By:  Anderson, et al. (Senate Sponsor - Powell) H.B. No. 3442

(In the Senate - Received from the House April 26, 2021; May 4, 2021, read first time and referred to Committee on Water, Agriculture & Rural Affairs; May 13, 2021, reported favorably by the following vote: Yeas 8, Nays 0; May 13, 2021, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Perry           X

Springer        X

Creighton                 X

Eckhardt        X

Gutierrez       X

Johnson         X

Kolkhorst       X

Powell          X

Taylor          X

A BILL TO BE ENTITLED

AN ACT

relating to complaints filed with the State Board of Veterinary Medical Examiners.

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

SECTION 1.  Section 801.207, Occupations Code, is amended by amending Subsections (b) and (c) and adding Subsections (b-1), (b-2), and (b-3) to read as follows:

(b)  Except as provided by Subsections (b-1) and (b-2), each [~~Each~~] complaint, investigation file and record, and other investigation report and all other investigative information in the possession of or received or gathered by the board or the board's employees or agents relating to a license holder, an application for license, or a criminal investigation or proceeding is privileged and confidential and is not subject to discovery, subpoena, or other means of legal compulsion for release to anyone other than the board or the board's employees or agents involved in discipline of a license holder.

(b-1)  The board shall provide a copy of each complaint to the license holder who is the subject of the complaint not later than the 14th day before the date any response is due, unless providing a copy of the complaint would jeopardize an investigation. The board may not require the license holder to request a copy of the complaint.

(b-2)  The board shall provide to the complainant a copy of any response to the complaint the license holder provides not later than the 14th day after the date the board receives the response, unless providing the copy would jeopardize an investigation or the act alleged in the complaint is not under the board's jurisdiction. If the board provides a copy of a response to a complainant, the board shall include with the copy notice of the complainant's opportunity to rebut the license holder's response.

(b-3)  The board is not required to provide a copy of the complaint under Subsection (b-1) or a license holder's response under Subsection (b-2) for a complaint initiated by the board.

(c)  Except as provided by Subsection (b-1), the [~~The~~] board shall protect the identity of a complainant to the extent possible.

SECTION 2.  Section 801.207, Occupations Code, as amended by this Act, applies only to a complaint filed with the State Board of Veterinary Medical Examiners on or after the effective date of this Act. A complaint filed with the board before the effective date of this Act is governed by the law in effect on the date the complaint was filed, and the former law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2021.

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