

## **BILL ANALYSIS**

Senate Research Center  
78R13001 JMM-F

C.S.S.B. 1574  
By: Carona  
State Affairs  
5/5/2003  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Under current law, the Texas Workers' Compensation Commission (TWCC) is required to work with both the Texas State Board of Medical Examiners (TSBME) and the Texas State Board of Chiropractic Examiners (TSBCE) to regulate certain health care providers. C.S.S.B. 1574 provides confidentiality protections for TWCC, TSBME, and TSBCE in order for each of them to exchange information relating to ongoing investigations.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 413.0511(b), Labor Code, by amending Subsection (b)(6) to make a conforming change. Deletes current text relating to disciplinary actions imposed on certain individuals.

SECTION 2. Amends Section 413.0513, Labor Code, as follows:

Sec. 413.0513. CONFIDENTIALITY REQUIREMENTS. (a) Provides that information collected, assembled, or maintained by or on behalf of the Texas Workers' Compensation Commission (TWCC) under Section 413.0511 or 413.0512 constitutes an investigation file for purposes of Section 402.092 and prohibits disclosure under Section 413.0511 or 413.0512 except as provided by that section. Deletes text regarding the disclosure of information collected or assembled relating to confidentiality requirements in certain criminal proceedings and hearings.

(b) Provides that confidential information, and other information to which access is restricted by law, developed by or on behalf of TWCC under Section 413.0511 or 413.0512 is not subject to discovery or court subpoena in certain actions.

SECTION 3. Amends Chapter 413, Subchapter E, Labor Code, by adding Sections 413.0514 and 413.0515, as follows:

Sec. 413.0514. EXCHANGE OF INFORMATION WITH LICENSING ENTITIES. (a) Provides that this section applies only to information in the possession of TWCC or of the Texas State Board of Medical Examiners (TSBME) or the Texas Board of Chiropractic Examiners (TSBCE) and that relates to a person licensed or otherwise regulated by any of those state agencies.

(b) Authorizes an agency listed in Subsection (a), on request or on its own initiative, to share confidential information or other information to which access is restricted by law with any of the other agencies listed in Subsection (a) for investigative or enforcement purposes.

(c) Provides that except as provided by this section, confidential information that is shared under this section remains confidential under law and legal restrictions

on access to the information remain in effect. Provides that an agency that provides information to TWCC under this section does not waive a privilege or confidentiality requirement established under law.

(d) Requires TWCC to maintain the confidentiality of any information received under this section and prohibits disclosure of the information except as necessary to further the investigation for which the information was received.

(e) Requires the agencies listed in Subsection (a) to cooperate with and assist each other when conducting an investigation by providing information that the sending agency determines is relevant to the investigation. Provides that confidential information that is shared remains confidential and any legal restriction on access to the information remains in effect unless the sending agency approves the use of the information by the receiving agency for enforcement purposes.

(f) Provides that Section 402.092 applies to information received by TWCC under this section.

(g) Requires the agencies listed in Subsection (a) to provide information to each other agency listed in Subsection (a) on all disciplinary actions taken by the agency.

**Sec. 413.0515. REPORTS OF PHYSICIAN AND CHIROPRACTOR VIOLATIONS.**

(a) Requires TWCC or TSBME to report certain acts or omissions of physicians to the other agency.

(b) Requires TWCC or TSBCE to report certain acts or omissions of chiropractors to the other agency.

**SECTION 4.** Amends Section 160.006(a), Occupations Code, to add TWCC to the list of entities to which TSBME is authorized to disclose information.

**SECTION 5.** Effective date: upon passage or September 1, 2003.