

LICENSED DYSLEXIA THERAPISTS AND LICENSED DYSLEXIA PRACTITIONERS

Administrative Rules

16 Texas Administrative Code, Chapter 120

(Effective October 1, 2016)

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120.1. Authority. *(New section adopted effective April 15, 2016, 41 TexReg 2476)*

This chapter is promulgated under the authority of Texas Occupations Code, Chapters 51 and 403.

120.10. Definitions. *(New section adopted effective April 15, 2016, 41 TexReg 2476)*

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) **Act**--Texas Occupations Code, Chapter 403.
- (2) **Advertising**--The solicitation for business utilizing the titles "licensed dyslexia therapist" or "licensed dyslexia practitioner."
- (3) **Applicant**--A person who applies for a license to use the title "licensed dyslexia therapist" or "licensed dyslexia practitioner."
- (4) **Client**--A person who is receiving dyslexia services from a license holder.
- (5) **Commission**--The Texas Commission of Licensing and Regulation.
- (6) **Committee**--The Dyslexia Therapists and Practitioners Advisory Committee.
- (7) **Department**--The Texas Department of Licensing and Regulation.
- (8) **Executive director**--The executive director of the department.
- (9) **License**--A license issued under the Act authorizing a person to use the title "licensed dyslexia therapist" or "licensed dyslexia practitioner."
- (10) **License holder**--A person who has been granted a license to use the title "licensed dyslexia therapist" or "licensed dyslexia practitioner" in accordance with the Act.

120.20. Applications. *(New section adopted effective October 1, 2016, 41 TexReg 2476)*

- (a) Unless otherwise indicated, applicants for a license must submit all required information on department-approved forms.
- (b) Applicants must submit the following, as applicable for the license type for which the applicant is applying:
 - (1) a completed application on a department-approved form;
 - (2) official transcript(s) of all relevant college work or educational programs demonstrating successful completion and degrees earned as applicable to the requirements under the Act and §120.21 and §120.22;
 - (3) documentation of successful completion of applicable examination requirements under the Act and this chapter, including copies of certificates issued by the Academic Language Therapy Association;
 - (4) the form providing information regarding other state licenses, certificates or registrations that an applicant holds or held, if applicable; and
 - (5) the fee required under §120.80.
- (c) The applicant must successfully pass a criminal history background check.

- (d) Licenses are valid for two years from the date of issuance.

120.21. Dyslexia Therapist Licensing Requirements. *(New section adopted effective October 1, 2016, 41TexReg 2476)*

- (a) A person who holds current certification as an academic language therapist issued by the Academic Language Therapy Association or its equivalent as approved by the department, may be licensed as a dyslexia therapist if the person has earned at least a master's degree from an accredited public or private institution of higher education.
- (b) A person who qualifies for licensure under subsection (a), is not required to provide documentation to the department that the person meets the requirements of Occupations Code §403.105(a)(2) - (5), Eligibility for Licensed Dyslexia Therapist License.
- (c) A licensed dyslexia therapist may practice in a school, learning center, clinic, or private practice setting.

120.22. Dyslexia Practitioner Licensing Requirements. *(New section adopted effective October 1, 2016, 41TexReg 2476)*

- (a) A person who holds current certification as an academic language practitioner issued by the Academic Language Therapy Association or its equivalent, as approved by the department, may be licensed as a dyslexia practitioner if the person has earned a bachelor's degree from an accredited public or private institution of higher education.
- (b) A person who qualifies for licensure under subsection (a), is not required to provide documentation to the department that the person meets the requirements of Occupations Code §403.104(a)(2) - (5), Eligibility for Licensed Dyslexia Practitioner License.
- (c) A licensed dyslexia practitioner may practice only in an educational setting, including a school, learning center, or clinic.

120.23. Examination. *(New section adopted effective October 1, 2016, 41TexReg 2476)*

- (a) The examination designated and approved by the department for licensure as a dyslexia therapist is the Alliance National Registration Examination, Therapist Level, administered by the Academic Language Therapy Association.
- (b) The examination designated and approved by the department for licensure as a dyslexia practitioner is the Alliance National Registration Examination, Practitioner Level, administered by the Academic Language Therapy Association.
- (c) The applicable licensure examination requirement is waived for a person who holds current certification as an academic language therapist or academic language practitioner issued by the Academic Language Therapy Association, or its equivalent, as approved by the department.

120.24. Requirements for Training Programs. *(New section adopted effective October 1, 2016, 41TexReg 2476)*

- (a) For purposes of determining whether an applicant satisfies the training requirements for a license under the Act, a multisensory structured language education training program completed by the applicant must meet the requirements in Occupations Code, §403.106 and must have provided instruction based on the Texas Education Agency publication "The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders" (2014) or a revised version of that publication approved by the department.
- (b) Training programs accredited by the International Multisensory Structured Language Education Council (IMSLEC), meet the requirements of the Act.

120.25. Continuing Education. *(New section adopted effective October 1, 2016, 41TexReg 2476)*

- (a) A license holder must complete 20 clock-hours of continuing education during each two-year licensure period.
- (b) Continuing education credit taken by a license holder for renewal shall be acceptable if the experience falls in one or more of the following categories and meets the requirements of subsection (c):
 - (1) academic courses at a regionally accredited college or university;
 - (2) in-service educational programs, training programs, institutes, seminars, workshops and conferences;
 - (3) instructing or presenting education programs or activities at an academic course, in-service educational programs, training programs, institutes, seminars, workshops and conferences not to exceed five clock-hours each continuing education period;
 - (4) publishing a book or an article in a peer review journal not to exceed five clock-hours each continuing education period; or
 - (5) successful completion of a self-study program, not to exceed ten clock-hours each continuing education period.
- (c) Continuing education credit taken by a license holder, shall be in one or more of the following content areas:
 - (1) basic language and/or learning disorders;
 - (2) applied multisensory practice and methodology;
 - (3) curricula in academic language therapy;
 - (4) related research in medicine, psychology, education, or linguistics; or
 - (5) professional practice, including relevant laws, rules, and ethics of practice.
- (d) Continuing education experience shall be credited as follows:
 - (1) Completion of course work at or through an accredited college or university, shall be credited for each semester hour on the basis of ten clock-hours of credit for each semester hour successfully completed for credit or audit as evidenced by a certificate of successful completion or official transcript.
 - (2) Parts of programs that meet the criteria of subsection (c)(2) or (3), shall be credited on a one-for-one basis with one clock-hour of credit for each clock-hour spent in the continuing education experience.
 - (3) A clock-hour shall be 50 minutes of attendance and participation in an acceptable continuing education experience.
 - (4) Continuing education programs, as described in subsection (c)(2) and (3), must be offered or approved by the Academic Language Therapy Association or its equivalent, as approved by the department.

- (5) Successful completion of continuing education experience, as described in subsection (c)(2) and (3), is evidenced by a certificate of completion or attendance issued by the approved sponsoring organization of the course.
 - (6) Successful completion of continuing education experience, as described in subsection (b)(4), is evidenced by submission of a copy of the publication.
 - (7) Successful completion of continuing education experience, described in subsection (b)(5), is evidenced by a certificate of completion presented by the sponsoring organization of the self-study program.
- (e) The department shall employ an audit system for continuing education reporting. The license holder shall be responsible for maintaining a record of his or her continuing education experiences. The certificates, diplomas, or other documentation verifying earning of continuing education hours, are not to be forwarded to the department at the time of renewal unless the license holder has been selected for audit.
 - (f) The audit process shall be as follows.
 - (1) The department shall select for audit, a random sample of license holders for each renewal month. License holders will be notified of the continuing education audit when they receive their renewal documentation.
 - (2) All license holders selected for audit shall submit copies of certificates, transcripts or other documentation satisfactory to the department, verifying the license holder's attendance, participation and completion of the continuing education. All documentation must be provided at the time of renewal.
 - (3) Failure to timely furnish this information or providing false information during the audit process or the renewal process are grounds for disciplinary action against the license holder.
 - (4) A license holder who is selected for continuing education audit may renew through the online renewal process. However, the license will not be considered renewed until the required continuing education documents are received, accepted and approved by the department.
 - (g) Licenses will not be renewed until continuing education requirements have been met.
 - (h) A person who fails to complete continuing education requirements for renewal may not renew the license. The person may obtain a new license by complying with the current requirements and procedures for obtaining a license.
 - (i) The department may not grant continuing education credit to any license holder for:
 - (1) education incidental to the regular professional activities of a license holder, such as learning occurring from experience or research;
 - (2) professional organization activity, such as serving on committees or councils or as an officer;
 - (3) any continuing education activity completed before or after the period of time described in subsection (a); or
 - (4) performance of duties that are routine job duties or requirements.

120.26. Renewal. *(New section adopted effective October 1, 2016, 41TexReg 2476)*

- (a) To renew a license, a license holder must:

- (1) submit a complete renewal application on a department-approved form;
 - (2) successfully pass a criminal history background check;
 - (3) complete 20 hours of continuing education required under §120.25;
 - (4) comply with the continuing education audit process described under §120.25, as applicable; and
 - (5) submit the fee required under §120.80.
- (b) Each license holder is responsible for renewing the license before the expiration date and shall not be excused from paying additional fees or penalties. Failure to receive notification prior to the expiration date of the license, shall not excuse failure to apply for renewal or late renewal.
- (c) A person whose license has expired may late renew the license in accordance with §60.31 (relating to License Renewal Applications) and §60.83 (relating to Late Renewal Fees) of this title.
- (d) A person whose license has expired may not use the title or represent or imply that he or she has the title of “licensed dyslexia therapist” or “licensed dyslexia practitioner” and may not use any facsimile of those titles in any manner.

120.65. Dyslexia Therapists and Practitioners Advisory Committee; Membership. *(New section adopted effective April 15, 2016, 41TexReg 2476)*

- (a) The Dyslexia Therapists and Practitioners Advisory Committee shall be appointed under and governed by the Act and this section. The committee is established under the authority of Occupations Code, §403.051.
- (b) Applicable law. The committee is subject to Government Code, Chapter 2110, concerning state agency advisory committees.
- (c) The purpose of the committee is to provide advice to the department regarding the administration of the Act.
- (d) The committee shall be composed of five members appointed by the presiding officer of the commission with the approval of the commission. The composition of the committee shall include:
- (1) two dyslexia therapists licensed under the Act;
 - (2) one dyslexia practitioner licensed under the Act; and
 - (3) two consumer or public members, one of whom must be a person with dyslexia or the parent of a person with dyslexia.

120.66. Duties. *(New section adopted effective April 15, 2016, 41TexReg 2476)*

The committee shall advise the department regarding rules relating to the licensure and regulation of dyslexia therapists and dyslexia practitioners, including continuing education requirements and the approved examination for licensure.

120.67. Terms; Vacancies. *(New section adopted effective April 15, 2016, 41TexReg 2476)*

The term of office of each member shall be six years. Members shall serve after expiration of their term until a replacement is appointed.

- (1) Members shall be appointed for staggered terms so that the terms of a substantially equivalent number of members will expire on December 31st of each odd-numbered year.
- (2) If a vacancy occurs during a member's term, the presiding officer of the commission, with the commission's approval, shall appoint a replacement who meets the qualifications for the vacant position to serve for the remainder of the term.
- (3) A member of the advisory committee may be removed from the advisory committee pursuant to Texas Occupations Code §51.209, Advisory Boards; Removal of Advisory Board Member.

120.68. Officers. *(New section adopted effective April 15, 2016, 41TexReg 2476)*

- (a) The presiding officer of the commission shall designate a member of the advisory committee as the presiding officer of the advisory committee to serve for a term of one year.
- (b) The presiding officer of the advisory committee shall preside at all committee meetings at which he or she is in attendance. The presiding officer of the advisory committee may vote on any matter before the advisory committee.

120.69. Meetings. *(New section adopted effective April 15, 2016, 41TexReg 2476)*

- (a) The advisory committee shall meet at the call of the presiding officer of the commission or the executive director.
- (b) Meetings shall be announced and conducted under the provisions of the Open Meetings Act, Texas Government Code, Chapter 551.
- (c) A quorum of the advisory committee is necessary to conduct official business. A quorum is three members.
- (d) Advisory committee action shall require a majority vote of those members present and voting.

120.70. Responsibilities of License Holders. *(New section adopted effective October 1, 2016, 41TexReg 2476)*

- (a) License holders shall notify the department of changes in name or mailing address within thirty (30) days of such change(s).
- (b) Notification of address changes shall be made through the department's website, in writing, or by telephone. Notification of name changes shall be in writing and shall include the former and present name, license number, former and present mailing address, and a copy of the legal name change document, such as a marriage license, court order or divorce decree.

120.80. Fees. *(New section adopted effective October 1, 2016, 41TexReg 2476)*

- (a) Unless otherwise specified, the fees established in this section must be paid to the department before a license will be issued or renewed.
- (b) All fees paid to the department are nonrefundable.
- (c) Licensing fees are as follows:
 - (1) application and initial license--\$150
 - (2) renewal--\$150

- (d) Late renewal fees for licenses issued under this chapter are prescribed under §60.83 of this title (relating to Late Renewal Fees).
- (e) The fee for a dishonored/returned check or payment is the fee prescribed under §60.82 of this title (relating to Dishonored Payment Device).
- (f) The fee for a criminal history evaluation letter is the fee prescribed under §60.42 of this title (relating to Criminal History Evaluation Letters).

120.90. Professional Standards and Basis for Disciplinary Action. *(New section adopted effective October 1, 2016, 41TexReg 2476)*

- (a) This section is authorized under Texas Occupations Code, Chapters 51 and 403.
 - (1) If a person violates any provision of Texas Occupations Code, Chapters 51, 403, or any other applicable provision, this chapter, or a rule or order of the executive director or commission, proceedings may be instituted to impose administrative penalties, administrative sanctions, or both in accordance with the provisions of the Texas Occupations Code and the associated rules.
 - (2) The enforcement authority granted under Texas Occupations Code, Chapters 51 and 403, and any associated rules may be used to enforce the Texas Occupations Code and this chapter.
- (b) A license holder shall comply with the following requirements in the provision of professional services. All license holders shall:
 - (1) only provide professional services that are within the scope of the license holder's competence, considering level of education, training, and experience.
 - (2) ensure a safe therapy or teaching environment for clients.
 - (3) not jeopardize a client's safety or well-being by abusive or inattentive behavior.
 - (4) maintain objectivity in all matters concerning the welfare of the client.
 - (5) terminate a professional relationship when it is reasonably clear that the client is not benefitting from the services being provided or when it is reasonably clear that the client no longer needs the services.
 - (6) seek to identify competent, dependable referral sources for clients and shall refer when requested or appropriate.
 - (7) provide accurate information to clients and the public about the nature and management of dyslexia and about the services rendered.
 - (8) be knowledgeable of all available diagnostic data and other relevant information regarding each client.
 - (9) not guarantee, directly or by implication, the results of any therapeutic or teaching services, except that a reasonable statement of prognosis may be made. A license holder shall not mislead clients to expect results that cannot be predicted from reliable evidence.
 - (10) accurately represent and describe any product created or recommended by the license holder.
 - (11) not require the exclusive use or purchase by a client of any product created or produced by the license holder.

- (12) not use his or her professional relationship with a client to promote any product for personal gain or profit, unless the license holder has disclosed to the client the nature of the license holder's personal gain or profit.
- (13) not misrepresent his or her education, training, credentials, or competence.
- (14) fully inform clients of the nature and possible outcomes of services rendered.
- (15) obtain written consent from a client or a minor client's parent or legal guardian in order to use the client's data or information for research or teaching activities.
- (16) not falsify records.
- (17) bill a client or third party only for the services actually rendered in the manner agreed to by the license holder and the client or the minor client's parent or legal guardian.
- (18) not provide professional services solely by written, telephone, or electronic/video correspondence or communication.
- (19) not provide professional services to a client who is receiving dyslexia services from another license holder, except with the prior knowledge and consent of the other license holder.
- (20) not reveal, without authorization, any professional or personal information about a client unless required by law or compelled by a court to do so, or unless doing so is necessary to protect the welfare of the client or of the community. If a license holder reveals professional or personal information about a client without authorization, the information disclosed, the person or entity to whom it was disclosed, and the justification for disclosure shall be documented by the license holder in the client's record.
- (21) provide, in plain language, a written explanation of the charges for professional services previously made on a bill or statement, upon the written request of a client or the minor client's parent or legal guardian.
- (22) not engage in the medical diagnosis or treatment of clients.
- (23) not engage in sexual contact, including intercourse or kissing, sexual exploitation, or therapeutic deception, with a client. Sexual contact and sexual intercourse mean the activities and behaviors described in Penal Code, §21.01. Sexual exploitation means a pattern, practice, or scheme of conduct, which may include sexual contact, that can reasonably be construed as being for the purposes of sexual arousal or gratification or sexual abuse of any person. Therapeutic deception means a representation by a license holder that sexual contact with, or sexual exploitation by, the license holder is consistent with, or part of, the professional services being provided to the client.
- (24) not use alcohol or drugs, not legally prescribed for the license holder, when the use adversely affects or could adversely affect the provision of professional services.
- (25) not offer to pay or agree to accept any remuneration directly or indirectly, overtly or covertly, in cash or in kind, to or from any person, firm, association of persons, partnership, or corporation for securing or soliciting clients or patronage.
- (26) comply with all provisions of the Act and this chapter, as well as any other state or federal law or rule that relates to the provision of professional services by, or the regulation of the license holder.
- (27) not obtain a license by means of fraud, misrepresentation, or concealment of a material fact.

- (28) not sell, barter, or offer to sell or barter a license.
 - (29) inform the department of any violations of this chapter or the Act.
 - (30) comply with any order issued by the department that relates to the license holder.
 - (31) not interfere with a department investigation or disciplinary proceeding by misrepresentation or omission of facts to the department or by the use of threats or harassment against any person.
 - (32) cooperate with the department by promptly furnishing required documents and by promptly responding to a request for information from the department.
 - (33) provide professional services without discrimination based on race, color, national origin, religion, gender, age, or disability.
- (c) A license holder in private practice shall:
- (1) provide a client or a minor client's parent or legal guardian with a written agreement for services prior to the commencement of professional services.
 - (A) The agreement shall contain, at a minimum, a description of the services to be provided, goals, techniques, materials, the cost for services, payment arrangements and policies, hours, cancellation and refund policies, contact information for both parties, and the dated signatures of both parties.
 - (B) Any subsequent modifications to the agreement shall be signed and dated by both parties.
 - (2) maintain legible and accurate records of professional services rendered. A license holder practicing in an educational setting, including a school, learning center, or clinic, shall comply with the recordkeeping requirements of the educational setting.
 - (3) maintain records for a minimum of five years following the termination of services. A license holder practicing in an educational setting, including a school, learning center, or clinic, shall comply with the records retention requirements of the educational setting.
 - (4) not delegate any service requiring professional competence to a person not competent to provide the service. A license holder in private practice is responsible for the services provided by unlicensed persons employed or contracted by the license holder.
 - (5) notify each client or the minor client's parent or legal guardian of the department's name, website, email address, mailing address, and telephone number for the purpose of directing complaints to the department by providing notification on a sign prominently placed in the primary place of business or on a written document, such as an agreement or contract for services or an informational brochure provided by a license holder to a client or the minor client's parent or legal guardian.
 - (6) display the license in the primary location of practice, but shall not display a license that has been photographically or otherwise reproduced.
- (d) Information used by a license holder in any advertisement or announcement shall not contain information that is false, inaccurate, misleading, incomplete, out of context, deceptive or not readily verifiable. Advertising includes, but is not limited to, any announcement of services, letterhead, business cards, commercial products, and billing statements. False, misleading, or deceptive advertising or advertising not readily subject to verification includes advertising that:

- (1) makes a material misrepresentation of fact or omits a fact necessary to make the statement as a whole not materially misleading;
 - (2) makes a representation likely to create an unjustified expectation about the results of a professional service;
 - (3) compares a professional's services with another professional's services unless the comparison can be factually substantiated;
 - (4) causes confusion or misunderstanding as to the credentials, education, or licensing of a professional;
 - (5) makes a representation that is designed to take advantage of the fears or emotions of a particularly susceptible type of client; or
 - (6) represents in the use of a professional name, a title or professional identification that is expressly or commonly reserved to or used by another profession or professional, unless the license holder is licensed or otherwise authorized to use the title or professional identification.
- (e) Records are the responsibility and property of the entity or individual who owns the practice or the practice setting.

120.95. Complaints. *(New section adopted effective October 1, 2016, 41TexReg 2476)*

- (a) The department shall list, with its business telephone number, a toll-free telephone number established to accept complaints relating to a health profession regulated by the department.
- (b) For purposes of this section, a health profession is a profession for which the enabling statute is located in Title 3, Occupations Code, or that is determined to be a health profession under other law.