

## **BILL ANALYSIS**

Senate Research Center  
78R10992 JMM-F

H.B. 2132  
By: Zedler (Madla)  
Administration  
5/8/2003  
Engrossed

### **DIGEST AND PURPOSE**

The 76th Texas Legislature enacted legislation to give professional independent or semi-independent licensing and regulatory boards the authority to subpoena witnesses or documents. H.B. 2132 authorizes the executive director or presiding officer of the Texas State Board of Examiners of Psychologists to issue and serve a subpoena in an investigation.

### **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 Subchapter E, Chapter 501, Occupations Code, by adding Section 501.207, as follows:

Sec. 501.207. SUBPOENAS. (a) Authorizes, in an investigation of a complaint filed with the Texas State Board of Examiners of Psychologists (TSBEP), the executive director or presiding officer of TSBEP to issue a subpoena to compel the attendance of a relevant witness or the production, for inspection or copying, of relevant evidence that is in this state.

(b) Authorizes a subpoena to be served personally or by certified mail.

(c) Authorizes TSBEP, acting through the attorney general, if a person fails to comply with a subpoena, to file suit to enforce the subpoena in a district court in Travis County or in the county in which a hearing conducted by TSBEP may be held.

(d) Requires the court, on finding that good cause exists for issuing the subpoena, to order the person to comply with the subpoena. Authorizes the court to punish a person who fails to obey the court order.

(e) Requires TSBEP to pay for photocopies subpoenaed under this section a reasonable fee in an amount not to exceed the amount TSBEP may charge for copies of its records.

(f) Provides that the reimbursement of the expenses of a witness whose attendance is compelled under this section is governed by Section 2001.103, Government Code.

(g) Authorizes information and materials subpoenaed or compiled by TSBEP in connection with the investigation of a complaint to be disclosed only as provided by Section 501.205.

SECTION 2. Makes application of Section 501.207, Occupations Code, as added by this Act, prospective.

SECTION 3. Effective date: upon passage or September 1, 2003.