

BILL ANALYSIS

Senate Research Center

S.B. 905
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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) 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.

Provisional licenses for Speech-Language Pathologists and Audiologists originated when the jurisprudence exam was offered only a few times a year, allowing individuals to work while waiting to take it. Today, however, the jurisprudence exam is accessible at any time, making such provisional licenses unnecessary.

Lastly, selling hearing instruments to minors requires licensed audiologists 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. 905 would:

- Allow TCLR to consult only with the relevant advisory board on hearing instrument rules, rather than mandating it consult both the Speech-Language Pathologists and Audiologists Advisory Board and the Hearing Instrument Fitters Advisory Board;
- Remove provisional licenses, which are no longer necessary now that applicants for Speech-Language Pathologist and Audiologist licenses can take the Judicial Exam at their convenience, without any waiting period; and
- Remove the requirement that only physicians specializing in ear diseases may authorize the purchase of hearing instruments for minors.

C.S.S.B. 905 would:

- Ensure compliance with federal law by allowing any licensed physician to sign the authorization statement, thereby increasing access to hearing instruments for minors.

Fiscal Note:

- No significant fiscal implication anticipated.

What is the difference between SB 905 and SB 904?

This bill is similar to S.B. 904, which was heard last week. It differs in that S.B. 905 is focused on Chapter 401 of the Occupations Code, which regulates Speech-Language Pathologists and Audiologists, while S.B. 904 is focused on Chapter 402 of the Occupations Code, which regulated Hearing Instrument Fitters and Dispensers. The only point of overlap is that both bills require TCLR to consult the relevant advisory board when adopting rules for the sale of hearing instruments. The Legislative Council drafting attorney wanted to ensure that if only one bill passes, both advisory boards are not required to be consulted unnecessarily.

S.B. 905 amends current law relating to the licensing and regulation of speech-language pathologists and audiologists.

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 5 (Section 402.1021, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 401.2021, Occupations Code, as follows:

Sec. 401.2021. RULES FOR HEARING INSTRUMENTS. Requires 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 this chapter and Chapter 402 (Hearing Instrument Fitters and Dispensers). Deletes existing text requiring that the rules address records that are required to be retained under Chapter 402.

SECTION 2. Amends Section 401.304, Occupations Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires an applicant, to be eligible for licensing as a speech-language pathologist or audiologist, to:

(1) if the application is for a license in:

(A) speech-language pathology, possess at least a master's degree with a major in at least one of the areas of communicative sciences or disorders, rather than a master's degree with a major in at least one of the areas of communicative sciences or disorders from a program accredited by a national accrediting organization that is approved by TCLR or the Texas Department of Licensing and Regulation (TDLR) and recognized by the United States secretary of education under the Higher Education Act of 1965 (20 U.S.C. Section 1001 et seq.) in an accredited or approved college or university; or

(B) audiology, possess at least a master's degree in audiology conferred on or before December 31, 2007, or doctoral degree in audiology or a related hearing science.

(2)-(5) makes no changes to these subdivisions.

Makes conforming and nonsubstantive changes to this subsection.

(a-1) Requires that a degree required under Subsection (a)(1) be obtained from a program accredited by a national accrediting organization that is approved by TCLR or TDLR and recognized by the United States secretary of education under the Higher Education Act of 1965 (20 U.S.C. Section 1001 et seq.) in an accredited or approved college or university.

SECTION 3. Amends Section 401.308, Occupations Code, as follows:

Sec. 401.308. New heading: CERTIFICATE OF CLINICAL COMPETENCE WAIVER.

(a) Redesignates existing Subsection (f) as Subsection (a) and makes no further changes.

Deletes text of existing Subsection (a) authorizing TDLR to grant a provisional license to an applicant who meets certain criteria.

Deletes text of existing Subsection (b) authorizing an applicant for a provisional license to be excused from the requirement of Subsection (a)(3) (relating to an applicant who is sponsored by a license holder with whom the provisional license holder may practice under this section) if TDLR determines that compliance with that requirement is a hardship to the applicant.

Deletes text of existing Subsection (c) providing that a provisional license is valid until the date TDLR approves or denies the provisional license holder's application for a license.

Deletes text of existing Subsection (d) requiring TDLR to issue a license under this chapter to a provisional license holder who meets certain criteria.

Deletes text of existing Subsection (e) requiring TDLR to complete the processing of a provisional license holder's application for a license not later than the 180th day after the date the provisional license is issued.

SECTION 4. Amends Section 401.404, Occupations Code, as follows:

Sec. 401.404. HEARING INSTRUMENT SALES TO MINORS. (a) Creates this subsection from existing text. Prohibits a licensed audiologist from selling a hearing instrument to a person under 18 years of age unless the person or the parent or guardian of the person presents to the audiologist a written statement signed by a licensed physician, rather than a licensed physician who specializes in diseases of the ear, stating that:

(1) the person's hearing loss has been medically evaluated during the six-month period preceding the date the statement is presented; and

(2) the person may be considered a candidate for a hearing instrument.

(b) Provides that, whenever practicable, the medical evaluation described by Subsection (a)(1) should be performed by a licensed physician who specializes in diseases of the ear.

SECTION 5. Amends Section 402.1021, Occupations Code,

Sec. 402.1021. RULES FOR HEARING INSTRUMENTS. Requires TDLR, 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 this chapter, rather than this chapter and Chapter 401. Deletes existing text requiring that the rules address records that are required to be retained under Chapter 401.

SECTION 6. Makes application of Section 401.404, Occupations Code, as amended by this Act, prospective.

SECTION 7. (a) Provides that a provisional license issued under Section 401.308, Occupations Code, before the effective date of this Act that is in effect on that date continues to be valid until the license expires, and the provisions of Section 401.308, Occupations Code, repealed by this Act continue in effect for that purpose. Provides that Chapter 401, Occupations Code, as amended by this Act, continues to apply to a holder of an unexpired provisional license.

(b) Prohibits TDLR, on or after the effective date of this Act, from renewing or extending a provisional license issued under Section 401.308, Occupations Code, before the effective date of this Act.

(c) Provides that a proceeding under Chapter 51 (Texas Department of Licensing and Regulation) or 401, Occupations Code, that is pending against a holder of a provisional license on the date the license expires is terminated on that date.

SECTION 8. Effective date: September 1, 2025.