

**TEXAS DEPARTMENT OF LICENSING AND REGULATION**



**Ex Officio Report  
to  
Governor's Committee on People with Disabilities**

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## Executive Summary

*The Texas Department of Licensing and Regulation continues to grow with the addition of new programs and expansion of some existing programs following Texas' 87<sup>th</sup> Legislative Session. Construction does not seem to take a break in Texas and requires a growing reliance on the Architectural Barriers Program for sound and consistent direction interpreting the Texas Accessibility Standards. In addition, the Driver Safety and Transportation Network Companies expand TDLR's reach to include transportation issues relevant to persons with disabilities. Medical and Health Profession programs bring a heightened TDLR emphasis on serving Texans with disabilities.*

### Long-range strategic plans for people with disabilities

TDLR's Strategic Plan for 2023-2027, "Leading Texas to a Brighter Stronger Future" may be viewed at:

[TDLR Strategic Plan FY 2023-27.pdf \(texas.gov\)](#)

Information related to the recently completed Sunset Review is included in the Strategic Plan.

TDLR recently concluded in-person and virtual Strategic Planning Sessions for 2022. TDLR also posted an online Customer Service Survey, which measured how TDLR can improve service to our customers.

The survey asked four basic questions to help TDLR make policy and rule changes:

- What does TDLR do well?
- What changes would you make to TDLR's laws, rules, or processes?
- What problems or issues is your program, profession, or industry facing right now?
- During the next five years, what major changes do you expect in your program, profession, or industry?

## **87<sup>th</sup> Texas Legislative Session (Regular)**

TDLR [monitored bills that were filed](#) that may impact any of TDLR's regulated programs. The most up to-date information is posted on TDLR's website. Some of the tracked bills include:

- HB 1560 and SB 714 relating to the continuation and functions of TDLR until 2033 and providing a provision for all advisory boards to meet virtually, which allows more flexibility for advisory board members and will continue to increase public participation.
- SB 40 relating to the use of telehealth in health professional programs administered by the Texas Department of Licensing and Regulation. This allows the Commission to adopt telehealth rules for health professionals. The Commission recently adopted updated telehealth rules in Chapter 100 to implement SB 40 and has been fully implemented.
- HB 3244 relating to provision of certain massage therapy instruction using distance learning. This will allow some aspects of massage therapy to be taught online to meet the demands of today's students while ensuring that all required hands-on training still takes place in a traditional setting.
- HB 2788 relating to civil actions or arbitrations involving transportation network companies. This bill did not pass.

## **Human Trafficking**

TDLR continues its involvement to address the challenges in preventing human trafficking in Texas. The Texas Attorney General's Office offers training to Uber drivers to spot the warning signs of human trafficking. More information is available at <https://www.texasattorneygeneral.gov/>

Starting September 1, 2020, certain health care practitioners who provide direct patient care must complete an approved human trafficking prevention training course before each license renewal. The training course must be approved by the Texas Health and Human Service Commission. TDLR programs impacted include Athletic Trainers, Behavior Analysts, Dietitians, Dyslexia Therapy, Hearing Instrument Fitters and Dispensers, Massage Therapy, Midwives, Orthotists and Prosthetists, Podiatry, and Speech-Language Pathologists and Audiologist.

## Calendar

*Meetings of the TDLR Commission and program advisory groups are subject to COVID-19 considerations. The most up-to-date information will be posted on TDLR's web site at:*

<https://www.tdlr.texas.gov/meetings.htm>

Texas Accessibility Academy (TAA) and three other courses on rules and law that regulate the Texas Accessibility Standards (TAS) will be presented in conjunction with Building Professional Institute (BPI) on 11/14-16/2022 in the Austin metroplex. Specific details are available on the BPI web site. In addition, the Accessibility Professionals Association (APA) will host TDLR teaching the 2-day Academy on 10/25/2022 and 10/27/2022. Specific details are available on the APA [website](#).

Learn More: <https://www.tdlr.texas.gov/ab/taa.htm>

The EAB program has also been requested to conduct additional trainings. The Lower Rio Grand AIA chapter received two trainings regarding differences between TAS and ADAAG on 09/09/2022 and again on 09/10/2022 by one of our up-and-coming staff. We also performed the same training at the APA quarterly meeting on 09/09/2022. We provided the city of Martindale on 08/18/2022 with training on registration requirements and a what are subject facilities. We are scheduled to present to Lower Rio Grande AIA chapter on 09/08/2022, and Corpus Christi AIA chapter on 11/15/2022 as well.

## Disability Program Updates

### Architectural Barriers Program

Project registrations continue to climb at over 2,000 construction projects per month, new and renovations. The Texas Architectural Barriers online System (TABS) has over 298,445 registered projects on record with 128,650 of those open projects. Since rolling out the TABS online project management system on December 3, 2018, the number of online users has grown to over 16,615.

For the most-recently concluded fiscal quarter – June - August, 38 Variance Applications were processed. Results are different from previous quarters: 24% disapprovals, 63% postponements, 5% approvals, 8% Mixed or Not Required. These applications are examples where compliance with TAS could not be achieved due to existing constraints or postponed based on nature and use of the facility.

Our Enforcement division received 97 consumer complaints over during the past fiscal year. These complaints typically draw attention to items regarding parking signage, accessible routes, and curb ramps issues. Of those 58% of those have been closed. These are usually closed because they are outside our jurisdiction and the complainant is directed to contact the Department of Justice for violations of ADA. The RPM division refers 50 projects to our Enforcement division a month and currently there are 167 cases open against owners for missing inspections.

TechInfo inquiries keep staff busy with 70 -100 contacts each day. Topics include various aspects of the program: the standards, the law, the rules, TABS online registration, procedures for Registered Accessibility Specialists, etc. Most inquiries are received via [techinfo@tdlr.texas.gov](mailto:techinfo@tdlr.texas.gov) email. The remainder are telephone contacts.

Project registrations for plan review and inspection continue to avoid the compliance process. Last fiscal quarter over 3,400 notices were sent out in portions resulting in a higher than previous quarter number of plan reviews and inspections being performed and find that despite our efforts the number continues to rise. We have found some building officials still seem unaware of the state law requiring that certain projects be registered with TDLR and hope that our courses in conjunction with BPI may assist in educating those officials. There is evidence to indicate that some owners avoid the process altogether or start the process but do not complete the basic steps of registration, plan review and inspection. TDLR staff continue to refer violators found to our Enforcement Division for our investigators to review and process complaints.

The TABS system is continuing to be developed and improved. TABS recently pushed out an application update on 8/15/22. The update enhanced the search feature for the public by allowing click history to be seen, provided extra notations and reminders regarding required documentation that is frequently missed, and it allowed more access to documents for RAS that are sharing work with each other. TDLR staff will continue to work on updates correcting glitches and provide enhancements such as an audit feature to ensure RAS procedures.

Since issuance of the 2012 TAS there have been several additions to laws or rules that provide additional requirements beyond those within TAS. To consolidate the accessibility requirements into one area, as well as provide requirements to new technologies and needs, TDLR is proposing a 2022 TAS edition. This edition is intended to include requirements that mirror the proposed federal outdoor developed guidelines. It will integrate the new parking requirements from Rule 68.104 and the proposed public right of way guidelines allowed by Rule 68.102. Also added, will be requirements for electrical vehicle charging station and adult changing tables. We will also be editing and clarifying some areas of the 2012 TAS that need further explanation. None of these edits will violate the federal ADA requirements. On 04/08/2022 TDLR posted the proposed changes to 2022 TAS on the Texas Register. Over 400 separate comments were received during the comment period that closed on 05/09/2022. TDLR continues to analyzing and researching each comment for validity and feasibility. The advisory workgroup met on 08/24/2022 to discuss items that needed a more in-depth constituent perspective and is scheduled to meet again on 10/10/2022.

TDLR began the rule review process this month and posted notice on the Texas Registrar on 09/02/2022. Public comment period will end on 10/17/2022. This will be the beginning of the process to update our rules and do a general cleanup of items that needed clarification or have become obsolete. This was already going to be part of the TAS update process since some of the items being placed in TAS need to be removed from the rules once placed into TAS. We also intend to place the RAS procedures into the rules for clarity and convenience. Based on the rules update and TAS update we are hoping to have the 2022 TAS and rules all complete and approved by the TDLR commission by late spring.

### **Behavior Analysts**

Behavior analysts design, implement, and evaluate instructional and environmental modifications to produce socially significant improvements in human behavior. Behavior analysts provide a wide range of services, including individuals with intellectual disabilities and autism, among others.

The regulation of over 3,500 behavior analysts in Texas began on June 15, 2018. The primary stakeholder association is [Texas Association for Behavior Analysis](#).

### **Driver Education Program, American Sign Language Driver Education Course**

TDLR regulates and licenses companies and instructors (about 3,750 licensees) for teen and adult driver education courses to obtain a Class C driver license in the state of Texas. Driver education is taken by thousands of students each year for whom these courses must be accessible.

Through a legislative initiative, TDLR has created a driver education course presented in American Sign Language for teens and adults. Education & Examination staff at TDLR report the project has been finished and is in action. TDLR does not keep statistics on usage of the materials. TDLR and GCPD separately disseminated information about the ASL course through list-serve.

### **Dyslexia Therapists and Practitioners**

Dyslexia therapists and practitioners treat persons with dyslexia using multisensory structured language education. The Texas Education Code, Sec. 38.003, defines “dyslexia” as a disorder of constitutional origin manifested by a difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and sociocultural opportunity. Over 950 licensed dyslexia

therapists and practitioners work primarily in academic settings, although dyslexia therapists may also engage in private practice.

The primary stakeholder association is the [Academic Language Therapy Association](#).

### **Hearing Instrument Fitters & Dispensers**

Hearing instrument fitters & dispensers, almost 700 licensees, use audiometers and other methods to measure the hearing of those individuals affected by hearing impairment. Through those tests, fitters & dispensers are authorized to select, adapt, and sell a hearing instrument to help improve or correct impaired human hearing.

The primary stakeholder association is the [Texas Hearing Aid Association](#).

### **Orthotists & Prosthetists**

Orthotists engage in the science and practice of measuring, designing, fabricating, assembling, fitting, adjusting, or servicing a medical device designed to provide for the support, alignment, prevention, or correction of a neuromuscular or musculoskeletal disease, injury, or deformity. Prosthetists engage in the science and practice of measuring, designing, fabricating, assembling, fitting, adjusting, or servicing a medical device used to replace a missing limb, appendage, or other external human body part.

Both professions provide services in TDLR-licensed orthotic and prosthetic facilities under orders from a licensed physician or podiatrist. There are approximately 900 licensees under the Orthotists and Prosthetists program at TDLR.

The primary stakeholder association is the [Texas Association of Orthotists & Prosthetists](#).



## **Podiatry**

Podiatry is defined as the treatment of or offer to treat any disease, disorder, physical injury, deformity, or ailment of the human foot by any system or method. The term includes podiatric medicine.

Among their duties, podiatrists sign the written statement that accompanies the application for Disabled Person Placards and License Plates. Texas Transportation Code Chapter 681 "Privileged Parking" provides that the required notarized written statement or written prescription that accompanies the initial application for a disabled person identification placard or license plate can be issued by a person licensed to practice podiatry in this state or a state adjacent to this state for a person with a mobility problem caused by a disorder of the foot that limits or impairs that person's ability to walk.

The regulation of over 1,150 podiatrists and over 400 podiatric medical radiological technicians was transferred to TDLR on September 1, 2017. The primary stakeholder association is the [Texas Podiatric Medical Association](#).

## **Speech-Language Pathologists & Audiologists**

Speech-language pathologists (SLPs) evaluate, prevent, and treat speech, language, and swallowing disorders in individuals by applying non-medical principles, methods, and procedures for measurement, testing, appraisal, prediction, consultation, counseling, habilitation, rehabilitation, or instruction.

Audiologists provide services to help treat or modify communicative disorders involving speech, language, or auditory or vestibular function or other aberrant behavior relating to hearing loss.

There are over 25,000 licensees in the speech-language pathologist and audiologist program at TDLR, which include SLPs, SLP interns, SLP assistants, Audiologists, Audiology interns, and Audiology Assistants.

The primary stakeholder associations are the [Texas Speech-Language Hearing Association](#) and the [Texas Academy of Audiology](#).

## **Transportation Network Company Report**

### **Executive Summary**

The Transportation Network Company (TNC) program at TDLR is responsible for the regulation and licensing of TNCs throughout the state. Legislation effective since May of 2017 requires each TNC to establish a pilot program in one of their four largest markets servicing persons requiring the use of fixed-frame wheelchair accessible vehicles. The Pilot program is to begin no later than the 90th day after the date the company is issued a permit.

The initial Report is due to TDLR after the 100th day of beginning their pilot program and TNCs may submit supplemental reports to the department every 90th day after that. This pilot program takes place over the course of 2 years and is reported to the state legislature at its conclusion.

The Department works closely with TNCs and people with disabilities to capture suggestions for enhancing and improving the program and its services. As such, Administrative Rules regulating TNCs were adopted on October 20, 2017, by TDLR and became effective on December 1, 2017. The first TDLR license for a TNC was issued on January 3, 2018. There are currently 17 TNCs licensed in Texas