

## **BILL ANALYSIS**

C.S.H.B. 1095  
By: Hernandez  
Licensing & Administrative Procedures  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerns have been raised regarding the current requirements relating to criminal background checks applicable to applicants for and holders of a license related to massage therapy. C.S.H.B. 1095 seeks to strengthen such requirements by providing for a more comprehensive criminal background check for those applicants and license holders.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1095 amends the Occupations Code to revise provisions relating to criminal background checks applicable to an applicant for a license related to massage therapy. The bill requires the Texas Department of Licensing and Regulation (TDLR) to require an applicant for such a license to submit a complete and legible set of fingerprints, on a form prescribed by TDLR, to TDLR or to the Department of Public Safety (DPS) for the purpose of obtaining criminal history record information from DPS and the FBI. The bill prohibits TDLR from issuing a license to a person who does not comply with that requirement and requires TDLR to conduct a criminal history record information check of each license applicant using certain information. The bill authorizes TDLR to enter into an agreement with DPS to administer a criminal history record information check required by the bill and to authorize DPS to collect from each applicant the costs incurred by DPS in conducting the check. If the applicant is an entity, the applicant must submit fingerprints for each individual holding a specified ownership or investment interest in the entity or who is a member of the board of directors or other governing body of the entity or serves as an elected officer of the entity or a general manager of the entity.

C.S.H.B. 1095 requires a license holder renewing a license relating to massage therapy to submit a complete and legible set of fingerprints for purposes of performing a criminal history record information check of the license holder as provided by the bill's license issuance provisions. The bill authorizes TDLR to administratively suspend or refuse to renew the license of a person who does not comply with that requirement and exempts from that requirement a license holder who has previously submitted fingerprints for the initial issuance of the license or as part of a prior license renewal.

C.S.H.B. 1095 requires TDLR, not later than September 1, 2021, to obtain criminal history record information on each person who, on the bill's effective date, holds a license related to massage therapy and did not undergo a criminal history record information check based on the

license holder's fingerprints on initial application for the license. The bill authorizes TDLR to suspend the license of a license holder who does not provide the required criminal history information.

C.S.H.B. 1095 repeals Section 455.160(h), Occupations Code.

**EFFECTIVE DATE**

September 1, 2019.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1095 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a requirement for an applicant who is an entity to submit fingerprints for certain individuals holding an ownership or investment interest in the entity or who is a member of the board of directors or other governing body of the entity or serves as an elected officer of the entity or a general manager of the entity.

The substitute provides a deadline by which TDLR is required to obtain criminal history record information on each person who, on the bill's effective date, holds a license and did not undergo a criminal history record information check based on the license holder's fingerprints on initial application for the license. The substitute includes an authorization for TDLR to suspend the license of a license holder who does not provide that information.