

1-1 By: Carona S.B. No. 263  
1-2 (In the Senate - Filed December 15, 2010; January 31, 2011,  
1-3 read first time and referred to Committee on Health and Human  
1-4 Services; March 7, 2011, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 March 7, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 263 By: Zaffirini

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the revocation, suspension, or restriction of the  
1-11 license of a physician placed on deferred adjudication community  
1-12 supervision or arrested for certain offenses.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 164.057, Occupations Code, is amended by  
1-15 adding Subsection (c) to read as follows:

1-16 (c) The board shall revoke the license of a physician placed  
1-17 on deferred adjudication community supervision for an offense  
1-18 under:

1-19 (1) Section 22.011(a)(2), Penal Code (sexual assault  
1-20 of a child);

1-21 (2) Section 22.021(a)(1)(B), Penal Code (aggravated  
1-22 sexual assault of a child); or

1-23 (3) Section 21.11, Penal Code (indecent with a  
1-24 child).

1-25 SECTION 2. Subchapter B, Chapter 164, Occupations Code, is  
1-26 amended by adding Section 164.0595 to read as follows:

1-27 Sec. 164.0595. TEMPORARY SUSPENSION OR RESTRICTION OF  
1-28 LICENSE FOR CERTAIN ARRESTS. (a) A disciplinary panel appointed  
1-29 under Section 164.059 shall temporarily suspend or restrict the  
1-30 license of a person arrested for an offense under:

1-31 (1) Section 22.011(a)(2), Penal Code (sexual assault  
1-32 of a child);

1-33 (2) Section 22.021(a)(1)(B), Penal Code (aggravated  
1-34 sexual assault of a child);

1-35 (3) Section 21.02, Penal Code (continuous sexual abuse  
1-36 of a young child or children); or

1-37 (4) Section 21.11, Penal Code (indecent with a  
1-38 child).

1-39 (b) Before suspending or restricting a license under this  
1-40 section, the disciplinary panel must determine that the person  
1-41 arrested for an offense listed in Subsection (a) is the same person  
1-42 who holds a license issued by the board.

1-43 (c) A suspension or restriction under this section remains  
1-44 in effect until the final disposition of the case.

1-45 (d) Sections 164.059(c), (d), (e), (f), and (g) apply to a  
1-46 suspension or restriction under this section.

1-47 (e) The board shall adopt rules to implement this section,  
1-48 including rules regarding evidence that serves as proof of final  
1-49 disposition of a case.

1-50 SECTION 3. Subsection (b), Section 164.102, Occupations  
1-51 Code, is amended to read as follows:

1-52 (b) Except on an express determination, based on  
1-53 substantial evidence, that granting probation is in the best  
1-54 interests of the public and of the person whose license has been  
1-55 suspended, revoked, or canceled, the board may not grant probation  
1-56 to a person whose license has been canceled, revoked, or suspended  
1-57 because of a felony conviction under:

1-58 (1) Chapter 481 or 483, Health and Safety Code;

1-59 (2) Section 485.033, Health and Safety Code; ~~[or]~~

1-60 (3) the Comprehensive Drug Abuse Prevention and  
1-61 Control Act of 1970 (21 U.S.C. Section 801 et seq.); or

1-62 (4) any of the following sections of the Penal Code:

1-63 (A) Section 22.011(a)(2) (sexual assault of a

2-1 child);

2-2 (B) Section 22.021(a)(1)(B) (aggravated sexual  
2-3 assault of a child);

2-4 (C) Section 21.02 (continuous sexual abuse of a  
2-5 young child or children); or

2-6 (D) Section 21.11 (indecent with a child).

2-7 SECTION 4. (a) Subsection (c), Section 164.057, and  
2-8 Section 164.0595, Occupations Code, as added by this Act, and  
2-9 Section 164.102, Occupations Code, as amended by this Act, apply  
2-10 only to an offense committed on or after the effective date of this  
2-11 Act. For purposes of this section, an offense is committed before  
2-12 the effective date of this Act if any element of the offense occurs  
2-13 before that date.

2-14 (b) An offense committed before the effective date of this  
2-15 Act is covered by the law in effect when the offense was committed,  
2-16 and the former law is continued in effect for that purpose.

2-17 SECTION 5. This Act takes effect September 1, 2011.

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