

BILL ANALYSIS

C.S.H.B. 442
By: Martinez, "Mando"
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties have raised safety concerns regarding the inclusion of the home addresses of certain professional practitioners, therapists, counselors, and social workers in the online registries, rosters, or databases of licensing agencies. C.S.H.B. 442 seeks to address this issue by prohibiting the online publication of such a license holder's home address in such a registry, roster, or database unless the license holder requests the inclusion of the address.

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

C.S.H.B. 442 amends the Occupations Code to prohibit the Texas Department of Licensing and Regulation, the Texas State Board of Examiners of Professional Counselors, the Department of State Health Services, and the Texas State Board of Social Worker Examiners from including the home address of a licensed dyslexia practitioner or therapist, a licensed professional counselor, a licensed chemical dependency counselor, or a person licensed under the Social Work Practice Act, respectively, in a registry, roster, or other database, as applicable, published on the applicable entity's website unless the person requests that the person's home address appear in the applicable registry, roster, or database on the website. The bill requires such requests to be made in the manner prescribed by the applicable entity and establishes that the home address of such a person that is included in the applicable registry, roster, or database is public information and is not excepted from required disclosure under state public information law.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 442 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

No equivalent provision.

SECTION 1. Section 503.207, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) The board may not include the home address of a person licensed under this chapter in a registry the board publishes on the board's Internet website unless the person requests that the person's home address appear in the registry on the website. A request made under this subsection must be made in the manner prescribed by the board.

SECTION 2. Section 504.055, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) The department may not include the home address of a person licensed by the department in a roster the department publishes on the department's Internet website unless the person requests that the person's home address appear in the roster on the website. A request made under this subsection must be made in the manner

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter B, Chapter 403, Occupations Code, is amended by adding Section 403.053 to read as follows:

Sec. 403.053. PUBLISHING LICENSE HOLDER HOME ADDRESS PROHIBITED. (a) The department may not include the home address of a person licensed under this chapter in a roster, registry, or other database the department publishes on the department's Internet website unless the person requests that the person's home address appear in the roster, registry, or other database on the website. A request under this subsection must be made in the manner prescribed by the department. (b) The home address of a person licensed under this chapter that is included in a roster, registry, or other database the department maintains is public information and is not excepted from required disclosure under Chapter 552, Government Code.

SECTION 2. Section 503.207, Occupations Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) The board may not include the home address of a person licensed under this chapter in a registry the board publishes on the board's Internet website unless the person requests that the person's home address appear in the registry on the website. A request under this subsection must be made in the manner prescribed by the board.

(d) The home address of a person licensed under this chapter that is included in the registry the board prepares under this section is public information and is not excepted from required disclosure under Chapter 552, Government Code.

SECTION 3. Section 504.055, Occupations Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) The department may not include the home address of a person licensed by the department in a roster the department publishes on the department's Internet website unless the person requests that the person's home address appear in the roster on the website. A request under this subsection must be made in the manner prescribed by

prescribed by the department.

SECTION 3. Section 505.205, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) The board may not include the home address of a person licensed under this chapter in a roster the board publishes on the board's Internet website unless the person requests that the person's home address appear in the roster on the website. A request made under this subsection must be made in the manner prescribed by the board.

SECTION 4. This Act takes effect September 1, 2017.

the department.

(f) The home address of a person licensed under this chapter that is included in a roster the department prepares under this section is public information and is not excepted from required disclosure under Chapter 552, Government Code.

SECTION 4. Section 505.205, Occupations Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) The board may not include the home address of a person licensed under this chapter in a roster the board publishes on the board's Internet website unless the person requests that the person's home address appear in the roster on the website. A request under this subsection must be made in the manner prescribed by the board.

(e) The home address of a person licensed under this chapter that is included in the roster the board prepares under this section is public information and is not excepted from required disclosure under Chapter 552, Government Code.

SECTION 5. Same as introduced version.