

## **BILL ANALYSIS**

Senate Research Center  
78R6001 JMM-F

C.S.S.B. 211  
By: Carona  
Health & Human Services  
2-26-2003  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Currently, Chapter 201, Occupations Code, does not provide specific guidelines regarding the public's access to files for open investigations of licensed chiropractors. A license holder is therefore able, either solely or through the license holder's attorney, to request and receive for review the information obtained about the license holder's case while an investigation of the license holder is underway. In addition, Section 201.355(a), Occupations Code, allows the Texas Board of Chiropractic Examiners (TBCE) to renew without reexamination the license of a license holder whose license in this state has expired, but who has moved to another state, is currently licensed in the other state, and has been in practice in that other state for the two years prior to the application; current Texas law does not extend similar privileges to a license holder who has moved to a foreign country.

C.S.S.B. 211 would limit public access to certain TBCE records even for certain legal actions during the course of a license holder investigation. C.S.S.B. 211 would not prevent the public from obtaining such records once an investigation has been completed. C.S.S.B. 211 further extends the ability to renew an expired license without reexamination to a license holder whose license has expired, but who has moved to another country, is currently licensed in the other country, has been in practice in that other country for the two years prior to the application and is in good standing there. C.S.S.B. 211 will repeal Section 201.303(b), Occupations Code, which requires a person to complete certain courses with a grade of 75 percent or better in order to apply for a license to practice chiropractic.

### **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 Chapter 201E, Occupations Code, by adding Section 201.206, as follows:

Sec. 201.206. CONFIDENTIALITY OF INVESTIGATION FILES. (a) Specifies the confidentiality and privileged nature of the Texas Board of Chiropractic Examiners' (TBCE) investigation files. Exempts such files from legal compulsion for release other than to certain individuals.

(b) Requires TBCE, upon completion of an investigation, to provide information in the investigation file to the license holder under investigation. Requires TBCE, on request, to share information in investigation files with certain other regulatory and law enforcement agencies regardless of whether the investigation has been completed. Provides that TBCE is not required, under this subsection, to disclose information protected by a privilege under the Texas Rules of Civil Procedure or the Texas Rules of Evidence.

(c) Authorizes TBCE, notwithstanding Subsection (a), to disclose a complaint to the affected license holder and, if deemed by the board to be necessary to the investigation, to provide the license holder's response to the complaint.

(d) Provides that TBCE or other party in a disciplinary action is not prohibited from providing certain documents from an investigation for evidence in a contested case under Chapter 2001, Government Code.

SECTION 2. Amends Section 201.355(a), Occupations Code, to authorize TBCE to renew without reexamination the license of a person whose license in this state has expired, who has moved to a foreign country, who is licensed in the foreign country, and who has been practicing there for the two years prior to the application. Provides that license holders who have moved either to a foreign country or to another state also be in good standing in their present regions in order to have TBCE renew their licenses without reexamination.

SECTION 3. Repealer: Section 201.303 (b), Occupations Code (Educational Requirements - requiring completion of certain courses with a grade of 75 percent or better).

SECTION 4. Effective date: September 1, 2003

Makes application of Section 201.206 and Section 201.355 (a), Occupations Code, as added by this Act, prospective.

### **SUMMARY OF COMMITTEE CHANGES**

Differs from the original in SECTION 1 (Section 201.206(b), Occupations Code) by requiring, instead of authorizing, the Texas Board of Chiropractic Examiners (TBCE) to provide information to the license holder under investigation, at the completion of the investigation. Differs from the original in SECTION 1 (Section 201.206(b), Occupations Code) by requiring, instead of authorizing, TBCE to share information with certain other regulatory and law enforcement agencies regardless of whether the investigation has been completed. Differs from the original in SECTION 1 (Section 201.206(b), Occupations Code) by limiting to this subsection the TBCE's exemption from disclosing certain information.