

1-1 By: Carona S.B. No. 211
1-2 (In the Senate - Filed January 15, 2003; February 3, 2003,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 3, 2003, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
1-6 March 3, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 211 By: Gallegos

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the licensing and regulation of chiropractors.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter E, Chapter 201, Occupations Code, is
1-13 amended by adding Section 201.206 to read as follows:

1-14 Sec. 201.206. CONFIDENTIALITY OF INVESTIGATION FILES.

1-15 (a) The board's investigation files are confidential, privileged,
1-16 and not subject to discovery, subpoena, or any other means of legal
1-17 compulsion for release other than to the board or an employee or
1-18 agent of the board.

1-19 (b) On request, the board shall provide, at the completion
1-20 of an investigation, information contained in the investigation
1-21 file to the license holder under investigation. The board shall
1-22 share information in investigation files, on request, with another
1-23 state or federal regulatory agency or with a local, state, or
1-24 federal law enforcement agency regardless of whether the
1-25 investigation has been completed. The board is not required to
1-26 disclose under this subsection information that is an
1-27 attorney-client communication, an attorney work product, or other
1-28 information protected by a privilege recognized by the Texas Rules
1-29 of Civil Procedure or the Texas Rules of Evidence.

1-30 (c) Notwithstanding Subsection (a), the board may:

1-31 (1) disclose a complaint to the affected license
1-32 holder; and

1-33 (2) provide to a complainant the license holder's
1-34 response to the complaint, if providing the response is considered
1-35 by the board to be necessary to investigate the complaint.

1-36 (d) This section does not prohibit the board or another
1-37 party in a disciplinary action from offering into evidence in a
1-38 contested case under Chapter 2001, Government Code, a record,
1-39 document, or other information obtained or created during an
1-40 investigation.

1-41 SECTION 2. Subsection (a), Section 201.355, Occupations
1-42 Code, is amended to read as follows:

1-43 (a) The board may renew without reexamination an expired
1-44 license of a person who was licensed in this state, moved to another
1-45 state or foreign country, and is currently licensed in good
1-46 standing and has been in practice in the other state or foreign
1-47 country for the two years preceding application.

1-48 SECTION 3. Subsection (b), Section 201.303, Occupations
1-49 Code, is repealed.

1-50 SECTION 4. (a) This Act takes effect September 1, 2003.

1-51 (b) Section 201.206, Occupations Code, as added by this Act,
1-52 applies to a complaint or investigation pending on the effective
1-53 date of this Act or filed on or after that date.

1-54 (c) The change in law made by this Act by the amendment of
1-55 Subsection (a), Section 201.355, Occupations Code, applies only to
1-56 an application to renew a license filed on or after the effective
1-57 date of this Act. An application to renew a license filed before
1-58 the effective date of this Act is governed by the law in effect on
1-59 the date the application was filed, and the former law is continued
1-60 in effect for that purpose.

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