

By: Carona
(Kolkhorst)

S.B. No. 263

Substitute the following for S.B. No. 263:

By: Schwertner

C.S.S.B. No. 263

A BILL TO BE ENTITLED

AN ACT

relating to the revocation or suspension of the license of a physician placed on deferred adjudication community supervision or arrested for certain offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 164.057, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) The board shall revoke the license of a physician placed on deferred adjudication community supervision for an offense under:

(1) Section 22.011(a)(2), Penal Code (sexual assault of a child);

(2) Section 22.021(a)(1)(B), Penal Code (aggravated sexual assault of a child); or

(3) Section 21.11, Penal Code (indecent with a child).

SECTION 2. Subchapter B, Chapter 164, Occupations Code, is amended by adding Section 164.0595 to read as follows:

Sec. 164.0595. TEMPORARY SUSPENSION OF LICENSE FOR CERTAIN ARRESTS. (a) A disciplinary panel appointed under Section 164.059 may suspend the license of a person arrested for an offense under:

(1) Section 22.011(a)(2), Penal Code (sexual assault of a child);

(2) Section 22.021(a)(1)(B), Penal Code (aggravated

1 sexual assault of a child);

2 (3) Section 21.02, Penal Code (continuous sexual abuse
3 of a young child or children); or

4 (4) Section 21.11, Penal Code (indecent with a
5 child).

6 (b) Before suspending a license under this section, the
7 disciplinary panel must determine that the person arrested for an
8 offense listed in Subsection (a) is the same person who holds a
9 license issued by the board.

10 (c) A suspension under this section remains in effect until
11 the final disposition of the case.

12 (d) Sections 164.059(c), (d), (e), (f), and (g) apply to a
13 suspension under this section.

14 (e) The board shall adopt rules to implement this section,
15 including rules regarding evidence that serves as proof of final
16 disposition of a case.

17 SECTION 3. Section 164.102(b), Occupations Code, is
18 amended to read as follows:

19 (b) Except on an express determination, based on
20 substantial evidence, that granting probation is in the best
21 interests of the public and of the person whose license has been
22 suspended, revoked, or canceled, the board may not grant probation
23 to a person whose license has been canceled, revoked, or suspended
24 because of a felony conviction under:

25 (1) Chapter 481 or 483, Health and Safety Code;

26 (2) Section 485.033, Health and Safety Code; ~~[or]~~

27 (3) the Comprehensive Drug Abuse Prevention and

1 Control Act of 1970 (21 U.S.C. Section 801 et seq.); or

2 (4) any of the following sections of the Penal Code:

3 (A) Section 22.011(a)(2) (sexual assault of a
4 child);

5 (B) Section 22.021(a)(1)(B) (aggravated sexual
6 assault of a child);

7 (C) Section 21.02 (continuous sexual abuse of a
8 young child or children); or

9 (D) Section 21.11 (indecentcy with a child).

10 SECTION 4. (a) Sections 164.057(c) and 164.0595,
11 Occupations Code, as added by this Act, and Section 164.102,
12 Occupations Code, as amended by this Act, apply only to an offense
13 committed on or after the effective date of this Act. For purposes
14 of this section, an offense is committed before the effective date
15 of this Act if any element of the offense occurs before that date.

16 (b) An offense committed before the effective date of this
17 Act is covered by the law in effect when the offense was committed,
18 and the former law is continued in effect for that purpose.

19 SECTION 5. This Act takes effect September 1, 2011.