

SUBJECT: Revising hearing instrument fitters testing and examination requirements

COMMITTEE: Licensing and Administrative Procedures — committee substitute recommended

VOTE: 7 ayes — T. King, Goldman, Geren, Harless, Hernandez, Kuempel, Paddie

0 nays

4 absent — Guillen, Herrero, K. King, S. Thompson

WITNESSES: For — (*Registered, but did not testify*: Bradford Shields, Texas Academy of Audiology; Scott Pospisil, Texas Hearing Aid Association, Inc.)

Against — None

On — (*Registered, but did not testify*: Carla James, Texas Department of Licensing and Regulation)

BACKGROUND: Occupations Code ch. 402 governs hearing instrument fitters and dispensers. The Texas Department of Licensing and Regulation (TDLR) is responsible for overseeing the profession, including by evaluating and examining applicants for a license to fit and dispense hearing instruments.

Sec. 402.104 establishes requirements for the exam for a license to fit and dispense hearing instruments. The exam is developed and administered by TDLR and can include written, oral, or practical tests. The exam must be administered at least twice a year by one or more qualified proctors and must be validated by an independent testing professional. The Texas Commission of Licensing and Regulation sets the qualifications for proctors of the exam.

Some suggest that aspects of the law related to hearing instrument fitter and dispenser examinations are out of date and do not follow standard TDLR testing and examination policies.

DIGEST: CSHB 2699 would revise the testing and examination requirements for hearing instrument fitters and dispensers.

Under the bill, the Texas Department of Licensing and Regulation (TDLR) would have to develop and maintain an exam for hearing instrument fitters and dispensers that could include a written or practical test but not an oral exam.

The department could arrange for a representative to administer and validate the exam, but would not be required to have the test validated by an independent testing professional. The bill would remove a requirement that the exam be administered at least twice a year.

TDLR or its representative would have to give each applicant due notice of the date and place of the applicant's exam and the subjects and skills that would be tested. The bill would repeal a provision allowing TDLR to refuse to examine an applicant who had been convicted of a misdemeanor involving moral turpitude or a felony.

An applicant who previously failed an examination or test to become licensed under the bill could retake the exam or test. If the applicant had previously failed a practical test, the applicant would have to be retested only on the portions of the test the applicant had failed.

TDLR would be required to issue an apprentice permit to fit and dispense hearing instruments to a training permit holder who had passed the required examination and met other requirements.

The bill would take effect September 1, 2019, and would apply only to a person who applied to take an examination on or after that date.