

BILL ANALYSIS

C.S.H.B. 4282
By: Longoria
State Affairs
Committee Report (Substituted)

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, C.S.H.B. 4282 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

C.S.H.B. 4282 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.

C.S.H.B. 4282 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.

C.S.H.B. 4282 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.

C.S.H.B. 4282 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 (BHEC) confidential and exempt from public disclosure under state public information law.

C.S.H.B. 4282 applies only to a public information request received on or after the bill's effective date.

C.S.H.B. 4282 repeals Section 552.1176(b), Government Code.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 4282 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

With respect to revisions made to 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 confidential and prohibited from public disclosure under state public information law, the substitute removes the requirement for a licensee to opt-in to receive the confidentiality protections and repeals a related provision. The introduced retained this requirement. Moreover, with respect to the information protected, the introduced expanded the information protected to include the following, whereas the substitute does not:

- a business address;
- a place of work;
- a telephone number other than a home telephone number; and
- criminal history record information obtained in connection with the issuance or renewal of a license.

Finally, the substitute includes a provision absent from the introduced establishing that the provisions prevail over another law that authorizes or requires the release of information maintained by the state to the extent of any conflict.

The introduced and the substitute both provide for the confidentiality of certain information maintained by a state licensing authority. However, whereas the introduced required a person to opt-in to receive the confidentiality protections, the substitute does not. Moreover, with respect to the information made confidential, the substitute omits a business address, place of work, and criminal history record information obtained in connection with the issuance or renewal of a license, all of which were included in the introduced.

The substitute includes provisions that were not in the introduced establishing that the bill does not prohibit the disclosure of certain information pertaining to a person licensed under applicable Human Resource Code and Health and Safety Code provisions.

The substitute includes a provision absent from the introduced establishing that the bill's provisions providing for the confidentiality of certain information maintained by a state licensing authority prevail over another law that authorizes or requires the release of information maintained by a governmental body.

The substitute includes a provision not in the introduced making the home address and telephone number of the holder of a license issued by BHEC confidential and exempt from public disclosure under state public information law.