

BILL ANALYSIS

Senate Research Center

S.B. 1299
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Health & Human Services
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DIGEST AND PURPOSE

In 1999, the 76th Texas Legislature granted professional independent or semi-independent licensing and regulatory boards authority to subpoena witnesses or documents in order to gather information to substantiate or disapprove alleged violations. However, the Texas State Board of Examiners of Psychologists (TSBEP) was not granted such authority under that legislation. As proposed, S.B. 1299 allows the executive director or presiding officer of TSBEP to issue and serve a subpoena and sets out the guidelines for any such action.

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

Sec. 501.207. SUBPOENAS. (a) Authorizes the executive director or presiding officer of the Texas State Board of Examiners of Psychologists (TSBEP) to issue a subpoena in an investigation of a complaint filed with TSBEP 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, 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 a reasonable fee for photocopies subpoenaed under this section 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 (Expenses of Witness or Deponent), Government Code.

SECTION 2. Makes application of this Act prospective.

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