

## **BILL ANALYSIS**

Senate Research Center

C.S.H.B. 2034  
By: England (Shapiro)  
Health & Human Services  
5/18/2007  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law requires licensure through the Council on Sex Offender Treatment for any sex offender treatment provider. H.B. 2036, 79th Legislature, Regular Session, 2005, created a protective practice for sex offender treatment providers. Protective practice means that only licensed persons can provide sex offender treatment.

C.S.H.B. 2034 clarifies and cleans up certain changes to the sex offender treatment provider licensure statute created by H.B. 2036, 79th Legislature, Regular Session, 2005.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Council on Sex Offender Treatment is modified in SECTION 3 (Section 110.158, Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 110.001, Occupations Code, by amending Subdivisions (6) and (7) and adding Subdivision (8), to redefine "sex offender" and "sex offender treatment provider" and define "sexually motivated conduct."

SECTION 2. Amends Subchapter A, Chapter 110, Occupations Code, by adding Section 110.002, as follows:

Sec. 110.002. ADJUNCT THERAPY. Provides that this chapter does not apply to a person licensed to practice in this state who provides adjunct therapy.

SECTION 3. Amends Section 110.158, Occupations Code, as follows:

Sec. 110.158. RULEMAKING. (a) Creates this subsection from existing text.

(b) Provides that a sex offender treatment provider licensed under this chapter (Council on Sex Offender Treatment) is subject to the rules of the council governing confidentiality and the release and exchange of information rather than the applicable rules of the licensing entity by which the provider is licensed or otherwise regulated. Provides that this subsection does not apply to the prescribing of a drug, remedy, or clinical supply by a physician licensed under Subtitle B (Physicians).

SECTION 4. Amends Section 110.301, Occupations Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Prohibits a person from providing sex offender treatment or acting as a sex offender treatment provider unless the person is licensed under this chapter. Deletes existing text making this section applicable to a rehabilitation service.

(c) Provides that this section does not apply to a physician whose treatment of a sex offender is limited to prescribing medication to the sex offender.

SECTION 5. Repealer: Section 110.001(5) (providing the definition for "rehabilitation service"), Occupations Code.

SECTION 6. Effective date: September 1, 2007.