

By: Goldman, et al.

H.B. No. 2452

A BILL TO BE ENTITLED

1 AN ACT
2 relating to complaints filed with the Texas Department of Licensing
3 and Regulation.

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

5 SECTION 1. Section 51.252, Occupations Code, is amended by
6 amending Subsection (b) and adding Subsections (b-1) and (e) to
7 read as follows:

8 (b) The department shall maintain a file on each written
9 complaint filed with the department. The file must include:

10 (1) except for a complaint described by Subsection
11 (b-1), the name of the person who filed the complaint;

12 (2) the date the complaint is received by the
13 department;

14 (3) the subject matter of the complaint;

15 (4) the name of each person contacted in relation to
16 the complaint;

17 (5) a summary of the results of the review or
18 investigation of the complaint; and

19 (6) an explanation of the reason the file was closed,
20 if the department closed the file without taking action other than
21 to investigate the complaint.

22 (b-1) The department may accept, but is not required to
23 investigate, a complaint that lacks sufficient information to
24 identify the source or the name of the person who filed the

1 complaint.

2 (e) The department may contract with a qualified individual
3 to assist the department with reviewing or investigating complaints
4 filed with the department. Except for an act of the individual
5 involving fraud, conspiracy, or malice, an individual with whom the
6 department contracts under this subsection is immune from liability
7 and may not be subject to a suit for damages for any act arising from
8 the performance of the individual's duties in:

9 (1) participating in an informal conference to
10 determine the facts of a complaint;

11 (2) evaluating evidence in a complaint and offering an
12 expert opinion or technical guidance on an alleged violation of:

13 (A) a law establishing a regulatory program
14 administered by the department; or

15 (B) a rule adopted or order issued by the
16 executive director or commission;

17 (3) testifying at a hearing regarding a complaint; or

18 (4) making an evaluation, report, or recommendation
19 regarding a complaint.

20 SECTION 2. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2019.