

1-1 By: Bonnen of Galveston H.B. No. 1899
 1-2 (Senate Sponsor - Kolkhorst)
 1-3 (In the Senate - Received from the House May 6, 2019;
 1-4 May 8, 2019, read first time and referred to Committee on Business
 1-5 & Commerce; May 20, 2019, reported favorably by the following vote:
 1-6 Yeas 8, Nays 0; May 20, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to the revocation or denial of certain health care
 1-21 professional licenses and the reporting of the grounds for
 1-22 revocation or denial.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Article 42.01, Code of Criminal Procedure, is
 1-25 amended by adding Section 14 to read as follows:

1-26 Sec. 14. In addition to the information described by
 1-27 Section 1, the judgment must reflect affirmative findings entered
 1-28 pursuant to Article 42.0175.

1-29 SECTION 2. Chapter 42, Code of Criminal Procedure, is
 1-30 amended by adding Article 42.0175 to read as follows:

1-31 Art. 42.0175. FINDING REGARDING CERTAIN HEALTH CARE
 1-32 PROFESSIONALS; NOTIFICATION. (a) In this article, "health care
 1-33 professional," "license," and "licensing authority" have the
 1-34 meanings assigned by Section 108.051, Occupations Code.

1-35 (b) In the trial of an offense, the judge shall make an
 1-36 affirmative finding of fact and enter the affirmative finding in
 1-37 the judgment in the case if the judge determines that at the time of
 1-38 the offense the defendant held a license as a health care
 1-39 professional and the offense is:

1-40 (1) an offense for which the defendant is required to
 1-41 register as a sex offender under Chapter 62;

1-42 (2) a felony offense and the defendant used force or
 1-43 threat of force in the commission of the offense; or

1-44 (3) an offense under Section 22.011, 22.02, 22.021, or
 1-45 22.04, Penal Code, and:

1-46 (A) the victim of the offense was a patient of the
 1-47 defendant; and

1-48 (B) the offense was committed in the course of
 1-49 providing services within the scope of the defendant's license.

1-50 (c) Not later than the fifth day after the date the
 1-51 defendant is convicted or granted deferred adjudication on the
 1-52 basis of an offense described by Subsection (b)(1), (2), or (3), the
 1-53 clerk of the court in which the conviction or deferred adjudication
 1-54 is entered shall provide written notice of the conviction or
 1-55 deferred adjudication, including the offense on which the
 1-56 conviction or deferred adjudication was based, to:

1-57 (1) the licensing authority that issued the
 1-58 defendant's license as a health care professional; and

1-59 (2) the Department of Public Safety.

1-60 SECTION 3. Article 62.005(e), Code of Criminal Procedure,
 1-61 is amended to read as follows:

2-1 (e) The department shall provide a licensing authority with
2-2 notice of any person required to register under this chapter who
2-3 holds or seeks a license that is issued by the authority. The
2-4 department shall provide the notice required by this subsection as
2-5 the applicable licensing information becomes available through
2-6 notification by a court clerk under Article 42.0175, a parole panel
2-7 under Section 508.1864, Government Code, or the person's
2-8 registration or verification of registration.

2-9 SECTION 4. Subchapter F, Chapter 508, Government Code, is
2-10 amended by adding Section 508.1864 to read as follows:

2-11 Sec. 508.1864. NOTIFICATION TO DEPARTMENT OF PUBLIC SAFETY
2-12 AND LICENSING AUTHORITY. (a) In this section, "health care
2-13 professional," "license," and "licensing authority" have the
2-14 meanings assigned by Section 108.051, Occupations Code.

2-15 (b) A parole panel that knows an inmate holds or has
2-16 submitted an application for a license as a health care
2-17 professional shall immediately notify the Department of Public
2-18 Safety and the applicable licensing authority if the parole panel
2-19 requires the inmate as a condition of release on parole or to
2-20 mandatory supervision to register as a sex offender under Chapter
2-21 62, Code of Criminal Procedure.

2-22 SECTION 5. The heading to Chapter 108, Occupations Code, is
2-23 amended to read as follows:

2-24 CHAPTER 108. LICENSE SUSPENSION OR REVOCATION REQUIRED [~~FOR CERTAIN~~
2-25 ~~DRUG FELONY CONVICTIONS~~]

2-26 SECTION 6. Chapter 108, Occupations Code, is amended by
2-27 designating Sections 108.001 through 108.003 as Subchapter A and
2-28 adding a subchapter heading to read as follows:

2-29 SUBCHAPTER A. SUSPENSION OR REVOCATION OF PHYSICIAN LICENSE FOR
2-30 CERTAIN DRUG FELONY CONVICTIONS

2-31 SECTION 7. Section 108.001, Occupations Code, is amended to
2-32 read as follows:

2-33 Sec. 108.001. DEFINITION. In this subchapter [~~chapter~~],
2-34 "board" means the Texas [~~State Board of~~] Medical Board [~~Examiners~~].

2-35 SECTION 8. Chapter 108, Occupations Code, is amended by
2-36 adding Subchapter B to read as follows:

2-37 SUBCHAPTER B. AUTOMATIC DENIAL OR REVOCATION OF HEALTH CARE
2-38 PROFESSIONAL LICENSE

2-39 Sec. 108.051. DEFINITIONS. In this subchapter:

- 2-40 (1) "Health care professional" means:
- 2-41 (A) a dentist licensed under Subtitle D;
- 2-42 (B) a dental hygienist licensed under Chapter
2-43 262;
- 2-44 (C) a hearing instrument fitter and dispenser
2-45 licensed under Chapter 402;
- 2-46 (D) a nurse, including an advanced practice
2-47 registered nurse, licensed under Chapter 301;
- 2-48 (E) an occupational therapist licensed under
2-49 Chapter 454;
- 2-50 (F) an optometrist or therapeutic optometrist
2-51 licensed under Chapter 351;
- 2-52 (G) a pharmacist licensed under Subtitle J;
- 2-53 (H) a physical therapist licensed under Chapter
2-54 453;
- 2-55 (I) a physician licensed under Subtitle B;
- 2-56 (J) a physician assistant licensed under Chapter
2-57 204;
- 2-58 (K) a podiatrist licensed under Chapter 202;
- 2-59 (L) a psychologist licensed under Chapter 501;
- 2-60 (M) a social worker licensed under Chapter 505;
- 2-61 and
- 2-62 (N) a speech-language pathologist or audiologist
2-63 licensed under Chapter 401.
- 2-64 (2) "License" means a license, certificate,
2-65 registration, permit, or other authorization that:
- 2-66 (A) is issued by a licensing authority; and
- 2-67 (B) a person must obtain to practice or engage in
2-68 a particular business, occupation, or profession.
- 2-69 (3) "Licensing authority" means a department,

3-1 commission, board, office, or other agency of this state that
3-2 issues a license.

3-3 Sec. 108.052. DENIAL OF LICENSE. A licensing authority
3-4 shall deny an application for a license as a health care
3-5 professional for an applicant who:

3-6 (1) is required to register as a sex offender under
3-7 Chapter 62, Code of Criminal Procedure;

3-8 (2) has been previously convicted of or placed on
3-9 deferred adjudication community supervision for the commission of a
3-10 felony offense involving the use or threat of force; or

3-11 (3) has been previously convicted of or placed on
3-12 deferred adjudication community supervision for the commission of
3-13 an offense:

3-14 (A) under Section 22.011, 22.02, 22.021, or
3-15 22.04, Penal Code, or an offense under the laws of another state or
3-16 federal law that is equivalent to an offense under one of those
3-17 sections;

3-18 (B) committed:

3-19 (i) when the applicant held a license as a
3-20 health care professional in this state or another state; and

3-21 (ii) in the course of providing services
3-22 within the scope of the applicant's license; and

3-23 (C) in which the victim of the offense was a
3-24 patient of the applicant.

3-25 Sec. 108.053. REVOCATION OF LICENSE. (a) The license of a
3-26 health care professional is revoked if the health care professional
3-27 is:

3-28 (1) convicted or placed on deferred adjudication
3-29 community supervision for an offense described by Section
3-30 108.052(2) or (3); or

3-31 (2) required to register as a sex offender under
3-32 Chapter 62, Code of Criminal Procedure.

3-33 (b) The licensing authority shall revoke a license and
3-34 update the authority's records to reflect the revocation under
3-35 Subsection (a) immediately on receiving notification:

3-36 (1) by a court under Article 42.0175, Code of Criminal
3-37 Procedure, that the court made a finding under that article; or

3-38 (2) by a parole panel under Section 508.1864,
3-39 Government Code, that the license holder is required to register as
3-40 a sex offender under Chapter 62, Code of Criminal Procedure, as a
3-41 condition of release on parole or to mandatory supervision.

3-42 Sec. 108.054. REAPPLICATION. A person whose license
3-43 application is denied under this subchapter:

3-44 (1) based on a conviction or placement on deferred
3-45 adjudication community supervision for an offense described by
3-46 Section 108.052(2) or (3) may reapply for the license if the
3-47 conviction or deferred adjudication is reversed, set aside, or
3-48 vacated on appeal; or

3-49 (2) based on a requirement to register as a sex
3-50 offender under Chapter 62, Code of Criminal Procedure, may reapply
3-51 for the license after the expiration of the period for which the
3-52 person is required to register.

3-53 Sec. 108.055. REINSTATEMENT. A person whose license is
3-54 revoked under this subchapter:

3-55 (1) based on a conviction or placement on deferred
3-56 adjudication community supervision for an offense described by
3-57 Section 108.052(2) or (3) may apply for reinstatement of the
3-58 license with the appropriate licensing authority if the conviction
3-59 or deferred adjudication is reversed, set aside, or vacated on
3-60 appeal; or

3-61 (2) based on a requirement to register as a sex
3-62 offender under Chapter 62, Code of Criminal Procedure, may apply
3-63 for reinstatement of the license after the expiration of the period
3-64 for which the person is required to register.

3-65 SECTION 9. Section 14, Article 42.01, Code of Criminal
3-66 Procedure, and Article 42.0175, Code of Criminal Procedure, as
3-67 added by this Act, apply only to a judgment of conviction entered on
3-68 or after the effective date of this Act.

3-69 SECTION 10. Section 508.1864, Government Code, as added by

4-1 this Act, applies only to a person who is released on parole or to
4-2 mandatory supervision on or after the effective date of this Act. A
4-3 person who is released on parole or to mandatory supervision before
4-4 the effective date of this Act is governed by the law in effect at
4-5 the time of release, and the former law is continued in effect for
4-6 that purpose.

4-7 SECTION 11. Section 108.052, Occupations Code, as added by
4-8 this Act, applies only to an application for a license as a health
4-9 care professional, as defined by Section 108.051, Occupations Code,
4-10 as added by this Act, pending on or submitted on or after the
4-11 effective date of this Act.

4-12 SECTION 12. This Act takes effect September 1, 2019.

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