

1-1 By: Carona S.B. No. 408
 1-2 (In the Senate - Filed February 6, 2013; February 13, 2013,
 1-3 read first time and referred to Committee on Business and Commerce;
 1-4 February 27, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 0;
 1-6 February 27, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 408 By: Carona

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the confidentiality of certain complaints to and
 1-22 investigations by the Texas Department of Licensing and Regulation.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter E, Chapter 51, Occupations Code, is
 1-25 amended by adding Section 51.2525 to read as follows:

1-26 Sec. 51.2525. CONFIDENTIALITY OF COMPLAINTS AND
 1-27 INVESTIGATIONS. (a) Notwithstanding any other law, except as
 1-28 provided by this section, a complaint against a person filed with
 1-29 the department or an investigation of a person conducted by the
 1-30 department and all information and material compiled by the
 1-31 department related to the complaint or investigation is:

1-32 (1) confidential and not subject to disclosure under
 1-33 Chapter 552, Government Code; and

1-34 (2) not subject to disclosure, discovery, subpoena, or
 1-35 other means of legal compulsion for release to anyone.

1-36 (b) Information regarding the complaint or the
 1-37 investigation described by Subsection (a) shall be disclosed on
 1-38 request to a law enforcement agency, a member of the legislature, or
 1-39 a legislative agency. The member of the legislature or the
 1-40 legislative agency shall maintain the confidentiality of any
 1-41 information identifying a specific person.

1-42 (c) Information regarding the complaint or the
 1-43 investigation described by Subsection (a) may be disclosed to:

1-44 (1) the department or a department employee or agent
 1-45 involved in a disciplinary or other administrative proceeding;

1-46 (2) a party to the disciplinary or other
 1-47 administrative proceeding or the party's designated agent;

1-48 (3) a licensing or disciplinary board in another
 1-49 jurisdiction; or

1-50 (4) a person engaged in bona fide research, if all
 1-51 information identifying a specific person has been deleted.

1-52 (d) The filing of formal proceedings against a person by the
 1-53 department, the nature of those proceedings, disciplinary
 1-54 proceedings of the department, and final disciplinary actions,
 1-55 including warnings and reprimands, by the department are not
 1-56 confidential and are subject to disclosure in accordance with
 1-57 Chapter 552, Government Code.

1-58 SECTION 2. Section 51.2525, Occupations Code, as added by
 1-59 this Act, applies only to a complaint filed or an investigation
 1-60 commenced on or after the effective date of this Act. A complaint

2-1 filed or an investigation commenced before that date is governed by
2-2 the law in effect on the date the complaint was filed or the
2-3 investigation was commenced, and the former law is continued in
2-4 effect for that purpose.

2-5 SECTION 3. This Act takes effect September 1, 2013.

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