

## **BILL ANALYSIS**

Senate Research Center  
89R5475 RAL-F

S.B. 905  
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Health & Human Services  
4/25/2025  
As Filed

### **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. To address this issue, S.B. 905 would streamline regulations by allowing TCLR to consult only the relevant advisory board on hearing instrument rules, rather than requiring input from two boards.

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. Now that the exam is available anytime, these licenses are unnecessary. Accordingly, S.B. 905 would remove provisional licenses.

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 401.2021, Occupations Code, to require Texas Commission of Licensing and Regulation (TCLR) to adopt rules, 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) and to make a nonsubstantive change.

SECTION 2. 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). Deletes text of existing Subsection (a) authorizing the Texas Department of Licensing and Regulation (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 3. Amends Section 401.404, Occupations Code, to prohibit 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, including a physician who specializes in diseases of the ear, stating that the person meets certain criteria.

SECTION 4. Amends Section 402.1021, Occupations Code, to require TDLR to adopt rules, rather than TDLR 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 this chapter and Chapter 401 and to make a nonsubstantive change.

SECTION 5. Makes application of Section 401.404, Occupations Code, as amended by this Act, prospective.

SECTION 6. (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 7. Effective date: September 1, 2025.