and dispense hearing instruments;~~
~~[(2)]~~ comply with rules adopted under this chapter related to fitting and dispensing hearing instruments ~~[the profession's code of ethics];~~

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

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

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

SECTION 10.001. Same as House version.

ARTICLE 10. DYSLEXIA THERAPISTS

No equivalent provision.

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SECTION 10.001. The heading to Chapter 403, Occupations Code, is amended to read as follows:

CHAPTER 403. [~~LICENSED — DYSLEXIA PRACTITIONERS — AND~~] LICENSED DYSLEXIA THERAPISTS

SECTION 10.002. Section 403.001, Occupations Code, is amended by adding Subdivisions (2-a) and (2-b) to read as follows:

(2-a) "Dyslexia" has the meaning assigned by Section 38.003, Education Code.

(2-b) "Dyslexia therapy" means the application of nonmedical principles, methods, and procedures for identifying, mitigating, or remediating dyslexia in individuals.

SECTION 10.003. Subchapter A, Chapter 403, Occupations Code, is amended by adding Sections 403.004, 403.005, and 403.006 to read as follows:

Sec. 403.004. APPLICABILITY: TEACHER OR EMPLOYEE OF SCHOOL. This chapter does not apply to a teacher or employee of a private or public primary or secondary school who practices dyslexia therapy within the scope of the teacher's or employee's employment.

Sec. 403.005. APPLICABILITY: FAMILY MEMBERS AND GUARDIANS. This chapter does not apply to a family member or guardian of a recipient of dyslexia therapy who is implementing a dyslexia therapy plan for the recipient under the extended authority and direction of a licensed dyslexia therapist or a person described by Section 403.004.

SENATE VERSION (CS)

No equivalent provision.

No equivalent provision.

No equivalent provision.

CONFERENCE

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SENATE VERSION (CS)

CONFERENCE

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

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

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

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

No equivalent provision.

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

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

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

No equivalent provision.

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

Sec. 403.102. ISSUANCE OF LICENSE. The department shall issue a [~~licensed dyslexia practitioner or~~] licensed

No equivalent provision.

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dyslexia therapist license to an applicant who meets the requirements of this chapter.

SECTION 10.007. Sections 403.106(a) and (b), Occupations Code, are amended to read as follows:

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

- (1) be accredited by a nationally recognized accrediting organization;
- (2) have in writing defined goals and objectives, areas of authority, and policies and procedures;
- (3) have the appropriate financial and management resources to operate the training program, including a knowledgeable administrator and standard accounting and reporting procedures;
- (4) have a physical site, equipment, materials, supplies, and environment suitable for the training program;
- (5) have a sufficient number of instructional personnel who have completed the requirements for certification in multisensory structured language education;
- (6) have been reviewed by multisensory structured language education professionals who are not affiliated with the training program;
- (7) have developed and followed procedures to maintain and improve the quality of training provided by the program;
- (8) have provided direct instruction in the principles and in each element of multisensory structured language education for a minimum of[=

SENATE VERSION (CS)

No equivalent provision.

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~~[(A)] 200 contact hours of course work [for training program participants who seek a licensed dyslexia therapist license; and~~

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

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

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

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

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

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

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

SENATE VERSION (CS)

CONFERENCE

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SENATE VERSION (CS)

CONFERENCE

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

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

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

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

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

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

(2) complies with commission rules;

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

(4) pays the required fee.

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

(d) This section expires September 1, 2024.

No equivalent provision.

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

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

No equivalent provision.

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

- (1) Section 403.104; and
- (2) Section 403.151(a).

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

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

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

ARTICLE 11. ORTHOTIC AND PROSTHETIC
TECHNICIANS

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

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

SENATE VERSION (CS)

No equivalent provision.

No equivalent provision.

No equivalent provision.

ARTICLE 11. Same as House version.

SECTION 11.001. Same as House version.

CONFERENCE

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

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

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

ARTICLE 12. DIETITIANS

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

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

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

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

(2) ~~(3)~~ establish the qualifications and fitness of applicants for licenses, including renewed and reciprocal licenses;

~~(4) revoke, suspend, or deny a license, probate a license suspension, or reprimand a license holder for a violation of this chapter, a rule adopted under this chapter, or the code of ethics;~~ and

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SECTION 11.002. Same as House version.

SECTION 11.003. Same as House version.

ARTICLE 12. Same as House version.

SECTION 12.001. Same as House version.

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

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

SECTION 12.002. Same as House version.

ARTICLE 13. INTERIOR DESIGNERS

ARTICLE 13. Same as House version.

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

Sec. 1051.451. IMPOSITION OF ADMINISTRATIVE PENALTY. (a) Except as provided by Subsection (b), the ~~The~~ board may impose an administrative penalty on a person who engages in conduct for which the person is subject to disciplinary action under this subtitle, regardless of whether the person holds a certificate of registration issued under this subtitle.

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

No equivalent provision.

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

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

No equivalent provision.

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- (1) revoke, suspend, or refuse to renew a certification of registration;
- (2) reprimand a certificate holder; or
- (3) impose an administrative penalty on a certificate holder ~~person~~ under Subchapter I, Chapter 1051.

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

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

SECTION 13.005. The repeal by this article of Subchapter H, Chapter 1053, Occupations Code, does not apply to an offense committed under that subchapter before the effective date of the repeal. An offense committed before the effective date of the repeal is governed by the law as it existed on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of the repeal if any element of the offense occurred before that date.

SENATE VERSION (CS)

SECTION 13.001. Same as House version.

No equivalent provision.

SECTION 13.002. Same as House version.

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ARTICLE 14. BARBERS AND COSMETOLOGISTS

No equivalent provision.

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

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

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

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ARTICLE 14. Same as House version.

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

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

(1) be at least 17 years of age;

(2) have obtained a high school diploma or the equivalent of a high school diploma or have passed a valid examination administered by a certified testing agency that measures the person's ability to benefit from training; and

(3) have completed:

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

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

SECTION 14.002. Same as House version.

SECTION 14.003. Same as House version.

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

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

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

No equivalent provision.

SENATE VERSION (CS)

SECTION 14.004. Same as House version.

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

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

- (1) maintain a sanitary establishment;
- (2) maintain on duty one licensed instructor for each 25 students in attendance;
- (3) maintain a daily record of students' attendance;
- (4) establish regular class and instruction hours and grades;
- (5) require a school term of not less than six [~~nine~~] months and not less than 1,000 [~~1,500~~] hours instruction for a complete course in cosmetology;
- (6) require a school term of not less than 600 hours instruction for a complete course in manicuring;
- (7) hold examinations before issuing diplomas;
- (8) maintain a copy of the school's curriculum in a conspicuous place and verify that the curriculum is being followed;

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- (9) publish in the school's catalogue and enrollment contract a description of the refund policy required under Section 1602.458; and
- (10) provide the department with information on:
 - (A) the current course completion rates of students who attend a course of instruction offered by the school; and
 - (B) job placement rates and employment rates of students who complete the course of instruction.

SECTION 14.004. Section 1603.104, Occupations Code, is amended by amending Subsection (b) and adding Subsections (c) and (c-1) to read as follows:

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

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

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

SECTION 14.006. Same as House version.

No equivalent provision.

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

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

- (1) 1,000 hours for a student seeking a Class A barber certificate [~~or operator license~~] in a private barber [~~or cosmetology~~] school; [~~or~~]
- (2) 900 hours for a student seeking an operator license in a private cosmetology school; or
- (3) 900 hours for a student seeking a Class A barber certificate or operator license in a publicly funded barber or cosmetology school.

No equivalent provision.

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

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

- (1) the department; [~~or~~]
- (2) a person with whom the department contracts under Section 1603.252;
- (3) a barber school, private beauty culture school, or public secondary or postsecondary beauty culture school that is approved by the department to administer the examination under Section 1603.252; or
- (4) the Windham School District.

No equivalent provision.

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

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No equivalent provision.

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

No equivalent provision.

SECTION 14.011. The changes in law made by this article to Section 1603.255, Occupations Code, apply only to a person who applies to take an early examination for a barbering or cosmetology license on or after the effective date of this Act. A person who applies to take an early examination before the effective date of this Act is governed by the law in effect on the date the person applies, and the former law is continued in effect for that purpose.

ARTICLE 15. USED AUTOMOTIVE PARTS
RECYCLERS

ARTICLE 15. Same as House version.

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

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

SECTION 15.001. Same as House version.

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

Sec. 2309.106. PERIODIC [~~AND—RISK BASED~~] INSPECTIONS.

No equivalent provision.

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

- (1) Sections 2309.106(c) and (d); and
- (2) Section 2309.154.

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

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

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

SENATE VERSION (CS)

SECTION 15.002. Same as House version.

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

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

SECTION 15.004. Same as House version.

SECTION 15.005. Same as House version.

SECTION 15.006. Same as House version.

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

ARTICLE 16. EFFECTIVE DATE

No equivalent provision.

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

SENATE VERSION (CS)

ARTICLE 16. **IMPLEMENTATION**; EFFECTIVE DATE

SECTION 16.001. The Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation 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 commission and the department may, but are not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 16.002. Same as House version.

CONFERENCE