

## **BILL ANALYSIS**

Senate Research Center  
89R5473 GP-F

S.B. 918  
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Business & Commerce  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law regarding exemptions from licensure requirements for prosthetists and orthotists is imprecise. The Texas Department of Licensing and Regulation (TDLR) issues and regulates licenses for prosthetists and orthotists, but Section 605.254 of the Occupations Code states that a person is entitled to an exemption if they possess "unique qualifications." This terminology is vague, inconsistent with other programs that TDLR regulates, and the current provision poses the risk of inconsistent application.

TDLR may, via existing rulemaking authority, provide application pathways for uniquely qualified applicants, while also calling for a case-by-case determination.

S.B. 918 would remove the ambiguous provision that persons are "entitled to an exemption" and would clarify that TDLR has the authority and legal standing to apply exemptions from licensure requirements consistently.

As proposed, S.B. 918 amends current law relating to the licensing and regulation of orthotists and prosthetists.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 1 (Section 605.254, Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 605.254, Occupations Code, as follows:

Sec. 605.254. EXEMPTIONS FROM OR SUBSTITUTES FOR LICENSE REQUIREMENTS. (a) Authorizes the Texas Commission of Licensing and Regulation (TCLR) by rule to exempt a person from one or more of the academic, clinical training, or examination requirements established under Section 605.252 (License Eligibility). Deletes existing text providing that a person is entitled to an exemption from the license requirements established under Section 605.252.

(b) Creates this subsection from existing text. Requires the person, to be eligible for an exemption under Subsection (a), to present evidence satisfactory to the Texas Department of Licensing and Regulation (TDLR) that the person possesses unique qualifications to practice orthotics, prosthetics, or orthotics and prosthetics. Makes nonsubstantive changes.

(c) Requires TDLR to issue a license under Section 605.256(b) (relating to authorizing TDLR to issue a license in orthotics or prosthetics to an applicant who meets certain requirements) to a person who:

(1) is determined to be eligible for an exemption under this section from a requirement established under Section 605.252; and

(2) meets all requirements provided under Chapter 605 (Orthotists and Prosthetists), other than any requirement for which an exemption is granted under Subdivision (1).

Deletes existing text requiring TDLR to issue a license to a person who is determined to be eligible for a license under Subsection (a). Makes nonsubstantive changes.

(d) Creates this subsection from existing text. Provides that a person holding a license for which an exemption was granted under this section, rather than to whom a license is issued under this subsection, is entitled to the same privileges as if the person met all the requirements of Section 605.252, rather than met the educational and vocational requirements of Section 605.252. Provides that a license holder is subject to the license renewal requirements established by TCLR, other than the requirements exempted under this section, rather than the academic, clinical training, and examination requirements, which TCLR is prohibited from imposing as a condition of the person's license renewal.

SECTION 2. Makes application of Section 605.254, as amended by this Act, prospective.

SECTION 3. Effective date: September 1, 2025.