

1-1 By: Zaffirini S.B. No. 905
1-2 (In the Senate - Filed January 24, 2025; February 13, 2025,
1-3 read first time and referred to Committee on Health & Human
1-4 Services; May 5, 2025, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 5, 2025, sent to printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-8 | | | | |
| 1-9 | X | | | |
| 1-10 | X | | | |
| 1-11 | X | | | |
| 1-12 | X | | | |
| 1-13 | X | | | |
| 1-14 | X | | | |
| 1-15 | X | | | |
| 1-16 | X | | | |
| 1-17 | X | | | |

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 905 By: Perry

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the licensing and regulation of speech-language
1-22 pathologists and audiologists.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 401.2021, Occupations Code, is amended
1-25 to read as follows:

1-26 Sec. 401.2021. RULES FOR HEARING INSTRUMENTS. With the
1-27 assistance of the advisory board [~~and the Hearing Instrument~~
1-28 ~~Fitters and Dispensers Advisory Board~~], the commission shall adopt
1-29 rules to establish requirements for each sale of a hearing
1-30 instrument for purposes of this chapter [~~and Chapter 402~~]. The
1-31 rules must:

1-32 (1) address:

1-33 (A) the information and other provisions
1-34 required in each written contract for the purchase of a hearing
1-35 instrument;

1-36 (B) records that must be retained under this
1-37 chapter [~~or Chapter 402~~]; and

1-38 (C) guidelines for the 30-day trial period during
1-39 which a person may cancel the purchase of a hearing instrument; and

1-40 (2) require that the written contract and 30-day trial
1-41 period information provided to a purchaser of a hearing instrument
1-42 be in plain language designed to be easily understood by the average
1-43 consumer.

1-44 SECTION 2. Section 401.308, Occupations Code, is amended to
1-45 read as follows:

1-46 Sec. 401.308. [~~PROVISIONAL LICENSE;~~] CERTIFICATE OF
1-47 CLINICAL COMPETENCE WAIVER. [~~(a) The department may grant a~~
1-48 ~~provisional license to an applicant who:~~

1-49 [~~(1) is licensed in good standing as a speech-language~~
1-50 ~~pathologist or an audiologist in another state that has licensing~~
1-51 ~~requirements that are substantially equivalent to the requirements~~
1-52 ~~of this chapter;~~

1-53 [~~(2) has passed a national or other examination~~
1-54 ~~recognized by the department relating to speech-language pathology~~
1-55 ~~or audiology; and~~

1-56 [~~(3) is sponsored by a license holder with whom the~~
1-57 ~~provisional license holder may practice under this section.~~

1-58 [~~(b) An applicant for a provisional license may be excused~~
1-59 ~~from the requirement of Subsection (a)(3) if the department~~
1-60 ~~determines that compliance with that requirement is a hardship to~~

2-1 ~~the applicant.~~

2-2 ~~[(c) A provisional license is valid until the date the~~
2-3 ~~department approves or denies the provisional license holder's~~
2-4 ~~application for a license.~~

2-5 ~~[(d) The department shall issue a license under this chapter~~
2-6 ~~to a provisional license holder.~~

2-7 ~~[(1) who passes the examination required by Section~~
2-8 ~~401.305,~~

2-9 ~~[(2) for whom the department verifies satisfaction of~~
2-10 ~~the academic and experience requirements for a license under this~~
2-11 ~~chapter; and~~

2-12 ~~[(3) who satisfies any other license requirements~~
2-13 ~~under this chapter.~~

2-14 ~~[(e) The department shall complete the processing of a~~
2-15 ~~provisional license holder's application for a license not later~~
2-16 ~~than the 180th day after the date the provisional license is issued.~~

2-17 ~~[(f)]~~ The department may waive the examination requirement
2-18 and issue a license to an applicant who holds the Certificate of
2-19 Clinical Competence of the American Speech-Language-Hearing
2-20 Association.

2-21 SECTION 3. Section 401.404, Occupations Code, is amended to
2-22 read as follows:

2-23 Sec. 401.404. HEARING INSTRUMENT SALES TO MINORS. A
2-24 licensed audiologist may not sell a hearing instrument to a person
2-25 under 18 years of age unless the person or the parent or guardian of
2-26 the person presents to the audiologist a written statement signed
2-27 by a licensed physician ~~[who specializes in diseases of the ear]~~
2-28 stating that:

2-29 (1) the person's hearing loss has been medically
2-30 evaluated during the six-month period preceding the date the
2-31 statement is presented; and

2-32 (2) the person may be considered a candidate for a
2-33 hearing instrument.

2-34 SECTION 4. Section 402.1021, Occupations Code, is amended
2-35 to read as follows:

2-36 Sec. 402.1021. RULES FOR HEARING INSTRUMENTS. With the
2-37 assistance of the advisory board ~~[and the Speech-Language~~
2-38 ~~Pathologists and Audiologists Advisory Board]~~, the commission
2-39 shall adopt rules to establish requirements for each sale of a
2-40 hearing instrument for purposes of this chapter ~~[and Chapter 401]~~.
2-41 The rules must:

2-42 (1) address:

2-43 (A) the information and other provisions
2-44 required in each written contract for the purchase of a hearing
2-45 instrument;

2-46 (B) records that must be retained under this
2-47 chapter ~~[or Chapter 401]~~; and

2-48 (C) guidelines for the 30-day trial period during
2-49 which a person may cancel the purchase of a hearing instrument; and

2-50 (2) require that the written contract and 30-day trial
2-51 period information provided to a purchaser of a hearing instrument
2-52 be in plain language designed to be easily understood by the average
2-53 consumer.

2-54 SECTION 5. Section 401.404, Occupations Code, as amended by
2-55 this Act, applies only to conduct that occurs on or after the
2-56 effective date of this Act. Conduct that occurs before the
2-57 effective date of this Act is governed by the law in effect on the
2-58 date the conduct occurred, and the former law is continued in effect
2-59 for that purpose.

2-60 SECTION 6. (a) A provisional license issued under Section
2-61 401.308, Occupations Code, before the effective date of this Act
2-62 that is in effect on that date continues to be valid until the
2-63 license expires, and the provisions of Section 401.308, Occupations
2-64 Code, repealed by this Act continue in effect for that purpose.
2-65 Chapter 401, Occupations Code, as amended by this Act, continues to
2-66 apply to a holder of an unexpired provisional license.

2-67 (b) On or after the effective date of this Act, the Texas
2-68 Department of Licensing and Regulation may not renew or extend a
2-69 provisional license issued under Section 401.308, Occupations

3-1 Code, before the effective date of this Act.
3-2 (c) A proceeding under Chapter 51 or 401, Occupations Code,
3-3 that is pending against a holder of a provisional license on the
3-4 date the license expires is terminated on that date.
3-5 SECTION 7. This Act takes effect September 1, 2025.

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