

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) On request, the board may provide, at the completion of an investigation, information contained in the investigation file to the license holder under investigation. The board may share information in investigation files with another state or federal regulatory agency or with a local, state, or federal law enforcement agency. The board is not required to disclose 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) Notwithstanding Subsection (a), the board may:

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

(2) provide to a complainant the license holder's

1 response to the complaint, if providing the response is considered
2 by the board to be necessary to investigate the complaint.

3 (d) This section does not prohibit the board or another party
4 in a disciplinary action from offering into evidence in a contested
5 case under Chapter 2001, Government Code, a record, document, or
6 other information obtained or created during an investigation.

7 SECTION 2. Section 201.355(a), Occupations Code, is amended
8 to read as follows:

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

14 SECTION 3. Section 201.303(b), Occupations Code, is
15 repealed.

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

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

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