

By: Hegar

S.B. No. 1415

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a pilot program on deferred disciplinary action.

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

SECTION 1. Subchapter D, Chapter 301, Occupations Code, is amended by adding Section 301.1607 to read as follows:

Sec. 301.1607. PILOT PROGRAM ON DEFERRAL OF FINAL DISCIPLINARY ACTION. (a) In this section, "deferred disciplinary action" means a final disciplinary action against a person licensed or regulated under this chapter that is deferred by the board as provided by this section.

(b) Not later than February 1, 2010, the board shall determine the feasibility of conducting a pilot program designed to evaluate the efficacy and effect on the public's protection of board deferral of disciplinary action against a person licensed or regulated under this chapter in cases in which the board proposes to impose a sanction other than a reprimand or a denial, suspension, or revocation of a license. If the board determines the pilot program is feasible, the board shall develop and implement the pilot program not later than February 1, 2011. The pilot program must conclude not later than January 1, 2014.

(c) The pilot program may not include cases in which the board proposes to issue a reprimand or to deny, suspend, or revoke a license.

1 (d) During the time the pilot program is implemented and for
2 any action or complaint for which the board proposes to impose a
3 sanction other than a reprimand or a denial, suspension, or
4 revocation of a license, the board may:

5 (1) defer final disciplinary action the board has
6 proposed against a person licensed or regulated under this chapter
7 if the person conforms to conditions imposed by the board,
8 including any condition the board could impose as a condition of
9 probation under Section 301.468; and

10 (2) if the person successfully meets the imposed
11 conditions, dismiss the complaint.

12 (e) Except as otherwise provided by this subsection, a
13 deferred disciplinary action by the board under the pilot program
14 is not confidential and is subject to disclosure in accordance with
15 Chapter 552, Government Code. If the person successfully meets the
16 conditions imposed by the board in deferring final disciplinary
17 action and the board dismisses the action or complaint, the
18 deferred disciplinary action of the board is confidential to the
19 same extent as a complaint filed under Section 301.466.

20 (f) The board may contract with a third party to evaluate
21 the pilot program established under this section.

22 (g) The board shall appoint an advisory committee to assist
23 the board in overseeing the pilot program and its evaluation. The
24 committee must include representatives of public advocacy
25 organizations.

26 (h) This section expires September 1, 2014.

27 SECTION 2. This Act takes effect September 1, 2009.