

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 10, 2019

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1899 by Bonnen, Greg (Relating to the revocation or denial of certain health care professional licenses and the reporting of the grounds for revocation or denial.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would require a judge to make a finding of fact if at the time of offense the defendant held a license as a health care professional and committed certain offenses in which the victim was a patient of the defendant and the offense was committed in the course of providing services within the scope of the defendant's license. Not later than the fifth day after the defendant is convicted or granted deferred adjudication, the court would be required to provide notice of the conviction to the licensing authority that issued the defendant's license as a health care professional and the Department of Public Safety (DPS).

The bill would require a licensing authority to revoke a license or deny a license application to anyone who committed certain offenses in which the victim was a patient and the offense was committed in the course of providing services within the scope of the defendant's license.

The Office of Court Administration anticipates that the workload associated with new reporting requirement on clerks could be absorbed with existing resources. The Texas Medical Board (TMB) does not anticipate significant fiscal impact from the provisions of the bill. TMB estimates there could be some decreased workload due to not having to file certain formal complaints at the State Office of Administrative Hearings based on the bill's provisions, but this would not be a significant decrease. The Optometry Board, Board of Pharmacy, Health Professions Council, Board of Chiropractic Examiners, and the Executive Council of Physical Therapy & Occupational Therapy Examiners also did not anticipate a significant fiscal impact from the provisions of the bill.

According to DPS, implementing provisions of this bill would require changes to the Fingerprint-based Applicant Clearinghouse of Texas (FACT) notification process to notify agencies of dispositions from Texas courts so that the licensing agencies not enrolled in the FBI Rap Back Program can receive a notification for Texas convictions and deferred adjudications. DPS indicates that the bill would increase the number of background checks the agency would need to perform. DPS would charge each applicant for a background check to offset associated costs. It is assumed that DPS can absorb these functions within existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 364 Health Professions Council, 405 Department of Public Safety, 503 Texas Medical Board, 508 Board of Chiropractic Examiners, 514 Optometry Board, 515 Board of Pharmacy, 533 Executive Council of Physical Therapy & Occupational Therapy Examiners, 537 State Health Services, Department of, 697 Board of Pardons and Paroles

LBB Staff: WP, CLo, AKi, JQ, BRi