

## **BILL ANALYSIS**

Senate Research Center

H.B. 2407  
By: Gray (Moncrief)  
Health & Human Services  
5/11/2001  
Engrossed

### **DIGEST AND PURPOSE**

The 76th Legislature gave certain licensing boards within the Texas Department of Health (TDH) subpoena power to aid in the investigation of complaints against licensees. A provision was included that guaranteed the confidentiality of materials compiled by the board in relation to the complaint with certain stipulated exceptions. Prior to that legislation, TDH would release a complaint history on any of its licensees. Because the legislation did not include this history within the information subject to open records, the attorney general ruled against the continued release of the complaint histories. H.B. 2407 repeals provisions guaranteeing the confidentiality of complaint-related information.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Provides that the following provisions are repealed:

- (1) Sections 50.0225(h) and (i), Human Resources Code;
- (2) Sections 11B(h) and (i), Licensed Marriage and Family Therapist Act (Article 4512c-1, Vernon's Texas Civil Statutes);
- (3) Sections 5B(h) and (i), Chapter 498, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4512d, Vernon's Texas Civil Statutes);
- (4) Sections 16D(h) and (i), Licensed Professional Counselor Act (Article 4512g, Vernon's Texas Civil Statutes);
- (5) Sections 16C(h) and (i), Licensed Dietitian Act (Article 4512h, Vernon's Texas Civil Statutes);
- (6) Sections 24A(h) and (i), Chapter 381, Acts of the 68th Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas Civil Statutes);
- (7) Sections 11B(h) and (i), Texas Medical Physics Practice Act (Article 4512n, Vernon's Texas Civil Statutes);
- (8) Sections 19A(h) and (i), Licensed Perfusionists Act (Article 4529e, Revised Statutes);
- (9) Sections 1.12C(h) and (i), Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.12C, Vernon's Texas Civil Statutes); and

(10) Sections 6A(h) and (i), Orthotics and Prosthetics Act (Article 8920, Revised Statutes).

SECTION 2. Provides that the following sections of the Occupations Code, as added by the Act of the 77th Legislature, Regular Session, 2001, relating to nonsubstantive additions to and corrections in enacted codes, are repealed:

- (1) Sections 401.2535(h) and (i);
- (2) Sections 402.154(h) and (i);
- (3) Sections 451.110(h) and (i);
- (4) Sections 502.2045(h) and (i);
- (5) Sections 503.2545(h) and (i);
- (6) Sections 505.2545(h) and (i);
- (7) Sections 602.1525(h) and (i);
- (8) Sections 603.2041(h) and (i);
- (9) Sections 605.2021(h) and (i); and
- (10) Sections 701.2041(h) and (i).

SECTION 3. Provides that the following provisions are repealed:

- (1) Sections 8C(h) and (i), Chapter 462, Acts of the 68th Legislature, Regular Session, 1983 (Article 4413(51), Vernon's Texas Civil Statutes); and
- (2) Sections 241.051(d) and (e) and 577.013(d) and (e), Health and Safety Code.

SECTION 4. Amends Section 241.051, Health and Safety Code, by adding Subsection (f) to provide that information obtained or compiled by the department in connection with a complaint or investigation that is confidential by law remains confidential and is not subject to disclosure under Chapter 552, Government Code.

SECTION 5. Amends Section 577.013, Health and Safety Code, by adding Subsection (f) to provide that information obtained or compiled by the department in connection with a complaint or investigation that is confidential by law remains confidential and is not subject to disclosure under Chapter 552, Government Code.

SECTION 6. (a) Provides that SECTION 1 of this Act takes effect only if the Act of the 77th Legislature, Regular Session, 2001, relating to nonsubstantive additions to and corrections in enacted codes, does not take effect.

(b) Provides that SECTION 2 of this Act takes effect only if the Act of the 77th Legislature, Regular Session, 2001, relating to nonsubstantive additions to and corrections in enacted codes, takes effect.

SECTION 7. Effective date: September 1, 2001.