

BILL ANALYSIS

Senate Research Center

S.B. 904
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Health & Human Services
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Commission of Licensing and Regulation (TCLR) is the governing body that sets policies for the Texas Department of Licensing and Regulation (TDLR). TCLR works with the Hearing Fitters and Dispensers Advisory Board and the Speech-Language Pathologist Advisory Board to create rules for selling hearing instruments. It is unusual, however, for TCLR to consult two advisory boards about proposed regulations. It is general practice for TCLR to present proposed rules to only the relevant board, but in law it is not usually a requirement.

Current law exempts new hearing fitter and dispenser license holders from obtaining continuing education. Other TDLR programs, including other health professionals, do not provide exemptions from continuing education requirements during the early years of licensure.

To sell hearing instruments to someone under 18, a licensed hearing instrument fitter and dispenser must receive a letter from a doctor who specializes in diseases of the ear. This letter must be provided by the person requesting the hearing instrument, their parent, or guardian. The letter must confirm the person's hearing loss has been evaluated and their need for a hearing instrument. What's more, the letter must have been written within the last six months. This section of the law is out of sync with recent federal changes.

S.B. 904 would:

- Eliminate the mandate for the Speech-Language Pathologists and Audiologists Advisory Board and the Hearing Instrument Fitters Advisory Board to coordinate with TCLR on hearing instrument sales. This change enables TCLR to seek input from the appropriate advisory board as necessary when addressing proposed regulations, reflecting TCLR's typical approach;
- Remove the continuing education exemption for new licensees in their first 24 months to ensure recent licensees are up to date on new techniques and research; and
- Specify that the physician signing the statement allowing a minor to purchase hearing instruments should preferably specialize in ear diseases but does not make this specialization mandatory, ensuring compliance with federal law while enhancing accessibility to hearing instruments.

The substitute to S.B. 904 would:

- Remove the requirement that only physicians specializing in ear diseases may authorize the purchase of hearing instruments for minors. It would allow, instead, any licensed physician to sign the authorization statement, ensuring compliance with federal law and increasing access to hearing instruments for minors.

S.B. 904 amends current law relating to the licensing and regulation of hearing instrument fitters and dispensers.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission of Licensing and Regulation is modified in SECTION 1 (Section 401.2021, Occupations Code) and SECTION 2 (Section 402.1021, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 401.2021, Occupations Code, to require the Texas Commission of Licensing and Regulation (TCLR) with the assistance of the Speech-Language Pathologists and Audiologists Advisory Board, rather than with the assistance of the Speech-Language Pathologists and Audiologists Advisory Board and the Hearing Instrument Fitters and Dispensers Advisory Board, to adopt rules to establish requirements for each sale of a hearing instrument for purposes of Chapter 401 (Speech-Language Pathologists and Audiologists), rather than Chapters 401 and 402 (Hearing Instrument Fitters and Dispensers), and to make a conforming change.

SECTION 2. Amends Section 402.1021, Occupations Code, to require TCLR with the assistance of the Hearing Instrument Fitters and Dispensers Advisory Board, rather than with the assistance of the Hearing Instrument Fitters and Dispensers Advisory Board and the Speech-Language Pathologists and Audiologists Advisory Board, to adopt rules to establish requirements for each sale of a hearing instrument for purposes of Chapter 402, rather than Chapters 402 and 401, and to make conforming changes.

SECTION 3. Amends Section 402.305, Occupations Code, to delete existing text authorizing the Texas Department of Licensing and Regulation to renew the license of a license holder who does not comply with the applicable continuing education requirements if the license holder was licensed for the first time during the 24 months before the reporting date, and to make nonsubstantive changes.

SECTION 4. Amends Section 402.402(a), Occupations Code, as follows:

(a) Provides that, whenever practicable, the medical evaluation should be performed by a licensed physician who specializes in diseases of the ear. Deletes existing text prohibiting a licensed hearing instrument fitter and dispenser from selling a hearing instrument to a person under 18 years of age unless the prospective user or a parent or guardian of the prospective user has presented to the hearing instrument fitter and dispenser a written statement, signed by a licensed physician specializing in diseases of the ear, that states certain information.

SECTION 5. Makes application of Section 402.402(a), Occupations Code, as amended by this Act, prospective.

SECTION 6. Effective date: September 1, 2025.