

By: Carona

S.B. No. 211

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of chiropractors.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter E, Chapter 201, Occupations Code, is amended by adding Section 201.206 to read as follows:

Sec. 201.206. CONFIDENTIALITY OF INVESTIGATION FILES.

(a) The board's investigation files are confidential, privileged, and not subject to discovery, subpoena, or any other means of legal compulsion for release other than to the board or an employee or agent of the board.

(b) The board shall share information in investigation files, on request, with another state or federal regulatory agency or with a local, state, or federal law enforcement agency regardless of whether the investigation has been completed. The board is not required to disclose under this subsection information that is an attorney-client communication, an attorney work product, or other information protected by a privilege recognized by the Texas Rules of Civil Procedure or the Texas Rules of Evidence.

(c) On the completion of the investigation and before a hearing under Section 201.505, the board shall provide to the license holder, subject to any other privilege or restriction set forth by rule, statute, or legal precedent, access to all information in the board's possession that the board intends to offer into evidence in presenting its case in chief at the contested

1 case hearing on the complaint. The board is not required to  
2 provide:

3 (1) a board investigative report or memorandum;  
4 (2) the identity of a nontestifying complainant; or  
5 (3) attorney-client communications, attorney work  
6 product, or other materials covered by a privilege recognized by  
7 the Texas Rules of Civil Procedure or the Texas Rules of Evidence.

8 (d) Notwithstanding Subsection (a), the board may:

9 (1) disclose a complaint to the affected license  
10 holder; and

11 (2) provide to a complainant the license holder's  
12 response to the complaint, if providing the response is considered  
13 by the board to be necessary to investigate the complaint.

14 (e) This section does not prohibit the board or another  
15 party in a disciplinary action from offering into evidence in a  
16 contested case under Chapter 2001, Government Code, a record,  
17 document, or other information obtained or created during an  
18 investigation.

19 SECTION 2. Section 201.355, Occupations Code, is amended by  
20 amending Subsection (a) and adding Subsection (c) to read as  
21 follows:

22 (a) The board may renew without reexamination an expired  
23 license of a person who was licensed in this state, moved to another  
24 state or foreign country, and is currently licensed in good  
25 standing and has been in practice in the other state or foreign  
26 country for the two years preceding application.

27 (c) For purposes of this section, a person is currently

1 licensed if the person is licensed by another chiropractic  
2 licensing board recognized by the board. The board shall adopt  
3 requirements for recognizing another chiropractic licensing board  
4 that:

5 (1) has licensing requirements substantially  
6 equivalent to the requirements of this chapter; and

7 (2) maintains professional standards considered by  
8 the board to be equivalent to the standards under this chapter.

9 SECTION 3. Subsection (b), Section 201.303, Occupations  
10 Code, is repealed.

11 SECTION 4. (a) This Act takes effect September 1, 2003.

12 (b) Section 201.206, Occupations Code, as added by this Act,  
13 applies to a complaint or investigation pending on the effective  
14 date of this Act or filed on or after that date.

15 (c) The change in law made by this Act by the amendment of  
16 Subsection (a), Section 201.355, Occupations Code, applies only to  
17 an application to renew a license filed on or after the effective  
18 date of this Act. An application to renew a license filed before  
19 the effective date of this Act is governed by the law in effect on  
20 the date the application was filed, and the former law is continued  
21 in effect for that purpose.