

By: Bonnen of Galveston

H.B. No. 1899

Substitute the following for H.B. No. 1899:

By: Sheffield

C.S.H.B. No. 1899

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the revocation or denial of certain health care  
3 professional licenses and the reporting of the grounds for  
4 revocation or denial.

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

6 SECTION 1. Article 42.01, Code of Criminal Procedure, is  
7 amended by adding Section 14 to read as follows:

8 Sec. 14. In addition to the information described by  
9 Section 1, the judgment must reflect affirmative findings entered  
10 pursuant to Article 42.0175.

11 SECTION 2. Chapter 42, Code of Criminal Procedure, is  
12 amended by adding Article 42.0175 to read as follows:

13 Art. 42.0175. FINDING REGARDING CERTAIN HEALTH CARE  
14 PROFESSIONALS; NOTIFICATION. (a) In this article, "health care  
15 professional," "license," and "licensing authority" have the  
16 meanings assigned by Section 108.051, Occupations Code.

17 (b) In the trial of an offense, the judge shall make an  
18 affirmative finding of fact and enter the affirmative finding in  
19 the judgment in the case if the judge determines that at the time of  
20 the offense the defendant held a license as a health care  
21 professional and the offense is:

22 (1) an offense for which the defendant is required to  
23 register as a sex offender under Chapter 62;

24 (2) a felony offense and the defendant used force or

1 threat of force in the commission of the offense; or

2 (3) an offense under Section 22.011, 22.02, 22.021, or  
3 22.04, Penal Code, and:

4 (A) the victim of the offense was a patient of the  
5 defendant; and

6 (B) the offense was committed in the course of  
7 providing services within the scope of the defendant's license.

8 (c) Not later than the fifth day after the date the  
9 defendant is convicted or granted deferred adjudication on the  
10 basis of an offense described by Subsection (b)(1), (2), or (3), the  
11 clerk of the court in which the conviction or deferred adjudication  
12 is entered shall provide written notice of the conviction or  
13 deferred adjudication, including the offense on which the  
14 conviction or deferred adjudication was based, to:

15 (1) the licensing authority that issued the  
16 defendant's license as a health care professional; and

17 (2) the Department of Public Safety.

18 SECTION 3. Article 62.005(e), Code of Criminal Procedure,  
19 is amended to read as follows:

20 (e) The department shall provide a licensing authority with  
21 notice of any person required to register under this chapter who  
22 holds or seeks a license that is issued by the authority. The  
23 department shall provide the notice required by this subsection as  
24 the applicable licensing information becomes available through  
25 notification by a court clerk under Article 42.0175, a parole panel  
26 under Section 508.1864, Government Code, or the person's  
27 registration or verification of registration.

1 SECTION 4. Subchapter F, Chapter 508, Government Code, is  
2 amended by adding Section 508.1864 to read as follows:

3 Sec. 508.1864. NOTIFICATION TO DEPARTMENT OF PUBLIC SAFETY  
4 AND LICENSING AUTHORITY. (a) In this section, "health care  
5 professional," "license," and "licensing authority" have the  
6 meanings assigned by Section 108.051, Occupations Code.

7 (b) A parole panel that knows an inmate holds or has  
8 submitted an application for a license as a health care  
9 professional shall immediately notify the Department of Public  
10 Safety and the applicable licensing authority if the parole panel  
11 requires the inmate as a condition of release on parole or to  
12 mandatory supervision to register as a sex offender under Chapter  
13 62, Code of Criminal Procedure.

14 SECTION 5. The heading to Chapter 108, Occupations Code, is  
15 amended to read as follows:

16 CHAPTER 108. LICENSE SUSPENSION OR REVOCATION REQUIRED [~~FOR CERTAIN~~  
17 ~~DRUG FELONY CONVICTIONS~~]

18 SECTION 6. Chapter 108, Occupations Code, is amended by  
19 designating Sections 108.001 through 108.003 as Subchapter A and  
20 adding a subchapter heading to read as follows:

21 SUBCHAPTER A. SUSPENSION OR REVOCATION OF PHYSICIAN LICENSE FOR  
22 CERTAIN DRUG FELONY CONVICTIONS

23 SECTION 7. Section 108.001, Occupations Code, is amended to  
24 read as follows:

25 Sec. 108.001. DEFINITION. In this subchapter [~~chapter~~],  
26 "board" means the Texas [~~State Board of~~] Medical Board [~~Examiners~~].

27 SECTION 8. Chapter 108, Occupations Code, is amended by

1 adding Subchapter B to read as follows:

2 SUBCHAPTER B. AUTOMATIC DENIAL OR REVOCATION OF HEALTH CARE

3 PROFESSIONAL LICENSE

4 Sec. 108.051. DEFINITIONS. In this subchapter:

5 (1) "Health care professional" means:

6 (A) a dentist licensed under Subtitle D;

7 (B) a dental hygienist licensed under Chapter  
8 262;

9 (C) a hearing instrument fitter and dispenser  
10 licensed under Chapter 402;

11 (D) a nurse, including an advanced practice  
12 registered nurse, licensed under Chapter 301;

13 (E) an occupational therapist licensed under  
14 Chapter 454;

15 (F) an optometrist or therapeutic optometrist  
16 licensed under Chapter 351;

17 (G) a pharmacist licensed under Subtitle J;

18 (H) a physical therapist licensed under Chapter  
19 453;

20 (I) a physician licensed under Subtitle B;

21 (J) a physician assistant licensed under Chapter  
22 204;

23 (K) a podiatrist licensed under Chapter 202;

24 (L) a psychologist licensed under Chapter 501;

25 (M) a social worker licensed under Chapter 505;

26 and

27 (N) a speech-language pathologist or audiologist

1 licensed under Chapter 401.

2 (2) "License" means a license, certificate,  
3 registration, permit, or other authorization that:

4 (A) is issued by a licensing authority; and

5 (B) a person must obtain to practice or engage in  
6 a particular business, occupation, or profession.

7 (3) "Licensing authority" means a department,  
8 commission, board, office, or other agency of this state that  
9 issues a license.

10 Sec. 108.052. DENIAL OF LICENSE. A licensing authority  
11 shall deny an application for a license as a health care  
12 professional for an applicant who:

13 (1) is required to register as a sex offender under  
14 Chapter 62, Code of Criminal Procedure;

15 (2) has been previously convicted of or placed on  
16 deferred adjudication community supervision for the commission of a  
17 felony offense involving the use or threat of force; or

18 (3) has been previously convicted of or placed on  
19 deferred adjudication community supervision for the commission of  
20 an offense:

21 (A) under Section 22.011, 22.02, 22.021, or  
22 22.04, Penal Code, or an offense under the laws of another state or  
23 federal law that is equivalent to an offense under one of those  
24 sections;

25 (B) committed:

26 (i) when the applicant held a license as a  
27 health care professional in this state or another state; and

1                    (ii) in the course of providing services  
2 within the scope of the applicant's license; and

3                    (C) in which the victim of the offense was a  
4 patient of the applicant.

5            Sec. 108.053. REVOCATION OF LICENSE. (a) The license of a  
6 health care professional is revoked if the health care professional  
7 is:

8                    (1) convicted or placed on deferred adjudication  
9 community supervision for an offense described by Section  
10 108.052(2) or (3); or

11                    (2) required to register as a sex offender under  
12 Chapter 62, Code of Criminal Procedure.

13                    (b) The licensing authority shall revoke a license and  
14 update the authority's records to reflect the revocation under  
15 Subsection (a) immediately on receiving notification:

16                    (1) by a court under Article 42.0175, Code of Criminal  
17 Procedure, that the court made a finding under that article; or

18                    (2) by a parole panel under Section 508.1864,  
19 Government Code, that the license holder is required to register as  
20 a sex offender under Chapter 62, Code of Criminal Procedure, as a  
21 condition of release on parole or to mandatory supervision.

22            Sec. 108.054. REAPPLICATION. A person whose license  
23 application is denied under this subchapter:

24                    (1) based on a conviction or placement on deferred  
25 adjudication community supervision for an offense described by  
26 Section 108.052(2) or (3) may reapply for the license if the  
27 conviction or deferred adjudication is reversed, set aside, or

1 vacated on appeal; or

2 (2) based on a requirement to register as a sex  
3 offender under Chapter 62, Code of Criminal Procedure, may reapply  
4 for the license after the expiration of the period for which the  
5 person is required to register.

6 Sec. 108.055. REINSTATEMENT. A person whose license is  
7 revoked under this subchapter:

8 (1) based on a conviction or placement on deferred  
9 adjudication community supervision for an offense described by  
10 Section 108.052(2) or (3) may apply for reinstatement of the  
11 license with the appropriate licensing authority if the conviction  
12 or deferred adjudication is reversed, set aside, or vacated on  
13 appeal; or

14 (2) based on a requirement to register as a sex  
15 offender under Chapter 62, Code of Criminal Procedure, may apply  
16 for reinstatement of the license after the expiration of the period  
17 for which the person is required to register.

18 SECTION 9. Section 14, Article 42.01, Code of Criminal  
19 Procedure, and Article 42.0175, Code of Criminal Procedure, as  
20 added by this Act, apply only to a judgment of conviction entered on  
21 or after the effective date of this Act.

22 SECTION 10. Section 508.1864, Government Code, as added by  
23 this Act, applies only to a person who is released on parole or to  
24 mandatory supervision on or after the effective date of this Act. A  
25 person who is released on parole or to mandatory supervision before  
26 the effective date of this Act is governed by the law in effect at  
27 the time of release, and the former law is continued in effect for

1 that purpose.

2           SECTION 11. Section 108.052, Occupations Code, as added by  
3 this Act, applies only to an application for a license as a health  
4 care professional, as defined by Section 108.051, Occupations Code,  
5 as added by this Act, pending on or submitted on or after the  
6 effective date of this Act.

7           SECTION 12. This Act takes effect September 1, 2019.