

By: Zaffirini

S.B. No. 905

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of speech-language pathologists and audiologists.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 401.2021, Occupations Code, is amended to read as follows:

Sec. 401.2021. RULES FOR HEARING INSTRUMENTS. The ~~[With the assistance of the advisory board and the Hearing Instrument Fitters and Dispensers Advisory Board, the]~~ commission shall adopt rules to establish requirements for each sale of a hearing instrument for purposes of this chapter and Chapter 402. The rules must:

(1) address:

(A) the information and other provisions required in each written contract for the purchase of a hearing instrument;

(B) records that must be retained under this chapter or Chapter 402; and

(C) guidelines for the 30-day trial period during which a person may cancel the purchase of a hearing instrument; and

(2) require that the written contract and 30-day trial period information provided to a purchaser of a hearing instrument be in plain language designed to be easily understood by the average consumer.

SECTION 2. Section 401.308, Occupations Code, is amended to read as follows:

Sec. 401.308. ~~[PROVISIONAL LICENSE,]~~ CERTIFICATE OF CLINICAL COMPETENCE WAIVER. ~~[(a) The department may grant a provisional license to an applicant who:~~

~~[(1) 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 requirements of this chapter;~~

~~[(2) has passed a national or other examination recognized by the department relating to speech-language pathology or audiology; and~~

~~[(3) is sponsored by a license holder with whom the provisional license holder may practice under this section.~~

~~[(b) An applicant for a provisional license may be excused from the requirement of Subsection (a)(3) if the department determines that compliance with that requirement is a hardship to the applicant.~~

~~[(c) A provisional license is valid until the date the department approves or denies the provisional license holder's application for a license.~~

~~[(d) The department shall issue a license under this chapter to a provisional license holder:~~

~~[(1) who passes the examination required by Section 401.305,~~

~~[(2) for whom the department verifies satisfaction of the academic and experience requirements for a license under this~~

chapter, and

~~[(3) who satisfies any other license requirements under this chapter.]~~

~~[(c) The department shall 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.]~~

~~[(f)]~~ The department may waive the examination requirement and issue a license to an applicant who holds the Certificate of Clinical Competence of the American Speech-Language-Hearing Association.

SECTION 3. Section 401.404, Occupations Code, is amended to read as follows:

Sec. 401.404. HEARING INSTRUMENT SALES TO MINORS. A licensed audiologist may not sell 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:

(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.

SECTION 4. Section 402.1021, Occupations Code, is amended to read as follows:

Sec. 402.1021. RULES FOR HEARING INSTRUMENTS. The ~~[With the assistance of the advisory board and the Speech-Language~~

~~Pathologists and Audiologists Advisory Board, the]~~ commission shall adopt rules to establish requirements for each sale of a hearing instrument for purposes of this chapter and Chapter 401. The rules must:

(1) address:

(A) the information and other provisions required in each written contract for the purchase of a hearing instrument;

(B) records that must be retained under this chapter or Chapter 401; and

(C) guidelines for the 30-day trial period during which a person may cancel the purchase of a hearing instrument; and

(2) require that the written contract and 30-day trial period information provided to a purchaser of a hearing instrument be in plain language designed to be easily understood by the average consumer.

SECTION 5. Section 401.404, Occupations Code, as amended by this Act, applies only to conduct that occurs on or after the effective date of this Act. Conduct that occurs before the effective date of this Act is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

SECTION 6. (a) 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.

1 Chapter 401, Occupations Code, as amended by this Act, continues to
2 apply to a holder of an unexpired provisional license.

3 (b) On or after the effective date of this Act, the Texas
4 Department of Licensing and Regulation may not renew or extend a
5 provisional license issued under Section 401.308, Occupations
6 Code, before the effective date of this Act.

7 (c) A proceeding under Chapter 51 or 401, Occupations Code,
8 that is pending against a holder of a provisional license on the
9 date the license expires is terminated on that date.

10 SECTION 7. This Act takes effect September 1, 2025.