confidential. The criminal history record information may not be released or otherwise disclosed to any person or agency except on court order or consent of the person being investigated. The county clerk may destroy the criminal history information records after the records are used for the purposes authorized by this section.

(b-1) The criminal history record information obtained under Subsection (a-4) of this section is for the exclusive use of the court or Guardianship Certification Board, as appropriate, and is privileged and confidential. The information may not be released or otherwise disclosed to any person or agency except on court order or the [or] consent of the person being investigated, or as authorized by Subsection (a-6) of this section or Section 411.1386(a-6), Government Code. The county clerk or Guardianship Certification Board may destroy the criminal history record information after the information is used for the purposes authorized by this section.

SECTION 4. The changes in law made by this Act apply to a proceeding for the appointment of a guardian that is pending or filed on or after the effective date of this Act.

SECTI0N 5. Notwithstanding Section 4 of this Act, the requirement that the Guardianship Certification Board provide criminal history record information to a county clerk on request that is imposed by Subsection (a-6), Section 411.1386, Government Code, as added by this Act, and Subsection (a-6), Section 698, Texas Probate Code, as added by this Act, applies only with respect to criminal history record information obtained by the board on or after January 1, 2009.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed the Senate on April 16, 2009: Yeas 31, Nays 0; passed the House on May 26, 2009: Yeas 144, Nays 0, one present not voting.

Approved June 19, 2009.


CHAPTER 512
S.B. No. 1058
AN ACT
relating to reporting requirements for health occupation regulatory agencies.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle A, Title 3, Occupations Code, is amended by adding Chapter 114 to read as follows:

CHAPTER 114. REPORTING REQUIREMENTS APPLICABLE TO MULTIPLE HEALTH OCCUPATION REGULATORY AGENCIES

Sec. 114.001. DEFINITIONS. In this chapter:

(1) “Health care practitioner” means an individual issued a license, certificate, registration, title, permit, or other authorization to engage in a health care profession.

(2) “Health occupation regulatory agency” means a department, commission, board, office, authority, or other agency of the state that regulates a health care practitioner under this title.

Sec. 114.002. ANNUAL REPORT TO LEGISLATURE. (a) Not later than February 1 of each year, each health occupation regulatory agency shall file a report with the chairs of the house and senate committees with primary oversight over the agency that includes the following:
(1) the number of persons regulated by the agency;
(2) the number of persons who became subject to regulation by the agency in the previous year;
(3) the number of persons regulated by the agency by county;
(4) a description of any complaints reported to the agency or a description of the complaint categories used by the agency and the number of complaints in each category;
(5) the number of complaints investigated by the agency and a description of the final resolution of the complaints;
(6) the amount of fees collected by the agency each year;
(7) the expenses of the agency; and
(8) any unfunded needs of the agency.

(b) The Health Professions Council shall adopt a standard format that must be used by health occupation regulatory agencies to report the information required under Subsection (a).

SECTION 2. Not later than January 1, 2010, the Health Professions Council shall adopt the standard reporting format required under Subsection (b), Section 114.002, Occupations Code, as added by this Act.

SECTION 3. This Act takes effect September 1, 2009.

Passed the Senate on April 16, 2009: Yeas 31, Nays 0; passed the House on May 26, 2009: Yeas 144, Nays 0, one present not voting.

Approved June 19, 2009.

Effective September 1, 2009.

CHAPTER 513

S.B. No. 1080

AN ACT

relating to compliance with federal occupational safety and health standards in environmental enforcement.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter F, Chapter 7, Water Code, is amended by adding Section 7.256 to read as follows:

Sec. 7.256. COMPLIANCE WITH FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS. If a person can establish that an act or event that otherwise would be a violation of a statute within the commission's jurisdiction or a rule adopted or an order or permit issued by the commission under such a statute was caused solely by compliance with the general duty clause of the federal Occupational Safety and Health Act of 1970 (29 U.S.C. Section 654), the act or event is not a violation of that statute, rule, order, or permit.

SECTION 2. This Act takes effect September 1, 2009.

Passed the Senate on April 9, 2009: Yeas 31, Nays 0; passed the House on May 26, 2009: Yeas 141, Nays 0, one present not voting.

Approved June 19, 2009.

Effective September 1, 2009.