

By: Miller of Fort Bend

H.B. No. 2683

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of the regulation of licensed dyslexia practitioners and licensed dyslexia therapists to the Texas Department of Licensing and Regulation.

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

SECTION 1. Section 403.001, Occupations Code, is amended to read as follows:

Sec. 403.001. DEFINITIONS. In this chapter:

(1) "Advisory Board" means the Licensed Dyslexia Practitioner and Licensed Dyslexia Therapist Advisory Board.

(2) [(1)] "Commission" ["Commissioner"] means the Texas Commission of Licensing and Regulation [commissioner of state health services].

(3) [(2)] "Department" means the Texas Department of Licensing and Regulation [Department of State Health Services].

(4) [(3)] "Executive Director" ["Executive commissioner"] means the executive director of the Texas Department of Licensing and Regulation [commissioner of the Health and Human Services Commission].

(5) [(4)] "License holder" means a person who holds a license issued under this chapter.

(6) [(5)] "Multisensory structured language education" means a program described by the International Multisensory Structured Language Education Council for the

treatment of individuals with dyslexia and related disorders that provides instruction in the skills of reading, writing, and spelling:

(A) through program content that includes:

- (i) phonology and phonological awareness;
- (ii) sound and symbol association;
- (iii) syllables;
- (iv) morphology;
- (v) syntax; and
- (vi) semantics; and

(B) following principles of instruction that include:

- (i) simultaneous multisensory instruction, including visual-auditory-kinesthetic-tactile instruction;
 - (ii) systematic and cumulative instruction;
 - (iii) explicit instruction;
 - (iv) diagnostic teaching to automaticity;
- and
- (v) synthetic and analytic instruction.

[(6) "Qualified instructor" means a person described by Section 403.110.]

SECTION 2. Subchapter B, Chapter 403, Occupations Code, is amended by adding new Section 403.049 as follows:

Sec. 403.049. FEES. The commission by rule shall establish reasonable and necessary fees in amounts sufficient to cover the costs of administering and enforcing this chapter.

SECTION 3. Subchapter B, Chapter 403, Occupations Code, is amended by adding new Section 403.050 as follows:

Section 403.050. POWERS AND DUTIES OF EXECUTIVE DIRECTOR.
The executive director shall administer and enforce this chapter.

SECTION 4. Section 403.051, Occupations Code, is amended to read as follows:

Sec. 403.051. ADVISORY BOARD [~~COMMITTEE~~]. (a) The commission [~~department~~] shall appoint an advisory board [~~committee~~] to advise the department in administering this chapter.

(b) The Advisory board consists of 7 members appointed by the presiding officer of the commission with the approval of the commission as follows:

(1) 3 dyslexia therapists licensed under this Chapter;
(2) 2 dyslexia practitioner licensed under this Chapter; and

(3) 2 public members, one of whom must be a person with dyslexia or the parent of a person with dyslexia.

(c) Advisory board members serve terms of four years, with the terms of three members expiring on February 1 of each odd-numbered year.

(d) If a vacancy occurs during a term, the presiding officer of the commission, with the approval of the commission, shall appoint a replacement who meets the qualifications of the vacated position to serve for the remainder of the term.

(e) The presiding officer of the commission shall appoint one of the advisory board members to serve as presiding officer of the advisory board for a term of two years. The presiding officer of

1 the advisory board may vote on any matter before the advisory board.

2 (f) Advisory board members may not receive compensation but
3 are entitled to reimbursement for actual and necessary expenses
4 incurred in performing the functions of the advisory board, subject
5 to the General Appropriations Act.

6 (g) The advisory board shall meet at the call of the
7 presiding officer of the commission or the executive director.

8 (h) The advisory board shall provide advice and
9 recommendations to the department on technical matters relevant to
10 the administration of this chapter.

11 (i) A member of the advisory board may be removed from the
12 advisory board as provided by Section 51.209, Occupations Code.

13 SECTION 5. Section 403.052, Occupations Code, is amended to
14 read as follows:

15 Sec. 403.052. RULES. The commission [~~executive~~
16 ~~commissioner~~] shall adopt rules necessary to administer and enforce
17 this chapter including rules that establish standards of ethical
18 practice and establish requirements for continuing education
19 including a minimum number of hours of continuing education
20 required to renew a license under this chapter.

21 SECTION 6. Section 403.103, Occupations Code, is amended to
22 read as follows:

23 Sec. 403.103. LICENSE APPLICATION. (a) An application for
24 a license under this chapter must be submitted in the manner and on
25 a form prescribed by the executive director [~~A license applicant~~
26 ~~must apply to the department on a form and in the manner the~~
27 ~~department prescribes~~].

1 (b) The commission by rule shall determine the information
2 and documentation required to be submitted as part of an
3 application for each license under this chapter [~~application must~~
4 ~~be accompanied by a nonrefundable application fee~~].

5 (c) The commission by rule shall establish the appropriate
6 fees required to be paid by the applicant to obtain a license under
7 this chapter.

8 SECTION 7. Subchapter C, Chapter 403, Occupations Code, is
9 amended to add Section 403.1035 to read as follows:

10 Sec. 403.1035. LICENSE RENEWAL. (a) A license issued under
11 this chapter is valid for one year.

12 (b) The commission by rule shall establish the requirements
13 for renewing a license issued under this chapter, including the
14 payment of applicable fees.

15 SECTION 8. Section 403.106, Occupations Code, is amended to
16 read as follows;

17 Sec. 403.106. REQUIREMENTS FOR TRAINING PROGRAMS.

18 (a) For purposes of determining whether an applicant
19 satisfies the training requirements for a license under this
20 chapter, a multisensory structured language education training
21 program completed by the applicant must:

22 (1) be accredited by a nationally recognized
23 accrediting organization;

24 (2) have in writing defined goals and objectives,
25 areas of authority, and policies and procedures;

26 (3) have the appropriate financial and management
27 resources to operate the training program, including a

1 knowledgeable administrator and standard accounting and reporting
2 procedures;

3 (4) have a physical site, equipment, materials,
4 supplies, and environment suitable for the training program;

5 (5) have a sufficient number of instructional
6 personnel who have completed the requirements for certification in
7 multisensory structured language education;

8 (6) have been reviewed by multisensory structured
9 language education professionals who are not affiliated with the
10 training program;

11 (7) have developed and followed procedures to maintain
12 and improve the quality of training provided by the program;

13 (8) have provided direct instruction in the principles
14 and in each element of multisensory structured language education
15 for a minimum of:

16 (A) 200 contact hours of course work for training
17 program participants who seek a licensed dyslexia therapist
18 license; and

19 (B) 45 contact hours of course work for training
20 program participants who seek a licensed dyslexia practitioner
21 license;

22 (9) have required training program participants to
23 complete a program of supervised clinical experience in which the
24 participants provided multisensory structured language education
25 to students or adults, either individually or in small groups for a
26 minimum of:

27 (A) 700 hours for training program participants

1 who seek a licensed dyslexia therapist license; and

2 (B) 60 hours for training program participants
3 who seek a licensed dyslexia practitioner license;

4 (10) have required training program participants to
5 demonstrate the application of multisensory structured language
6 education principles of instruction by completing demonstration
7 lessons observed by an instructor and followed by a conference with
8 and a written report by the instructor; and

9 (11) have provided instruction based on the Texas
10 Education Agency publication "The Dyslexia Handbook: Procedures
11 Concerning Dyslexia and Related Disorders (2007)," or a revised
12 version of that publication approved by the department.

13 (b) A training program must require a training program
14 participant who seeks a licensed dyslexia practitioner license to
15 have completed at least five demonstration lessons described by
16 Subsection (a)(10) and a participant who seeks a licensed dyslexia
17 therapist license to have completed at least 10 demonstration
18 lessons.

19 (c) The department~~[, in consultation with the advisory~~
20 ~~committee]~~ shall determine whether a training program meets the
21 requirements of this section.

22 SECTION 10. Section 403.107, Occupations Code, is amended
23 to read as follows:

24 Sec. 403.107. Examination; Rules. (a) To obtain a license,
25 an applicant must:

26 (1) Pass a written examination approved by the
27 department under Subsection (b); and

1 ~~(2) pay the required fees.[set by the executive~~
2 ~~commissioner]~~

3 (b) The department shall:~~[in consultation with the advisory~~
4 ~~committee],~~

5 (1) identify and designate a competency examination
6 that is related to multisensory structured language education and
7 that will be administered at least twice each year by a professional
8 organization that issues national certifications; and

9 (2) maintain~~[s]~~ a record of all examinations for at
10 least two years after the date of examination.

11 SECTION 11. Section 403.108, Occupations Code, is amended
12 to read as follows:

13 Sec. 403.108. WAIVER OF EXAMINATION REQUIREMENT. The
14 department~~[, in consultation with the advisory committee,~~] may
15 waive the examination requirement and issue a license to an
16 applicant who holds an appropriate certificate or other
17 accreditation from a nationally accredited multisensory structured
18 language education organization recognized by the department.

19 SECTION 12. Section 403.202, Occupations Code, is amended
20 to read as follows:

21 Sec. 403.202. PROHIBITED ACTIONS. A license holder may
22 not:

23 (1) obtain a license by means of fraud,
24 misrepresentation, or concealment of a material fact;

25 (2) sell, barter, or offer to sell or barter a license;
26 or

27 (3) engage in unprofessional conduct that endangers or

1 is likely to endanger the health, welfare, or safety of the public
2 as defined by commission [~~executive commissioner~~] rule.

3 SECTION 13. Section 403.203, Occupations Code, is amended
4 to read as follows:

5 Sec. 403.203. GROUNDS FOR LICENSE DENIAL AND DISCIPLINARY
6 ACTION. The commission or executive director may refuse to issue or
7 renew a license or registration, revoke or suspend a license or
8 registration, place on probation a person whose license or
9 registration has been suspended, or reprimand a license or
10 registration holder who violates this chapter, a rule adopted under
11 this chapter, or an order of the commission or executive director.

12 [~~If a license holder violates this chapter or a rule or code of~~
13 ~~ethics adopted by the executive commissioner, the department shall:~~

14 ~~(1) revoke or suspend the license;~~

15 ~~(2) place on probation the person if the person's~~
16 ~~license has been suspended;~~

17 ~~(3) reprimand the license holder; or~~

18 ~~(4) refuse to renew the license.]~~

19 SECTION 14. Section 403.207, Occupations Code, is amended
20 to read as follows:

21 Sec. 403.207. ADMINISTRATIVE PENALTY [~~SANCTIONS~~]. The
22 commission or executive director may impose an administrative
23 penalty against a person who violates a law establishing a
24 regulatory program administered by the department or a rule adopted
25 or issued by the commission or executive director as provided by
26 Section 51.301, Occupations Code. [~~(a) The executive~~
27 ~~commissioner, in consultation with the advisory committee, by rule~~

1 ~~shall adopt a broad schedule of sanctions for a violation of this~~
2 ~~chapter.~~

3 ~~(b) The State Office of Administrative Hearings shall use~~
4 ~~the schedule of sanctions for a sanction imposed as the result of a~~
5 ~~hearing conducted by that office.]~~

6 SECTION 15. Section 403.251, Occupations Code, is amended
7 to read as follows:

8 Sec. 403.251. CIVIL PENALTY. (a) A person who violates
9 this chapter, a rule adopted by the commission ~~[executive~~
10 ~~commissioner]~~, or an order adopted by the commission or executive
11 director ~~[commissioner]~~ under this chapter is liable for a civil
12 penalty not to exceed \$500 for each occurrence.

13 (b) At the request of the department, the attorney general
14 shall bring an action to recover a civil penalty authorized under
15 this section.

16 SECTION 16. REPEALERS. The following sections are
17 repealed:

18 Section 403.002;

19 Section 403.109;

20 Section 403.152;

21 Section 403.201;

22 Section 403.204;

23 Section 403.205;

24 Section 403.208;

25 Section 403.209;

26 Section 403.210;

27 Section 403.211;

Section 403.212; and

Section 403.252.

SECTION 17. The commission shall adopt rules implementing Chapter 403, Occupations Code, as amended by this Act, no later than March 1, 2016.

SECTION 18. A rule or fee under Chapter 403, Occupations Code, in effect on the effective date of this Act remains in effect until changed by the Texas Commission of Licensing and Regulation.

SECTION 19. As soon as practicable after the effective date of this Act, the Department of State Health Services and the Texas Department of Licensing and Regulation shall adopt a transition plan to provide for the transfer not later than January 1, 2016, of the following to the Texas Department of Licensing and Regulation to the extent necessary for the exercise of that department's powers and duties related to Chapter 403, Occupations Code, as amended by this Act:

(1) personnel;

(2) equipment; and

(3) money appropriated for the fiscal biennium ending August 31, 2017.

SECTION 20. Effective Date. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.