

BILL ANALYSIS

S.B. 510
By: Perry
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, most information about occupational license holders that is maintained by state licensing authorities can be publicly disclosed to any person that submits a public information request. This leads to potentially sensitive information being collected and sold to third parties. License holders are also placed at higher risk with that information being disclosable. Among other provisions, S.B. 510 seeks to require state licensing agencies to keep confidential certain identifying information about current licensees or those applying for or who previously held a license.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 510 amends the Government Code to revise the provisions authorizing a person licensed to practice law in Texas to opt to make certain information pertaining to the licensee that is maintained by the State Bar of Texas confidential and prohibited from public disclosure under state public information law as follows:

- removes the opt-in requirement to receive the confidentiality protections and repeals a related provision;
- includes among information that is considered confidential and may not be disclosed to the public a license application and the following information relating to a licensee:
 - driver's license number or state identification number;
 - passport number;
 - emergency contact information; and
 - payment information;
- establishes that this confidentiality protection does not make confidential or except from required public disclosure the name, state bar identification number, membership class, or eligibility to practice law of an applicant for a license, a license holder, or a person who previously held a license; and
- establishes that the provisions prevail over another law that authorizes or requires the release of information maintained by the state bar to the extent of any conflict.

S.B. 510 makes confidential and exempt from the public availability requirement of state public information law the following information held by an executive or legislative branch state agency that is directed by one or more elected or appointed members:

- an application for an occupational license; and
- any of the following information that relates to an applicant for an occupational license from the agency or to a current or former license holder:
 - home address;
 - telephone number and email address;
 - date of birth and social security number;
 - driver's license number;
 - state identification number;
 - passport number;
 - emergency contact information; or
 - payment information.

The bill establishes that this confidentiality protection does not make confidential or exempt from required public disclosure the person's name, license number, or license status.

S.B. 510 expressly does not prohibit the disclosure of the following information for certain individuals licensed under the Human Resources Code or the Health and Safety Code:

- the last four digits of the social security number of a license holder in connection with a verification of employability or an employee misconduct registry search provided by the Health and Human Services Commission;
- a home address where activity regulated by the licensing authority occurs; or
- an email address or phone number associated with activity regulated by the licensing authority.

Specifically, this provision applies with respect to a license issued under provisions relating to any of the following:

- the regulation of certain facilities, homes, and agencies that provide child-care services;
- the regulation of child-care and child-placing agency administrators;
- day activity and health services;
- aging and disability services;
- home and community support services;
- convalescent and nursing facilities and related institutions;
- assisted living facilities;
- prescribed pediatric extended care centers;
- the nurse aide registry and criminal history checks of employees and applicants for employment in certain facilities serving the elderly, persons with disabilities, or persons with terminal illnesses; and
- intermediate care facilities for individuals with an intellectual disability.

These provisions, as well as those making certain information maintained by a state licensing authority confidential, prevail over another law that authorizes or requires the release of information maintained by a governmental body.

S.B. 510 amends the Occupations Code to make the home address and telephone number of the holder of a license issued by the Texas Behavioral Health Executive Council confidential and exempt from public disclosure under state public information law.

S.B. 510 applies only to a public information request received on or after the bill's effective date.

S.B. 510 repeals Section 552.1176(b), Government Code.

EFFECTIVE DATE

September 1, 2023.