

BILL ANALYSIS

Senate Research Center
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S.B. 904
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Health & Human Services
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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 both boards is rare. Accordingly, S.B. 904 would streamline regulations by allowing TCLR to consult only the relevant advisory board on hearing instrument rules, rather than requiring input from two boards.

What's more, current law exempts new hearing instrument fitter and dispenser licensees from continuing education, unlike other TDLR health programs that require it early in licensure. To address this issue, S.B. 904 also would remove the continuing education exemption for new licensees in their first 24 months, ensuring all licensees stay updated on the latest techniques and research.

Lastly, selling hearing instruments to minors requires hearing instrument fitters and dispensers to obtain a recent (within six months) letter from an ear specialist confirming the hearing loss and need for the hearing device. This requirement complicates access to hearing instruments and conflicts with recent federal updates. S.B. 904 would permit minors, along with their parent or guardian, to obtain the required physician letter from any licensed doctor, preferably an ear specialist, aligning with federal law and improving access to hearing instruments.

As proposed, 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), rather than TCLR with the assistance of the 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) and Chapter 402 (Hearing Instrument Fitters and Dispensers).

SECTION 2. Amends Section 402.1021, Occupations Code, to require TCLR, rather than TCLR with the assistance of the 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 and Chapter 401.

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) Prohibits 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, including a physician who specializes in, rather than specializing in, diseases of the ear, that states that the patient's hearing loss has been medically evaluated and that the patient is authorized to be considered a candidate for a hearing instrument. Makes a nonsubstantive change.

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

SECTION 6. Effective date: September 1, 2025.