

BILL ANALYSIS

S.B. 904
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Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that the Texas Commission of Licensing and Regulation (TCLR) sets policies for the Texas Department of Licensing and Regulation (TDLR) and works with two advisory boards—the Hearing Fitters and Dispensers Advisory Board and the Speech-Language Pathologist Advisory Board—to create rules for selling hearing instruments, though consulting with both boards is rare. Furthermore, current law exempts certain new hearing instrument fitter and dispenser licensees from continuing education requirements, unlike other TDLR health programs that require such education early in licensure. The bill sponsor has further informed the committee that hearing instrument fitters and dispensers are required to obtain a written statement from a licensed physician who specializes in diseases of the ear to confirm hearing loss and the need for the hearing device when selling hearing instruments to minors. S.B. 904 seeks to streamline regulations and improve access to hearing instruments by allowing TCLR to consult only the relevant advisory board on hearing instrument rules, rather than requiring input from two boards, removing the continuing education exemption for new licensees, and expanding the types of licensed physicians who may provide a statement of a minor patient's candidacy for a hearing instrument.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 904 amends the Occupations Code to revise requirements for the Texas Commission of Licensing and Regulation, with the assistance of both 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 provisions relating to speech-language pathologists and audiologists and provisions relating to hearing instrument fitters and dispensers by doing the following:

- removing the Hearing Instrument Fitters and Dispensers Advisory Board as an entity that provides assistance in adopting rules for purposes of provisions relating to speech-language pathologists and audiologists and removing the requirement that the rules adopted under those provisions address records that must be retained under provisions relating to hearing instrument fitters and dispensers; and
- removing the Speech-Language Pathologists and Audiologists Advisory Board as an entity that provides assistance in adopting rules for purposes of provisions relating to hearing instrument fitters and dispensers and removing the requirement that the rules

adopted under those provisions address records that must be retained under provisions relating to speech-language pathologists and audiologists.

S.B. 904 removes the authorization for the Texas Department of Licensing and Regulation to renew the license to fit and dispense hearing instruments of a license holder who does not comply with the applicable continuing education requirements and who was licensed for the first time during the 24 months before the reporting date.

S.B. 904 removes the specification that a licensed physician who signs a written statement of a minor patient's evaluation and candidacy for a hearing instrument that must be presented to a licensed hearing instrument fitter and dispenser as a condition of the licensee selling a hearing instrument to a person under 18 years of age be a licensed physician specializing in diseases of the ear. This bill provision applies only to conduct that occurs on or after the bill's effective date. Conduct that occurs before that date is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2025.