

## **BILL ANALYSIS**

Senate Research Center  
86R20269 JCG-D

H.B. 1899  
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Business & Commerce  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 1899 amends current law relating to the revocation or denial of certain health care professional licenses and the reporting of the grounds for revocation or denial.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 42.01, Code of Criminal Procedure, by adding Section 14 to require the judgment, in addition to the information described by Section 1 (relating to judgments and requiring a judgment for a sentence to reflect certain information), to reflect affirmative findings entered pursuant to Article 42.0175.

SECTION 2. Amends Chapter 42, Code of Criminal Procedure, by adding Article 42.0175, as follows:

Art. 42.0175. FINDING REGARDING CERTAIN HEALTH CARE PROFESSIONALS; NOTIFICATION. (a) Defines "health care professional," "license," and "licensing authority" for purposes of this article.

(b) Requires the judge, in the trial of an offense, to make an affirmative finding of fact and enter the affirmative finding in the judgment in the case if the judge determines that at the time of the offense the defendant held a license as a health care professional and the offense meets certain criteria.

(c) Requires the clerk of the court in which the conviction or deferred adjudication is entered, not later than the fifth day after the date the defendant is convicted or granted deferred adjudication on the basis of a certain offense, to provide written notice of the conviction or deferred adjudication, including the offense on which the conviction or deferred adjudication was based, to certain entities.

SECTION 3. Amends Article 62.005(e), Code of Criminal Procedure, to require the Department of Public Safety of the State of Texas (DPS) to provide the notice required by this subsection as the applicable licensing information becomes available through notification by a court clerk under Article 42.0175, a parole panel under Section 508.1864, Government Code, or the person's registration or verification of registration, rather than through the person's registration or verification of registration.

SECTION 4. Amends Subchapter F, Chapter 508, Government Code, by adding Section 508.1864, as follows:

Sec. 508.1864. NOTIFICATION TO DEPARTMENT OF PUBLIC SAFETY AND LICENSING AUTHORITY. (a) Defines "health care professional," "license," and "licensing authority" for purposes of this section.

(b) Requires a parole panel that knows an inmate holds or has submitted an application for a license as a health care professional to immediately notify DPS and the applicable licensing authority if the parole panel requires the inmate as a condition of release on parole or to mandatory supervision to register as a sex offender under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure.

SECTION 5. Amends the heading to Chapter 108, Occupations Code, to read as follows:

#### CHAPTER 108. LICENSE SUSPENSION OR REVOCATION REQUIRED

SECTION 6. Designates Sections 108.001–108.003, Chapter 108, Occupations Code, as Subchapter A, Chapter 108, Occupations Code, and adds a subchapter heading to read as follows:

##### SUBCHAPTER A. SUSPENSION OR REVOCATION OF PHYSICIAN LICENSE FOR CERTAIN DRUG FELONY CONVICTIONS

SECTION 7. Amends Section 108.001, Occupations Code, to make conforming changes and replace a reference to the Texas State Board of Medical Examiners with a reference to the Texas Medical Board.

SECTION 8. Amends Chapter 108, Occupations Code, by adding Subchapter B, as follows:

##### SUBCHAPTER B. AUTOMATIC DENIAL OR REVOCATION OF HEALTH CARE PROFESSIONAL LICENSE

Sec. 108.051. DEFINITIONS. Defines "health care professional," "license," and "licensing authority" for purposes of this subchapter.

Sec. 108.052. DENIAL OF LICENSE. Requires a licensing authority to deny an application for a license as a health care professional for an applicant who meets certain criteria.

Sec. 108.053. REVOCATION OF LICENSE. (a) Provides that the license of a health care professional is revoked if the health care professional is convicted of certain offenses.

(b) Requires the licensing authority to revoke a license and update the authority's records to reflect the revocation under Subsection (a) immediately on receiving notification:

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

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

Sec. 108.054. REAPPLICATION. Authorizes a person whose license application is denied under this subchapter:

(1) based on a conviction or placement on deferred adjudication community supervision for a certain offense to reapply for the license if the conviction or deferred adjudication is reversed, set aside, or vacated on appeal; or

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

Sec. 108.055. REINSTATEMENT. Authorizes a person whose license is revoked under this subchapter:

(1) based on a conviction or placement on deferred adjudication community supervision for a certain offense to apply for reinstatement of the license with the appropriate licensing authority if the conviction or deferred adjudication is reversed, set aside, or vacated on appeal; or

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

SECTION 9. Makes application of Section 14, Article 42.01, Code of Criminal Procedure, and Article 42.0175, Code of Criminal Procedure, as added by this Act, prospective.

SECTION 10. Makes application of Section 508.1864, Government Code, as added by this Act, prospective.

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

SECTION 12. Effective date: September 1, 2019.