

- SUBJECT:** Transferring regulation of dyslexia practitioners and therapists
- COMMITTEE:** Human Services — committee substitute recommended
- VOTE:** 8 ayes — Raymond, Rose, Keough, S. King, Naishtat, Peña, Price, Spitzer
0 nays
1 absent — Klick
- WITNESSES:** For — Mary Yarus, Academic Language Therapy Association; Robin Cowsar; (*Registered, but did not testify:* Mary Ellen Erwin; Lynn Hoover; Jamie Nettles; Perry Stokes)
Against — None
On — Michael Kelley, Texas Department of Licensing and Regulation; (*Registered, but did not testify:* E. Carol Miller, Department of State Health Services-Professional Licensing and Certification Unit)
- BACKGROUND:** Occupations Code, ch. 403 regulates licensed dyslexia practitioners and licensed dyslexia therapists and requires the Department of State Health Services (DSHS) to appoint a Dyslexia Licensing Advisory Committee.
The Sunset Advisory Commission recommended in its recent review of the DSHS that regulation of dyslexia therapists and practitioners be discontinued at DSHS, including the state license and associated advisory board. In response to the Sunset recommendations, some have called for responsibility over state licensing for dyslexia therapists and practitioners to be transferred from DSHS to another agency to maintain state-recognized standards and accountability for these professionals.
- DIGEST:** CSHB 2683 would transfer licensing and regulation of licensed dyslexia practitioners and licensed dyslexia therapists from the Department of State Health Services (DSHS) to the Texas Department of Licensing and Regulation (TDLR). As soon as practicable after the effective date of the

bill and before January 1, 2016, DSHS and TDLR would adopt a transition plan to provide for the transfer of the following from DSHS to TDLR to the extent necessary for the department's duties related to regulation of dyslexia practitioners and therapists:

- personnel;
- equipment, files, and records; and
- money appropriated for the fiscal biennium ending August 31, 2017.

The bill would require the Dyslexia Licensing Advisory Committee to provide advice and recommendations to TDLR rather than DSHS and would specify the composition, appointment, terms, and procedures for the advisory committee.

The bill would require the Texas Commission of Licensing and Regulation to specify the information and documentation required to be submitted in an application for a licensed dyslexia practitioner or licensed dyslexia therapist license. A license would be valid for one year from the date of issuance. The Texas Commission of Licensing and Regulation would establish requirements for renewing a license, including applicable fees.

If an applicant for a license or a license holder violated provisions in Occupations Code, ch. 403, or an adopted rule or issued order, the bill would allow the Texas Commission of Licensing and Regulation or the executive director of TDLR to revoke or suspend a person's license, place the person on probation, reprimand the license holder, or refuse to issue or renew the license. The bill would allow the Texas Commission of Licensing and Regulation or the executive director of TDLR to impose an administrative penalty against a person who violated a provision of Occupations Code, ch. 403 or an adopted rule or issued order.

CSHB 2683 would repeal sections of Occupations Code, ch. 403 that related to the following:

- administration of Occupations Code, ch. 403 by DSHS;
- the ability of the Health and Human Services Commission executive commissioner to place a license holder on inactive status;
- continuing education requirements required for the renewal of a license holder's license;
- the ability of a person to file complaints alleging a violation of Occupations Code, ch. 403;
- the ability of DSHS to deny, suspend, or revoke a license for a criminal conviction;
- hearings related to a proposal by DSHS to revoke, suspend, or refuse to renew a person's license;
- the creation of a schedule of sanctions for a violation of Occupations Code, ch. 403;
- requirements of a license holder whose license suspension was probated;
- monitoring a license holder;
- informal procedures for a contested case;
- reinstatement of a revoked license;
- reprimand of a license holder and continuing education; and
- cease and desist orders.

By March 1, 2016, the Texas Commission of Licensing and Regulation would adopt rules necessary to implement changes in law made by the bill. A rule or fee under Occupations Code, ch. 403 would continue in effect on the effective date of the bill until changed by the Texas Commission of Licensing and Regulation.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.