

1-1 By: Hancock S.B. No. 1531  
 1-2 (In the Senate - Filed March 5, 2019; March 14, 2019, read  
 1-3 first time and referred to Committee on Business & Commerce;  
 1-4 April 2, 2019, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 7, Nays 0; April 2, 2019,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Hancock	X			
1-9 Nichols	X			
1-10 Campbell	X			
1-11 Creighton	X			
1-12 Menéndez			X	
1-13 Paxton	X			
1-14 Schwertner	X			
1-15 Whitmire	X			
1-16 Zaffirini			X	

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1531 By: Hancock

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the eligibility for certain occupational licenses and  
 1-22 the use of a person's criminal history as grounds for certain  
 1-23 actions related to the license.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 202.253(a-1), Occupations Code, is  
 1-26 amended to read as follows:

1-27 (a-1) The commission or department may refuse to admit a  
 1-28 person to an examination, and may refuse to issue a license to  
 1-29 practice podiatry to a person, for:

1-30 (1) presenting a license, certificate, or diploma that  
 1-31 was illegally or fraudulently obtained or engaging in fraud or  
 1-32 deception in passing the examination;

1-33 (2) being convicted of [~~+~~  
 1-34 [~~(A) a felony;~~  
 1-35 [~~(B) a crime that involves moral turpitude; or~~  
 1-36 [~~(C)~~] an offense under Section 202.606;

1-37 (3) engaging in habits of intemperance or drug  
 1-38 addiction that in the department's opinion would endanger the  
 1-39 health, well-being, or welfare of patients;

1-40 (4) engaging in grossly unprofessional or  
 1-41 dishonorable conduct of a character that in the department's  
 1-42 opinion is likely to deceive or defraud the public;

1-43 (5) directly or indirectly violating or attempting to  
 1-44 violate this chapter or a rule adopted under this chapter as a  
 1-45 principal, accessory, or accomplice;

1-46 (6) using any advertising statement of a character  
 1-47 tending to mislead or deceive the public;

1-48 (7) advertising professional superiority or the  
 1-49 performance of professional service in a superior manner;

1-50 (8) purchasing, selling, bartering, or using or  
 1-51 offering to purchase, sell, barter, or use a podiatry degree,  
 1-52 license, certificate, diploma, or a transcript of a license,  
 1-53 certificate, or diploma, in or incident to an application for a  
 1-54 license to practice podiatry;

1-55 (9) altering, with fraudulent intent, a podiatry  
 1-56 license, certificate, diploma, or a transcript of a podiatry  
 1-57 license, certificate, or diploma;

1-58 (10) using a podiatry license, certificate, or  
 1-59 diploma, or a transcript of a podiatry license, certificate, or  
 1-60 diploma, that has been fraudulently purchased, issued,

2-1 counterfeited, or materially altered;

2-2 (11) impersonating, or acting as proxy for, another

2-3 person in a podiatry license examination;

2-4 (12) impersonating a license holder, or permitting

2-5 another person to use the license holder's license to practice

2-6 podiatry in this state, to treat or offer to treat, by any method,

2-7 conditions and ailments of human feet;

2-8 (13) directly or indirectly employing a person whose

2-9 license to practice podiatry has been suspended or associating in

2-10 the practice of podiatry with a person whose license to practice

2-11 podiatry has been suspended or who has been convicted of the

2-12 unlawful practice of podiatry in this state or elsewhere;

2-13 (14) wilfully making in the application for a license

2-14 to practice podiatry a material misrepresentation or material

2-15 untrue statement;

2-16 (15) being unable to practice podiatry with reasonable

2-17 skill and safety to a patient because of age, illness, drunkenness,

2-18 or excessive use of drugs, narcotics, chemicals, or other

2-19 substances or as a result of a mental or physical condition;

2-20 (16) failing to practice podiatry in an acceptable

2-21 manner consistent with public health and welfare;

2-22 (17) being removed, suspended, or disciplined in

2-23 another manner by the podiatrist's peers in a professional podiatry

2-24 association or society, whether local, regional, state, or national

2-25 in scope, or being disciplined by a licensed hospital or the medical

2-26 staff of a hospital, including removal, suspension, limitation of

2-27 hospital privileges, or other disciplinary action, if the

2-28 commission or department determines that the action was:

2-29 (A) based on unprofessional conduct or

2-30 professional incompetence likely to harm the public; and

2-31 (B) appropriate and reasonably supported by

2-32 evidence submitted to the association, society, hospital, or

2-33 medical staff; or

2-34 (18) having repeated or recurring meritorious health

2-35 care liability claims filed against the podiatrist that in

2-36 the commission's or department's opinion are evidence of

2-37 professional incompetence likely to injure the public.

2-38 SECTION 2. Section 203.404(a), Occupations Code, is amended

2-39 to read as follows:

2-40 (a) The commission or executive director may discipline a

2-41 licensed midwife, refuse to renew a midwife's license, or refuse to

2-42 issue a license to an applicant if the person:

2-43 (1) violates this chapter or a rule adopted under this

2-44 chapter;

2-45 (2) submits false or misleading information to the

2-46 department;

2-47 (3) ~~[is convicted of a misdemeanor involving moral~~

2-48 ~~turpitude or a felony,~~

2-49 ~~[(4)]~~ uses alcohol or drugs intemperately;

2-50 (4) ~~[(5)]~~ engages in unprofessional or dishonorable

2-51 conduct that may reasonably be determined to deceive or defraud the

2-52 public;

2-53 (5) ~~[(6)]~~ is unable to practice midwifery with

2-54 reasonable skill and safety because of illness, disability, or

2-55 psychological impairment;

2-56 (6) ~~[(7)]~~ is determined by a court judgment to be

2-57 mentally impaired;

2-58 (7) ~~[(8)]~~ submits a birth or death certificate known

2-59 by the person to be false or fraudulent or engages in another act

2-60 that violates Title 3, Health and Safety Code, or a rule adopted

2-61 under that title;

2-62 (8) ~~[(9)]~~ violates Chapter 244, Health and Safety

2-63 Code, or a rule adopted under that chapter; or

2-64 (9) ~~[(10)]~~ fails to practice midwifery in a manner

2-65 consistent with the public health and safety.

2-66 SECTION 3. Section 802.107, Occupations Code, is amended by

2-67 amending Subsections (a) and (b) and adding Subsection (b-1) to

2-68 read as follows:

2-69 (a) The department shall deny issuance of a license to, or

3-1 refuse to renew the license of, a person if the person or a  
3-2 controlling person of the dog or cat breeder has pled guilty or nolo  
3-3 contendere to, been convicted of, or received deferred adjudication  
3-4 for animal cruelty or neglect in this state or any other  
3-5 jurisdiction in the five years preceding the person's initial or  
3-6 renewal application for a license.

3-7 (b) Subject to Subsection (b-1), the [The department shall  
3-8 revoke a] license of a licensed breeder is revoked by operation of  
3-9 law if, after the license is issued, the licensed breeder [person]  
3-10 or a controlling person of the licensed [dog or cat] breeder pleads  
3-11 guilty or nolo contendere to, is convicted of, or receives deferred  
3-12 adjudication for animal cruelty or neglect in this state or any  
3-13 other jurisdiction.

3-14 (b-1) Before a license is revoked under Subsection (b), the  
3-15 department must issue a notice of the revocation under the grounds  
3-16 prescribed by that subsection to the licensed breeder stating that  
3-17 the licensed breeder or the licensed breeder's representative may,  
3-18 not later than the 20th day after the date the licensed breeder  
3-19 receives the notice, submit to the department proof that the  
3-20 licensed breeder or controlling person of the licensed breeder, as  
3-21 applicable, did not plead guilty or nolo contendere to, was not  
3-22 convicted of, or did not receive deferred adjudication for animal  
3-23 cruelty or neglect in this state or any other jurisdiction as  
3-24 described by Subsection (b).

3-25 SECTION 4. Section 1305.152(a), Occupations Code, is  
3-26 amended to read as follows:

3-27 (a) An applicant for a license under this chapter must:

3-28 (1) submit to the department a completed application  
3-29 on a form prescribed by the executive director;

3-30 (2) submit to the department any other information  
3-31 required by executive director rule;

3-32 (3) demonstrate to the satisfaction of the executive  
3-33 director the appropriate amount of electrical work experience as  
3-34 required by this subchapter; and

3-35 (4) ~~[demonstrate the applicant's honesty,~~  
3-36 ~~trustworthiness, and integrity; and~~

3-37 ~~[(5)] pay the application and examination fees.~~

3-38 SECTION 5. Section 1802.052(a), Occupations Code, is  
3-39 amended to read as follows:

3-40 (a) An individual is eligible for an auctioneer's license if  
3-41 the individual:

3-42 (1) is at least 18 years of age;

3-43 (2) is a citizen of the United States or a legal alien;

3-44 (3) either:

3-45 (A) passes a written or oral examination  
3-46 demonstrating knowledge of the auction business and of the laws of  
3-47 this state relating to the auction business; or

3-48 (B) shows proof of employment by a licensed  
3-49 auctioneer for at least two years and participation in at least 10  
3-50 auctions during that employment;

3-51 (4) holds a high school diploma or a high school  
3-52 equivalency certificate; and

3-53 (5) ~~[has not been convicted of a felony during the five~~  
3-54 ~~years preceding the date of application; and~~

3-55 ~~[(6)] has completed at least 80 hours of classroom~~  
3-56 ~~instruction at an auction school with a curriculum approved by the~~  
3-57 ~~department in accordance with the standards and procedures~~  
3-58 ~~established by rule adopted under this chapter.~~

3-59 SECTION 6. Section 203.404(a), Occupations Code, as amended  
3-60 by this Act, applies only to a disciplinary action taken on or after  
3-61 the effective date of this Act. A disciplinary action taken before  
3-62 the effective date of this Act is governed by the law in effect on  
3-63 the date the action was taken, and the former law is continued in  
3-64 effect for that purpose.

3-65 SECTION 7. Section 802.107(b), Occupations Code, as amended  
3-66 by this Act, applies only to an offense committed on or after the  
3-67 effective date of this Act. An offense committed before the  
3-68 effective date of this Act is governed by the law in effect on the  
3-69 date the offense was committed, and the former law is continued in

4-1 effect for that purpose. For purposes of this section, an offense  
4-2 was committed before the effective date of this Act if any element  
4-3 of the offense occurred before that date.

4-4 SECTION 8. Sections 1305.152 and 1802.052, Occupations  
4-5 Code, as amended by this Act, apply only to an application for a  
4-6 license submitted on or after the effective date of this Act. An  
4-7 application submitted before the effective date of this Act is  
4-8 governed by the law in effect on the date the application was  
4-9 submitted, and the former law is continued in effect for that  
4-10 purpose.

4-11 SECTION 9. This Act takes effect September 1, 2019.

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