

By: Carona
(Gooden, Stephenson)

S.B. No. 408

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of certain complaints to and investigations by the Texas Department of Licensing and Regulation.

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

SECTION 1. Subchapter E, Chapter 51, Occupations Code, is amended by adding Section 51.2525 to read as follows:

Sec. 51.2525. CONFIDENTIALITY OF COMPLAINTS AND INVESTIGATIONS. (a) Notwithstanding any other law, except as provided by this section, a complaint against a person filed with the department or an investigation of a person conducted by the department and all information and material compiled by the department related to the complaint or investigation is:

(1) confidential and not subject to disclosure under Chapter 552, Government Code; and

(2) not subject to disclosure, discovery, subpoena, or other means of legal compulsion for release to anyone.

(b) Information regarding the complaint or the investigation described by Subsection (a) shall be disclosed on request to a law enforcement agency, a member of the legislature, or a legislative agency. The member of the legislature or the legislative agency shall maintain the confidentiality of any information identifying a specific person.

(c) Information regarding the complaint or the investigation described by Subsection (a) may be disclosed to:

1 (1) the department or a department employee or agent
2 involved in a disciplinary or other administrative proceeding;

3 (2) a party to the disciplinary or other
4 administrative proceeding or the party's designated agent;

5 (3) a licensing or disciplinary board in another
6 jurisdiction; or

7 (4) a person engaged in bona fide research, if all
8 information identifying a specific person has been deleted.

9 (d) The filing of formal proceedings against a person by the
10 department, the nature of those proceedings, disciplinary
11 proceedings of the department, and final disciplinary actions,
12 including warnings and reprimands, by the department are not
13 confidential and are subject to disclosure in accordance with
14 Chapter 552, Government Code.

15 SECTION 2. Section 51.2525, Occupations Code, as added by
16 this Act, applies only to a complaint filed or an investigation
17 commenced on or after the effective date of this Act. A complaint
18 filed or an investigation commenced before that date is governed by
19 the law in effect on the date the complaint was filed or the
20 investigation was commenced, and the former law is continued in
21 effect for that purpose.

22 SECTION 3. This Act takes effect September 1, 2013.