

BILL ANALYSIS

Senate Research Center
85R31863 JCG-D

C.S.H.B. 4007
By: Kuempel (Zaffirini)
Business & Commerce
5/22/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Recently enacted legislation provides for a phased transfer of certain occupational licensing programs from the Department of State Health Services (DSHS) to the Texas Department of Licensing and Regulation (TDLR). TDLR conducted a strategic planning review of current and future TDLR programs, which included recommendations to the 85th Texas Legislature relating to the TDLR licensing process. H.B. 4007 removes certain barriers, redundancies, and impediments within the TDLR licensing process for the programs transferred during the first phase of those programs from DSHS. (Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 4007 amends current law relating to the licensing and regulation of health-related occupations transferred to the Texas Department of Licensing and Regulation.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation (TCLR) in SECTION 3.004 (Section 402.251, Occupations Code), SECTION 6.003 (Section 455.0571, Occupations Code), and SECTION 11.001 (Section 1958.0531, Occupations Code) of this bill.

Rulemaking authority previously granted to TCLR is modified in SECTION 11.003 (Section 1958.153, Occupations Code) of this bill.

Rulemaking authority previously granted to TCLR is rescinded in SECTION 2.004 (Section 401.253, Occupations Code), SECTION 4.005 (Section 403.207, Occupations Code), SECTION 6.005 (Section 455.103, Occupations Code), and SECTION 6.010 (Section 455.1572, Occupations Code) of this bill.

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is rescinded in SECTION 6.010 (Section 455.1572, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

ARTICLE 1. MIDWIFERY

SECTION 1.001. Amends Section 203.157(c), Occupations Code, to require the Texas Department of Licensing and Regulation (TDLR) to post a list of licensed midwives on TDLR's Internet website, rather than to require TDLR to provide each county clerk and each local registrar of births in a county with the name of each midwife practicing in the county.

SECTION 1.002. Amends Section 203.353, Occupations Code, as follows:

Sec. 203.353. PREVENTION OF OPHTHALMIA NEONATORUM. (a) Creates this subsection from existing text. Requires a midwife who attends the birth of the child, subject to Subsection (b) and unless the newborn child is immediately transferred to a hospital because of an emergency, to comply with Section 81.091 (Ophthalmia Neonatorum Prevention; Criminal Penalty), Health and Safety Code.

(b) Provides that a midwife in attendance at childbirth who is unable to apply prophylaxis as required by Section 81.091, Health and Safety Code, due to the objection of the parent, managing conservator, or guardian of the newborn child does not commit an offense under that section and is not subject to any criminal, civil, or administrative liability or any professional disciplinary action for failure to administer the prophylaxis. Requires the midwife in attendance at childbirth to ensure that the objection of the parent, managing conservator, or guardian is entered into the medical record of the child.

SECTION 1.003. Amends the heading to Subchapter K, Chapter 203, Occupations Code, to read as follows:

SUBCHAPTER K. ENFORCEMENT PROVISIONS

SECTION 1.004. Repealers: Sections 203.501 (Civil Penalty) and 203.504 (Criminal Penalty), Occupations Code.

ARTICLE 2. SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

SECTION 2.001. Amends Section 401.102(b), Occupations Code, as follows:

(b) Deletes existing Subdivision (1) requiring the Speech-Language Pathologists and Audiologists Advisory Board members to have been a resident of this state for the two years preceding the date of appointment. Redesignates existing Subdivisions (2) and (3) as Subdivisions (1) and (2).

SECTION 2.002. Amends Section 401.305(b), Occupations Code, to require TDLR to administer or provide for the administration of an examination at least twice each year.

SECTION 2.003. Amends Section 401.402(b), Occupations Code, to prohibit a person licensed as a speech-language pathologist under this chapter (Speech-Language Pathologists and Audiologists) from fitting or dispensing, rather than from fitting, dispensing, or selling, hearing instruments unless the person meets certain requirements.

SECTION 2.004. Repealers: Sections 401.253 (Rules Regarding Use of Private Investigator), 401.307 (Reexamination), 401.310 (Temporary Certificate of Registration), 401.453 (License Denial, Revocation, or Suspension for Criminal Conviction), and 401.503 (Criminal Offense), Occupations Code.

Repealer: Subchapter L (Administrative Penalty), Chapter 401, Occupations Code.

SECTION 2.005. (a) Provides that a temporary certificate of registration issued under former Section 401.310, Occupations Code, that is in effect on the effective date of this Act continues to be valid until the certificate expires and former Section 401.310, Occupations Code, is continued in effect for that purpose. Provides that Chapter 401, Occupations Code, as amended by this Act, continues to apply to a holder of an unexpired temporary certificate of registration.

(b) Prohibits TDLR, on or after the effective date of this Act, from renewing or extending a temporary certificate of registration.

(c) Provides that a proceeding under Chapter 401, Occupations Code, that is pending against a holder of a temporary certificate of registration on the date the certificate expires is terminated on that date.

ARTICLE 3. HEARING INSTRUMENT FITTERS AND DISPENSERS

SECTION 3.001. Amends Section 402.003, Occupations Code, by amending Subsections (a) and (b) and adding Subsection (a-1), as follows:

(a) Provides that, except as provided by Subsections (a-1) and (b) and Section 402.451(a) (relating to prohibiting a person from taking certain actions), this chapter (Hearing Instrument Fitters and Dispensers) applies only to a person who engages or offers to engage in fitting and dispensing hearing instruments.

(a-1) Creates this subsection from existing text. Deletes existing text providing that this chapter does not apply to an audiologist or an audiology intern licensed under Chapter 401, except as may otherwise be provided by Sections 402.406(a) (relating to providing that a certain person is considered to be practicing the fitting and dispensing of hearing instruments and is required to be licensed in a certain way) and 402.451(a)(6) (relating to prohibiting a person from dispensing or fitting a hearing instrument on a certain person unless the person is a license holder), which refer to Chapter 401.

(b) Changes a reference to Subsection (a)(5) to Subsection (a-1)(5) (relating to providing that this chapter does not apply to a student of audiology in an accredited college or university program under certain circumstances).

SECTION 3.002. Amends Section 402.051(a), Occupations Code, as follows:

(a) Provides that the Hearing Instrument Fitters and Dispensers Advisory Board consists of nine member appointed by the presiding officer of the Texas Commission of Licensing and Regulation (presiding officer; TCLR) with the approval of TCLR as follows:

(1) six members licensed under this chapter who have been engaged in fitting and dispensing hearing instruments, rather than who have been residents of this state actually engaged in fitting and dispensing, for at least five years preceding appointment, not more than one of whom is authorized to be licensed under Chapter 401;

(2) one member who is actively practicing as a physician licensed by the Texas Medical Board and who is a citizen of the United States and specializes in the practice of otolaryngology, rather than who has been a resident of this state for at least two years preceding appointment, is a citizen of the United States, and specializes in the practice of otolaryngology. Redesignates existing Paragraphs (B) and (C) as Paragraphs (A) and (B); and

(3) makes no changes to this subdivision.

SECTION 3.003. Amends Section 402.209(c), Occupations Code, to require that an applicant for a license under this section (Application by License Holder From Another State) provide as part of the application, among certain other items, written verification that the applicant is licensed in good standing as a fitter and dispenser of hearing instruments in another state, rather than written verification that the applicant is licensed in good standing as a fitter and dispenser of hearing instruments in another state and has held the license for at least three years preceding the date of application.

SECTION 3.004. Amends Section 402.251, Occupations Code, as follows:

Sec. 402.251. TEMPORARY TRAINING PERMIT QUALIFICATIONS. (a) Requires TDLR to issue a temporary training permit (permit) to a person who, among certain other qualifications, submits a written application on a form prescribed by TDLR furnishing documentation that the applicant satisfies the requirements of Subdivision (1), rather than the requirements of Subdivisions (1) and (2). Deletes existing text requiring TDLR to issue a permit to a person who has never taken the examination administered under this chapter. Redesignates existing Subdivisions (2) through (4) as Subdivisions (1) through (3).

(b) Authorizes TCLR, by rule, to provide for the issuance of a new permit after a person's permit expires, rather than authorizes TDLR to issue a new permit to a person on or after the 365th day after the person's previous permit expired.

SECTION 3.005. Amends Section 402.255(d), Occupations Code, to require the supervisor of a permit holder (supervisor) and the permit holder, after the permit holder has completed 150 contact hours, to submit verification of compliance to TDLR, rather than require the supervisor and the permit holder, after the permit holder has completed 150 hours contact hours, to sign the form and requires that the form be notarized and mailed to TDLR.

SECTION 3.006. Amends Section 402.304, Occupations Code, as follows:

Sec. 402.304. New heading: ALTERNATIVE TO CONTINUING EDUCATION REQUIREMENT. (a) Deletes existing Subsection (a) authorizing a license holder to take the state examination on written request to TDLR and providing that a license holder who pays the examination fee and passes the examination is exempt from the continuing education requirement for the reporting period in which the test is taken. Deletes existing designation of Subsection (b).

SECTION 3.007. Amends Section 402.305, Occupations Code, as follows:

Sec. 402.305. CONTINUING EDUCATION EXEMPTIONS. Deletes existing text authorizing TDLR to renew the license of a license holder who does not comply with certain continuing education requirements if the license holder if the license holder has served in the regular armed forces of the United States during part of the 24 months before the reporting date. Redesignates existing Subdivision (3) as Subdivision (2). Makes a nonsubstantive change.

SECTION 3.008. Amends Section 402.451(a), Occupations Code, as follows:

(a) Deletes existing text prohibiting a person from dispensing or fitting a hearing instrument on a person who has ordered the hearing instrument or device by mail unless the person dispensing or fitting is a license holder under this chapter or under Chapter 401. Deletes existing text prohibiting a person from selling a hearing instrument by mail. Makes nonsubstantive changes.

SECTION 3.009. Amends the heading to Subchapter L, Chapter 402, Occupations Code, to read as follows:

SUBCHAPTER L. ENFORCEMENT PROVISIONS

SECTION 3.010. Repealers: Sections 402.209(h) (relating to prohibiting a certain applicant from retaking the examination), 402.406 (Ownership of Dispensing Practice), 402.551 (Amount of Administrative Penalty), and 402.553 (Civil Penalty), Occupations Code.

SECTION 3.011. Makes application of Section 402.209, Occupations Code, as amended by this Act, prospective.

ARTICLE 4. DYSLEXIA PRACTITIONERS AND DYSLEXIA THERAPISTS

SECTION 4.001. Amends Section 403.106(c), Occupations Code, to require TDLR, rather than TDLR in consultation with an advisory committee appointed by TDLR (advisory committee), to determine whether a training program meets the requirements of this section (Requirements for Training Programs).

SECTION 4.002. Amends Section 403.107(b), Occupations Code, to require TDLR, rather than TDLR in consultation with the advisory committee, to take certain actions relating to license examinations.

SECTION 4.003. Amends Section 403.108, Occupations Code, to authorize TDLR, rather than TDLR in consultation with the advisory committee, to waive the examination requirement and issue a license to certain applicants.

SECTION 4.004. Amends Section 403.152(b), Occupations Code, to require TCLR to establish the continuing education requirements in consultation with the advisory committee, rather than to require TCLR, in consultation with the advisory committee, to establish the continuing education requirements in a manner that allows a license holder to comply without an extended absence from the license holder's county of residence.

SECTION 4.005. Repealers: Sections 403.204 (License Denial, Revocation, or Suspension for Criminal Conviction), 403.207 (Sanctions), and 403.212 (Reprimand; Continuing Education), Occupations Code.

Repealer: Subchapter F (Penalties), Chapter 403 (Licensed Dyslexia Practitioners and Licensed Dyslexia Therapists), Occupations Code.

ARTICLE 5. ATHLETIC TRAINERS

SECTION 5.001. Amends Section 451.156, Occupations Code, as follows:

Sec. 451.156. REQUIREMENTS FOR LICENSE ISSUANCE. Deletes existing Subdivision (4) providing that an applicant for an athletic trainer license is entitled to receive the license if the applicant has not committed an act that constitutes grounds for refusal of a license under Section 451.251 (Grounds for Denial of License or Disciplinary Action). Makes nonsubstantive changes.

SECTION 5.002. Repealers: Sections 451.051(c) (relating to citizen and resident requirements for each member of the Advisory Board of Athletic Trainers) and 451.101(a-2) (relating to requiring TDLR to make a copy of the roster available to any person requesting it on payment of a certain fee), Occupations Code.

Repealers: Subchapters F (Disciplinary Procedures), G (Penalties), and H (Administrative Penalty), Chapter 451 (Athletic Trainers), Occupations Code.

ARTICLE 6. MASSAGE THERAPY

SECTION 6.001. Amends Section 455.001, Occupations Code, by adding Subdivisions (12) and (13) to define "advisory board" and "peace officer."

SECTION 6.002. Amends Subchapter B, Chapter 455, Occupations Code, by adding Section 455.0511, as follows:

Sec. 455.0511. GENERAL POWERS AND DUTIES. (a) Requires the executive director of TDLR (executive director) to administer and enforce this chapter (Massage Therapy).

(b) Requires TDLR to:

- (1) investigate a person who may be engaging in or offering to engage in a practice that violates this chapter;
- (2) regulate the number of school hours and the content of the coursework provided by a massage school or a massage therapy instructor; and
- (3) prepare, recognize, administer, or arrange for the administration of an examination under this chapter.

SECTION 6.003. Amends Subchapter B, Chapter 455, Occupations Code, by adding Section 455.0571, as follows:

Sec. 455.0571. CONTINUING EDUCATION. (a) Requires TCLR, by rule, to establish the minimum number of hours of continuing education required for a person licensed under this chapter to renew the person's license.

(b) Requires TCLR, by rule, to provide for the recognition, preparation, or administration of continuing education programs (programs) for persons licensed under this chapter.

(c) Authorizes TDLR to develop and establish processes to evaluate and approve continuing education providers and programs and to assess a license holder's participation in programs.

SECTION 6.004. Amends Subchapter B, Chapter 455, Occupations Code, by adding Section 455.059, as follows:

Sec. 455.059. INSPECTIONS; INVESTIGATIONS. Authorizes TDLR, TDLR's authorized representative, or a peace officer to enter the premises of a massage establishment or massage school at certain times for certain purposes.

SECTION 6.005. Amends Subchapter C, Chapter 455, Occupations Code, as effective September 1, 2017, as follows:

SUBCHAPTER C. New heading: MASSAGE THERAPY ADVISORY BOARD

Sec. 455.101. New heading: ADVISORY BOARD MEMBERSHIP. (a) Provides that the massage therapy advisory board (MTAB) consists of a certain nine members appointed by the presiding officer of TCLR with the approval of TCLR. Deletes text of existing Subsection (a) requiring the executive director to administer and enforce this chapter.

(b) Requires that appointments to MTAB be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee. Deletes text of existing Subsection (b) requiring TDLR to take certain actions relating to the regulation of massage therapy.

Sec. 455.102. DUTIES OF ADVISORY BOARD. Requires MTAB to provide advice and recommendations to TDLR on technical matters relevant to the administration of this chapter.

Sec. 455.103. New heading: TERMS; VACANCIES. (a) Provides that members of MTAB are appointed for staggered six-years terms and provides that the terms of three members expire September 1 of each odd-numbered year. Deletes text of existing Subsection (a) authorizing TCLR to enter into a memorandum of understanding (MOU) with the Texas Education Agency to regulate massage schools.

(b) Requires the presiding officer of TCLR, if a vacancy occurs on MTAB during a member's term, with TCLR's approval, to appoint a replacement who meets the qualifications for the vacant position to serve for the remainder of the term. Deletes text of existing Subsection (b) setting forth certain requirements for an MOU.

Sec. 455.104. New heading: PRESIDING OFFICER. (a) Requires the presiding officer to designate a member of MTAB to serve as the presiding officer of MTAB for a term of one year. Deletes existing text of Subsection (a) authorizing TDLR, its authorized representative, or a peace officer to enter the premises of an applicant for a license or a license holder at certain times for certain purposes.

(b) Authorizes the presiding officer of MTAB to vote on any matter before MTAB. Deletes text of existing Subsection (b) authorizing a certain peace officer to enter the premises of a massage establishment to ensure compliance with this chapter and rules adopted under this chapter.

Sec. 455.105. New heading: MEETINGS. Requires MTAB to meet at the call of the executive director or the presiding officer. Deletes existing Subsection (a) requiring TDLR to annually prepare a registry of licensed massage therapists. Deletes existing

Subsection (b) requiring TDLR to make the registry available to the public, license holders, other state agencies, and peace officers.

SECTION 6.006. Amends Section 455.152(a), Occupations Code, to provide that a person is not eligible for a certain license if the person is an individual and has been convicted of, entered a pleas of nolo contendere or guilty to, or received deferred adjudication for an offense under Chapter 20A (Trafficking of Persons), Penal Code, or Subchapter A (Prostitution), Chapter 43 (Public Indecency), Penal Code, or another sexual offense, rather than for an offense involving prostitution or another sexual offense.

SECTION 6.007. Amends Section 455.1525, Occupations Code, as follows:

Sec. 455.1525. CRIMINAL BACKGROUND CHECKS. Deletes existing designation of Subsection (a). Deletes existing Subsection (b) providing that an applicant is not eligible for a license under this chapter if the applicant, in the five years preceding the date of the application, has been finally convicted of a misdemeanor involving moral turpitude or a felony.

SECTION 6.008. Amends Section 455.153, Occupations Code, as effective September 1, 2017, as follows:

Sec. 455.153. APPLICATION FOR LICENSE. Requires that an applicant for a license under this chapter pass any required examination, among certain other requirements. Redesignates existing Subdivision (2) as Subdivision (3). Makes nonsubstantive changes.

SECTION 6.009. Amends Section 455.156(b), Occupations Code, to require that an applicant for a license under this section (License Requirements for Massage Therapist) be an individual and, among certain other requirements, pass the required examinations, rather than pass the written state examination.

SECTION 6.010. Repealer: Section 455.1572 (Provisional License), Occupations Code.

Repealer: Subchapter G (Administrative Penalty), Chapter 455, Occupations Code.

SECTION 6.011. Requires the presiding officer, as soon as practicable after the effective date of this Act, to appoint the members of MTAB created by Subchapter C, Chapter 455, Occupations Code, as amended by this Act.

SECTION 6.012. Provides that Section 455.152(a), Occupations Code, as amended by this Act, applies only to a person who files an initial application for or an application for renewal of a license as a massage establishment, message school, massage therapist, or massage therapy instructor on or after the effective date of this Act.

ARTICLE 7. ORTHOTISTS AND PROSTHETISTS

SECTION 7.001. Amends Section 605.056, Occupations Code, to require the presiding officer, with TCLR's approval, to designate a member of the Orthotists and Prosthetists Advisory Board (OPAB) to serve as the presiding officer of OPAB for a term of one year, rather than requires the members of OPAB to elect from OPAB's membership a presiding officer of OPAB to serve for a term of one year.

SECTION 7.002. Amends Section 605.252(a), Occupations Code, as follows:

(a) Deletes existing Subdivision (3) requiring that a person, to be eligible for a license to practice orthotics or prosthetics in this state, be a resident of this state. Redesignates existing Subdivisions (4) through (6) as Subdivisions (3) through (5).

SECTION 7.003. Amends Section 605.254(a), Occupations Code, to provide that a person is entitled to an exemption from certain license requirements if the person presents certain evidence

satisfactory to TDLR, rather than if the person is a resident of this state who presents certain evidence satisfactory to TDLR.

SECTION 7.004. Amends Section 605.257(a), Occupations Code, as follows:

(a) Authorizes TDLR to issue a temporary license to an individual who:

(1) deletes existing Subdivision (1) relating to recently becoming a resident of this state. Redesignates existing Subdivision (2) as Subdivision (1) and makes a nonsubstantive change;

(2) has regularly practiced orthotics, prosthetics, or both for the five years preceding the date of the application, rather than has practiced orthotics regularly since January 1, 1996. Redesignates existing Subdivision (3) as Subdivision (2); and deletes existing designation of Paragraph (A); and

(3) has been licensed by a state that has license requirements that are equal to or exceed the requirements of this chapter (Orthotists and Prosthetists), rather than has been licensed by the state in which the person formerly resided if that state has license requirements that are equal to or exceed the requirements of this chapter. Redesignates existing Paragraph (B) as Subdivision (3).

SECTION 7.005. Amends the heading to Subchapter H, Chapter 605, Occupations Code, to read as follows:

SUBCHAPTER H. PROHIBITED PRACTICES

SECTION 7.006. Repealers: Sections 605.252(d) (relating to authorizing TDLR to accept certain proof as a substitute for the examination requirement), 605.261(c) (relating to requiring TDLR to notify a license holder who has failed to comply with certain requirements of certain information), 605.353 (Disciplinary Actions), 605.354 (Civil Penalty), and 605.356 (Criminal Penalty), Occupations Code.

Repealer: Subchapter I (Administrative Penalty), Chapter 605, Occupations Code.

SECTION 7.007. Requires the presiding officer of OPAB who is serving on the effective date of this Act to continue to serve as the presiding officer until the presiding officer of TCLR, with TCLR's approval, designates a member of OPAB to serve as the presiding officer of OPAB as required by Section 605.056, Occupations Code, as amended by this Act.

SECTION 7.008. Makes application of Sections 605.252, 605.254, and 605.257, Occupations Code, as amended by this Act, prospective.

ARTICLE 8. DIETITIANS

SECTION 8.001. Repealers: Sections 701.154 (Amount of Fees), 701.255 (Investigation), 701.257 (Reexamination for Licensing Examination), 701.259 (Provisional License), 701.260 (Temporary License), Subchapter J (Penalties and Other Enforcement Provisions), Chapter 701 (Dietitians), and Section 701.502 (Amount of Administrative Penalty), Occupations Code.

SECTION 8.002. (a) Provides that a provisional or temporary license issued under former Section 701.259 or 701.260, Occupations Code, that is in effect on the effective date of this Act continues to be valid until the license expires, and former Sections 701.259 and 701.260, Occupations Code, are continued in effect for that purpose. Provides that Chapter 701, Occupations Code, as amended by this Act, continues to apply to a holder of an unexpired provisional or temporary license.

(b) Prohibits TDLR, on or after the effective date of this Act, from renewing or extending a provisional or temporary license issued under former Section 701.259 or 701.260, Occupations Code.

(c) Provides that a proceeding under Chapter 701, Occupations Code, that is pending against a holder of a provisional or temporary license on the date the license expires is terminated on that date.

ARTICLE 9. CODE ENFORCEMENT OFFICERS

SECTION 9.001. Repealers, as effective September 1, 2017: Section 1952.053 (Register of Applicants) and Subchapter F (Administrative Penalty), Chapter 1952 (Code Enforcement Officers), Occupations Code.

Repealer: Subchapter E (Penalties), Chapter 1952, Occupations Code.

ARTICLE 10. SANITARIANS

SECTION 10.001. Repealers: Section 1953.053 (Register of Applications) and Subchapter F (Penalties), Chapter 1953 (Sanitarians), Occupations Code.

Repealer, effective September 1, 2017: Subchapter G (Administrative Penalty), Chapter 1953, Occupations Code.

ARTICLE 11. MOLD ASSESSORS AND REMEDIATORS

SECTION 11.001. Amends Subchapter B, Chapter 1958, Occupations Code, by adding Section 1958.0531, as follows:

Sec. 1958.0531. RULES. Requires TCLR to adopt rules as necessary to administer this chapter (Mold Assessors and Remediators).

SECTION 11.002. Amends Section 1958.105, Occupations Code, as follows:

Sec. 1958.105. EXAMINATION. Authorizes TDLR to require that an applicant for a license pass a competency examination to qualify for the license. Deletes existing designation of Subsection (a) and deletes existing Subsection (b), relating to an examination.

SECTION 11.003. Amends Section 1958.153, Occupations Code, as effective: September 1, 2017, as follows:

Sec. 1958.153. NOTICE OF PROJECT. (a) Requires that the license holder, except as provided by Subsection (b), not later than the fifth day before the date on which a license holder starts mold remediation at a property, notify TDLR in a manner prescribed by TDLR, rather than in writing, about the project.

(b) Deletes existing text authorizing notice to TDLR, in an emergency, under Subsection (a), to be made verbally.

(c) Requires TCLR to adopt rules to implement this section including rules describing the information that is required to be provided in the notice. Deletes existing designation for Subdivision (1) and existing text of Subdivision (2), authorizing verbal notification to TCLR in an emergency.

(d) Requires TDLR to develop a mechanism by which a license holder may notify TDLR of an emergency as required by Subsection (b).

SECTION 11.004. Amends Section 1958.156(d), Occupations Code, to require the mold remediator license holder, not later than the 10th day, rather than one week, after the date of completion of a mold remediation, to provide the property owner with copies of all photographs required by this section.

SECTION 11.005. Amends Subchapter D, Chapter 1958, Occupations Code, by adding Section 1958.158, as follows:

Sec. 1958.158. SERVICE OF PROCESS ON LICENSE HOLDER. Authorizes TDLR to serve any notice that law requires TDLR to serve on a license holder by personal service on the license holder, certified mail, return receipt requested, to the license holder at the last known address the license holder provided to TDLR, or certified electronic mail to the license holder at the last known email address the license holder provided to TDLR.

SECTION 11.006. Repealers: Sections 1958.055 (Fees) and 1958.301 (Civil Penalty), Occupations Code.

Repealers, effective September 1, 2017: Subchapters E (Disciplinary Procedures) and F (Administrative Penalty), Chapter 1958, Occupations Code.

SECTION 11.007. Makes application of Section 1958.153, Occupations Code, as amended by this Act, prospective.

ARTICLE 12. TRANSITION PROVISIONS FOR CERTAIN PROCEEDINGS; EFFECTIVE DATE

SECTION 12.001. (a) Provides that, except as provided by this Act, the changes in law made by this Act do not apply to an administrative proceeding pending on the effective date of this Act. Provides that an administrative proceeding pending on the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Provides that, except as provided by this Act, a civil or criminal proceeding based on a provision repealed by this Act that is pending on the effective date of this Act is terminated on that date.

SECTION 12.002. Effective date: September 1, 2017.