

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Eissler, Chisum, Button, Leibowitz,  
Bohac

H.B. No. 461

A BILL TO BE ENTITLED

AN ACT

relating to the detection and treatment of dyslexia, including the use of certain professional titles by dyslexia practitioners and therapists; providing a criminal penalty.

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

SECTION 1. Subtitle G, Title 3, Occupations Code, is amended by adding Chapter 403 to read as follows:

CHAPTER 403. DYSLEXIA PRACTITIONERS AND THERAPISTS

Sec. 403.001. SHORT TITLE. This chapter may be cited as the Dyslexia Practitioners and Therapists Title Recognition Act.

Sec. 403.002. STATE TITLE RECOGNITION STANDARDS. (a) To meet the state dyslexia practitioner title recognition standards, a person must have:

(1) earned at least a bachelor's degree from an accredited public or private institution of higher education;

(2) successfully completed at least 45 hours of course work in multisensory structured language education from a training program that meets the requirements of Section 403.0025;

(3) completed at least 60 hours of supervised clinical experience in multisensory structured language education;

(4) completed at least five demonstration lessons of the practice of multisensory structured language education, each observed by an instructor from a training program that meets the requirements of Section 403.0025 and followed by a conference with

1 and a written report by the instructor; and

2 (5) successfully completed a national multisensory  
3 structured language education competency examination as required  
4 by a national certifying professional organization.

5 (b) To meet the state dyslexia therapist title recognition  
6 standards, a person must have:

7 (1) earned at least a bachelor's degree from an  
8 accredited public or private institution of higher education;

9 (2) successfully completed at least 200 hours of  
10 course work in multisensory structured language education from a  
11 training program that meets the requirements of Section 403.0025;

12 (3) completed at least 700 hours of supervised  
13 clinical experience in multisensory structured language education;

14 (4) completed at least 10 demonstration lessons of the  
15 practice of multisensory structured language education, each  
16 observed by an instructor from a training program that meets the  
17 requirements of Section 403.0025 and followed by a conference with  
18 and a written report by the instructor; and

19 (5) successfully completed a national multisensory  
20 structured language education competency examination as required  
21 by a national certifying professional organization.

22 (c) Clinical experience required under Subsections (a)(3)  
23 and (b)(3) must be obtained under the supervision of a qualified  
24 instructor or an instructor from an accredited training program  
25 that meets the requirements of Section 403.0025.

26 Sec. 403.0025. REQUIREMENTS FOR TRAINING PROGRAMS. (a)  
27 For purposes of determining whether a person satisfies the training

1 requirements under the state dyslexia practitioner or state  
2 dyslexia therapist title recognition standards, a multisensory  
3 structured language education training program completed by the  
4 applicant must:

5 (1) be accredited by a nationally recognized  
6 accrediting organization;

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

9 (3) have the appropriate financial and management  
10 resources to operate the training program, including a  
11 knowledgeable administrator and standard accounting and reporting  
12 procedures;

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

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

18 (6) have been reviewed by multisensory structured  
19 language education professionals who are not affiliated with the  
20 training program;

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

23 (8) have provided direct instruction in the principles  
24 and in each element of multisensory structured language education  
25 for a minimum of:

26 (A) 45 contact hours of course work for training  
27 program participants who seek to meet the state dyslexia

1 practitioner title recognition standards; and

2 (B) 200 contact hours of course work for training  
3 program participants who seek to meet the state dyslexia therapist  
4 title recognition standards;

5 (9) have required training program participants to  
6 complete a program of supervised clinical experience in which the  
7 participants provided multisensory structured language education  
8 to students or adults, either individually or in small groups, for a  
9 minimum of:

10 (A) 60 hours for training program participants  
11 who seek to meet the state dyslexia practitioner title recognition  
12 standards; and

13 (B) 700 hours for training program participants  
14 who seek to meet the state dyslexia therapist title recognition  
15 standards;

16 (10) have required training program participants to  
17 demonstrate the application of multisensory structured language  
18 education principles of instruction by completing demonstration  
19 lessons observed by an instructor and followed by a conference with  
20 and a written report by the instructor; and

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

25 (b) A training program must require a training program  
26 participant who seeks to meet the state dyslexia practitioner title  
27 recognition standards to have completed at least five demonstration

1 lessons described by Subsection (a)(10) and a participant who seeks  
2 to meet the state dyslexia therapist title recognition standards to  
3 have completed at least 10 demonstration lessons described by  
4 Subsection (a)(10).

5 Sec. 403.003. CERTIFICATION REQUIRED. (a) A person may not  
6 use the title of, or represent to the public that the person is, a  
7 "registered dyslexia practitioner" or "associate academic language  
8 teacher" or use the initials "RDP" or "AALT" unless the person is  
9 certified by the Academic Language Therapy Association as meeting  
10 the state dyslexia practitioner title recognition standards.

11 (b) A person may not use the title of, or represent to the  
12 public that the person is, a "registered dyslexia therapist" or  
13 "certified academic language therapist" or use the initials "RDT"  
14 or "CALT" unless the person is certified by the Academic Language  
15 Therapy Association as meeting the state dyslexia therapist title  
16 recognition standards.

17 Sec. 403.004. CRIMINAL PENALTY. (a) A person commits an  
18 offense if the person violates Section 403.003.

19 (b) An offense under this section is a misdemeanor  
20 punishable by a fine not to exceed \$1,000.

21 Sec. 403.005. APPLICABILITY. This chapter does not:

22 (1) require a school district to employ a person who  
23 meets the state dyslexia practitioner or state dyslexia therapist  
24 title recognition standards;

25 (2) require a person who holds a license issued under  
26 Chapter 501 to meet the state dyslexia practitioner or state  
27 dyslexia therapist title recognition standards; or

1           (3) authorize a person who is not licensed under  
2 Chapter 401 to practice audiology or speech-language pathology.

3           SECTION 2. (a) An interim committee is created to study  
4 and recommend legislation to increase awareness of early detection  
5 and treatment of dyslexia and related disorders. The committee's  
6 study shall examine:

- 7                   (1) early detection and intervention;  
8                   (2) access to treatment in rural areas of the state;  
9                   (3) the role of public education and higher education  
10 in detection and treatment;  
11                   (4) treatment for older students and adults; and  
12                   (5) any barriers related to accommodations for  
13 individuals with dyslexia and related disorders.

14           (b) The committee consists of the following nine members:

15                   (1) three members appointed by the lieutenant governor  
16 as follows:

17                           (A) two senators, one of whom represents a rural  
18 area; and

19                           (B) one member who represents an institution of  
20 higher education that offers courses in dyslexia and related  
21 disorders;

22                   (2) three members appointed by the speaker of the  
23 house of representatives as follows:

24                           (A) two state representatives, one of whom  
25 represents a rural area; and

26                           (B) one member who represents a nationally  
27 accredited training center; and

1           (3) three members appointed by the governor as  
2 follows:

3                   (A) one member who is a certified academic  
4 language therapist;

5                   (B) one member who is a public school dyslexia  
6 designee; and

7                   (C) one member who is a parent of a student with  
8 dyslexia.

9           (c) The committee shall elect a presiding officer from among  
10 its members.

11           (d) The committee shall convene at the call of the presiding  
12 officer.

13           (e) Committee members may not receive compensation or  
14 reimbursement of expenses for serving on the committee.

15           (f) Not later than December 1, 2010, the committee shall  
16 report the committee's findings and recommendations to the  
17 lieutenant governor, the speaker of the house of representatives,  
18 and the governor.

19           (g) Not later than the 60th day after the effective date of  
20 this Act, the lieutenant governor, the speaker of the house of  
21 representatives, and the governor shall appoint the members of the  
22 interim committee created under this section.

23           SECTION 3. Section 2 of this Act expires September 1, 2011.

24           SECTION 4. This Act takes effect September 1, 2009.

ADOPTED

MAY 23 2009

*Leta Spaul*  
Secretary of the Senate

By: Eissler/Huffman

H.B. No. 461

Substitute the following for H.B. No. 461:

By: *J. Huffman*

C.S.H.B. No. 461

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of dyslexia practitioners and therapists; providing penalties.

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

SECTION 1. Subtitle G, Title 3, Occupations Code, is amended by adding Chapter 403 to read as follows:

CHAPTER 403. LICENSED DYSLLEXIA PRACTITIONERS AND LICENSED DYSLLEXIA THERAPISTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 403.001. DEFINITIONS. In this chapter:

(1) "Commissioner" means the commissioner of state health services.

(2) "Department" means the Department of State Health Services.

(3) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

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

(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.

Sec. 403.002. ADMINISTRATION BY DEPARTMENT OF STATE HEALTH SERVICES. The department shall administer this chapter.

Sec. 403.003. APPLICABILITY. This chapter does not:

- (1) require a school district to employ a person licensed under this chapter;
- (2) require an individual who is licensed under Chapter 501 to obtain a license under this chapter; or
- (3) authorize a person who is not licensed under Chapter 401 to practice audiology or speech-language pathology.

1           [Sections 403.004-403.050 reserved for expansion]

2                   SUBCHAPTER B. POWERS AND DUTIES

3           Sec. 403.051. ADVISORY COMMITTEE. The department shall  
4 appoint an advisory committee to advise the department in  
5 administering this chapter.

6           Sec. 403.052. RULES. The executive commissioner shall  
7 adopt rules necessary to administer and enforce this chapter,  
8 including rules that establish standards of ethical practice.

9           [Sections 403.053-403.100 reserved for expansion]

10                   SUBCHAPTER C. LICENSE REQUIREMENTS

11           Sec. 403.101. LICENSE REQUIRED. A person may not use the  
12 title "licensed dyslexia practitioner" or "licensed dyslexia  
13 therapist" in this state unless the person holds the appropriate  
14 license under this chapter.

15           Sec. 403.102. ISSUANCE OF LICENSE. The department shall  
16 issue a licensed dyslexia practitioner or licensed dyslexia  
17 therapist license to an applicant who meets the requirements of  
18 this chapter.

19           Sec. 403.103. LICENSE APPLICATION. (a) A license  
20 applicant must apply to the department on a form and in the manner  
21 the department prescribes.

22                   (b) The application must be accompanied by a nonrefundable  
23 application fee.

24           Sec. 403.104. ELIGIBILITY FOR LICENSED DYSLEXIA  
25 PRACTITIONER LICENSE. (a) To be eligible for a licensed dyslexia  
26 practitioner license, an applicant must have:

27                   (1) earned a bachelor's degree from an accredited

1 public or private institution of higher education;

2 (2) successfully completed at least 45 hours of course  
3 work in multisensory structured language education from a training  
4 program that meets the requirements of Section 403.106;

5 (3) completed at least 60 hours of supervised clinical  
6 experience in multisensory structured language education;

7 (4) completed at least five demonstration lessons of  
8 the practice of multisensory structured language education, each  
9 observed by an instructor from a training program that meets the  
10 requirements of Section 403.106 and followed by a conference with  
11 and a written report by the instructor; and

12 (5) successfully completed a national multisensory  
13 structured language education competency examination approved by  
14 the department and administered by a national certifying  
15 professional organization.

16 (b) Clinical experience required under Subsection (a)(3)  
17 must be obtained under:

18 (1) the supervision of a qualified instructor or an  
19 instructor from an accredited training program that meets the  
20 requirements of Section 403.106; and

21 (2) guidelines approved by the department.

22 Sec. 403.105. ELIGIBILITY FOR LICENSED DYSLEXIA THERAPIST  
23 LICENSE. (a) To be eligible for a licensed dyslexia therapist  
24 license, an applicant must have:

25 (1) earned at least a master's degree from an  
26 accredited public or private institution of higher education;

27 (2) successfully completed at least 200 hours of

1 course work in multisensory structured language education from a  
2 training program that meets the requirements of Section 403.106;

3 (3) completed at least 700 hours of supervised  
4 clinical experience in multisensory structured language education;

5 (4) completed at least 10 demonstration lessons of the  
6 practice of multisensory structured language education, each  
7 observed by an instructor from a training program that meets the  
8 requirements of Section 403.106 and followed by a conference with  
9 and a written report by the instructor; and

10 (5) successfully completed a national multisensory  
11 structured language education competency examination approved by  
12 the department and administered by a national certifying  
13 professional organization.

14 (b) Clinical experience required under Subsection (a)(3)  
15 must be obtained under:

16 (1) the supervision of a qualified instructor or an  
17 instructor from an accredited training program that meets the  
18 requirements of Section 403.106; and

19 (2) guidelines approved by the department.

20 Sec. 403.106. REQUIREMENTS FOR TRAINING PROGRAMS. (a) For  
21 purposes of determining whether an applicant satisfies the training  
22 requirements for a license under this chapter, a multisensory  
23 structured language education training program completed by the  
24 applicant must:

25 (1) be accredited by a nationally recognized  
26 accrediting organization;

27 (2) have in writing defined goals and objectives,

1 areas of authority, and policies and procedures;  
2           (3) have the appropriate financial and management  
3 resources to operate the training program, including a  
4 knowledgeable administrator and standard accounting and reporting  
5 procedures;  
6           (4) have a physical site, equipment, materials,  
7 supplies, and environment suitable for the training program;  
8           (5) have a sufficient number of instructional  
9 personnel who have completed the requirements for certification in  
10 multisensory structured language education;  
11           (6) have been reviewed by multisensory structured  
12 language education professionals who are not affiliated with the  
13 training program;  
14           (7) have developed and followed procedures to maintain  
15 and improve the quality of training provided by the program;  
16           (8) have provided direct instruction in the principles  
17 and in each element of multisensory structured language education  
18 for a minimum of:  
19               (A) 200 contact hours of course work for training  
20 program participants who seek a licensed dyslexia therapist  
21 license; and  
22               (B) 45 contact hours of course work for training  
23 program participants who seek a licensed dyslexia practitioner  
24 license;  
25           (9) have required training program participants to  
26 complete a program of supervised clinical experience in which the  
27 participants provided multisensory structured language education

1 to students or adults, either individually or in small groups for a  
2 minimum of:

3 (A) 700 hours for training program participants  
4 who seek a licensed dyslexia therapist license; and

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

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

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

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

22 (c) The department, in consultation with the advisory  
23 committee, shall determine whether a training program meets the  
24 requirements of this section.

25 Sec. 403.107. EXAMINATION; RULES. (a) To obtain a license,  
26 an applicant must:

27 (1) pass a written examination approved by the

1 department under Subsection (b); and

2 (2) pay fees set by the executive 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 a record of all examinations for at least  
10 two years after the date of examination.

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

17 Sec. 403.109. INACTIVE STATUS; RULES. (a) The executive  
18 commissioner by rule may provide for a license holder to be placed  
19 on inactive status.

20 (b) Rules adopted under this section must include a time  
21 limit for a license holder to remain on inactive status.

22 Sec. 403.110. QUALIFIED INSTRUCTOR. To be considered a  
23 qualified instructor under this chapter, a person must:

24 (1) be a licensed dyslexia therapist;

25 (2) have at least 1,400 hours of clinical teaching  
26 experience in addition to the hours required to obtain a licensed  
27 dyslexia therapist license; and

1           (3) have completed a two-year course of study  
2 dedicated to the administration and supervision of multisensory  
3 structured language education programs taught by a nationally  
4 accredited training program that meets the requirements of Section  
5 403.106.

6           [Sections 403.111-403.150 reserved for expansion]

7           SUBCHAPTER D. PRACTICE BY LICENSE HOLDER

8           Sec. 403.151. PRACTICE SETTING. (a) A licensed dyslexia  
9 practitioner may practice only in an educational setting, including  
10 a school, learning center, or clinic.

11           (b) A licensed dyslexia therapist may practice in a school,  
12 learning center, clinic, or private practice setting.

13           Sec. 403.152. CONTINUING EDUCATION. (a) A license  
14 holder's license may not be renewed unless the license holder meets  
15 the continuing education requirements established by the executive  
16 commissioner.

17           (b) The executive commissioner, in consultation with the  
18 advisory committee, shall establish the continuing education  
19 requirements in a manner that allows a license holder to comply  
20 without an extended absence from the license holder's county of  
21 residence.

22           (c) The department shall:

23           (1) provide to a license applicant, with the  
24 application form on which the person is to apply for a license,  
25 information describing the continuing education requirements; and

26           (2) notify each license holder of any change in the  
27 continuing education requirements at least one year before the date



1 the change takes effect.

2 [Sections 403.153-403.200 reserved for expansion]

3 SUBCHAPTER E. LICENSE DENIAL; COMPLAINT AND DISCIPLINARY

4 PROCEDURES

5 Sec. 403.201. COMPLAINTS. Any person may file a complaint  
6 with the department alleging a violation of this chapter or a rule  
7 adopted under this chapter.

8 Sec. 403.202. PROHIBITED ACTIONS. A license holder may  
9 not:

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

12 (2) sell, barter, or offer to sell or barter a license;  
13 or

14 (3) engage in unprofessional conduct that endangers or  
15 is likely to endanger the health, welfare, or safety of the public  
16 as defined by executive commissioner rule.

17 Sec. 403.203. GROUNDS FOR DISCIPLINARY ACTION. If a  
18 license holder violates this chapter or a rule or code of ethics  
19 adopted by the executive commissioner, the department shall:

20 (1) revoke or suspend the license;

21 (2) place on probation the person if the person's  
22 license has been suspended;

23 (3) reprimand the license holder; or

24 (4) refuse to renew the license.

25 Sec. 403.204. LICENSE DENIAL, REVOCATION, OR SUSPENSION FOR  
26 CRIMINAL CONVICTION. (a) The department may deny a license or may  
27 suspend or revoke a license if the applicant or license holder has

1 been convicted of a misdemeanor involving moral turpitude or a  
2 felony. The department may take action authorized by this section  
3 when:

4 (1) the time for appeal of the person's conviction has  
5 elapsed;

6 (2) the judgment or conviction has been affirmed on  
7 appeal; or

8 (3) an order granting probation is made suspending the  
9 imposition of the person's sentence, without regard to whether a  
10 subsequent order:

11 (A) allows withdrawal of a plea of guilty;

12 (B) sets aside a verdict of guilty; or

13 (C) dismisses an information or indictment.

14 (b) A plea or verdict of guilty or a conviction following a  
15 plea of nolo contendere is a conviction for purposes of this  
16 section.

17 Sec. 403.205. HEARING. (a) If the department proposes to  
18 revoke, suspend, or refuse to renew a person's license, the person  
19 is entitled to a hearing before a hearings officer appointed by the  
20 State Office of Administrative Hearings.

21 (b) The executive commissioner shall prescribe procedures  
22 for appealing to the commissioner a decision to revoke, suspend, or  
23 refuse to renew a license.

24 Sec. 403.206. ADMINISTRATIVE PROCEDURE. A proceeding under  
25 this subchapter to suspend, revoke, or refuse to renew a license is  
26 governed by Chapter 2001, Government Code.

27 Sec. 403.207. SANCTIONS. (a) The executive commissioner,

1 in consultation with the advisory committee, by rule shall adopt a  
2 broad schedule of sanctions for a violation of this 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 Sec. 403.208. PROBATION. The department may require a  
7 license holder whose license suspension is probated to:

8 (1) report regularly to the department on matters that  
9 are the basis of the probation;

10 (2) limit practice to areas prescribed by the  
11 department; or

12 (3) continue the license holder's professional  
13 education until the license holder attains a degree of skill  
14 satisfactory to the department in those areas that are the basis of  
15 the probation.

16 Sec. 403.209. MONITORING OF LICENSE HOLDER. (a) The  
17 executive commissioner by rule shall develop a system for  
18 monitoring a license holder's compliance with the requirements of  
19 this chapter.

20 (b) Rules adopted under this section must include  
21 procedures to:

22 (1) monitor for compliance a license holder who is  
23 ordered by the department to perform certain acts; and

24 (2) identify and monitor license holders who represent  
25 a risk to the public.

26 Sec. 403.210. INFORMAL PROCEDURES. (a) The executive  
27 commissioner by rule shall adopt procedures governing:

1           (1) informal disposition of a contested case under  
2 Section 2001.056, Government Code; and

3           (2) an informal proceeding held in compliance with  
4 Section 2001.054, Government Code.

5           (b) Rules adopted under Subsection (a) must:

6           (1) provide the complainant and the license holder an  
7 opportunity to be heard; and

8           (2) require the presence of a representative of the  
9 attorney general or the department's legal counsel to advise the  
10 department or the department's employees.

11           Sec. 403.211. REINSTATEMENT. (a) A person may apply for  
12 reinstatement of a revoked license on or after the first  
13 anniversary of the date of revocation.

14           (b) The department may:

15           (1) accept or reject the application; and

16           (2) require an examination as a condition for  
17 reinstatement of the license.

18           Sec. 403.212. REPRIMAND; CONTINUING EDUCATION. (a) In  
19 addition to other disciplinary action authorized by this  
20 subchapter, the department may:

21           (1) issue a written reprimand to a license holder who  
22 violates this chapter; or

23           (2) require that a license holder who violates this  
24 chapter attend continuing education programs.

25           (b) The department, in consultation with the advisory  
26 committee, may specify the number of hours of continuing education  
27 that must be completed by a license holder to fulfill the

1 requirement of Subsection (a)(2).

2 [Sections 403.213-403.250 reserved for expansion]

3 SUBCHAPTER F. PENALTIES AND OTHER ENFORCEMENT PROCEDURES

4 Sec. 403.251. CIVIL PENALTY. (a) A person who violates  
5 this chapter, a rule adopted by the executive commissioner, or an  
6 order adopted by the commissioner under this chapter is liable for a  
7 civil penalty not to exceed \$500 for each occurrence.

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

11 Sec. 403.252. CEASE AND DESIST ORDER. (a) If it appears to  
12 the commissioner that a person who is not licensed under this  
13 chapter is violating this chapter or a rule adopted under this  
14 chapter, the commissioner after notice and an opportunity for a  
15 hearing may issue a cease and desist order prohibiting the person  
16 from engaging in the activity.

17 (b) A violation of an order under this section constitutes  
18 grounds for imposing a civil penalty under this chapter.

19 SECTION 2. The heading to Subtitle G, Title 3, Occupations  
20 Code, is amended to read as follows:

21 SUBTITLE G. PROFESSIONS RELATED TO HEARING, ~~[AND]~~ SPEECH, AND  
22 DYSLEXIA

23 SECTION 3. (a) An interim committee is created to study  
24 and recommend legislation to increase awareness of early detection  
25 and treatment of dyslexia and related disorders. The committee's  
26 study shall examine:

- 27 (1) early detection and intervention;

1           (2) access to treatment in rural areas of the state;  
2           (3) the role of public education and higher education  
3 in detection and treatment;  
4           (4) treatment for older students and adults; and  
5           (5) any barriers related to accommodations for  
6 individuals with dyslexia and related disorders.  
7       (b) The committee consists of the following nine members:  
8           (1) two members who are senators, one of whom  
9 represents a rural area, appointed by the lieutenant governor;  
10          (2) two members who are state representatives, one of  
11 whom represents a rural area, appointed by the speaker of the house  
12 of representatives; and  
13          (3) five members appointed by the governor as follows:  
14               (A) one member who represents an institution of  
15 higher education that offers courses in dyslexia and related  
16 disorders;  
17               (B) one member who represents a nationally  
18 accredited training center;  
19               (C) one member who is a certified academic  
20 language therapist;  
21               (D) one member who is a public school dyslexia  
22 designee; and  
23               (E) one member who is a parent of a student with  
24 dyslexia.  
25       (c) The committee shall elect a presiding officer from among  
26 its members.  
27       (d) The committee shall convene at the call of the presiding

1 officer.

2 (e) Committee members may not receive compensation or  
3 reimbursement of expenses for serving on the committee.

4 (f) Not later than December 1, 2010, the committee shall  
5 report the committee's findings and recommendations to the  
6 lieutenant governor, the speaker of the house of representatives,  
7 and the governor.

8 (g) Not later than the 60th day after the effective date of  
9 this Act, the lieutenant governor, the speaker of the house of  
10 representatives, and the governor shall appoint the members of the  
11 interim committee created under this section.

12 (h) This section expires September 1, 2011.

13 SECTION 4. Not later than November 1, 2009, the  
14 commissioner of the Department of State Health Services shall  
15 appoint the initial members of the advisory committee under Section  
16 403.051, Occupations Code, as added by this Act.

17 SECTION 5. Not later than June 1, 2010, the executive  
18 commissioner of the Health and Human Services Commission shall  
19 adopt final rules under Section 403.052, Occupations Code, as added  
20 by this Act.

21 SECTION 6. The Department of State Health Services shall  
22 issue a licensed dyslexia therapist license to an applicant under  
23 this section who:

24 (1) applies for a license under this section not later  
25 than December 31, 2012;

26 (2) not later than November 30, 2012, meets the  
27 requirements of Sections 403.105(a)(2)-(5), Occupations Code, as

1 added by this Act;

2 (3) submits any other information required by the  
3 department by rule; and

4 (4) pays the application fee.

5 SECTION 7. (a) Except as required by Subsection (b) of  
6 this section, this Act takes effect September 1, 2009.

7 (b) Section 403.101 and Subchapters E and F, Chapter 403,  
8 Occupations Code, as added by this Act, take effect September 1,  
9 2010.



LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB461 by Eissler (Relating to the regulation of dyslexia practitioners and therapists; providing penalties.), As Passed 2nd House

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB461, As Passed 2nd House: a positive impact of \$237,645 through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$185,217
2011	\$52,428
2012	\$52,458
2013	\$52,538
2014	\$52,713

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from General Revenue Fund 1	Probable Revenue Gain from General Revenue Fund 1	Change in Number of State Employees from FY 2009
2010	(\$152,283)	\$337,500	2.0
2011	(\$172,572)	\$225,000	2.5
2012	(\$172,542)	\$225,000	2.5
2013	(\$172,462)	\$225,000	2.5
2014	(\$172,287)	\$225,000	2.5

Fiscal Analysis

The bill would amend the Occupations Code to provide the Department of State Health Services (DSHS) the authority to license and regulate dyslexia practitioners and dyslexia therapists. With respect to the professions of dyslexia practitioners and dyslexia therapists, the bill would authorize DSHS to form an advisory committee, adopt rules, require examinations, issue licenses, and monitor license holders. The bill would provide for civil penalties. The bill also authorizes the collection of both application and examination fees. The bill would create an interim committee to study and recommend legislation to increase awareness of early detection and treatment of dyslexia and related disorders.

The provisions of the bill related to use of titles without a license, license denial, and other penalties



and enforcement procedures would take effect September 1, 2010; the remaining provisions would take effect September 1, 2009.

### **Methodology**

DSHS assumes that 3,000 licenses would be issued during FY 2010 in order to meet the effective date of the title-protection provision of the bill. The agency estimates a need for two additional full-time equivalents (FTE) in fiscal year 2010 and 2.5 FTEs in fiscal year 2011 and each fiscal year thereafter. The total cost of the bill is estimated to be \$152,283 in fiscal year 2010; \$172,572 in fiscal year 2011; \$172,542 in fiscal year 2012, \$172,462 in fiscal year 2013; and \$172,287. These figures include about \$17,000 per year for Enterprise Support Services billed by the Health and Human Services Commission.

The bill would result in an increase in revenue of \$337,500 in General Revenue Funds in fiscal year 2010 and \$225,000 per fiscal year in 2011-2014 from licensing application fees. The agency estimates that there would be 1,500 one-year license applications in fiscal year 2010 and 1,500 two-year license applications per fiscal year for 2010-2014. License costs are estimated by DSHS at \$75 per one-year license and \$150 per two-year license. It is possible that DSHS would also collect revenue from the administration of licensing exams, but an estimate was not provided.

### **Technology**

It is assumed that there would be a technology impact to the bill of \$25,000 in fiscal year 2010 to reconfigure the LicenseEase software; contract staff would be utilized.

### **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 360 State Office of Administrative Hearings, 537 State Health Services, Department of  
**LBB Staff:** JOB, SZ, CL, VJC, MB



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 18, 2009**

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB461** by Eissler (Relating to the regulation of dyslexia practitioners and therapists; providing penalties.), **Committee Report 2nd House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB461, Committee Report 2nd House, Substituted: a positive impact of \$237,645 through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$185,217
2011	\$52,428
2012	\$52,458
2013	\$52,538
2014	\$52,713

**All Funds, Five-Year Impact:**

Fiscal Year	Probable (Cost) from General Revenue Fund 1	Probable Revenue Gain from General Revenue Fund 1	Change in Number of State Employees from FY 2009
2010	(\$152,283)	\$337,500	2.0
2011	(\$172,572)	\$225,000	2.5
2012	(\$172,542)	\$225,000	2.5
2013	(\$172,462)	\$225,000	2.5
2014	(\$172,287)	\$225,000	2.5

**Fiscal Analysis**

The bill would amend the Occupations Code to provide the Department of State Health Services (DSHS) the authority to license and regulate dyslexia practitioners and dyslexia therapists. With respect to the professions of dyslexia practitioners and dyslexia therapists, the bill would authorize DSHS to form an advisory committee, adopt rules, require examinations, issue licenses, and monitor license holders. The bill would provide for civil penalties. The bill also authorizes the collection of both application and examination fees. The bill would create an interim committee to study and recommend legislation to increase awareness of early detection and treatment of dyslexia and related disorders.

The provisions of the bill related to use of titles without a license, license denial, and other penalties



and enforcement procedures would take effect September 1, 2010; the remaining provisions would take effect September 1, 2009.

### **Methodology**

DSHS assumes that 3,000 licenses would be issued during FY 2010 in order to meet the effective date of the title-protection provision of the bill. The agency estimates a need for two additional full-time equivalents (FTE) in fiscal year 2010 and 2.5 FTEs in fiscal year 2011 and each fiscal year thereafter. The total cost of the bill is estimated to be \$152,283 in fiscal year 2010; \$172,572 in fiscal year 2011; \$172,542 in fiscal year 2012, \$172,462 in fiscal year 2013; and \$172,287. These figures include about \$17,000 per year for Enterprise Support Services billed by the Health and Human Services Commission.

The bill would result in an increase in revenue of \$337,500 in General Revenue Funds in fiscal year 2010 and \$225,000 per fiscal year in 2011-2014 from licensing application fees. The agency estimates that there would be 1,500 one-year license applications in fiscal year 2010 and 1,500 two-year license applications per fiscal year for 2010-2014. License costs are estimated by DSHS at \$75 per one-year license and \$150 per two-year license. It is possible that DSHS would also collect revenue from the administration of licensing exams, but an estimate was not provided.

### **Technology**

It is assumed that there would be a technology impact to the bill of \$25,000 in fiscal year 2010 to reconfigure the LicenseEase software; contract staff would be utilized.

### **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 360 State Office of Administrative Hearings, 537 State Health Services, Department of  
**LBB Staff:** JOB, CL, VJC, MB





**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 13, 2009**

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB461** by Eissler (Relating to the detection and treatment of dyslexia, including the use of certain professional titles by dyslexia practitioners and therapists; providing a criminal penalty.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Occupations Code by adding a chapter for state dyslexia practitioner and state dyslexia therapist title recognition standards. The bill authorizes the executive commissioner of the Health and Human Services Commission to adopt rules related to title recognition standards. The bill would provide a criminal penalty for a person who violates the chapter. The bill would create an interim committee to study and recommend legislation to increase awareness of early detection and treatment of dyslexia and related disorders. It is assumed that any costs to implement the provisions of the bill would be minimal and could be absorbed within existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 360 State Office of Administrative Hearings, 537 State Health Services, Department of  
**LBB Staff:** JOB, CL, VJC



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 21, 2009**

**TO:** Honorable Lois W. Kolkhorst, Chair, House Committee on Public Health

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB461** by Eissler (Relating to the detection and treatment of dyslexia, including the use of certain professional titles by dyslexia practitioners and therapists; providing a criminal penalty.), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Occupations Code by adding a chapter for state dyslexia practitioner and state dyslexia therapist title recognition standards. The bill authorizes the executive commissioner of the Health and Human Services Commission to adopt rules related to title recognition standards. The bill would provide a criminal penalty for a person who violates the chapter. The bill would create an interim committee to study and recommend legislation to increase awareness of early detection and treatment of dyslexia and related disorders. It is assumed that any costs to implement the provisions of the bill would be minimal and could be absorbed within existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 360 State Office of Administrative Hearings, 537 State Health Services, Department of  
**LBB Staff:** JOB, CL, VJC



**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 2, 2009**

**TO:** Honorable Lois W. Kolkhorst, Chair, House Committee on Public Health

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB461** by Eissler (Relating to the regulation of dyslexia practitioners and therapists; providing penalties.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB461, As Introduced: a positive impact of \$64,480 through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$72,767)
2011	\$137,247
2012	\$35,939
2013	\$35,939
2014	\$35,939

**All Funds, Five-Year Impact:**

Fiscal Year	Probable (Cost) from General Revenue Fund 1	Probable Revenue Gain from General Revenue Fund 1	Change in Number of State Employees from FY 2009
2010	(\$72,767)	\$0	1.0
2011	(\$177,753)	\$315,000	2.5
2012	(\$174,061)	\$210,000	2.5
2013	(\$174,061)	\$210,000	2.5
2014	(\$174,061)	\$210,000	2.5

**Fiscal Analysis**

The bill would amend the Occupations Code to provide the Department of State Health Services (DSHS) the authority to license and regulate dyslexia practitioners and dyslexia therapists. With respect to the professions of dyslexia practitioners and dyslexia therapists, the bill would authorize DSHS to form an advisory committee, adopt rules, require examinations, issue provisional and temporary licenses, and monitor license holders. The bill would provide for administrative penalties. The bill also authorizes the collection of both application and examination fees.

The provisions of the bill related to use of titles without a license, license denial, administrative penalties, and other penalties and enforcement procedures would take effect September 1, 2010; the remaining provisions would take effect September 1, 2009.



## **Methodology**

To implement the provisions of the bill, DSHS estimates a need for one additional full-time equivalent (FTE) in fiscal year 2010 and 2.5 FTEs in fiscal year 2011 and each fiscal year thereafter. The agency estimates a cost of \$3,000 in fiscal year 2010 and \$1,500 per year after for criminal history background checks and \$3,500 per year starting in fiscal year 2011 for administrative hearings. The total cost of the bill is estimated to be \$72,767 in fiscal year 2010; \$177,753 in fiscal year 2011; and \$174,061 in fiscal years 2012, 2013 and 2014. These figures include about \$20,000 per year for Enterprise Support Services billed by the Health and Human Services Commission.

DSHS estimates the bill would result in an increase in revenue of \$315,000 in fiscal year 2011 and \$210,000 per fiscal year in 2012-2014 from licensing application fees. The agency estimates that there would be 1,500 one-year license applications (costing \$70 each) in fiscal year 2011 and 1,500 two-year license applications (costing \$140 each) per fiscal year for 2011-2014. It is possible that DSHS would also collect revenue from the administration of licensing exams, but an estimate was not provided.

## **Technology**

It is assumed that there would be a technology impact to the bill of \$25,000 in fiscal year 2011 through 2014 to track licenses, requirements, exams, cash processing, and reports; contract staff would be utilized.

## **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 360 State Office of Administrative Hearings, 537 State Health Services, Department of  
**LBB Staff:** JOB, CL, VJC, MB

