By: _____ H.B. No. 3301

A BILL TO BE ENTITLED

AN ACT

relating to hearing tests and the fitting and dispensing of hearing instruments.

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

SECTION 1. The following sections of the Occupations Code are repealed:

(1) Sections 401.2535(h) and (i); and

(2) Sections 402.154(h) and (i).

SECTION 2. Amend Occupations Code Section 401.403(b) as follows:

(b) A person who meets the requirements of this chapter for licensing as an audiologist or audiologist intern and who fits and dispenses hearing instruments must:

(1) register with the board the person's intention to fit and dispense hearing instruments;

(2) comply with the profession's code of ethics;

(3) comply with the federal Food and Drug Administration guidelines for fitting and dispensing hearing instruments;

(4) when providing services in this state, use a written contract that contains the board's name, mailing address, and telephone number;

(5) follow the guidelines adopted by board rule for:

(i) a 30-day trial period on every hearing instrument purchased and the automatic renewal of such trial period each time a person returns the hearing instrument for repair or adjustment, not to exceed six months from the day the instrument was first received;

(ii) the provision of a free copy of any hearing test results to the subject of the test upon request;

(iii) a maximum limit on the charges retained by the licensee upon return of a hearing instrument during the trial period not to exceed the lesser of 10 percent of the total charges or $75 per hearing instrument.

SECTION 3. Amend Occupations Code Section 402.401 as follows:

A person who meets the requirements of this chapter for licensing as a hearing instrument fitter and dispenser and who fits and dispenses hearing instruments must follow the guidelines adopted by committee rule ~~The committee shall establish guidelines~~ for:

(a) a 30-day trial period during which the person may cancel the purchase of a hearing instrument and the automatic renewal of such trial period each time a person returns the hearing instrument for repair or adjustment, not to exceed six months from the day the instrument was first received;

(b) the provision of a free copy of any hearing test results to the subject of the test upon request;

(c) a maximum limit on the charges retained by the licensee upon return of a hearing instrument during the trial period not to exceed the lesser of 10 percent of the total charges or $75 per hearing instrument.

SECTION 3. EFFECTIVE DATE. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

**78TH LEGISLATURE**

**COAUTHOR AUTHORIZATION**

(please request your coauthors to sign this form in lieu of the front or the back of the original bill)

**Bill or Resolution Number:** HB 3301

signature of **primary** author

Eddie Rodriguez
printed name of **primary** author

3/14/03
Date

PERMISSION TO SIGN HB 3301 HAS BEEN GIVEN TO **(check only one of the following)**:
(bill or resolution #)

✓ ALL REPRESENTATIVES

____ THE FOLLOWING REPRESENTATIVE(S): _____

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

| | | | | | |
|---|---|---|---|---|---|
| A2115 Allen | Date | A2450 Cook, Byron | Date | A2795 Farabee | Date |
| A2125 Alonzo | Date | A2565 Cook, Robert "Robby" | Date | A2810 Farrar | Date |
| A2160 Bailey | Date | A2595 Corte | Date | A2840 Flores | Date |
| A2170 Baxter | Date | A2605 Crabb | Date | A2850 Flynn | Date |
| A2205 Berman | Date | A2610 Craddick | Date | A2920 Gallego | Date |
| A2230 Bohac | Date | A2640 Crownover | Date | A2925 Garza | Date |
| A2250 Bonnen | Date | A2620 Davis, John | Date | A2960 Gattis | Date |
| A2280 Branch | Date | A2625 Davis, Yvonne | Date | A2945 Geren | Date |
| A2265 Brown, Betty | Date | A2635 Dawson | Date | A2935 Giddings | Date |
| A2270 Brown, Fred | Date | A2680 Delisi | Date | A2985 Goodman | Date |
| A2255 Burnam | Date | A3385 Denny | Date | A2990 Goolsby | Date |
| A2295 Callegari | Date | A2690 Deshotel | Date | A3010 Griggs | Date |
| A2290 Campbell | Date | A2705 Driver | Date | A3020 Gruendorf | Date |
| A2350 Canales | Date | A2665 Dukes | Date | A3045 Guillen | Date |
| A2300 Capelo | Date | A2660 Dunnam | Date | A3030 Gutierrez | Date |
| A2490 Casteel | Date | A2650 Dutton | Date | A3035 Haggerty | Date |
| A2495 Castro | Date | A2770 Edwards | Date | A3050 Hamilton | Date |
| A2585 Chavez | Date | A2775 Eiland | Date | A2695 Hamric | Date |
| A2480 Chisum | Date | A2780 Eissler | Date | A3160 Hardcastle | Date |
| A2525 Christian | Date | A2785 Elkins | Date | A3165 Harper-Brown | Date |
| A2435 Coleman | Date | A2790 Ellis | Date | A3170 Hartnett | Date |

**Bill or Resolution Number:** HB 3301

1/03 1906.PMD

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| A3180 Heflin | Date | A3715 Madden | Date | A4220 Riddle | Date |
| A3190 Hegar | Date | A3750 Marchant | Date | A4250 Ritter | Date |
| A3250 Hilderbran | Date | A2835 Martinez Fischer | Date | A4270 Rodriguez | Date |
| A3275 Hill | Date | A3665 McCall | Date | A4350 Rose | Date |
| A3305 Hochberg | Date | A3650 McClendon | Date | A4420 Seaman | Date |
| A3290 Hodge | Date | A3845 McReynolds | Date | A4525 Smith, Todd | Date |
| A3325 Homer | Date | A3830 Menendez | Date | A4540 Smith, Wayne | Date |
| A3320 Hope | Date | A3815 Mercer | Date | A4530 Smithee | Date |
| A3330 Hopson | Date | A3840 Merritt | Date | A4550 Solis | Date |
| A3315 Howard | Date | A3835 Miller | Date | A4505 Solomons | Date |
| A3340 Hughes | Date | A3855 Moreno, Joe | Date | A4560 Stick | Date |
| A3355 Hunter | Date | A3860 Moreno, Paul | Date | A4570 Swinford | Date |
| A3360 Hupp | Date | A3870 Morrison | Date | A4585 Talton | Date |
| A3375 Isett | Date | A3865 Mowery | Date | A4600 Taylor | Date |
| A3405 Jones, Delwin | Date | A3885 Naishtat | Date | A4605 Telford | Date |
| A3420 Jones, Elizabeth | Date | A3895 Nixon | Date | A4630 Thompson | Date |
| A3400 Jones, Jesse | Date | A3900 Noriega | Date | A4650 Truitt | Date |
| A3475 Keel | Date | A3880 Oliveira | Date | A4685 Turner | Date |
| A3410 Keffer, Bill | Date | A3886 Olivo | Date | A4695 Uresti | Date |
| A3480 Keffer, Jim | Date | A4100 Paxton | Date | A4700 Van Arsdale | Date |
| A3470 King | Date | A4140 Pena | Date | A4800 Villarreal | Date |
| A3495 Kolkhorst | Date | A4160 Phillips | Date | A4995 West | Date |
| A3485 Krusee | Date | A4180 Pickett | Date | A5000 Wilson | Date |
| A3450 Kuempel | Date | A4185 Pitts | Date | A5020 Wise | Date |
| A3510 Lancy | Date | A4200 Puente | Date | A5015 Wohlgemuth | Date |
| A3540 Laubenberg | Date | A4230 Quintanilla | Date | A4980 Wolens | Date |
| A3605 Lewis | Date | A4240 Rangel | Date | A4985 Wong | Date |
| A3620 Luna | Date | A4215 Raymond | Date | A5005 Woolley | Date |
| A3700 Mabry | Date | A4236 Reyna | Date | A5150 Zedler | Date |

H.B. No. 3301 By E. Rodriguez

**A BILL TO BE ENTITLED**
**AN ACT**

relating tohearing tests and the fitting and dispensing ofhearing instruments.

MAR 14 2003 Filed with the Chief Clerk

APR 01 2003 Read first time and referred to Committee on Public Health

_____ Reported ___favorably (as amended)
(as substituted)

_____ Sent to Committee on (Calendars)
(Local & Consent Calendars)

_____ Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of _____ yeas, _____ nays, _____ present, not voting

_____ Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Engrossed

_____ Sent to Senate

_____
CHIEF CLERK OF THE HOUSE

**OTHER HOUSE ACTION:**

_____ Received from the House

_____ Read and referred to Committee on _____

_____ Reported favorably _____

_____ Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

_____ Ordered not printed

_____ Laid before the Senate

_____ Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(_____ yeas, _____ nays)

_____ Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(_____ yeas, _____ nays)

_____ Senate and Constitutional 3 Day Rules suspended by a vote of _____ yeas, _____ nays

_____ Read third time, _____, and passed by (a viva voce vote)
(_____ yeas, _____ nays)

_____ Returned to the House

_____
SECRETARY OF THE SENATE

**OTHER SENATE ACTION:**

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,

_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;

_____, _____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)