

BILL ANALYSIS

C.S.H.B. 2510
By: Price
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Department of State Health Services (DSHS) has the broad mission to improve the health and well-being of Texans. As the state's public and behavioral health agency, DSHS currently operates various programs to monitor and coordinate responses to public health threats; runs the state's mental health hospitals; supports community mental health, substance abuse, and other healthcare programs; and regulates numerous healthcare professions and facilities. DSHS is subject to abolishment under the Sunset Act on September 1, 2015, unless continued by the Legislature. As a result of its review of DSHS, the Sunset Advisory Commission recommended several statutory modifications that are contained in this legislation.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted in this bill as follows:

- Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTIONS 2.004 and 6.001 of this bill.
- Rulemaking authority is expressly granted to the Texas Board of Medical Radiologic Technology, as approved by the Texas Medical Board, in SECTIONS 9.011 and 9.031 of this bill.
- Rulemaking authority is expressly granted to the Texas Medical Board in SECTIONS 9.006, 9.063, 9.078, and 9.150 of this bill.
- Rulemaking authority is expressly granted to the Texas Board of Respiratory Care, as approved by the Texas Medical Board, in SECTIONS 9.155, 9.178, and 9.181 of this bill.

It is the committee's opinion that rulemaking authority is transferred in this bill as follows:

- Rulemaking authority previously granted to the Texas Midwifery Board, as approved by the executive commissioner of the Health and Human Services Commission, is transferred to the Texas Commission of Licensing and Regulation in SECTIONS 8.011, 8.016, 8.018, 8.021, 8.023, 8.027, 8.028, and 8.032 of this bill.
- Rulemaking authority previously granted to the State Board of Examiners for Speech-Language Pathology and Audiology is transferred to the Texas Commission of Licensing and Regulation in SECTIONS 8.052, 8.059, 8.062, 8.064, 8.066, 8.070, 8.071, 8.074, 8.075, 8.076, 8.077 of this bill.

- Rulemaking authority previously granted to the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments, as approved by the executive commissioner of the Health and Human Services Commission, and the State Board of Examiners for Speech–Language Pathology and Audiology is transferred to the Texas Commission of Licensing and Regulation in SECTIONS 8.053, 8.054, 8.090, and 8.091 of this bill.
- Rulemaking authority previously granted to the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments, as approved by the executive commissioner of the Health and Human Services Commission, is transferred to the Texas Commission of Licensing and Regulation in SECTIONS 8.094, 8.103, 8.108, 8.113, 8.118, and 8.119 of this bill.
- Rulemaking authority previously granted to the Advisory Board of Athletic Trainers is transferred to the Texas Commission of Licensing and Regulation in SECTION 8.142 of this bill.
- Rulemaking authority previously granted to the Texas Board of Orthotics and Prosthetics is transferred to the Texas Commission of Licensing and Regulation in SECTIONS 8.161, 8.163, 8.167, 8.168, and 8.169 of this bill.
- Rulemaking authority previously granted to the Texas State Board of Examiners of Dietitians is transferred to the Texas Commission of Licensing and Regulation in SECTIONS 8.183, 8.187, 8.190, 8.191, 8.195, 8.197, 8.198, and 8.201 of this bill.
- Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is transferred to the Texas Commission of Licensing and Regulation in SECTIONS 8.205, 8.206, 8.209, 8.214, 8.215, 8.216, 8.217, 8.226 to 8.229, 8.232, 8.233, 8.238, 8.239, 8.241, 8.242, 8.244, 8.245, 8.252, 8.253, 8.254, 8.256, 8.257, 8.262, 8.263, 8.264, 8.265, 8.266, 8.267, 8.268, 8.269, 8.270, 8.271, 8.272, 8.276, and 8.277 of this bill.
- Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is transferred to the Texas Board of Medical Radiologic Technology, as approved by the Texas Medical Board, in SECTIONS 9.005, 9.007, 9.008, 9.009, 9.010, 9.016, 9.021, 9.022, and 9.029 of this bill.
- Rulemaking authority previously granted to the Texas Board of Licensure for Professional Medical Physicists, as approved by the executive commissioner of the Health and Human Services Commission, is transferred to the Texas Medical Board in SECTIONS 9.056, 9.064, 9.068, 9.071, 9.076, and 9.077 of this bill.
- Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is transferred to the Texas Medical Board in SECTIONS 9.097, 9.099, 9.101, 9.104, 9.106, 9.110, 9.112, 9.116, 9.119, 9.128, 9.130, 9.131 and 9.138 of this bill.
- Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is transferred to the Texas Board of Respiratory Care, as approved by the Texas Medical Board, in SECTIONS 9.149, 9.151, 9.153, 9.157, 9.160, 9.165, 9.167, 9.173, and 9.180 of this bill.

ANALYSIS

S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, was signed by the Governor on April 2, 2015, giving effect to the bill on that date. C.S.H.B. 2510 makes technical and conforming changes to align with the changes in law enacted by S.B. 219.

Article 1 – State Mental Health Hospital System

Treatment alternatives training curriculum for judges and attorneys

C.S.H.B. 2510 requires the Department of State Health Services (DSHS) to work with the

Court of Criminal Appeals to develop and maintain a training curriculum for judges and attorneys that provides information on inpatient and outpatient treatment alternatives to inpatient commitment to a state hospital for a patient whom a court is ordering to receive specified mental health services. The bill requires the training curriculum to be developed by March 1, 2016 and specifies that the curriculum must include a guide to treatment alternatives for these patients.

Article 2 – Community Mental Health Programs

Strategic review of DSHS behavioral health services provider contracts

C.S.H.B. 2510 requires the Health and Human Services Commission (HHSC) to conduct a strategic review to evaluate and improve the performance measures and payment mechanisms included in DSHS contracts with providers of behavioral health services. The bill requires the review to take place in three phases with the assistance of a third party who has expertise in health purchasing. The bill specifies the requirements and activities for each phase of the review. The bill requires DSHS and HHSC to implement refinements to the metrics and methodology associated with the withholding of funds from local mental health authorities identified through phase one of the review by September 1, 2015. The bill prohibits HHSC and the department from including a performance measure identified for elimination in phase one of the review in a contract between DSHS and a provider of behavioral health services that is entered into or renewed on or after September 1, 2015. The bill requires contracts between DSHS and a provider of behavioral health services that is entered into or renewed on or after September 1, 2016 to include specified elements related to phase two of the review. In the third phase of the review, the bill requires HHSC to develop and make available to the public online, by December 1, 2016, a web-based dashboard that enables the public to make comparisons between behavioral health services providers. The bill specifies that the provisions relating to the review expire on September 1, 2017.

Regional allocation of state mental health hospital beds

C.S.H.B. 2510 requires HHSC, as soon as practicable after the effective date of the bill and with input from local mental health and behavioral health authorities, to divide the state into regions for the purpose of allocating state hospital beds to each region for specified patients. The bill requires HHSC to consider any plan developed under Section 533.051, Health and Safety Code, before creating the regions.

C.S.H.B. 2510 requires the local mental health and behavioral health authorities to develop and submit a methodology for allocating to each region a certain number of state hospital beds for specified patients to HHSC for approval. The bill authorizes HHSC to approve the allocation methodology only if the authorities demonstrate that the methodology fairly allocates state hospital beds across the state. The bill requires DSHS to begin allocating state hospital beds to the regions according to the methodology after HHSC approval.

C.S.H.B. 2510 requires HHSC to assess and collect a daily fee, on a quarterly basis and for an amount prescribed by rule by the executive commissioner, from each local mental health and behavioral health authority in a region for each bed day that a specified patient spends in a state hospital in excess of the number of state hospital beds allocated to that region. The bill requires HHSC to distribute the fees collected to local mental health and behavioral health authorities in each region that underuse their allocation during the quarter, on a proportional basis to the underuse of state hospital beds in the regions in which the authorities are located. The bill requires DSHS, before HHSC approves the methodology, to continue to allocate state hospital beds according to the department's policy as it existed immediately before the effective date of this bill, and continues the previous policy for that purpose.

Review of requirements for community-based behavioral health treatment facilities

C.S.H.B. 2510 requires DSHS to comprehensively review its rules and contract requirements governing community-based crisis and treatment facilities for persons with mental health and substance abuse disorders. The bill requires DSHS regulatory staff, DSHS behavioral health program staff, and stakeholders to work together to identify best practices for and unnecessary barriers to the effective delivery of mental health and substance abuse services by community-based crisis and treatment facilities. The bill requires DSHS to develop and submit proposed rules to the appropriate behavioral health services advisory body designated by the executive commissioner for review. The bill requires the executive commissioner to adopt rules relating to the delivery of mental health and substance abuse services by community-based crisis and treatment facilities by September 1, 2016 after considering any recommendations made by the advisory body. The bill specifies the rules may include the establishment of new types of community-based crisis and treatment facilities for persons with mental health disorders, substance abuse disorders, or co-occurring mental health and substance abuse disorders

C.S.H.B. 2510 authorizes the executive commissioner to adopt rules establishing new types of community-based crisis and treatment facilities for persons with mental health disorders, substance abuse disorders, or co-occurring mental health and substance abuse disorders. The bill specifies that any new facility type established by rule must provide mental health or substance abuse services to patients in a residential setting and according to best practices. The bill requires DSHS to give priority in the award of state funding for crisis and treatment facilities to a facility that is approved by DSHS to operate as a new facility type or that otherwise delivers mental health or substance abuse services in an innovative manner. The bill specifies that the provisions relating to the review expire on September 1, 2017.

Integrated mental health and substance abuse hotline, outreach, screening, assessment, and referral functions

C.S.H.B. 2510 specifies DSHS may contract only with local mental health authorities and behavioral health authorities to administer outreach, screening, assessment, and referral functions relating to the provision of substance abuse services. The bill specifies this requirement applies to contracts entered into or renewed after the effective date of this Act. The bill requires DSHS to ensure each authority operates a toll-free telephone hotline that enables a person to call a single hotline number to obtain information about mental health services, substance abuse services, or both.

Removes two DSHS advisory committees from statute

C.S.H.B. 2510 eliminates the Local Authority Network Advisory Committee and Drug Demand Reduction Advisory Committee by repealing provisions of law relating to these committees and makes a conforming change to remove a related reference.

Article 3 – Emergency Medical Services (EMS) Regulation

Jurisprudence exam

C.S.H.B. 2510 allows DSHS to develop and administer a jurisprudence examination to determine the knowledge that an applicant for an EMS provider license or EMS personnel certification has of the laws and rules affecting the applicant's regulated activities. The bill requires DSHS rules to specify who must take the examination on behalf of an entity applying for an EMS provider license.

Physical business location requirement

C.S.H.B. 2510 requires an EMS provider applicant to have, demonstrate proof of, and operate out of a permanent physical location as their primary place of business according to certain requirements. The bill specifies the EMS provider may own or lease the physical location and must remain in the same physical location for the period of licensure, unless DSHS approves a change in location. The bill requires the EMS provider to maintain all patient care records

in the physical location, unless DSHS approves an alternative location and specifies only one EMS provider may operate out of a single physical location. The bill specifies these provisions apply to EMS provider license applications or renewals on or after the effective date of the Act.

Ownership or lease agreement for EMS equipment

C.S.H.B. 2510 requires an applicant for an EMS provider license to own or hold a long-term lease for all equipment necessary for the safe operation of an EMS provider, including EMS vehicles, heart rate monitors, defibrillators, stretchers, and any other equipment DSHS determines is required. The bill requires an applicant for an EMS provider license to demonstrate proof of compliance with these provisions in the manner required by DSHS. The bill provides that these provisions apply to EMS provider license applications or renewals on or after the effective date of the Act.

EMS complaint information

C.S.H.B. 2510 requires DSHS to track and keep records of specified complaints, investigations, and disciplinary actions regarding EMS providers and personnel. The bill requires DSHS to annually report specified statistical information regarding each complaint received, investigation, and disciplinary action, and to make the report available to the public through publication on the DSHS website and on request. The bill requires DSHS to develop a formal process to refer complaints received outside its jurisdiction to the appropriate agency for disposition, as soon as practicable after the effective date of this Act. The bill requires DSHS to track the types of nonjurisdictional complaints and to separately track nonjurisdictional complaints relating to potential billing fraud and make such information available to the appropriate state agency.

Delegated inspections

C.S.H.B. 2510 authorizes DSHS to use an inspection performed by an entity to which DSHS has delegated inspection authority as a basis for a disciplinary action, regardless of whether the inspection was performed before, on, or after the effective date of the Act.

Article 4 – Public Health System

Inventory of public health entities and responsibilities

C.S.H.B. 2510 requires DSHS to develop a comprehensive inventory of the roles, responsibilities, and capacity relating to public health services of DSHS’ central office, public health regions, and each local health department, district, and authority in the state. The bill specifies the inventory must include specific services and programs each entity currently provides and the level of services provided.

C.S.H.B. 2510 requires DSHS, using the inventory, to create and update a clear matrix of duties specific to each region, indicating which duties are performed by each entity, and requires DSHS to clearly delineate the division of duties between DSHS’ central office and the public health regions. The bill requires each public health region and each local health department, district, and authority in the state to provide DSHS with information regarding any significant change in public health services provided by that entity. The bill requires DSHS to solicit input from the Public Health Funding and Policy Committee and local health departments in creating the inventory and matrix of responsibilities, and to biennially present the inventory and matrix at a meeting of the committee and at a meeting of the State Health Services Council. The bill requires DSHS to submit the initial inventory no later than March 1, 2016, and to update the inventory and matrix no later than September 1 of each even-numbered year.

State public health system goals and action plan

C.S.H.B. 2510 requires DSHS, in consultation with the Public Health Funding and Policy Committee, to establish clear goals and statewide priorities for developing and improving the public health services delivery system in Texas, and to develop an overarching vision for the DSHS central office, each public health region, and local health departments, districts, and authorities. The bill requires DSHS to develop goals and strategies for each region in the state, with milestones, dates, performance measures, and identification of resources needed, and to create a public health action plan with regional strategies and milestones to achieve established goals.

C.S.H.B. 2510 requires DSHS to complete an updated public health action plan no later than November 30 of each even-numbered year, and present the plan and progress towards goals established in previous plans to the Public Health Funding and Policy Committee, the State Health Services Council, and appropriate standing committees of the legislature. The bill changes existing reporting requirements relating to the Public Health Funding and Policy Committee to make these reports due biennially instead of annually.

Article 5 – Vital Statistics

Identity verification and self-assessment report

C.S.H.B. 2510 prohibits the state registrar or a local registrar from issuing a certified copy of a record under this chapter to a person who has applied for the record by mail unless the person has provided notarized proof of identity, in accordance with rules adopted by the executive commissioner of HHSC. The bill provides that the rules may require the issuer of the certified copy to verify notarization using certain records of the secretary of state.

C.S.H.B. 2510 requires all local registrars to annually submit a self-assessment report to the state registrar and requires DSHS to prescribe the information that must be included in the report to allow a thorough desk audit of a local registrar. The bill requires DSHS to solicit comment from local registrars in prescribing the initial requirements for local registrar self-assessment reports.

Fingerprint-based criminal history background checks

C.S.H.B. 2510 specifies that a person may not access vital records maintained by DSHS and may not access DSHS vital records electronic registration system unless DSHS, or another person acting on behalf of DSHS, has conducted a fingerprint-based criminal background check, using state and federal databases, on the person in accordance with DSHS policy and the person's record is satisfactory as determined under DSHS policy. The bill authorizes DSHS to adopt a policy waiving the requirement of a fingerprint-based background check for a person who previously submitted to one as a condition of licensure by a state agency. The bill specifies that DSHS is entitled to obtain the necessary criminal history record information from the Department of Public Safety for a person authorized to access vital records or the vital records electronic registration system, including an employee of or contractor for DSHS, a local registrar, a medical professional, or a funeral director. The bill requires DSHS to prescribe the policies necessary to implement these provisions by March 1, 2016.

Article 6 – Texas Health Care Information Collection Program

C.S.H.B. 2510 repeals the separate Sunset date for the health care data collection program at DSHS (known as the Texas Health Care Information Collection program) and requires the executive commissioner of HHSC to adopt rules to establish a process by which DSHS may grant a waiver to exempt a facility from the requirements to submit data. The bill specifies a facility may be exempted if the facility conducts not more than 600 procedures a year and does not have information systems capable of automated reporting of certain claims. The bill also specifies that a waiver may be valid for not more than one year and may be reissued upon a showing of evidence that the facility continues to qualify for the waiver. The bill specifies that a provider that submits data under the program is not civilly or criminally liable for the use of the data under provisions governing the program or for a subsequent release of the data

by DSHS or another person.

Article 7 – Abolition of Certain Advisory Committees, Panels, and Boards

C.S.H.B. 2510 abolishes the Worksite Wellness Advisory Board, Sickle Cell Advisory Committee, Arthritis Advisory Committee, Advisory Panel on Health Care–Associated Infections and Preventable Adverse Events, Youth Camp Training Advisory Committee, and Texas Medical Child Abuse Resources and Education System (MEDCARES) Advisory Committee. The bill makes conforming changes to remove associated references to these entities and certain functions. The bill specifies that HHSC shall take custody of any these entities' property, records, or other assets.

Article 8 – Regulatory Programs Transferred to the Texas Department of Licensing and Regulation (TDLR)

Part 1. Transfers during the biennium ending August 31, 2017

C.S.H.B. 2510 transfers regulation of midwives; speech–language pathologists and audiologists; hearing instrument fitters and dispensers; athletic trainers; orthotists and prosthetists; and dieticians from DSHS to TDLR during the biennium ending August 31, 2017. The bill reconstitutes the existing associated boards and committee as advisory boards at TDLR and makes them responsible for providing advice and recommendations to TDLR on technical matters relevant to the administration of the laws associated with the regulatory programs. The bill specifies the advisory boards' appointments and terms, including filling vacancies; duties; and meeting requirements. The bill makes changes to conform the statutory provisions relating to administration and enforcement for each of these regulatory programs to existing TDLR requirements and procedures.

C.S.H.B. 2510 transfers administration and enforcement of these regulatory programs to TDLR's executive director and transfers the associated rulemaking authority to the Texas Commission of Licensing and Regulation, and makes related conforming changes. The bill repeals provisions of law associated with the regulatory programs that duplicate or conflict with other provisions of law that currently apply to TDLR, and makes related conforming changes. The bill removes the separate Sunset dates for these regulatory programs and maintains certain requirements of DSHS in the Texas Midwifery Act.

Part 2. Transfers during the biennium ending August 31, 2019

C.S.H.B. 2510 transfers regulation of offender education providers, laser hair removal, massage therapists, code enforcement officers, sanitarians, and mold assessors and remediators from DSHS to TDLR during the biennium ending August 31, 2019. The bill makes changes to conform the statutory provisions relating to administration and enforcement for each of these regulatory programs to existing TDLR requirements and procedures.

C.S.H.B. 2510 transfers administration and enforcement of these regulatory programs to TDLR's executive director and transfers the associated rulemaking authority to the Texas Commission of Licensing and Regulation. The bill repeals provisions of law associated with the regulatory programs that duplicate or conflict with other provisions of law that currently apply to TDLR, and makes related conforming changes.

C.S.H.B. 2510 authorizes TDLR to establish an advisory committee to provide advice and recommendations to TDLR on technical matters relevant to the administration of code enforcement officer and sanitarian programs. The changes in law made by Part 2 of Article 8 are effective September 1, 2017.

Part 3. Transition Provisions

C.S.H.B. 2510 specifies that rules and fees; licenses, permits, certificates or other authorizations; and complaints, investigations, contested cases, or other proceedings continue

or transfer in effect from DSHS to TDLR, or until changed by the Texas Commission of Licensing and Regulation. The bill also requires DSHS to provide TDLR with access to any systems or information necessary to accept a transferred program.

C.S.H.B. 2510 requires DSHS and TDLR, as soon as practicable after the effective date of a transfer, to adopt a transition plan to provide for the orderly transfer of power, duties, functions, programs, and activities. The bill requires the transition plan to provide for the transfer to be completed by August 31, 2017 for the programs transferred under Part 1, and by August 31, 2019 for the programs transferred under Part 2. The bill specifies that on the date specified in the transition plan, if applicable, the existing board associated with the program is abolished and TDLR shall, as soon as practicable after that date, appoint the advisory board for the program. The bill also requires TDLR to create a health professions division by August 31, 2017 to oversee programs transferred from DSHS and to ensure TDLR develops necessary health-related expertise.

Article 9 – Regulatory Programs Transferred to the Texas Medical Board (TMB)

C.S.H.B. 2510 transfers the regulation of medical radiologic technologists, respiratory care practitioners, medical physicists, and perfusionists from DSHS to TMB, and establishes associated advisory boards and advisory committees. The bill subjects these programs to Sunset review at the same time as TMB. C.S.H.B. 2510 requires fingerprint-based background checks for both new applications and renewals for all four professions transferring to TMB and requires the advisory boards and TMB as specified to adopt rules and guidelines regarding consequences of criminal convictions. The bill specifies that the background check requirements apply only to applications or renewals on or after January 1, 2016. The bill repeals provisions of law associated with the regulatory programs that duplicate or conflict with other provisions of law that currently apply to TMB, and makes related conforming changes.

Medical Radiologic Technologists and Respiratory Care Practitioners

C.S.H.B. 2510 transfers the regulation of medical radiologic technologists and respiratory care practitioners from DSHS to TMB. The bill establishes the Texas Board of Medical Radiologic Technology and the Texas Board of Respiratory Care as governor-appointed advisory boards to TMB. The bill specifies the advisory boards' appointments, eligibility, and terms; duties; and meeting requirements. The bill requires the advisory boards to adopt rules relating to regulation of medical radiologic technologists and respiratory care practitioners, but specifies that TMB must approve or reject each rule adopted by the advisory boards. The bill adds or amends provisions relating to the division of responsibilities and delegation of certain duties between the advisory boards and TMB; issuance and renewal of certificates; complaints and investigative information; and disciplinary actions and proceedings. The bill also adds a requirement for a jurisprudence exam for applicants for these two professions.

Medical Physicists and Perfusionists

C.S.H.B. 2510 transfers the regulation of medical physicists and perfusionists from DSHS to TMB. The bill renames the Texas Board of Licensure for Professional Medical Physicists the Medical Physicist Licensure Advisory Committee, and renames the Texas State Perfusionist Advisory Committee the Perfusionist Licensure Advisory Committee. The bill makes these entities informal advisory committees to TMB. The bill provides for appointments by the president of TMB; member eligibility and terms, including filling vacancies; duties; and meeting requirements of the advisory committees. The bill specifies that the advisory committees have no independent rulemaking authority and requires TMB to adopt all rules and implement all policies necessary to carry out the regulation for the medical physicist and perfusionist regulatory programs.

Transition Provisions

C.S.H.B. 2510 specifies that rules and fees; licenses, permits, or certificates; and complaints, investigations, contested cases, or other proceedings continue or transfer from DSHS to TMB until changes are made by the authorized entities, as appropriate. The bill also specifies certain provisions apply only to an application for the issuance or renewal of a license, certificate, or permit filed under specific chapters of the Occupations Code on or after January 1, 2016 and that an application filed before that date is governed by the law in effect at the time the application was filed, and the former law is continued in effect for that purpose.

C.S.H.B. 2510 requires DSHS and TMB to adopt a transition plan to provide for the orderly transfer of powers, duties, functions, programs, and activities as soon as practicable after the effective date of the Act. The bill requires DSHS to provide TMB with access to any systems or information necessary for TMB to accept a transferred program. The bill abolishes the existing Texas Board of Licensure for Professional Medical Physicists and the Texas State Perfusionist Advisory Committee on the effective date of the Act and requires the Governor and president of TMB, as appropriate, to appoint members to the Texas Board of Medical Radiologic Technology, the Medical Physicist Licensure Advisory Committee, the Perfusionist Licensure Advisory Committee, and the Texas Board of Respiratory Care as soon as practicable after the effective date of the Act.

Article 10 – Deregulation of certain activities and occupations

C.S.H.B. 2510 repeals provisions and makes conforming changes to discontinue state involvement in the licensing, registration, and permitting of the following activities and occupations:

- indoor air quality in state buildings;
- rendering;
- tanning bed facilities;
- food handler education and training programs;
- bottled and vended water certifications;
- personal emergency response systems;
- opticians;
- contact lens dispensers;
- dyslexia therapists and practitioners; and
- bedding.

C.S.H.B. 2510 removes the state accreditation of food handler education and training programs by DSHS and replaces it with accreditation by the American National Standards Institute and makes related conforming changes. The bill defines a food manager as an individual who manages or operates a food establishment and requires a local health jurisdiction that requires training for a food service worker to accept a food manager training course accredited by DSHS or a food handler training course accredited by the American National Standards Institute as sufficient to meet the jurisdiction's training and testing requirements.

C.S.H.B. 2510 specifies that a license, permit, certification of registration, or other authorization issued that is repealed through this Act expires on the effective date of the Act, but that the changes made by the bill would not affect the validity of a disciplinary action taken, offense committed, or fee paid before the effective date of the Act and that is pending before a court or other governmental entity on the effective date of the Act. The bill specifies that an offense under or other violation of a law that is repealed by this article of the bill is governed by the law in effect when the violation was committed, and continues the former law for that purpose. The bill specifies that an offense or violation was committed before the effective date of the Act if any element of the offense or violation occurred before that date. The bill provides that a repeal of a law by this article of the bill does not entitle a person to a refund of an application, licensing, or other fee paid by the person before the effective date of the Act.

Article 11 – Continuation of DSHS

C.S.H.B. 2510 continues DSHS for 12 years, until September 1, 2027. The bill provides that the DSHS continuation to 2027 is only effective if other legislation providing for the transfer of DSHS’ functions to HHSC is not enacted and does not become law. If such legislation is enacted and becomes law, DSHS is abolished on September 1, 2015.

Article 12 – General Provisions and Effective Date

C.S.H.B. 2510 specifies that to the extent of any conflict, this Act prevails over another Act of the 84th Legislature, Regular Session, 2015, relating to nonsubstantive additions to and corrections in enacted codes, and specifies the effective date of the Act.

Repealers

Article 2

The following provision of the Education Code is repealed:

Section 7.030

The following provisions of the Health and Safety Code are repealed:

Subchapter F, Chapter 461A	Section 533.0351
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Article 6

The following provision is repealed:

Section 108.016

Article 7

The following provisions of the Government Code are repealed:

Sections 664.051(1), 664.054, 664.055, 664.056, 664.057, 664.059, and 664.060(c) and (f)
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The following provisions of the Health and Safety Code are repealed:

Section 33.053	Section 97.007	Sections 98.001(1) and 98.002
Subchapter B, Chapter 98	Section 141.0096, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015	Section 1001.153, as added by Chapter 1238 (S.B. 2080), Acts of the 81st Legislature, Regular Session, 2009

Article 8. Part 1.

The following provisions of the Occupations Code, including provisions amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, are repealed:

Section 203.006	Section 203.051	Section 203.053
Section 203.054	Section 203.057	Section 203.058
Section 203.060	Subchapter C, Chapter 203	Section 203.151(b)
Section 203.1515	Section 203.152(a)	Sections 203.155(a) and (c)
Section 203.156	Section 203.158	Section 203.159
Section 203.160	Section 203.161	Subchapter E, Chapter 203
Section 203.255(b)	Section 203.2556	Section 203.302
Section 203.303	Section 203.405	Subchapter J, Chapter 203
Section 203.502(c)	Section 203.505(a)	Section 401.002

Section 401.101	Section 401.103	Section 401.104
Section 401.106	Section 401.109	Section 401.110
Subchapter D, Chapter 401	Section 401.201(b)	Sections 401.203(a) and (b)
Section 401.204	Section 401.205	Section 401.206
Section 401.207	Section 401.252	Sections 401.253(b), (c), (d), and (e)
Sections 401.2535(a), (b), (c), (d), (e), (f), and (g)	Section 401.254	Section 401.306
Section 401.307(c)	Section 401.313	Section 401.315
Sections 401.352(b) and (c)	Section 401.353	
Section 401.354	Section 401.405	Section 401.451(b)
Section 401.452	Section 401.4531	Section 401.454
Section 401.455	Section 401.456	Section 401.457
Section 401.458	Section 401.459	Section 401.460
Section 401.502	Section 401.5022	Section 401.551
Section 401.553	Section 401.554	Section 401.555
Section 401.556	Section 401.557	Section 401.558
Section 401.559	Section 401.560	Section 401.561
Section 402.002	Section 402.052	Section 402.053
Section 402.054	Section 402.056	Section 402.0581
Section 402.059	Section 402.060	Section 402.061
Section 402.102	Section 402.1022	Sections 402.103(a) and (b)
Section 402.105	Section 402.106	Section 402.151
Section 402.1511	Section 402.153	Sections 402.154(a), (b), (c), (d), (e), (f), and (g)
Section 402.205(d)	Section 402.206	Sections 402.209(b) and (g)
Section 402.257(b)	Sections 402.301(b), (c), (d), and (e)	Section 402.303(f)
Section 402.354	Section 402.452	Section 402.502
Section 402.503	Section 402.504	Section 402.505
Section 402.506	Sections 402.551(a) and (c)	Section 402.552
Section 402.5522	Section 402.553(b)	Section 451.051(a)
Section 451.0511	Section 451.0512	Section 451.0513
Section 451.052	Section 451.054	Section 451.057
Sections 451.101(b) and (c)	Section 451.1015	Section 451.1016
Section 451.102	Section 451.103	Section 451.1035
Section 451.104	Section 451.105	Section 451.106
Section 451.108	Section 451.109	Sections 451.110(a), (b), (c), (d), (e), (f), and (g)
Section 451.155	Section 451.201(b)	Section 451.202
Section 451.203	Section 451.204	Section 451.2512
Section 451.252	Section 451.253	Section 451.254
Section 451.255	Sections 451.351(a), (b), (e), (f), (g), (h), (i), (j), (k), and (l)	Section 451.352
Section 605.003	Section 605.051	Section 605.053
Section 605.054	Section 605.057	Section 605.058
Section 605.059(a)	Section 605.060	Section 605.061
Subchapter C, Chapter 605	Section 605.152	Section 605.153
Section 605.154	Section 605.201	Section 605.202
Sections 605.2021(a), (b), (c), (d), (e), (f), and (g)	Section 605.203	Section 605.253
Section 605.254(b)	Section 605.255(c)	Section 605.259(b)
Section 605.3535	Section 605.355	Section 605.401
Section 605.403	Section 605.404	Section 605.405
Section 605.406	Section 605.407	Section 605.408
Section 605.409	Section 605.410	Section 605.411

Section 701.003	Section 701.052	Section 701.053
Section 701.055	Section 701.056	Section 701.059
Subchapter C, Chapter 701	Section 701.152	Section 701.153
Section 701.1535	Section 701.156	Section 701.157
Section 701.159	Section 701.160	Section 701.161
Section 701.201	Section 701.202	Section 701.203
Section 701.204	Sections 701.2041(a), (b), (c), (d), (e), (f), and (g)	Section 701.205
Section 701.206	Section 701.256	Section 701.261
Sections 701.301(b), (c), (d), (e), and (f)	Section 701.302	Section 701.402
Section 701.404	Section 701.405	Section 701.406
Section 701.407	Section 701.408	Section 701.452
Section 701.453	Section 701.501	Section 701.502(c)
Section 701.503	Section 701.504	Section 701.505
Section 701.506	Section 701.507	Section 701.508
Section 701.509	Section 701.510	Section 701.511

Article 8. Part 2.

The following provisions of the Health and Safety Code are repealed:

Section 401.509	Section 401.511	Sections 401.512(b) and (c)
Sections 401.522(b) and (c)		

The following provisions of the Occupations Code, including provisions amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, are repealed:

Section 455.051	Section 455.056	Section 455.057
Section 455.058	Section 455.1565	Section 455.1571
Sections 455.160(b), (c), (d), (e), (f), and (g)	Section 455.161	Section 455.252
Section 455.253	Section 455.254	Section 455.301
Section 455.303	Section 455.304	Section 455.305
Section 455.306	Section 455.307	Section 455.308
Section 455.309	Section 455.310	Section 455.311
Section 1952.052	Section 1952.054	Section 1952.105(b)
Section 1952.152	Section 1952.251	Section 1952.253
Section 1952.254	Section 1952.255	Section 1952.256
Section 1952.257	Section 1952.258	Section 1952.259
Section 1952.260	Section 1952.261	Section 1953.0511
Section 1953.052	Section 1953.054	Section 1953.055
Section 1953.103	Section 1953.106(b)	Section 1953.152
Section 1953.202	Section 1953.301	Section 1953.303
Section 1953.304	Section 1953.305	Section 1953.306
Section 1953.307	Section 1953.308	Section 1953.309
Section 1953.310	Section 1953.311	Section 1958.053
Section 1958.055(a)	Section 1958.057	Section 1958.107
Section 1958.251	Section 1958.254	Section 1958.255
Section 1958.256	Section 1958.257	Section 1958.258
Section 1958.302		

Article 9

The following provisions of the Occupations Code are repealed:

Sections 601.002(2) and (5)	Section 601.051	Section 601.053
Section 601.103	Section 602.002 (1-a) (2)	Sections 602.052(b) and (c)
Sections 602.053(a), (b), and	Section 602.056(c)	Section 602.059

(c)		
Subchapter C, Chapter 602	Sections 602.1525(b), (c), (d), (e), (f), and (g)	Section 602.155
Section 602.204	Sections 603.002(1) and (4)	Section 603.005
Section 603.054(c)	Section 603.058	Subchapter C, Chapter 603
Section 603.154(b)	Section 603.158	Section 603.159
Sections 603.2041(b), (c), (d), (f), and (g)	Section 604.051	Sections 604.052(b) and (c)
Section 604.056		

Article 10

The following provisions of the Government Code are repealed:

Section 2165.301(2)	Section 2165.302	Section 2165.304
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The following provisions of the Health and Safety Code are repealed:

Section 144.001	Subchapter B, Chapter 144	Sections 144.023(d) and (e)
Section 144.031	Subchapter D, Chapter 144	Subchapter E, Chapter 144
Subchapter F, Chapter 144	Section 144.071	Section 144.072
Section 144.073	Section 144.074	Section 144.075
Section 144.076	Section 144.077	Section 144.078(c)
Section 144.080	Section 144.081	Section 144.082
Section 144.083	Section 144.084	Section 144.085
Section 145.001	Section 145.002(1)	Section 145.004(b)
Section 145.006(c)	Section 145.008(k)	Section 145.009
Section 145.0095	Section 145.010	Sections 145.011(a) and (b)
Section 145.012	Section 145.0122	Section 145.015
Chapter 345	Chapter 385	Section 437.0057(b)
Section 438.0431	Chapter 441	Chapter 781

The following provisions of the Occupations Code are repealed:

Section 351.005(c)	Chapter 352	Sections 353.002(2) and (4)
Section 353.005	Subchapter B, Chapter 353	Section 353.202
Section 353.2025	Section 353.203	Section 353.204(b)
Section 353.205	Chapter 403	

EFFECTIVE DATE

Except as otherwise provided, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2510 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill, including differences relating to changes made by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, which became effective April 2, 2015.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

ARTICLE 1. STATE MENTAL HEALTH HOSPITAL SYSTEM

Same as introduced version.

ARTICLE 2. COMMUNITY MENTAL HEALTH PROGRAMS

Same as introduced version, except as follows:

SECTION 2.001.

SECTION 2.001. Substantially the same as introduced version.

SECTION 2.002.

SECTION 2.002. Same as introduced version.

SECTIONS 2.003 and 2.004.

SECTIONS 2.003 and 2.004. Substantially the same as introduced version.

SECTION 2.005.

SECTION 2.005. Same as introduced version.

SECTION 2.006. The following provisions are repealed:

SECTION 2.006. The following provisions, including provisions amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, are repealed:

- (1) Section 7.030, Education Code;
- (2) Section 461.017, Health and Safety Code; and
- (3) Section 533.0351, Health and Safety Code.

- (1) Section 7.030, Education Code;
- (2) Subchapter F, Chapter 461A, Health and Safety Code; and
- (3) Section 533.0351, Health and Safety Code.

SECTIONS 2.007 and 2.008.

SECTIONS 2.007 and 2.008. Same as introduced version.

ARTICLE 3. EMERGENCY MEDICAL SERVICES REGULATION

Same as introduced version.

ARTICLE 4. PUBLIC HEALTH SYSTEM

Same as introduced version.

ARTICLE 5. VITAL STATISTICS

Same as introduced version, except as follows:

SECTIONS 5.001 - 5.003.

SECTIONS 5.001 - 5.003. Same as introduced version.

SECTION 5.004.

SECTION 5.004. Substantially the same as introduced version.

SECTIONS 5.005 and 5.006.

SECTIONS 5.005 and 5.006. Same as introduced version.

ARTICLE 6. TEXAS HEALTH CARE INFORMATION COLLECTION PROGRAM

Same as introduced version, except as follows:

SECTION 6.001.

SECTION 6.001. Substantially the same as introduced version.

SECTIONS 6.002 and 6.003.

SECTIONS 6.002 and 6.003. Same as introduced version.

ARTICLE 7. ABOLITION OF CERTAIN ADVISORY COMMITTEES, PANELS, AND BOARDS

Substantially the same as introduced version.

ARTICLE 8. REGULATORY PROGRAMS TRANSFERRED TO THE TEXAS DEPARTMENT OF LICENSING AND REGULATION

Same as introduced version, except as follows:

PART 1. TRANSFERS DURING BIENNIUM ENDING AUGUST 31, 2017

Same as introduced version.

SECTIONS 8.001 - 8.035.

SECTIONS 8.001 - 8.035. Same as introduced version.

SECTION 8.036.

SECTION 8.036. Substantially the same as introduced version.

SECTIONS 8.037 - 8.071.

SECTIONS 8.037 - 8.071. Same as introduced version.

No equivalent provision.

SECTION 8.072. Section 401.351, Occupations Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 401.351. LICENSE TERM [~~EXPIRATION~~]. [~~(a)~~] A license issued under this chapter is valid for two years. [~~The board by rule may adopt a system under which licenses expire on various dates during the year.~~]
[~~(b) For the year in which the license expiration date is changed, license fees payable on the original expiration date shall be prorated on a monthly basis so that each license holder pays only the portion of the license fee that is allocable to the number of months during which the license is valid. On renewal of the license on the new expiration date, the total license renewal fee is payable.~~]

SECTION 8.072.

SECTION 8.073. Substantially the same as introduced version.

SECTIONS 8.073 - 8.079.

SECTIONS 8.074 - 8.080. Same as introduced version.

SECTION 8.080. Section 402.001, Occupations Code, is amended by amending Subdivisions (1), (2), (3), and (6) and adding Subdivision (3-a) to read as follows:

SECTION 8.081. Substantially the same as introduced version.

SECTION 8.081.

SECTION 8.082. Same as introduced version.

SECTION 8.082.

SECTION 8.083. Substantially the same as introduced version.

SECTION 8.083 - 8.095.

SECTIONS 8.084 - 8.096. Same as introduced version.

SECTION 8.096.

SECTION 8.097. Substantially the same as introduced version.

SECTION 8.097.

SECTION 8.098. Same as introduced version.

SECTION 8.098 - 8.121.

SECTION 8.099 - 8.122. Same as introduced version.

SECTION 8.122. Section 402.453(a), Occupations Code, is amended to read as follows:

No equivalent provision.

(a) A license holder may not treat the ear in any manner for any defect or administer any drug or physical treatment unless the license holder is a physician licensed to practice by the Texas Medical [~~State~~] Board [~~of Medical Examiners~~].

SECTION 8.123.

SECTION 8.123. Substantially the same as introduced version.

SECTIONS 8.124 - 8.127.

SECTIONS 8.124 - 8.127. Same as introduced version.

SECTION 8.128.

SECTION 8.128. Substantially the same as introduced version.

SECTION 8.129. Section 451.002, Occupations Code, is amended to read as follows:

No equivalent provision.

Sec. 451.002. INTERPRETATION; PRACTICE OF MEDICINE. This chapter does not authorize the practice of medicine by a person not licensed by the Texas [~~State Board of~~] Medical Board [~~Examiners~~].

SECTION 8.130.

SECTION 8.129. Substantially the same as introduced version.

SECTIONS 8.131 - 8.144.

SECTIONS 8.130 - 8.143. Same as introduced version.

SECTION 8.145. Section 451.201(a), Occupations Code, is amended to read as

SECTION 8.144. Section 451.201(a), Occupations Code, as amended by S.B.

follows:

(a) A license issued under Section 451.156 expires on the first anniversary of the date of issuance and may be renewed annually.

SECTIONS 8.146 - 8.182.

SECTION 8.183.

SECTIONS 8.184 - 8.204.

SECTION 8.205. The following provisions of the Occupations Code are repealed:

- (1) Section 203.006;
- (2) Section 203.051;
- (3) Section 203.053;
- (4) Section 203.054;
- (5) Section 203.057;
- (6) Section 203.058;
- (7) Section 203.060;
- (8) Subchapter C, Chapter 203;
- (9) Section 203.151(b);
- (10) Section 203.1515;
- (11) Section 203.152(a);
- (12) Sections 203.155(a) and (c);
- (13) Section 203.156;
- (14) Section 203.158;
- (15) Section 203.159;
- (16) Section 203.160;
- (17) Section 203.161;
- (18) Subchapter E, Chapter 203;
- (19) Section 203.255(b);
- (20) Section 203.2556;
- (21) Section 203.302;
- (22) Section 203.303;
- (23) Section 203.405;
- (24) Subchapter J, Chapter 203;
- (25) Section 203.502(c);
- (26) Section 203.505(a);
- (27) Section 401.002;
- (28) Section 401.101;
- (29) Section 401.103;
- (30) Section 401.104;
- (31) Section 401.106;
- (32) Section 401.109;
- (33) Section 401.110;
- (34) Subchapter D, Chapter 401;
- (35) Section 401.201(b);
- (36) Sections 401.203(a) and (b);

219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a) A license issued under Section 451.156 expires on the second anniversary of the date of issuance and may be renewed biennially.

SECTIONS 8.145 - 8.181. Same as introduced version.

SECTION 8.182. Substantially the same as introduced version.

SECTIONS 8.183 - 8.203. Same as introduced version.

SECTION 8.204. The following provisions of the Occupations Code, including provisions amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, are repealed:

- (1) Section 203.006;
- (2) Section 203.051;
- (3) Section 203.053;
- (4) Section 203.054;
- (5) Section 203.057;
- (6) Section 203.058;
- (7) Section 203.060;
- (8) Subchapter C, Chapter 203;
- (9) Section 203.151(b);
- (10) Section 203.1515;
- (11) Section 203.152(a);
- (12) Sections 203.155(a) and (c);
- (13) Section 203.156;
- (14) Section 203.158;
- (15) Section 203.159;
- (16) Section 203.160;
- (17) Section 203.161;
- (18) Subchapter E, Chapter 203;
- (19) Section 203.255(b);
- (20) Section 203.2556;
- (21) Section 203.302;
- (22) Section 203.303;
- (23) Section 203.405;
- (24) Subchapter J, Chapter 203;
- (25) Section 203.502(c);
- (26) Section 203.505(a);
- (27) Section 401.002;
- (28) Section 401.101;
- (29) Section 401.103;
- (30) Section 401.104;
- (31) Section 401.106;
- (32) Section 401.109;
- (33) Section 401.110;
- (34) Subchapter D, Chapter 401;
- (35) Section 401.201(b);
- (36) Sections 401.203(a) and (b);

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| (37) Section 401.204; | (37) Section 401.204; |
| (38) Section 401.205; | (38) Section 401.205; |
| (39) Section 401.206; | (39) Section 401.206; |
| (40) Section 401.207; | (40) Section 401.207; |
| (41) Section 401.252; | (41) Section 401.252; |
| (42) Sections 401.253(b), (c), (d), and (e); | (42) Sections 401.253(b), (c), (d), and (e); |
| (43) Sections 401.2535(a), (b), (c), (d), (e), (f), and (g); | (43) Sections 401.2535(a), (b), (c), (d), (e), (f), and (g); |
| (44) Section 401.254; | (44) Section 401.254; |
| (45) Section 401.306; | (45) Section 401.306; |
| (46) Section 401.307(c); | (46) Section 401.307(c); |
| (47) Section 401.313; | (47) Section 401.313; |
| (48) Section 401.315; | (48) Section 401.315; |
| (49) Section 401.351; | (49) Sections 401.352(b) and (c); |
| (50) Sections 401.352(b) and (c); | (50) Section 401.353; |
| (51) Section 401.353; | (51) Section 401.354; |
| (52) Section 401.354; | (52) Section 401.405; |
| (53) Section 401.405; | (53) Section 401.451(b); |
| (54) Section 401.451(b); | (54) Section 401.452; |
| (55) Section 401.452; | (55) Section 401.4531; |
| (56) Section 401.4531; | (56) Section 401.454; |
| (57) Section 401.454; | (57) Section 401.455; |
| (58) Section 401.455; | (58) Section 401.456; |
| (59) Section 401.456; | (59) Section 401.457; |
| (60) Section 401.457; | (60) Section 401.458; |
| (61) Section 401.458; | (61) Section 401.459; |
| (62) Section 401.459; | (62) Section 401.460; |
| (63) Section 401.460; | (63) Section 401.502; |
| (64) Section 401.502; | (64) Section 401.5022; |
| (65) Section 401.5022; | (65) Section 401.551; |
| (66) Section 401.551; | (66) Section 401.553; |
| (67) Section 401.553; | (67) Section 401.554; |
| (68) Section 401.554; | (68) Section 401.555; |
| (69) Section 401.555; | (69) Section 401.556; |
| (70) Section 401.556; | (70) Section 401.557; |
| (71) Section 401.557; | (71) Section 401.558; |
| (72) Section 401.558; | (72) Section 401.559; |
| (73) Section 401.559; | (73) Section 401.560; |
| (74) Section 401.560; | (74) Section 401.561; |
| (75) Section 401.561; | (75) Section 402.002; |
| (76) Section 402.002; | (76) Section 402.052; |
| (77) Section 402.052; | (77) Section 402.053; |
| (78) Section 402.053; | (78) Section 402.054; |
| (79) Section 402.054; | (79) Section 402.056; |
| (80) Section 402.056; | (80) Section 402.0581; |
| (81) Section 402.0581; | (81) Section 402.059; |
| (82) Section 402.059; | (82) Section 402.060; |
| (83) Section 402.060; | (83) Section 402.061; |
| (84) Section 402.061; | (84) Section 402.102; |
| (85) Section 402.102; | (85) Section 402.1022; |
| (86) Section 402.1022; | (86) Sections 402.103(a) and (b); |
| (87) Sections 402.103(a) and (b); | (87) Section 402.105; |
| (88) Section 402.105; | (88) Section 402.106; |
| (89) Section 402.106; | (89) Section 402.151; |
| (90) Section 402.151; | (90) Section 402.1511; |
| (91) Section 402.1511; | (91) Section 402.153; |
| (92) Section 402.153; | |

(93) Sections 402.154(a), (b), (c), (d), (e), (f), and (g);
(94) Section 402.205(d);
(95) Section 402.206;
(96) Sections 402.209(b) and (g);
(97) Section 402.257(b);
(98) Sections 402.301(b), (c), (d), and (e);

(99) Section 402.303(f);
(100) Section 402.354;
(101) Section 402.452;
(102) Section 402.502;
(103) Section 402.503;
(104) Section 402.504;
(105) Section 402.505;
(106) Section 402.506;
(107) Sections 402.551(a) and (c);
(108) Section 402.552;
(109) Section 402.5522;
(110) Section 402.553(b);
(111) Section 451.051(a);
(112) Section 451.0511;
(113) Section 451.0512;
(114) Section 451.0513;
(115) Section 451.052;
(116) Section 451.054;
(117) Section 451.057;
(118) Sections 451.101(b) and (c);
(119) Section 451.1015;
(120) Section 451.1016;
(121) Section 451.102;
(122) Section 451.103;
(123) Section 451.1035;
(124) Section 451.104;
(125) Section 451.105;
(126) Section 451.106;
(127) Section 451.108;
(128) Section 451.109;
(129) Sections 451.110(a), (b), (c), (d), (e), (f), and (g);
(130) Section 451.155;
(131) Section 451.201(b);
(132) Section 451.202;
(133) Section 451.203;
(134) Section 451.204;
(135) Section 451.2512;
(136) Section 451.252;
(137) Section 451.253;
(138) Section 451.254;
(139) Section 451.255;
(140) Sections 451.351(a), (b), (e), (f), (g), (h), (i), (j), (k), and (l);
(141) Section 451.352;
(142) Section 605.003;
(143) Section 605.051;
(144) Section 605.053;
(145) Section 605.054;
(146) Section 605.057;

(92) Sections 402.154(a), (b), (c), (d), (e), (f), and (g);
(93) Section 402.205(d);
(94) Section 402.206;
(95) Sections 402.209(b) and (g);
(96) Section 402.257(b);
(97) Sections 402.301(b), (c), (d), and (e);
(98) Section 402.303(f);
(99) Section 402.354;
(100) Section 402.452;
(101) Section 402.502;
(102) Section 402.503;
(103) Section 402.504;
(104) Section 402.505;
(105) Section 402.506;
(106) Sections 402.551(a) and (c);
(107) Section 402.552;
(108) Section 402.5522;
(109) Section 402.553(b);
(110) Section 451.051(a);
(111) Section 451.0511;
(112) Section 451.0512;
(113) Section 451.0513;
(114) Section 451.052;
(115) Section 451.054;
(116) Section 451.057;
(117) Sections 451.101(b) and (c);
(118) Section 451.1015;
(119) Section 451.1016;
(120) Section 451.102;
(121) Section 451.103;
(122) Section 451.1035;
(123) Section 451.104;
(124) Section 451.105;
(125) Section 451.106;
(126) Section 451.108;
(127) Section 451.109;
(128) Sections 451.110(a), (b), (c), (d), (e), (f), and (g);
(129) Section 451.155;
(130) Section 451.201(b);
(131) Section 451.202;
(132) Section 451.203;
(133) Section 451.204;
(134) Section 451.2512;
(135) Section 451.252;
(136) Section 451.253;
(137) Section 451.254;
(138) Section 451.255;
(139) Sections 451.351(a), (b), (e), (f), (g), (h), (i), (j), (k), and (l);
(140) Section 451.352;
(141) Section 605.003;
(142) Section 605.051;
(143) Section 605.053;
(144) Section 605.054;
(145) Section 605.057;

(147) Section 605.058;
(148) Section 605.059(a);
(149) Section 605.060;
(150) Section 605.061;
(151) Subchapter C, Chapter 605;
(152) Section 605.152;
(153) Section 605.153;
(154) Section 605.154;
(155) Section 605.201;
(156) Section 605.202;
(157) Sections 605.2021(a), (b), (c), (d),
(e), (f), and (g);
(158) Section 605.203;
(159) Section 605.253;
(160) Section 605.254(b);
(161) Section 605.255(c);
(162) Section 605.259(b);
(163) Section 605.3535;
(164) Section 605.355;
(165) Section 605.401;
(166) Section 605.403;
(167) Section 605.404;
(168) Section 605.405;
(169) Section 605.406;
(170) Section 605.407;
(171) Section 605.408;
(172) Section 605.409;
(173) Section 605.410;
(174) Section 605.411;
(175) Section 701.003;
(176) Section 701.052;
(177) Section 701.053;
(178) Section 701.055;
(179) Section 701.056;
(180) Section 701.059;
(181) Subchapter C, Chapter 701;
(182) Section 701.152;
(183) Section 701.153;
(184) Section 701.1535;
(185) Section 701.156;
(186) Section 701.157;
(187) Section 701.159;
(188) Section 701.160;
(189) Section 701.161;
(190) Section 701.201;
(191) Section 701.202;
(192) Section 701.203;
(193) Section 701.204;
(194) Sections 701.2041(a), (b), (c), (d),
(e), (f), and (g);
(195) Section 701.205;
(196) Section 701.206;
(197) Section 701.256;
(198) Section 701.261;
(199) Sections 701.301(b), (c), (d), (e), and
(f);
(200) Section 701.302;
(201) Section 701.402;

(146) Section 605.058;
(147) Section 605.059(a);
(148) Section 605.060;
(149) Section 605.061;
(150) Subchapter C, Chapter 605;
(151) Section 605.152;
(152) Section 605.153;
(153) Section 605.154;
(154) Section 605.201;
(155) Section 605.202;
(156) Sections 605.2021(a), (b), (c), (d),
(e), (f), and (g);
(157) Section 605.203;
(158) Section 605.253;
(159) Section 605.254(b);
(160) Section 605.255(c);
(161) Section 605.259(b);
(162) Section 605.3535;
(163) Section 605.355;
(164) Section 605.401;
(165) Section 605.403;
(166) Section 605.404;
(167) Section 605.405;
(168) Section 605.406;
(169) Section 605.407;
(170) Section 605.408;
(171) Section 605.409;
(172) Section 605.410;
(173) Section 605.411;
(174) Section 701.003;
(175) Section 701.052;
(176) Section 701.053;
(177) Section 701.055;
(178) Section 701.056;
(179) Section 701.059;
(180) Subchapter C, Chapter 701;
(181) Section 701.152;
(182) Section 701.153;
(183) Section 701.1535;
(184) Section 701.156;
(185) Section 701.157;
(186) Section 701.159;
(187) Section 701.160;
(188) Section 701.161;
(189) Section 701.201;
(190) Section 701.202;
(191) Section 701.203;
(192) Section 701.204;
(193) Sections 701.2041(a), (b), (c), (d),
(e), (f), and (g);
(194) Section 701.205;
(195) Section 701.206;
(196) Section 701.256;
(197) Section 701.261;
(198) Sections 701.301(b), (c), (d), (e),
and (f);
(199) Section 701.302;
(200) Section 701.402;

(202) Section 701.404;
(203) Section 701.405;
(204) Section 701.406;
(205) Section 701.407;
(206) Section 701.408;
(207) Section 701.452;
(208) Section 701.453;
(209) Section 701.501;
(210) Section 701.502(c);
(211) Section 701.503;
(212) Section 701.504;
(213) Section 701.505;
(214) Section 701.506;
(215) Section 701.507;
(216) Section 701.508;
(217) Section 701.509;
(218) Section 701.510; and
(219) Section 701.511.

PART 2. TRANSFERS DURING
BIENNIUM ENDING AUGUST 31, 2019

SECTIONS 8.206 and 8.207.

SECTION 8.208.

SECTIONS 8.209 - 8.226.

SECTION 8.227.

SECTIONS 8.228 and 8.229.

SECTION 8.230. Section 455.1572(e),
Occupations Code, is amended to read as
follows:

(201) Section 701.404;
(202) Section 701.405;
(203) Section 701.406;
(204) Section 701.407;
(205) Section 701.408;
(206) Section 701.452;
(207) Section 701.453;
(208) Section 701.501;
(209) Section 701.502(c);
(210) Section 701.503;
(211) Section 701.504;
(212) Section 701.505;
(213) Section 701.506;
(214) Section 701.507;
(215) Section 701.508;
(216) Section 701.509;
(217) Section 701.510; and
(218) Section 701.511.

Same as introduced version.

SECTIONS 8.205 and 8.206. Same as
introduced version.

SECTION 8.207. Substantially the same
as introduced version.

SECTIONS 8.208 - 8.225. Same as
introduced version.

SECTION 8.226. Substantially the same
as introduced version.

SECTIONS 8.227 and 8.228.
Substantially the same as introduced
version.

SECTION 8.229. Sections 455.1572(c)
and (e), Occupations Code, as amended
by S.B. 219, Acts of the 84th Legislature,
Regular Session, 2015, are amended to
read as follows:

(c) A provisional license is valid until
the date the department approves or
denies the provisional license holder's
application for licensing. The department
shall issue a license under this chapter to
the provisionally licensed person if the
person:

(1) is eligible for a license under Section
51.404 [~~455.1571~~]; or

(2) passes the part of the examination
under Section 455.101 that relates to the
applicant's knowledge and understanding
of the laws and rules relating to the
practice of massage therapy in this state

(e) The commission by rule [~~department~~] may establish a fee for a provisional license in an amount reasonable and necessary to cover the cost of issuing the license.

SECTIONS 8.231 - 8.234

SECTIONS 8.235 and 8.236.

SECTIONS 8.237 - 8.240.

SECTION 8.241.

SECTION 8.242.

SECTIONS 8.243 and 8.244.

SECTIONS 8.245 and 8.246.

SECTIONS 8.247 and 8.248.

SECTION 8.249.

SECTION 8.250. Section 1953.003, Occupations Code, is amended to read as follows:

Sec. 1953.003. EXEMPTIONS. This chapter does not apply to a person, including a physician, dentist, engineer, or veterinarian, who is licensed by an agency of this state other than the department [~~board~~] and who, by nature of the person's employment or duties, might be construed as being subject to this chapter.

SECTIONS 8.251 - 8.253.

SECTION 8.254. Section 1953.053,

and:

(A) the department verifies that the person meets the academic and experience requirements for licensing under this chapter; and

(B) the person satisfies any other licensing requirements under this chapter.

(e) The commission [~~executive commissioner~~] by rule may establish a fee for a provisional license.

SECTIONS 8.230 - 8.233. Substantially the same as introduced version.

SECTIONS 8.234 and 8.235. Same as introduced version.

SECTIONS 8.236 - 8.239. Substantially the same as introduced version.

SECTION 8.240. Same as introduced version.

SECTION 8.241. Substantially the same as introduced version.

SECTIONS 8.242 and 8.243. Same as introduced version.

SECTIONS 8.244 and 8.245. Substantially the same as introduced version.

SECTION 8.246 and 8.247. Same as introduced version.

SECTION 8.248. Substantially the same as introduced version.

No equivalent provision.

SECTION 8.249 - 8.251. Substantially the same as introduced version.

No equivalent provision.

Occupations Code, is amended to read as follows:

Sec. 1953.053. REGISTER OF APPLICATIONS. (a) The department [~~board~~] shall keep a register of each application for a certificate of registration under this chapter.

(b) The register must include:

(1) the name, age, and place of residence of the applicant;

(2) the name and address of the employer or business connection of the applicant;

(3) the date of the application;

(4) complete information regarding the applicant's education and experience qualifications;

(5) the date the department [~~board~~] reviewed and acted on the application;

(6) a description of the department's [~~board's~~] action on the application;

(7) the serial number of any certificate of registration issued to the applicant; and

(8) any other information the department [~~board~~] determines necessary.

SECTION 8.255.

SECTION 8.252. Substantially the same as introduced version.

SECTIONS 8.256 and 8.257.

SECTIONS 8.253 and 8.254. Substantially the same as introduced version.

SECTION 8.258.

SECTION 8.255. Same as introduced version.

SECTION 8.259.

SECTION 8.256. Substantially the same as introduced version.

SECTION 8.260.

SECTION 8.257. Substantially the same as introduced version.

SECTION 8.261.

SECTION 8.258. Substantially the same as introduced version.

SECTION 8.262.

SECTION 8.259. Same as introduced version.

SECTION 8.263.

SECTION 8.260. Substantially the same as introduced version.

SECTION 8.264.

SECTION 8.261. Same as introduced version.

SECTION 8.265.

SECTION 8.262. Substantially the same as introduced version.

SECTION 8.266. Section 1958.055(b),

No equivalent provision.

Occupations Code, is amended to read as follows:

(b) A fee set by the commission for purposes of this chapter [~~under this section~~] may not exceed:

- (1) \$400 for a license issued to an individual;
- (2) \$750 for a license issued to a person who is not an individual; and
- (3) \$60 for a registration issued to an employee of a license holder.

SECTIONS 8.267 - 8.279.

SECTION 8.280. Section 1958.301(b), Occupations Code, is amended to read as follows:

(b) The department [~~commissioner~~] may request the attorney general or the district, county, or city attorney having jurisdiction to bring an action to collect a civil penalty under this section.

SECTION 8.281. Section 521.374(a), Transportation Code, is amended to read as follows:

(a) A person whose license is suspended under Section 521.372 may attend an educational program, approved by the Department of State Health Services [~~Texas Commission on Alcohol and Drug Abuse~~] under rules adopted by the Department of State Health Services [~~commission~~] and the department, that is designed to educate persons on the dangers of drug abuse.

SECTION 8.282 - 8.284.

SECTION 8.285. The following provisions of the Occupations Code are repealed:

- (1) Section 455.051;
- (2) Section 455.056;
- (3) Section 455.057;
- (4) Section 455.1565;
- (5) Section 455.1571;
- (6) Sections 455.160(b), (c), (d), (e), (f), and (g);
- (7) Section 455.161;
- (8) Section 455.252;

SECTIONS 8.263 - 8.275. Substantially the same as introduced version.

No equivalent provision.

SECTION 8.276. Section 521.374(a), Transportation Code, is amended to read as follows:

(a) A person whose license is suspended under Section 521.372 may attend an educational program, approved by the Texas Department of Licensing and Regulation [~~Commission on Alcohol and Drug Abuse~~] under rules adopted by the Texas Commission of Licensing and Regulation [~~commission~~] and the department, that is designed to educate persons on the dangers of drug abuse.

SECTION 8.277 - 8.279. Same as introduced version.

SECTION 8.280. The following provisions of the Occupations Code, including provisions amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, are repealed:

- (1) Section 455.051;
- (2) Section 455.056;
- (3) Section 455.057;
- (4) Section 455.058;
- (5) Section 455.1565;
- (6) Section 455.1571;
- (7) Sections 455.160(b), (c), (d), (e), (f), and (g);
- (8) Section 455.161;
- (9) Section 455.252;

- | | |
|----------------------------------|--------------------------------|
| (9) Section 455.253; | (10) Section 455.253; |
| (10) Section 455.254; | (11) Section 455.254; |
| (11) Section 455.301; | (12) Section 455.301; |
| (12) Section 455.303; | (13) Section 455.303; |
| (13) Section 455.304; | (14) Section 455.304; |
| (14) Section 455.305; | (15) Section 455.305; |
| (15) Section 455.306; | (16) Section 455.306; |
| (16) Section 455.307; | (17) Section 455.307; |
| (17) Section 455.308; | (18) Section 455.308; |
| (18) Section 455.309; | (19) Section 455.309; |
| (19) Section 455.310; | (20) Section 455.310; |
| (20) Section 455.311; | (21) Section 455.311; |
| (21) Section 1952.001(1); | |
| (22) Section 1952.052; | (22) Section 1952.052; |
| (23) Section 1952.054; | (23) Section 1952.054; |
| (24) Section 1952.105(b); | (24) Section 1952.105(b); |
| (25) Section 1952.152; | (25) Section 1952.152; |
| (26) Section 1952.251; | (26) Section 1952.251; |
| (27) Section 1952.253; | (27) Section 1952.253; |
| (28) Section 1952.254; | (28) Section 1952.254; |
| (29) Section 1952.255; | (29) Section 1952.255; |
| (30) Section 1952.256; | (30) Section 1952.256; |
| (31) Section 1952.257; | (31) Section 1952.257; |
| (32) Section 1952.258; | (32) Section 1952.258; |
| (33) Section 1952.259; | (33) Section 1952.259; |
| (34) Section 1952.260; | (34) Section 1952.260; |
| (35) Section 1952.261; | (35) Section 1952.261; |
| | (36) Section 1953.0511; |
| (36) Section 1953.052; | (37) Section 1953.052; |
| (37) Section 1953.054; | (38) Section 1953.054; |
| (38) Section 1953.055; | (39) Section 1953.055; |
| (39) Section 1953.103; | (40) Section 1953.103; |
| (40) Section 1953.106(b); | (41) Section 1953.106(b); |
| (41) Section 1953.152; | (42) Section 1953.152; |
| (42) Section 1953.202; | (43) Section 1953.202; |
| (43) Section 1953.301; | (44) Section 1953.301; |
| (44) Section 1953.303; | (45) Section 1953.303; |
| (45) Section 1953.304; | (46) Section 1953.304; |
| (46) Section 1953.305; | (47) Section 1953.305; |
| (47) Section 1953.306; | (48) Section 1953.306; |
| (48) Section 1953.307; | (49) Section 1953.307; |
| (49) Section 1953.308; | (50) Section 1953.308; |
| (50) Section 1953.309; | (51) Section 1953.309; |
| (51) Section 1953.310; | (52) Section 1953.310; |
| (52) Section 1953.311; | (53) Section 1953.311; |
| (53) Section 1958.001(1); | |
| (54) Section 1958.053; | (54) Section 1958.053; |
| (55) Section 1958.055(a); | (55) Section 1958.055(a); |
| (56) Section 1958.057; | (56) Section 1958.057; |
| (57) Section 1958.107; | (57) Section 1958.107; |
| (58) Section 1958.251; | (58) Section 1958.251; |
| (59) Section 1958.254; | (59) Section 1958.254; |
| (60) Section 1958.255; | (60) Section 1958.255; |
| (61) Section 1958.256; | (61) Section 1958.256; |
| (62) Section 1958.257; | (62) Section 1958.257; |
| (63) Section 1958.258; and | (63) Section 1958.258; and |
| (64) Section 1958.302. | (64) Section 1958.302. |

PART 3. TRANSITION PROVISIONS

Same as introduced version.

ARTICLE 9. REGULATORY PROGRAMS TRANSFERRED TO THE TEXAS MEDICAL BOARD

Same as introduced version, except as follows:

SECTION 9.001.

SECTION 9.001. Same as introduced version.

SECTION 9.002. Section 601.002, Occupations Code, is amended by amending Subdivisions (1) and (5) and adding Subdivisions (1-a), (5-a), and (5-b) to read as follows:

SECTION 9.002. Section 601.002, Occupations Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended by amending Subdivisions (1), (3), and (4) and adding Subdivisions (1-a), (4-a), and (4-b) to read as follows:

- (1) "Advisory board" means the Texas Board of Medical Radiologic Technology.
- (1-a) "Authorized person" means a person who meets or exceeds the minimum educational standards of the advisory board under Section 601.201.

- (1) "Advisory board" means the Texas Board of Medical Radiologic Technology.
- (1-a) "Authorized person" means a person who meets or exceeds the minimum educational standards of the advisory board [~~department~~] under Section 601.201.

- (5) "Education program" means clinical training or any other program offered by an organization approved by the advisory board that:
 - (A) has a specified objective;
 - (B) includes planned activities for participants; and
 - (C) uses an approved method for measuring the progress of participants.
- (5-a) "Hospital" has the meaning assigned by Section 157.051.
- (5-b) "Medical board" means the Texas Medical Board.

- (3) "Direct supervision" means supervision and control by a medical radiologic technologist or a practitioner who:
 - (A) assumes legal liability for a student employed to perform a radiologic procedure and enrolled in a program that meets the requirements adopted under Section 601.052 [~~601.053~~]; and
 - (B) is physically present during the performance of the radiologic procedure to provide consultation or direct the action of the student.

SECTION 9.003.

- (4) "Education program" means clinical training or any other program offered by an organization approved by the advisory board [~~department~~] that:

SECTIONS 9.004 - 9.014.

- (A) has a specified objective;
- (B) includes planned activities for participants; and
- (C) uses an approved method for measuring the progress of participants.
- (4-a) "Hospital" has the meaning assigned by Section 157.051.
- (4-b) "Medical board" means the Texas Medical Board.

SECTION 9.015.

SECTION 9.003. Same as introduced version.

SECTION 9.004 - 9.014. Substantially the same as introduced version.

SECTION 9.015. Same as introduced

	version.
SECTION 9.016.	SECTION 9.016. Substantially the same as introduced version.
SECTION 9.017.	SECTION 9.017. Same as introduced version.
SECTIONS 9.018 - 9.022.	SECTIONS 9.018 - 9.022. Substantially the same as introduced version.
SECTIONS 9.023 - 9.026.	SECTION 9.023 - 9.026. Same as introduced version.
SECTION 9.027 - 9.029.	SECTION 9.027 - 9.029. Substantially the same as introduced version.
SECTION 9.030.	SECTION 9.030. Same as introduced version.
SECTION 9.031.	SECTION 9.031. Substantially the same as introduced version.
SECTIONS 9.032 and 9.033.	SECTIONS 9.032 and 9.033. Same as introduced version.
SECTIONS 9.034 - 9.036.	SECTIONS 9.034 - 9.036. Substantially the same as introduced version.
SECTIONS 9.037 - 9.039.	SECTIONS 9.037 - 9.039. Same as introduced version.
SECTIONS 9.040 and 9.041.	SECTIONS 9.040 and 9.041. Substantially the same as introduced version.
SECTION 9.042.	SECTION 9.042. Same as introduced version.
SECTION 9.043.	SECTION 9.043. Substantially the same as introduced version.
SECTION 9.044.	SECTION 9.044. Same as introduced version.
SECTIONS 9.045 - 9.055.	SECTIONS 9.045 - 9.055. Same as introduced version.
SECTION 9.056.	SECTION 9.056. Substantially the same as introduced version.
SECTIONS 9.057 - 9.059.	SECTIONS 9.057 - 9.059. Same as introduced version.
SECTION 9.060.	SECTION 9.060. Substantially the same as introduced version.

SECTIONS 9.061 and 9.062.	SECTIONS 9.061 and 9.062. Same as introduced version.
SECTION 9.063.	SECTION 9.063. Substantially the same as introduced version.
SECTION 9.064.	SECTION 9.064. Same as introduced version.
SECTION 9.065.	SECTION 9.065. Substantially the same as introduced version.
SECTIONS 9.066 - 9.070.	SECTIONS 9.066 - 9.070. Same as introduced version.
SECTION 9.071.	SECTION 9.071. Substantially the same as introduced version.
SECTIONS 9.072 - 9.074.	SECTIONS 9.072 - 9.074. Same as introduced version.
SECTION 9.075.	SECTION 9.075. Substantially the same as introduced version.
SECTIONS 9.076 - 9.087.	SECTIONS 9.076 - 9.087. Same as introduced version.
SECTION 9.088.	SECTION 9.088. Substantially the same as introduced version.
SECTIONS 9.089 - 9.095.	SECTIONS 9.089 - 9.095. Same as introduced version.
SECTION 9.096.	SECTION 9.096. Substantially the same as introduced version.
SECTION 9.097.	SECTION 9.097. Same as introduced version.
SECTIONS 9.098 - 9.100.	SECTIONS 9.098 - 9.100. Substantially the same as introduced version.
SECTIONS 9.101 - 9.103.	SECTIONS 9.101 - 9.103. Same as introduced version.
SECTIONS 9.104 - 9.106.	SECTIONS 9.104 - 9.106. Substantially the same as introduced version.
SECTION 9.107.	SECTION 9.107. Same as introduced version.
SECTIONS 9.108 - 9.110.	SECTIONS 9.108 - 9.110. Substantially the same as introduced version.
SECTIONS 9.111 - 9.113.	SECTIONS 9.111 - 9.113. Same as introduced version.

SECTION 9.114.	SECTION 9.114. Substantially the same as introduced version.
SECTIONS 9.115 - 9.117.	SECTIONS 9.115 - 9.117. Same as introduced version.
SECTION 9.118.	SECTION 9.118. Substantially the same as introduced version.
SECTIONS 9.119 - 9.121.	SECTIONS 9.119 - 9.121. Same as introduced version.
SECTION 9.122.	SECTION 9.122. Substantially the same as introduced version.
SECTIONS 9.123 - 9.126.	SECTIONS 9.123 - 9.126. Same as introduced version.
SECTION 9.127.	SECTION 9.127. Substantially the same as introduced version.
SECTIONS 9.128 - 9.134.	SECTIONS 9.128 - 9.134. Same as introduced version.
SECTIONS 9.135 and 9.136.	SECTIONS 9.135 and 9.136. Substantially the same as introduced version.
SECTION 9.137.	SECTION 9.137. Same as introduced version.
SECTIONS 9.138 - 9.144.	SECTIONS 9.138 - 9.144. Substantially the same as introduced version.
SECTIONS 9.145 and 9.146.	SECTIONS 9.145 and 9.146. Same as introduced version.
SECTION 9.147.	SECTION 9.147. Substantially the same as introduced version.
SECTION 9.148.	SECTION 9.148. Same as introduced version.
SECTION 9.149.	SECTION 9.149. Substantially the same as introduced version.
SECTION 9.150.	SECTION 9.150. Same as introduced version.
SECTION 9.151.	SECTION 9.151. Substantially the same as introduced version.
SECTION 9.152.	SECTION 9.152. Same as introduced version.
SECTIONS 9.153 and 9.154.	SECTIONS 9.153 and 9.154. Substantially the same as introduced

SECTION 9.155.	version. SECTION 9.155. Same as introduced version.
SECTIONS 9.156 and 9.157.	SECTIONS 9.156 and 9.157. Substantially the same as introduced version.
SECTIONS 9.158 and 9.159.	SECTIONS 9.158 and 9.159. Same as introduced version.
SECTION 9.160.	SECTION 9.160. Substantially the same as introduced version.
SECTION 9.161.	SECTION 9.161. Same as introduced version.
<p>SECTION 9.162. Section 604.105, Occupations Code, is amended to read as follows:</p> <p>Sec. 604.105. ISSUANCE OF CERTIFICATE. The <u>advisory board</u> [department] shall issue a certificate to an applicant who:</p> <p>(1) <u>meets the minimum standards adopted under Section 604.052(a);</u></p> <p>(2) <u>passes the required examinations;</u></p> <p>(3) <u>complies with the criminal history record information requirement of Section 604.1031;</u></p> <p>(4) <u>submits an application on a form prescribed by the advisory board;</u></p> <p>(5) <u>certifies that the applicant is mentally and physically able to be a respiratory care practitioner;</u></p> <p>(6) <u>submits to the advisory board any other information the advisory board considers necessary to evaluate the applicant's qualifications;</u> and</p> <p>(7) <u>pays the certificate fee.</u></p>	<p>SECTION 9.162. Section 604.105, Occupations Code, is amended to read as follows:</p> <p>Sec. 604.105. ISSUANCE OF CERTIFICATE. The advisory board [department] shall issue a certificate to an applicant who:</p> <p>(1) <u>meets the minimum <u>qualifications</u> [standards] adopted under Section 604.052(a);</u></p> <p>(2) <u>passes the required examinations;</u></p> <p>(3) <u>complies with the criminal history record information requirement of Section 604.1031;</u></p> <p>(4) <u>submits an application on a form prescribed by the advisory board;</u></p> <p>(5) <u>certifies that the applicant is mentally and physically able to be a respiratory care practitioner;</u></p> <p>(6) <u>submits to the advisory board any other information the advisory board considers necessary to evaluate the applicant's qualifications;</u> and</p> <p>(7) <u>pays the certificate fee.</u></p>
SECTION 9.163.	SECTION 9.163. Substantially the same as introduced version.
SECTION 9.164.	SECTION 9.164. Same as introduced version.
SECTION 9.165.	SECTION 9.165. Substantially the same as introduced version.
SECTION 9.166.	SECTION 9.166. Same as introduced version.
SECTION 9.167.	SECTION 9.167. Substantially the same as introduced version.

SECTIONS 9.168 - 9.172.	SECTIONS 9.168 - 9.172. Same as introduced version.
SECTIONS 9.173 - 9.175.	SECTIONS 9.173 - 9.175. Substantially the same as introduced version.
SECTIONS 9.176 - 9.179.	SECTIONS 9.176 - 9.179. Same as introduced version.
SECTION 9.180.	SECTION 9.180. Substantially the same as introduced version.
SECTIONS 9.181 - 9.183.	SECTIONS 9.181 - 9.183. Same as introduced version.
SECTIONS 9.184 - 9.186.	SECTIONS 9.184 - 9.186. Substantially the same as introduced version.
SECTIONS 9.187 and 9.188.	SECTIONS 9.187 and 9.188. Same as introduced version.
SECTION 9.189.	SECTION 9.189. Substantially the same as introduced version.
SECTIONS 9.190 and 9.191.	SECTIONS 9.190 and 9.191. Same as introduced version.
SECTION 9.192. The following provisions of the Occupations Code are repealed:	SECTION 9.192. The following provisions of the Occupations Code are repealed:
(1) Sections 601.002(2) and (3);	(1) Sections 601.002(2) and (5);
(2) Section 601.051;	(2) Section 601.051;
(3) Section 601.053;	(3) Section 601.053;
(4) Section 601.103;	(4) Section 601.103;
(5) Section 602.002(2);	(5) Sections 602.002(1-a) and (2);
(6) Sections 602.052(b) and (c);	(6) Sections 602.052(b) and (c);
(7) Sections 602.053(a), (b), and (c);	(7) Sections 602.053(a), (b), and (c);
(8) Section 602.056(c);	(8) Section 602.056(c);
(9) Section 602.059;	(9) Section 602.059;
(10) Subchapter C, Chapter 602;	(10) Subchapter C, Chapter 602;
(11) Sections 602.1525(b), (c), (d), (e), (f), and (g);	(11) Sections 602.1525(b), (c), (d), (e), (f), and (g);
(12) Section 602.204;	(12) Section 602.155;
(13) Sections 603.002(1) and (4);	(13) Section 602.204;
(14) Section 603.005;	(14) Sections 603.002(1) and (4);
(15) Section 603.054(c);	(15) Section 603.005;
(16) Section 603.058;	(16) Section 603.054(c);
(17) Subchapter C, Chapter 603;	(17) Section 603.058;
(18) Section 603.158;	(18) Subchapter C, Chapter 603;
(19) Section 603.159;	(19) Section 603.154(b);
(20) Sections 603.2041(b), (c), (d), (e), (f), and (g);	(20) Section 603.158;
(21) Section 604.051;	(21) Section 603.159;
(22) Sections 604.052(b) and (c); and	(22) Sections 603.2041(b), (c), (d), (f), and (g);
(23) Section 604.056.	(23) Section 604.051;
	(24) Sections 604.052(b) and (c); and
	(25) Section 604.056.

SECTIONS 9.193 - 9.195.	SECTIONS 9.193 - 9.195. Same as introduced version.
ARTICLE 10. DEREGULATION OF CERTAIN ACTIVITIES AND OCCUPATIONS	Same as introduced version, except as follows:
SECTIONS 10.001 - 10.004.	SECTIONS 10.001 - 10.004. Same as introduced version.
SECTIONS 10.005 and 10.006.	SECTIONS 10.005 and 10.006. Substantially the same as introduced version.
SECTIONS 10.007 - 10.011.	SECTIONS 10.007 - 10.011. Same as introduced version.
SECTIONS 10.012 and 10.013.	SECTIONS 10.012 and 10.013. Substantially the same as introduced version.
SECTIONS 10.014 - 10.016.	SECTIONS 10.014 - 10.016. Same as introduced version.
SECTION 10.017.	SECTION 10.017. Substantially the same as introduced version.
SECTIONS 10.018 - 10.022.	SECTIONS 10.018 - 10.022. Same as introduced version.
SECTIONS 10.023 and 10.024.	SECTION 10.023. Substantially the same as introduced version.
SECTION 10.025.	SECTION 10.024. Same as introduced version.
SECTION 10.026.	SECTION 10.025. Substantially the same as introduced version.
SECTIONS 10.027 - 10.029.	SECTIONS 10.026 - 10.028. Same as introduced version.
SECTION 10.030.	SECTION 10.029. Substantially the same as introduced version.
SECTIONS 10.031 - 10.036.	SECTIONS 10.030 - 10.035. Same as introduced version.
SECTION 10.037. The following provisions of the Health and Safety Code are repealed:	SECTION 10.036. The following provisions of the Health and Safety Code are repealed:
(1) Section 144.001;	(1) Section 144.001;
(2) Subchapter B, Chapter 144;	(2) Subchapter B, Chapter 144;
(3) Sections 144.023(d) and (e);	(3) Sections 144.023(d) and (e);
(4) Section 144.031;	(4) Section 144.031;
(5) Subchapter D, Chapter 144;	(5) Subchapter D, Chapter 144;

- (6) Subchapter E, Chapter 144;
- (7) Subchapter F, Chapter 144;
- (8) Section 144.071;
- (9) Section 144.072;
- (10) Section 144.073;
- (11) Section 144.074;
- (12) Section 144.075;
- (13) Section 144.076;
- (14) Section 144.077;
- (15) Section 144.078(c);
- (16) Section 144.080;
- (17) Section 144.081;
- (18) Section 144.082;
- (19) Section 144.083;
- (20) Section 144.084;
- (21) Section 144.085;
- (22) Section 145.001;
- (23) Section 145.002(1);
- (24) Section 145.004(b);
- (25) Section 145.006(c);
- (26) Section 145.008(k);
- (27) Section 145.009;
- (28) Section 145.0095;
- (29) Section 145.010;
- (30) Sections 145.011(a) and (b);
- (31) Section 145.012;
- (32) Section 145.0122;
- (33) Section 145.015;
- (34) Chapter 345;
- (35) Chapter 385;
- (36) Section 437.0057(b);
- (37) Section 438.042(b), Health and Safety Code, as added by Chapter 885 (H.B. 1682), Acts of the 72nd Legislature, Regular Session, 1991;
- (38) Section 438.0431;
- (39) Chapter 441; and
- (40) Chapter 781.

SECTION 10.038. The following provisions of the Occupations Code are repealed:

- (1) Section 351.005(c);
- (2) Chapter 352;
- (3) Sections 353.002(1), (2), and (4);
- (4) Section 353.005;
- (5) Subchapter B, Chapter 353;
- (6) Section 353.202;
- (7) Section 353.2025;
- (8) Section 353.203;
- (9) Section 353.204(b);
- (10) Section 353.205; and
- (11) Chapter 403.

SECTIONS 10.039 - 10.042.

No equivalent provision.

- (6) Subchapter E, Chapter 144;
- (7) Subchapter F, Chapter 144;
- (8) Section 144.071;
- (9) Section 144.072;
- (10) Section 144.073;
- (11) Section 144.074;
- (12) Section 144.075;
- (13) Section 144.076;
- (14) Section 144.077;
- (15) Section 144.078(c);
- (16) Section 144.080;
- (17) Section 144.081;
- (18) Section 144.082;
- (19) Section 144.083;
- (20) Section 144.084;
- (21) Section 144.085;
- (22) Section 145.001;
- (23) Section 145.002(1);
- (24) Section 145.004(b);
- (25) Section 145.006(c);
- (26) Section 145.008(k);
- (27) Section 145.009;
- (28) Section 145.0095;
- (29) Section 145.010;
- (30) Sections 145.011(a) and (b);
- (31) Section 145.012;
- (32) Section 145.0122;
- (33) Section 145.015;
- (34) Chapter 345;
- (35) Chapter 385;
- (36) Section 437.0057(b);
- (37) Section 438.0431;
- (38) Chapter 441; and
- (39) Chapter 781.

SECTION 10.037. The following provisions of the Occupations Code are repealed:

- (1) Section 351.005(c);
- (2) Chapter 352;
- (3) Sections 353.002(2) and (4);
- (4) Section 353.005;
- (5) Subchapter B, Chapter 353;
- (6) Section 353.202;
- (7) Section 353.2025;
- (8) Section 353.203;
- (9) Section 353.204(b);
- (10) Section 353.205; and
- (11) Chapter 403.

SECTIONS 10.038 - 10.041. Same as introduced version.

ARTICLE 11. CONTINUATION OF

DEPARTMENT OF STATE HEALTH SERVICES

No equivalent provision.

SECTION 11.001. (a) Section 1001.003, Health and Safety Code, is amended to read as follows:

Sec. 1001.003. SUNSET PROVISION. The Department of State Health Services is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this chapter expires September 1, 2027 [~~2015~~].

(b) This section takes effect only if H.B. 2304, S.B. 200, or similar legislation of the 84th Legislature, Regular Session, 2015, providing for the transfer of the functions of the Department of State Health Services to the Health and Human Services Commission is not enacted or does not become law. If H.B. 2304, S.B. 200, or similar legislation of the 84th Legislature, Regular Session, 2015, is enacted, becomes law, and provides for the transfer of the department's functions to the commission, this section has no effect.

ARTICLE 11. GENERAL PROVISIONS AND EFFECTIVE DATE

ARTICLE 12. Same as introduced version.