

SUBJECT: Frequency of criminal history checks for health care professionals

COMMITTEE: Public Safety — committee substitute recommended

VOTE: 7 ayes — Oakley, Driver, Keffer, Madden, McClendon, Olivo, E. Reyna
0 nays
2 absent — Carter, Keel

SENATE VOTE: On final passage, Local and Uncontested Calendar, April 17 — 31-0

WITNESSES: None

BACKGROUND : The Texas state boards of medical examiners, podiatric medical examiners, dental examiners, pharmacy, and medical veterinary examiners are required to submit monthly lists of all persons licensed through the agencies to the Department of Public Safety (DPS) for criminal history checks. DPS reports back to the licensing agency the names of persons found to have a record of conviction, except for deferred adjudications during a period of community supervision (probation). DPS charges \$1 for each criminal history check.

DIGEST: CSSB 964 would reduce the requirements for submitting names of licensees to DPS for criminal history checks from once a month to at least once a year but not more than four times a year. DPS could establish schedules for agencies to voluntarily provide their lists so as to help balance the DPS workload. DPS could not charge more than its actual costs for performing criminal history checks.

The bill would take effect September 1, 1997.

SUPPORTERS SAY: CSSB 964 would restructure reporting requirements on medical licensing boards so that they would serve the purpose for which they were intended. Each board now required to submit monthly information to DPS can have as many as 30,000 licensees, meaning they can incur a monthly cost of \$30,000 to run criminal history checks on the same people time and time again. These expenses obviously cannot be sustained on the small budgets provided to most boards. As a matter of fact, the majority of the boards are

simply not complying with the criminal history checks because of the prohibitive cost. This bill would replace this onerous, impractical, and unobserved requirement by providing for quarterly to annual criminal history checks at a reasonable cost of about \$300 to \$500 per board.

More frequent checks are not necessary. Very few licensees come up with a conviction — doctors, pharmacists, dentists and veterinarians do not have a high crime rate. The bill would provide adequate protection for the public because it would ensure that criminal history checks would be performed at least annually, giving adequate time to weed out any offenders.

**OPPONENTS
SAY:**

Even though very few convictions of health care professionals may turn up, those that do are worth the effort of more frequent criminal history checks. This safeguard is necessary because many of these licensees can prescribe drugs and care for sick and vulnerable people.

NOTES:

The committee substitute changed the frequency requirements for submitting lists for criminal history checks from at least yearly to at least annually but not more than quarterly. The substitute also added two sections, one allowing DPS to establish a schedule for providing lists and the other prohibiting DPS from charging more than actual direct costs.

An identical bill, HB 2406 by Hochberg, was placed on the General State Calendar but was not considered by the House.