

BILL ANALYSIS

C.S.H.B. 1693
By: Bailey
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas State Board of Podiatric Medical Examiners (board) regulates the practice of podiatry. Investigators for other health licensing agencies, such as the Texas Medical Board and the Texas State Board of Dental Examiners, have been granted peace officer status under Section 202.163, Occupations Code. Thus, these agencies' investigators can obtain and exchange investigative information with law enforcement and regulatory agencies. It gives them an ability to investigate complaints, discipline licensees who violate the licensing Act, and protect the public. Currently, board investigators lack this ability.

C.S.H.B. 1693 intends to enhance the investigative and enforcement capabilities of the board, but does not go so far as to grant peace officer status.

RULEMAKING AUTHORITY

It is the author's opinion that this bill does not grant rulemaking authority to a specific agency or body.

ANALYSIS

CSHB 1693 allows an investigator for the Texas State Board of Podiatric Medical Examiners (board) to investigate certain suspected criminal acts related to podiatric practice and it further requires the investigator to assist federal, state, or local law enforcement agencies in their investigation and prosecution of offenses related to the podiatric practice.

CSHB 1693 allows the board, in conducting a criminal investigation, to receive relevant information from a law enforcement agency, which is also confidential and may not be disclosed except as necessary to conduct the investigation.

CSHB 1693 provides that a board investigator is not a peace officer.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected in each house, and if it does not, then September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 1693 deletes the language authorizing the board to commission peace officers and from the list identifying persons who are peace officers, and instead provides that a board investigator is not a peace officer. The substitute allows a board investigator to investigate certain suspected criminal acts, and requires the investigator to assist certain agencies in the investigation and prosecution of offences related to podiatric practice. CSHB 1693 also allows the board to receive relevant information from a law enforcement agency, which is confidential and may not be disclosed except as necessary to conduct the investigation.