

BILL ANALYSIS

Senate Research Center
85R13870 JCG-D

H.B. 442
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Statute requires a registry for licensed professional counselors, licensed chemical dependency counselors, licensed social workers, licensed dyslexia practitioners and dyslexia therapists. These registries contain personal information of licensees, such as name, phone number, and home address. Some of the boards of these occupations publish this list online, unprotected, for any member of the public to view. These professions come with an increased risk.

H.B. 442 prevents the online publication of the home addresses of licensed professional counselors, licensed chemical dependency counselors, licensed social workers, licensed dyslexia practitioners and dyslexia therapists. A licensee may opt in to include their address; currently they must opt out. What is more, H.B. 442 does not prevent the publication of a registry. The only change is that the home address is not included.

H.B. 442 amends current law relating to the online publication of home addresses of certain occupational license holders.

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 Subchapter B, Chapter 403, Occupations Code, by adding Section 403.053, as follows:

Sec. 403.053. PUBLISHING LICENSE HOLDER HOME ADDRESS PROHIBITED.

(a) Prohibits the Texas Department of Licensing and Regulation (TDLR) from including the home address of a person licensed under this chapter (Licensed Dyslexia Practitioners and Licensed Dyslexia Therapists) in a roster, registry, or other database TDLR publishes on TDLR's Internet website unless the person requests that the person's home address appear in the roster, registry, or other database on the website. Requires that a request under this subsection be made in the manner prescribed by TDLR.

(b) Provides that the home address of a licensed person that is included in a roster, registry, or other database TDLR maintains is public information and is not excepted from required disclosure under Chapter 552 (Public Information), Government Code.

SECTION 2. Amends Section 503.207, Occupations Code, by adding Subsections (c) and (d), as follows:

(c) Prohibits the Texas State Board of Examiners of Professional Counselors (TSBEPC) from including the home address of a person licensed under this chapter (Licensed Professional Counselors) in a registry TSBEPC publishes on TSBEPC's Internet website unless the person requests that the person's home address appear in the registry on the website. Requires that a request under this subsection be made in the manner prescribed by TSBEPC.

(d) Provides that the home address of a person licensed under this chapter that is included in the registry TSBEPC prepares under this section (License Holder Registry) is public information and is not excepted from required disclosure under Chapter 552, Government Code.

SECTION 3. Amends Section 504.055, Occupations Code, by adding Subsections (e) and (f), as follows:

(e) Prohibits the Department of State Health Services (DSHS) from including the home address of a person licensed by DSHS in a roster DSHS publishes on DSHS's Internet website unless the person requests that the person's home address appear in the roster on the website. Requires that a request under this subsection be made in the manner prescribed by DSHS.

(f) Provides that the home address of a person licensed under this chapter (Chemical Dependency Counselors) that is included in a roster DSHS prepares under this section (Official Roster) is public information and is not excepted from required disclosure under Chapter 552, Government Code.

SECTION 4. Amends Section 505.205, Occupations Code, by adding Subsections (d) and (e), as follows:

(d) Prohibits the Texas State Board of Social Worker Examiners (TSBSWE) from including the home address of a person licensed under this chapter (Social Workers) in a roster TSBSWE publishes on TSBSWE's Internet website unless the person requests that the person's home address appear in the roster on the website. Requires that a request under this subsection be made in the manner prescribed by TSBSWE.

(e) Provides that the home address of a licensed person that is included in the roster TSBSWE prepares is public information and is not excepted from required disclosure under Chapter 552, Government Code.

SECTION 5. Effective date: September 1, 2017.