

BILL ANALYSIS

C.S.S.B. 263
By: Carona
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Although revocation of a license may be required if a physician is convicted of violating certain drug laws, in many cases a physician who has been arrested or placed on deferred adjudication for child molestation may continue to practice medicine if the physician was not convicted of a felony offense. Interested parties assert that the rate at which licenses are revoked from physicians by the Texas Medical Board for sexual misconduct, including child molestation, is approximately half the rate of revocations by medical boards nationwide.

C.S.S.B. 263 seeks to amend current law relating to the revocation, suspension, or restriction of the license of a physician placed on deferred adjudication community supervision or arrested for certain offenses by requiring the Texas Medical Board to revoke a physician's license if the physician is placed on deferred adjudication for certain sexual offenses relating to children and authorizing a disciplinary panel appointed by the board's president to suspend a license for an arrest for any of such offenses until the final disposition of the case.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Medical Board in SECTION 2 of this bill.

ANALYSIS

C.S.S.B. 263 amends the Occupations Code to require the Texas Medical Board to revoke the license of a physician placed on deferred adjudication community supervision for certain offenses relating to the sexual assault of a child, aggravated sexual assault of a child, or indecency with a child.

C.S.S.B. 263 authorizes a disciplinary panel appointed by the president of the board to suspend the license of a person arrested for certain offenses relating to the sexual assault of a child, aggravated sexual assault of a child, continuous sexual abuse of a young child or children, or indecency with a child if the panel determines, before suspending a license under the bill's provisions, that the person arrested for such an offense is the same person who holds a license issued by the board. The bill establishes that a suspension of a license under its provisions remains in effect until the final disposition of the case. The bill makes certain statutory provisions relating to disciplinary panel activity regarding the temporary suspension or restriction of a license applicable to a suspension of a license for certain arrests for offenses specified under the bill's provisions. The bill requires the board to adopt rules to implement the bill's provisions, including rules regarding evidence that serves as proof of final disposition of a case.

C.S.S.B. 263 expands the list of felony convictions for which the board is prohibited from granting probation to a person whose license has been canceled, revoked, or suspended because of such a felony conviction to include a felony conviction for certain offenses relating to the sexual assault of a child, aggravated sexual assault of a child, continuous sexual abuse of a

young child or children, or indecency with a child.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.S.B. 263 differs from the original by authorizing a disciplinary panel appointed by the president of the Texas Medical Board to suspend the license of a person arrested for certain offenses relating to the sexual assault of a child, aggravated sexual assault of a child, continuous sexual abuse of a young child or children, or indecency with a child under certain circumstances, whereas the original requires such a disciplinary panel to temporarily suspend or restrict the license of such a person and makes its related provisions applicable to either a suspension or restriction.