

DSHS Transfer Programs (Phase 1) – Highlights of Substantive Rule Changes

Common Changes in Rules Across DSHS Transfer Programs

Highlights of Substantive Rule Changes
Deleted Provisions
<ul style="list-style-type: none">• TDLR eliminated rules that were already addressed in the Commission’s and Department’s enabling statute, Occupations Code Chapter 51, and in the procedural rules at 16 TAC Chapter 60, both of which apply to all TDLR programs. Examples include:<ul style="list-style-type: none">○ Late Renewal Timeframes○ Petitions for Rulemaking○ Complaints (Non-Standard of Care Complaints) and Alleged Violations○ Administrative Hearings○ Enforcement and Disciplinary Actions○ Provisions Regarding Applicants with Criminal Histories○ Military Licensing Provisions• TDLR eliminated rules on issues that are addressed by other methods such as the Criminal Conviction Guidelines and the Enforcement Penalty Matrix.• TDLR eliminated rules that were no longer necessary or supported based on the statutory changes of S.B. 202.
Fees
<ul style="list-style-type: none">• TDLR removed program-specific rules and adopted the TDLR standard fees for:<ul style="list-style-type: none">○ Dishonored Payment Device (16 TAC §60.82) = \$50.○ Criminal History Determination Letter (16 TAC §60.42) = \$25.

Highlights of Substantive Rule Changes

- Late Renewal Fee Schedule (Occ. Code §51.401 and 16 TAC §60.83):
 - Expired 90 days or less = One and one half times the regular renewal fee;
 - Expired 91 days to less than 18 months = Two times the regular renewal fee;
 - Expired 18 months to less than 3 years (with Executive Director's approval) = Two times the regular renewal fee.
- Standardized fee changes for the items above resulted in some TDLR fees being higher and some being lower than the DSHS fees.
- TDLR rules eliminated the following fees that were charged by DSHS:
 - Subscription and convenience fees for initial and renewal applications processed through Texas Online.
 - Fees charged for initial and renewal applications to fund the Office of Patient Protection, Health Professions Council.

Policy Boards/Advisory Boards

- DSHS Policy Boards changed to TDLR Advisory Boards in program statutes.
- As a result, the following changed:
 - Powers and duties of these boards changed to advisory only.
 - Appointment of advisory board members and chairs changed to chair of Commission (except O&P – chair is elected by the members).
 - Reimbursement of travel and expenses eliminated.
 - Licensing authority transferred from board to state agency.
 - Handling of complaints and enforcement cases transferred from board to state agency.

Program-Specific Changes

Athletic Trainers Rules

Highlights of Substantive Rule Changes – Athletic Trainers	New TDLR Rules	Previous DSHS Rules
Examination Requirements		
<ul style="list-style-type: none"> TDLR rules change the “notice by mail” for <u>exam information</u> to any form of notice including by email. This allows the agency to realize a cost savings by eliminating postage expense. 	16 TAC §110.23	22 TAC §871.9
Continuing Education		
<ul style="list-style-type: none"> TDLR rules removed the bar to online education by allowing unlimited continuing education hours online for renewal. The new rule under TDLR stripped this barrier to cost effective continuing education and allowed licensees to partake of the established and widely-used industry standard of unlimited online continuing education. DSHS limited the amount of online education that could be used for license renewal to 8 hours. The remaining requisite continuing education hours had to be completed in on-site approved courses. 	16 TAC §110.25	22 TAC §871.12

Dietitians Rules

Highlights of Substantive Rule Changes - Dietitians	New TDLR Rules	Previous DSHS Rules
Terminology		
<ul style="list-style-type: none"> • TDLR rules change terminology and references from “American Dietetic Association” to “Academy of Nutrition and Dietetics”. 	16 TAC §116.2	22 TAC §711.1
Experience Requirements		
<u>TDLR Experience Rule –</u> <ul style="list-style-type: none"> • TDLR rule on pre-planned professional experience programs and internships is more streamlined than the current DSHS rule. TDLR rule eliminated: <ul style="list-style-type: none"> ○ the program approval committee and some procedures; ○ the requirement that sponsors have five years of full time experience and not sponsor more than one program at a time; ○ the curriculum guidelines including specific percentages of time and specific types of curriculum; and ○ some of the requirements regarding documentation. 	16 TAC §116.30	22 TAC §711.6
Examination Requirements		
<u>Examination Rules –</u> <ul style="list-style-type: none"> • TDLR rules incorporated provisions from §711.7, §711.10, and other elements due to the statutory requirements under Occ. Code §§701.253, 701.254, 701.255, 701.257, and 701.2575. 	16 TAC §116.40 – §116.44	22 TAC §711.7, §711.10(e)
<u>TDLR Examination Rules -</u>		

Highlights of Substantive Rule Changes - Dietitians	New TDLR Rules	Previous DSHS Rules
<ul style="list-style-type: none"> TDLR rules addressing examination requirements contain more details than current DSHS rules. 	16 TAC §116.40 – §116.44	22 TAC §711.7, §711.10(e)
<p><u>Jurisprudence Examination –</u></p> <ul style="list-style-type: none"> New TDLR rule addresses the Jurisprudence Examination. Change implements Occ. Code §701.2575. <p>(No current DSHS rules regarding the specifics of the Jurisprudence Examination. The only requirement is to submit proof of successfully completing the Texas Jurisprudence Exam.)</p>	16 TAC §116.44	22 TAC §711.8(b)(2)
Supervision Requirements		
<p><u>Supervision Terminology –</u></p> <ul style="list-style-type: none"> TDLR rules change the terminology from “sponsorship” to “supervision” and from “sponsor” to “supervisor” to conform to the statute (Occ. Code §701.254 and §701.259). 	Throughout the rules, but primarily 16 TAC §116.65	Throughout the rules, but primarily 22 TAC §711.10
<p><u>Supervision Reporting Requirements –</u></p> <ul style="list-style-type: none"> TDLR rules include a provision in the supervision section that would allow TDLR to establish procedures, processes and mechanisms for the monitoring and reporting of the supervision requirements for provisional licensed dietitians. The goal is to reduce the amount of paper being submitted to and processed by the Department by allowing for online submission and reporting of information in the future. 	16 TAC §116.65	No DSHS rules.
Continuing Education		

Highlights of Substantive Rule Changes - Dietitians	New TDLR Rules	Previous DSHS Rules
<ul style="list-style-type: none"> • TDLR rules change the continuing education requirements for provisional licensees to 6 hours per year. Change conforms to statute and one year license term. (Occ. Code §701.259, §701.303.) <p>(DSHS rules require full and provisional licensees to take 12 hours of continuing education during each two year licensing period. However, provisional licenses are one year licenses and can only be renewed twice.)</p>	16 TAC §116.80	22 TAC §711.16(b)
Fees		
<ul style="list-style-type: none"> • TDLR rules increased the application processing fee for preplanned professional experience approval from \$300 to \$350. <ul style="list-style-type: none"> ○ Change conforms to the statute: “The commission may not set a fee that existed on September 1, 1993, in an amount that is less than the amount of that fee on that date.” (Occ. Code §701.154) ○ This fee existed on 9/1/1993 and was in the amount of \$350. TDLR increased the current DSHS fee to comply with the statute and the DSHS fee amount that was in effect on that date. • TDLR rules eliminated the written verification of license fee of \$25. • TDLR rules eliminated the fee of \$80 for license reinstatement following suspension under the Family Code. • TDLR rules increased the duplicate/replacement fee from \$20 to \$25. 	<p>16 TAC §116.110 (b)(4), (c)(4)</p> <p>No TDLR rule.</p> <p>No TDLR rule.</p> <p>16 TAC §116.110</p>	<p>22 TAC §711.3</p> <p>22 TAC §711.3</p> <p>22 TAC §711.3</p> <p>22 TAC §711.3</p>

Hearing Instrument Fitters and Dispensers Rules

Highlights of Substantive Rule Changes – Hearing Instrument Fitters and Dispensers	New TDLR Rules	Previous DSHS Rules
Supervision Requirements		
<u>Type of Supervision for Apprentices -</u> <ul style="list-style-type: none"> TDLR rules change supervision requirements from “indirect” supervision to “direct or indirect” supervision for apprentices. Either type of supervision is appropriate for an apprentice. Changes conforms to statute (Occ. Code §402.207(c)). 	16 TAC §112.43	22 TAC §141.8(b)
<u>Supervision Ratios –</u> <ul style="list-style-type: none"> TDLR rules eliminate the restriction on the number of apprentices that can be supervised by a licensee. There is no statutory limit on the number of apprentices that can be supervised at one time. TDLR rules reflect the statutory limit on the number of temporary training permit holders that can be supervised by a licensee at one time (no more than two). (Occ. Code §402.255(e)). <p>(DSHS rules imposed a supervision limit for both apprentice permit holders and temporary training permit holders. “A supervisor may not supervise more than two permit holders of each type at one time.”)</p>	16 TAC §112.43 16 TAC §112.53	22 TAC §141.8(c) 22 TAC §141.8(c)
<u>Supervision Reporting Requirements -</u> <ul style="list-style-type: none"> TDLR rules include provisions in the permit supervision sections that would allow TDLR to establish procedures, processes and mechanisms for the monitoring and reporting of the supervision requirements for 	16 TAC §112.43; 16 TAC §112.53;	22 TAC §141.8

Highlights of Substantive Rule Changes – Hearing Instrument Fitters and Dispensers	New TDLR Rules	Previous DSHS Rules
<p>apprentices and temporary training permit holders to the extent possible. The goal is to reduce the amount of paper being submitted to and processed by the Department by allowing for online submission and reporting of information in the future.</p>		
Licensing Requirements		
<p><u>Temporary Training Permit Requirement -</u></p> <ul style="list-style-type: none"> • New TDLR rules address the temporary training permit application requirement of “never taken the exam before.” Change conforms to statute (Occ. Code §402.251). 	16 TAC §112.50	No DSHS rules
<p><u>License Term and Expiration -</u></p> <ul style="list-style-type: none"> • Under TDLR rules, a hearing instrument fitter and dispenser license is valid for two years after the date of issuance and the expiration date is based on the date of license issuance. (Occ. Code §402.301) <p>(DSHS rules state that a license is issued for the term of two years, must be renewed biennially, and the renewal date of a license shall be the last day of the licensee’s birth month.)</p>	16 TAC §112.32	22 TAC §141.13

Highlights of Substantive Rule Changes – Hearing Instrument Fitters and Dispensers	New TDLR Rules	Previous DSHS Rules
<p><u>Criminal History Background Checks for Renewals –</u></p> <ul style="list-style-type: none"> • Under TDLR rules, the hearing instrument fitter and dispenser <u>license</u> has a standard (non-fingerprint) background checks at renewal to conform to statute. Statutory provision regarding fingerprint criminal history background checks at renewal expired 2/1/2015 (Occ. Code §402.302). • Apprentice and temporary training <u>permits</u> are not renewed, but they can be extended. TDLR rules silent as to criminal history background check for extensions. 	<p>16 TAC §112.32</p> <p>16 TAC §112.42 16 TAC §112.52</p>	<p>22 TAC §141.27</p> <p>No DSHS rules.</p>
<p>Financial Security</p>		
<ul style="list-style-type: none"> • TDLR rules specify the accepted forms of financial security to include surety bonds, deposit of cash, certificate of deposit, or letter of credit. • New TDLR rule regarding recovery on surety bond or other form of financial security. 	<p>16 TAC §112.60</p> <p>16 TAC §112.61</p>	<p>22 TAC §141.11</p> <p>No DSHS Rule.</p>

Highlights of Substantive Rule Changes – Hearing Instrument Fitters and Dispensers	New TDLR Rules	Previous DSHS Rules
Continuing Education		
<ul style="list-style-type: none"> TDLR rules change the references from “contact hour” to “continuing education hour” and change the amount of time from 55 minutes to 50 minutes for the continuing education requirements. Change conforms to TDLR CE rule 16 TAC §59.30(k). 	16 TAC §112.2; §112.44; §112.53; §112.70	22 TAC §141.2, §141.14
Responsibilities of the Licensee		
<ul style="list-style-type: none"> TDLR rules regarding conditions of sale state: “A license holder or permit holder shall comply with the federal regulations adopted by the U.S. Food and Drug Administration at Title 21 Code of Federal Regulations §801.420 and §801.421. A link to the federal regulations will be available online through the department’s website.” Change conforms with federal regulations. 	16 TAC §112.96	22 TAC §141.16(a)

Highlights of Substantive Rule Changes – Hearing Instrument Fitters and Dispensers	New TDLR Rules	Previous DSHS Rules
Fees		
<ul style="list-style-type: none"> • Hearing Instrument Fitter and Dispenser License initial and renewal application fees (for two-year license) reduced from \$405 to \$205. • New fees for extending apprentice permits and temporary training permits are \$25. • The fee charged for retaking the practical examination reduced from \$125 to \$100. • Continuing Education Provider (Sponsor) Fee reduced from \$500 to \$200 per year. • TDLR rules eliminated the permit or license verification letter fee of \$10. • TDLR rules eliminated the reinstatement fee of \$55 for a license that was suspended for failure to pay child support. 	16 TAC §112.110	22 TAC §141.6(c) – (f)

Licensed Dyslexia Therapists and Practitioners Rules

Highlights of Substantive Rule Changes – Licensed Dyslexia Therapists and Practitioners	New TDLR Rules	Previous DSHS Rules
Advisory Board		
<ul style="list-style-type: none"> • Under TDLR rules, the presiding officer of the advisory committee appointed by TDLR commission. (Under DSHS rules, advisory committee elects the presiding officer.) 	16 TAC §§120.65-120.69	25 TAC §140.579
Licensing Requirements		
<u>Licensing Documentation -</u> <ul style="list-style-type: none"> • TDLR rules eliminated requirements to collect written, signed statements or replaced them with online alternatives in the application process. 	16 TAC §120.20	25 TAC §140.580
<u>Education Requirements for License -</u> <ul style="list-style-type: none"> • TDLR rules clarify and settle that licensed dyslexia therapists may continue to renew without meeting the requirement for a master’s degree that had not been imposed at the time of their original licensure but is now required of new licensees. 	16 TAC §120.21	25 TAC §140.582
<u>Criminal History Background Checks -</u> <ul style="list-style-type: none"> • TDLR rules require a criminal history background check for applicants, replacing the previous mere request to disclose criminal history in the application under the DSHS rules. 	16 TAC §120.20, §120.26	25 TAC §140.580, §140.587

Highlights of Substantive Rule Changes – Licensed Dyslexia Therapists and Practitioners	New TDLR Rules	Previous DSHS Rules
Continuing Education		
<ul style="list-style-type: none"> • TDLR rules eliminate the 180-day extension period beyond license expiration to complete continuing education requirements. (DSHS rules provide 180-day extension period.) 	No TDLR rules.	25 TAC §140.589
Fees		
<ul style="list-style-type: none"> • Duplicate license fee (\$20) eliminated. • Student loan default reinstatement fee (\$50) eliminated. 	16 TAC §120.80	25 TAC §140.577

Midwives Rules

Highlights of Substantive Rule Changes - Midwives	New TDLR Rules	Previous DSHS Rules
Advisory Board		
<ul style="list-style-type: none"> As in keeping with the statutory change of making the DSHS policy board into a TDLR Advisory Board, procedures for the midwifery board were dramatically edited down to eliminate procedures not based in statute and rule redundancies. 	16 TAC §§115.3 - 115.7	22 TAC §831.3
Licensing Requirements		
<ul style="list-style-type: none"> TDLR rules restructured existing renewal language for retired midwife performing charity work to eliminate confusing language and make clear efficient procedure. 	16 TAC §115.16	22 TAC §831.16
Fees		
<ul style="list-style-type: none"> TDLR raised the late renewal fees. <ul style="list-style-type: none"> <u>90 days late</u> <ul style="list-style-type: none"> Old DSHS Fee - \$687.50 New TDLR Fee - \$825 <u>More than 90 days</u> <ul style="list-style-type: none"> Old DSHS Fee - \$825 New TDLR Fee - \$1,100 	16 TAC §115.80	22 TAC §831.12

Orthotics and Prosthetics Rules

Highlights of Substantive Rule Changes – Orthotics and Prosthetics	New TDLR Rules	Previous DSHS Rules
Advisory Board		
<ul style="list-style-type: none"> TDLR rules reflect the changes in the membership of the advisory board as 2 prosthetists, 2 orthotists, 1 prosthetist/orthotist, 1 prosthesis user and 1 orthosis user. Change conforms to statute per SB 202 (§605.052). <p>(The previous version of the statute specified the membership of the policy board as 1 prosthetist, 1 orthotist, 1 prosthetist/orthotist, 1 prosthesis user, 1 orthosis user, and 2 public non-users.)</p>	16 TAC §114.65	No DSHS rules
Licensing Requirements		
<u>Criminal History Background Checks –</u> <ul style="list-style-type: none"> Applicants for initial and renewal credentials must pass criminal background checks, replacing the previous mere request to disclose criminal history in the application under the DSHS rules. 	16 TAC §§114.20(g), 114.40	22 TAC §§821.5, 821.17
<u>Licensing Documentation -</u> <ul style="list-style-type: none"> TDLR rules require only “uniquely qualified applicants” to submit two references. <p>(DSHS rules require “applicants” to submit two references.)</p>	16 TAC §114.20	22 TAC §821.5

Highlights of Substantive Rule Changes – Orthotics and Prosthetics	New TDLR Rules	Previous DSHS Rules
<ul style="list-style-type: none"> TDLR rules removed requirements to collect written, signed statements, affidavits, and references or replaced them with online alternatives. 	16 TAC §§114.20, 114.22, 114.29, 114.50	22 TAC §§821.5(c), 821.9, 821.15, 821.18
<p><u>Licensing Examinations-</u></p> <ul style="list-style-type: none"> TDLR rule states that the department <u>may</u> require the applicant to pass the exam if other qualifications are inconclusive to determine whether to license the applicant. <p>(DSHS rules state that applicants for uniquely qualified licensure <u>must</u> pass the exam.)</p>	16 TAC §114.23	22 TAC §821.8
<p><u>Renewal Requirements –</u></p> <ul style="list-style-type: none"> Under TDLR rules, no renewal unless continuing education has been completed. <p>(Under DSHS rules, renewal possible even if continuing education has not been completed.)</p>	16 TAC §114.50	22 TAC §821.18
<p>Supervision Requirements</p>		
<ul style="list-style-type: none"> TDLR rules provide that when assistant patient care services are performed by an assistant, the supervising licensed practitioner must review and sign off on the clinical note written by the assistant within ten working days of the date the service was provided. 	16 TAC §114.27	22 TAC §821.10
<ul style="list-style-type: none"> TDLR rules state that "immediate supervision" is now required to be "in the physical presence of the supervisor" when assistants are performing critical care events. 	16 TAC §114.27	22 TAC §821.10

Highlights of Substantive Rule Changes – Orthotics and Prosthetics	New TDLR Rules	Previous DSHS Rules
Inspection Requirements		
<ul style="list-style-type: none"> TDLR rules now include additional, specific, minimum requirements to facilitate sanitation and safety inspections for facilities where O&P are practiced. An inspection frequency of at least two years is imposed. 	16 TAC §114.29	22 TAC §821.15
Fees		
<ul style="list-style-type: none"> TDLR rules reduced the fee to change the name of a facility from \$400 to \$50. TDLR rules reduced the fee to change the name of the on-site practitioner or safety manager from \$100 to \$50. The \$100 fee to reinstate the license after a suspension under the Family Code is removed, as is the \$25 fee for written license verification. The dishonored payment fee increased from \$25 to \$50, and the criminal history evaluation fee decreased from \$50 to \$25. 	16 TAC §114.80	22 TAC §821.4

Speech-Language Pathologists and Audiologists Rules

Highlights of Substantive Rule Changes – Speech-Language Pathologists and Audiologists	New TDLR Rules	Previous DSHS Rules
Education Requirements		
<ul style="list-style-type: none"> TDLR rules update the education requirements for an audiology license from “at least a master’s degree in with a major in at least one of the areas of communicative sciences or disorders” to “at least a doctoral degree in audiology or a related hearing science.” (Same as new DSHS rules.) Applies to audiology license, intern in audiology license, and temporary certificate of registration in audiology. <p>TDLR rules reflect the 2011 statutory change to the education requirements for an audiology license. (Occ. Code §401.304(a)(1)(B)). The change applies to a person who applies for an audiologist license on or after September 1, 2011. (SB 613)</p>	16 TAC §111.70; §111.75; §111.80; §111.85; §111.100; §111.105	22 TAC §741.81, §741.82; §741.85
<ul style="list-style-type: none"> TDLR rules make distinctions in terms of the educational degree held by the supervisor based on when the supervisor obtained the audiology license. (Different from new DSHS rules.) <p>TDLR rules reflect the 2011 statutory change to the education requirements for an audiology license. (Occ. Code §401.304(a)(1)(B)). The change applies to a person who applies for an audiologist license on or after September 1, 2011. (SB 613)</p>	16 TAC §111.154(d); §111.75; §111.80; §111.105	22 TAC §741.44; §741.82
<ul style="list-style-type: none"> TDLR rules reduce the education requirements for an assistant in audiology license from a baccalaureate degree to a high school diploma or equivalent. (Same as new DSHS rules.) 	16 TAC §111.90(b)	22 TAC §741.84

Highlights of Substantive Rule Changes – Speech-Language Pathologists and Audiologists	New TDLR Rules	Previous DSHS Rules
<ul style="list-style-type: none"> • The supervision ratio for licensed speech-language pathologists, interns, and assistants remains the same at no more than a total of four interns and/or assistants. • TDLR rules eliminate the supervision ratio exception. (This provision is the same as new DSHS rules). 	<p>16 TAC §111.154(e)(4)(A)</p>	
<p><u>Supervision of an Assistant in Speech-Language Pathology–</u></p> <ul style="list-style-type: none"> • TDLR rules change the supervision hours for supervision of an assistant in speech-language pathology to a monthly basis, instead of a weekly basis. TDLR rules require same total number of hours during the month, but allow greater flexibility in scheduling and performing those supervision hours. (DSHS rules require a minimum of 2 hours/week of supervision, with at least one hour/week of which is in-person supervision.) • TDLR rules require at least 8 hours/month of supervision, with at least 4 hours of which are direct and at least 2 hours of which is in-person and onsite supervision. • TDLR rules provide that the telepractice and telehealth provisions under Subchapter V, Telehealth, may be used for up to 6 hours of supervision without applying for an exception under §111.213, Limitations on the Use of Telecommunications Technology by Speech-Language Pathologists. • TDLR rules provide that when determining the amount and type of supervision, the supervisor must consider the skill and experience of the licensed assistant as well as the services to be provided. 	<p>16 TAC §111.50(g)(3)</p>	<p>22 TAC §741.64(h)(3), (4), (5)</p>

Highlights of Substantive Rule Changes – Speech-Language Pathologists and Audiologists	New TDLR Rules	Previous DSHS Rules
<ul style="list-style-type: none"> TDLR rules eliminate submission of alternative supervision request plan form. 		
<p><u>Supervision of an Assistant in Audiology–</u></p> <ul style="list-style-type: none"> TDLR rules change the supervision hours for supervision of an assistant in audiology to a weekly or monthly basis, instead of just a weekly basis. TDLR rules require the same total number of supervision hours during the month, but allow greater flexibility in scheduling and performing those hours. (DSHS rules require supervisor to be onsite at the assistant’s employment location for at least 10 hours/week, with at least 1 hour of direct supervision at the location where the licensed assistant in audiology is employed.) TDLR rules require supervisor to be onsite at the assistant's employment location for at least 10 hours per week, or 40 hours per month, and provide at least 1 hour per week or 4 hours per month of direct supervision, at the location where the assistant is employed. However, the supervisor shall be onsite and provide direct supervision for certain specified duties under §111.90(f)(4)(A) - (D). TDLR rules provide that the telepractice and telehealth provisions under §111.215, Requirements for Providing Telepractice Services in Audiology, may be used except for specified duties under §111.90(f)(4)(A) - (D) where the supervisor must be onsite and provide direct supervision. 	16 TAC §111.90(e)(3)	22 TAC §741.84(e)

Highlights of Substantive Rule Changes – Speech-Language Pathologists and Audiologists	New TDLR Rules	Previous DSHS Rules
<ul style="list-style-type: none"> When determining the amount and type of supervision, the supervisor must consider the skill and experience of the licensed assistant as well as the services to be provided. 		
<p><u>Supervision Reporting Requirements –</u></p> <ul style="list-style-type: none"> TDLR rules include provisions in the supervision sections that allow TDLR to establish procedures, processes and mechanisms for the monitoring and reporting of the supervision requirements. The goal is to reduce the amount of paper being submitted to and processed by the Department by allowing for online submission and reporting of supervisory statements and hours in the future. 	Throughout TDLR rules, 16 TAC Chapter 111	Throughout DSHS rules, 22 TAC Chapter 741
Licensing Requirements		
<p><u>Criminal History Background Checks for Initial Applications –</u></p> <ul style="list-style-type: none"> TDLR rules change criminal background check for a <u>temporary certificate of registration</u> from a fingerprint criminal history background check to a standard (non-fingerprint) criminal history background check. (Change conforms to statute, Occ. Code §401.3041, Criminal History Record Information Requirement for License Issuance). Applies to temporary certificates of registration for speech-language pathology and temporary certificates of registration for audiology. <p>(DSHS rules have fingerprint background checks for certificates of registration and licenses.)</p>	16 TAC §111.65; §111.105	22 TAC §741.65; §741.85; §741.142

Highlights of Substantive Rule Changes – Speech-Language Pathologists and Audiologists	New TDLR Rules	Previous DSHS Rules
<ul style="list-style-type: none"> Under TDLR rules, all <u>licenses</u> continue to have fingerprint criminal history background checks at initial application. (same as DSHS rules) 	16 TAC §111.35; §111.45; §111.55; §111.75; §111.85; §111.95; §111.115	22 TAC §741.61; §741.62; §741.63; §741.64; §741.81; §741.82; §741.83; §741.84; §741.91; §741.142
<u>Criminal History Background Checks for Renewals -</u> <ul style="list-style-type: none"> Under TDLR rules, all <u>licenses</u> have standard (non-fingerprint) background checks at renewal to conform to statute. Statutory provision regarding fingerprint criminal history background checks at renewal expired 2/1/2015. (Occ. Code §401.3521). <u>Temporary certificates of registration</u> cannot be renewed, so no background checks. 	16 TAC §111.37; §111.47; §111.57; §111.77; §111.87; §111.97; §111.117 16 TAC §111.66; §111.106	22 TAC §741.163 22 TAC §741.161; §741.141(c)
<u>License Term and Expiration –</u> <ul style="list-style-type: none"> TDLR rules provide for a specific license term and an expiration date based on the date of license issuance. (DSHS rules base initial license term and expiration on when the applicant applies for the license and the applicant’s birth month. DSHS rules have expiration as the last day of the applicant’s/licensee’s birth month.) TDLR rules eliminate a 60-day grace period after the expiration date of the license. TDLR license expires on the specified expiration date. The person must stop practicing after the license expires, and a renewal after the expiration date is a late renewal. 	16 TAC §111.37; §111.47; §111.57; §111.66; §111.77; §111.87; §111.97; §111.106; §111.117	22 TAC §741.141; §741.161; §741.164

Highlights of Substantive Rule Changes – Speech-Language Pathologists and Audiologists	New TDLR Rules	Previous DSHS Rules
<p>(DSHS rules allowed a 60-day grace period after license expiration before the person had to stop practicing and before the renewal was considered late.)</p>		
<p><u>Licensing Reporting Requirements –</u></p> <ul style="list-style-type: none"> TDLR rules include provisions in the licensing sections that would allow TDLR to establish procedures, processes and mechanisms for the monitoring and reporting of the supervision requirements. The goal is to reduce the amount of paper being submitted to and processed by the Department by allowing for online submission and reporting of information in the future. 	<p>Throughout TDLR rules, 16 TAC Chapter 111</p>	<p>Throughout DSHS rules, 22 TAC Chapter 741</p>
<p>Responsibilities of Licensee</p>		
<ul style="list-style-type: none"> TDLR rules remove the list of examples of false, misleading, deceptive or non-verifiable information and retain the general prohibition against presenting false, misleading, deceptive or non-verifiable information relating to the services of the licensee or anyone the licensee supervises or employs. 	<p>16 TAC §111.152</p>	<p>22 TAC §741.42</p>

Highlights of Substantive Rule Changes – Speech-Language Pathologists and Audiologists	New TDLR Rules	Previous DSHS Rules
Fees		
<ul style="list-style-type: none"> • TDLR rules create a new annual renewal fee of \$75 for an intern in speech-language pathology license and an intern in audiology license. • TDLR rules eliminate the license verification fee of \$10. • TDLR rules increase the duplicate/replacement fee from \$10 to \$25. 	16 TAC §111.160	22 TAC §741.181