

BILL ANALYSIS

Senate Research Center
SCSSB1024-GJH

C.S.S.B. 1024
By: Carona
Jurisprudence
4/3/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, investigators conducting business on behalf of the Texas Board of Podiatric Examiners (board) do not have immunity from liability. C.S.S.B. 1024 grants immunity from liability to individuals contracted by the board to conduct investigations.

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. Amends Section 202.204, Occupations Code, by amending Subsection (a) and adding Subsection (e), as follows:

- (a) Changes references from “private investigator” to “an investigator.”
- (e) Provides that an investigator whose service is obtained by the Texas Board of Podiatric Examiners (board) in an investigation under this section is immune from suit and liability for:
 - (1) holding an informal conference to determine the facts of a complaint;
 - (2) testifying at a hearing regarding the investigation;
 - (3) issuing an opinion on or making a report about a person who files a complaint under this chapter or requests the services of the board, a podiatrist, or a podiatric patient;
and
 - (4) investigating a complaint filed with the board.

SECTION 2. Amends Chapter 202K, Occupations Code, by adding Section 202.5015, as follows:

Sec. 202.5015. CERTAIN CONDUCT CONSTITUTING CHAPTER VIOLATION.
Provides that a license holder who engages in conduct described by Section 202.253 violates this chapter.

SECTION 3. Effective date: September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

Differs from original as follows:

- In SECTION 1 the substitute further amends Section 202.204, Occupations Code, to change references from “private investigator” to “an investigator” whereas the original

did not.

- In SECTION 1 the substitute changes the language in Section 202.204(e) relating to certain actions for which an investigator whose service is obtained by the board in an investigation under this section is immune from suit and liability.
- Deletes original SECTION 2 which amended the heading to Section 202.253, Occupations Code to **GROUND FOR DENIAL OF LICENSE OR FOR DETERMINATION OF VIOLATION**.
- Deletes original SECTION 3 which amended Section 202.253, Occupations Code, to make a conforming change to the new heading.
- Adds a new SECTION 2 which amends Chapter 202K, Occupations Code, by adding Section 202.5015 to provide that a license holder who engages in conduct described by Section 202.253 violates this chapter.
- Renumbers SECTION 4, the effective date, as SECTION 3.