

BILL ANALYSIS

S.B. 905
By: Zaffirini
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 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. The bill sponsor has further informed the committee that provisional licenses for speech-language pathologists and audiologists originated when the jurisprudence examination was offered only a few times a year, allowing individuals to work in their field while waiting to take it. Currently, however, the jurisprudence examination is accessible at any time, making such provisional licenses unnecessary. S.B. 905 seeks to allow TCLR to consult only with the relevant advisory board on hearing instrument rules and to remove the use of provisional licenses.

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. 905 amends the Occupations Code to revise provisions requiring the Texas Commission of Licensing and Regulation (TCLR) to adopt rules to establish requirements for each sale of a hearing instrument by removing the specification that TCLR is required to do such with the assistance of the following entities

- the Hearing Instrument Fitters and Dispensers Advisory Board; and
- the Speech Language Pathologists and Audiologists Advisory Board.

S.B. 905 revises the provisions governing the minimum educational requirements for an audiologist license applicant as follows:

- removes the specification that the required doctoral degree in audiology or a related hearing science is 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 federal Higher Education Act of 1965 in an accredited or approved college or university; and
- authorizes an applicant to possess at least a master's degree in audiology conferred on or before December 31, 2007, as an alternative educational requirement to such a doctoral degree in audiology or a related hearing science.

S.B. 905 removes the following provisions relating to provisional licenses with respect to speech-language pathologist and audiologist licenses:

- the authorization for TDLR to grant a provisional license to an applicant who meets the following criteria:
 - is licensed in good standing as a speech-language pathologist or an audiologist in another state that has licensing requirements that are substantially equivalent to the state's licensing requirements;
 - has passed a national or other examination recognized by TDLR relating to speech-language pathology or audiology; and
 - is sponsored by a license holder with whom the provisional license holder may practice under state law;
- the authorization for an applicant for a provisional license to be excused from the sponsorship requirement if TDLR determines that compliance with that requirement is a hardship to the applicant;
- a provision establishing that a provisional license is valid until the date TDLR approves or denies the provisional license holder's application for a license;
- the requirement for TDLR to issue a speech-language pathologist or audiologist license to a provisional license holder:
 - who passes the examination required for licensure under state law;
 - for whom TDLR verifies satisfaction of the academic and experience requirements for a license under state law; and
 - who satisfies any other license requirements under state law; and
- the requirement for 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.

The bill establishes that a provisional license issued before the bill's effective date that is in effect on that date continues to be valid until the license expires, and the provisions removed by the bill continue in effect for that purpose. Statutory provisions regulating speech-language pathologists and audiologists continue to apply to a holder of an unexpired provisional license. The bill prohibits TDLR, on or after the bill's effective date, from renewing or extending a provisional license issued before the bill's effective date. The bill establishes that a proceeding under statutory provisions governing TDLR or those regulating speech-language pathologists and audiologists that is pending against a holder of a provisional license on the date the license expires is terminated on that date.

S.B. 905 revises provisions prohibiting 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 by removing the specification that the licensed physician specializes in diseases of the ear. This provision applies only to conduct that occurs on or after the bill's effective date. Conduct that occurs before the bill's effective 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.