

BILL ANALYSIS

C.S.H.B. 2464
By: Hernandez
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that the Texas Department of Licensing and Regulation (TDLR) lacks certain regulatory powers regarding the oversight of massage therapy schools. C.S.H.B. 2464 seeks to address these concerns by giving TDLR better tools for such oversight, including providing for the issuance of a permit to those students.

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 to the Texas Commission of Licensing and Regulation in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 2464 amends the Occupations Code to authorize the Texas Commission of Licensing and Regulation (TCLR) to adopt rules to authorize a massage school to account for any hours of instruction completed under statutory provisions relating to massage therapy on the basis of clock hours or course hours and to establish standards for determining the equivalency and conversion of clock hours to course hours and course hours to clock hours. The bill prohibits a person from representing that the person is a massage student unless the person holds a student permit issued under the bill's provisions.

C.S.H.B. 2464 repeals the provision exempting a student who is enrolled in a state-approved course of instruction that consists of at least 500 hours and who provides massage therapy as part of an internship program or without compensation from the requirement to obtain a massage therapy license. The bill requires the Texas Department of Licensing and Regulation (TDLR) instead to require a student to hold a student permit issued by TDLR if the student is enrolled in a massage school in Texas. The bill sets out provisions relating to application requirements and permit form. The bill exempts a student permit holder who provides massage therapy as part of the course of instruction required for a massage therapist license from licensing under statutory provisions relating to massage therapy and prohibits such a permit holder from being compensated or providing massage therapy.

C.S.H.B. 2464 requires a massage school to take the following actions:

- maintain an attendance record in a manner prescribed by TDLR of the students' daily attendance which TDLR is authorized to inspect at any time;
- maintain a monthly progress report that certifies the daily attendance record of each student and the number of course hours and internship hours earned by each student during the previous month and submit the first monthly report not later than July 1, 2020;

and

- notify TDLR, on a student's completion of a prescribed course of instruction, that the student has completed the required number of hours and submit the first such notice not later than July 1, 2020.

The bill requires TDLR to determine whether a student is eligible to take the appropriate examination on completion of the required number of hours. The bill requires TDLR and TDLR, as appropriate, to adopt any rules or forms necessary to implement the changes in law made by the bill not later than March 1, 2020. The bill establishes that a student enrolled in a massage school in Texas is not required to comply with the changes in law made by the bill until June 1, 2020.

C.S.H.B. 2464 repeals Section 455.158, Occupations Code.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2464 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include provisions with regard to the issuance of a permit to massage student interns. The substitute changes the entity who prescribes the student permit application form from the executive director of TDLR to TDLR and does not provide for the expiration and renewal of the student permit. The substitute includes a prohibition against student permit holders from being compensated for providing massage therapy.

The substitute changes the entity responsible for determining that a student is eligible to take the appropriate examination from the massage school to TDLR.

The substitute changes the deadline for a massage school to submit the first required monthly report and the first notice of student completion and the deadline for TDLR and TDLR to adopt necessary rules or forms. The substitute does not include a requirement for TDLR to begin accepting applications for and issuing massage student permits at a certain date.