

BILL ANALYSIS

C.S.H.B. 1899
By: Bonnen, Greg
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the prevalence of licensed health care professionals using their privilege and position of authority to commit crimes against vulnerable patients. It has been suggested that one way to prevent these horrific crimes is to make individuals who have committed certain crimes, including registered sex offenders, ineligible for health care professional licenses and to implement a standard procedure for notification of appropriate agencies. C.S.H.B. 1899 seeks to address this issue by providing for such ineligibility and notification.

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. 1899 amends the Occupations Code to require an applicable licensing authority to deny an application for a health care professional license for an applicant who:

- is required to register as a sex offender;
- has been previously convicted of or placed on deferred adjudication community supervision for the commission of a felony offense involving the use or threat of force; or
- has been previously convicted of or placed on deferred adjudication community supervision for the commission of sexual assault, aggravated assault, aggravated sexual assault, or injury to a child, elderly individual, or disabled individual, or an equivalent offense under the laws of another state or federal law, in which the victim of the offense was a patient of the applicant and that was committed:
 - when the applicant held a health care professional license in Texas or another state; and
 - in the course of providing services within the scope of the applicant's license.

C.S.H.B. 1899 establishes that a health care professional license is revoked if the health care professional is:

- convicted or placed on deferred adjudication community supervision for an applicable felony offense or assaultive offense for which an application is required to be denied under the bill's provisions; or
- required to register as a sex offender.

The bill requires an applicable licensing authority to revoke the license and update the authority's records to reflect the revocation immediately on receiving notification by a court that the court made an applicable finding under the bill's provisions or notification by a parole panel that the license holder is required to register as a sex offender as a condition of release on parole or to mandatory supervision.

C.S.H.B. 1899 authorizes a person whose license application is denied or whose license is revoked based on a conviction or placement on deferred adjudication community supervision for an applicable felony offense or assaultive offense to reapply for the license or apply for reinstatement of the license, as applicable, if the conviction or deferred adjudication is reversed, set aside, or vacated on appeal. The bill authorizes a person whose license application is denied or whose license is revoked based on a requirement to register as a sex offender to reapply for the license or apply for reinstatement of the license, as applicable, after the expiration of the period for which the person is required to register.

C.S.H.B. 1899 amends the Government Code to require a parole panel that knows an inmate holds or has submitted an application for a health care professional license to immediately notify the Department of Public Safety (DPS) and the applicable licensing authority if the panel requires the inmate as a condition of release on parole or to mandatory supervision to register as a sex offender.

C.S.H.B. 1899 amends the Code of Criminal Procedure to require a 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 health care professional license and the offense is an offense that qualifies the defendant for revocation of such a license. The bill requires the clerk of the court in which the conviction or deferred adjudication is entered to provide timely written notice of that matter to the applicable licensing authority and to DPS. The bill requires DPS to provide a licensing authority with notice of any person required to register as a sex offender as the applicable licensing information becomes available through applicable notification by a county clerk or a parole panel.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1899 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 does not include provisions establishing that a person whose license application is denied or whose license is revoked:

- is not entitled to a hearing on the denial or revocation;
- may not be granted a hearing by the licensing authority;
- may not appeal the denial or revocation to the licensing authority; and
- is not entitled to judicial review of the denial or revocation and may not file an action in a court requesting judicial review.

The substitute revises the conditions that trigger the denial or revocation of a license with respect to sex offender registration and includes an authorization for a person whose license application was denied or whose license was revoked based on a requirement to register as a sex offender to reapply for the license or apply for reinstatement of the license, as applicable, after the expiration of the period for which the person is required to register.