

AN ACT

relating to the revocation, suspension, or restriction of the license of a physician placed on deferred adjudication community supervision or arrested for certain offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 164.057, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) The board shall revoke the license of a physician placed on deferred adjudication community supervision for an offense under:

(1) Section 22.011(a)(2), Penal Code (sexual assault of a child);

(2) Section 22.021(a)(1)(B), Penal Code (aggravated sexual assault of a child); or

(3) Section 21.11, Penal Code (indecent with a child).

SECTION 2. Subchapter B, Chapter 164, Occupations Code, is amended by adding Section 164.0595 to read as follows:

Sec. 164.0595. TEMPORARY SUSPENSION OR RESTRICTION OF LICENSE FOR CERTAIN ARRESTS. (a) A disciplinary panel appointed under Section 164.059 may suspend or restrict the license of a person arrested for an offense under:

(1) Section 22.011(a)(2), Penal Code (sexual assault of a child);

1           (2) Section 22.021(a)(1)(B), Penal Code (aggravated  
2 sexual assault of a child);

3           (3) Section 21.02, Penal Code (continuous sexual abuse  
4 of a young child or children); or

5           (4) Section 21.11, Penal Code (indecenty with a  
6 child).

7           (b) Before suspending or restricting a license under this  
8 section, the disciplinary panel must determine that the person  
9 arrested for an offense listed in Subsection (a) is the same person  
10 who holds a license issued by the board.

11           (c) A suspension or restriction under this section remains  
12 in effect until the final disposition of the case.

13           (d) Sections 164.059(c), (d), (e), (f), and (g) apply to a  
14 suspension or restriction under this section.

15           (e) The board shall adopt rules to implement this section,  
16 including rules regarding evidence that serves as proof of final  
17 disposition of a case.

18           SECTION 3. Subsection (b), Section 164.102, Occupations  
19 Code, is amended to read as follows:

20           (b) Except on an express determination, based on  
21 substantial evidence, that granting probation is in the best  
22 interests of the public and of the person whose license has been  
23 suspended, revoked, or canceled, the board may not grant probation  
24 to a person whose license has been canceled, revoked, or suspended  
25 because of a felony conviction under:

26           (1) Chapter 481 or 483, Health and Safety Code;

27           (2) Section 485.033, Health and Safety Code; [~~or~~]

1 (3) the Comprehensive Drug Abuse Prevention and  
2 Control Act of 1970 (21 U.S.C. Section 801 et seq.); or

3 (4) any of the following sections of the Penal Code:

4 (A) Section 22.011(a)(2) (sexual assault of a  
5 child);

6 (B) Section 22.021(a)(1)(B) (aggravated sexual  
7 assault of a child);

8 (C) Section 21.02 (continuous sexual abuse of a  
9 young child or children); or

10 (D) Section 21.11 (indecenty with a child).

11 SECTION 4. (a) Subsection (c), Section 164.057, and  
12 Section 164.0595, Occupations Code, as added by this Act, and  
13 Section 164.102, Occupations Code, as amended by this Act, apply  
14 only to an offense committed on or after the effective date of this  
15 Act. For purposes of this section, an offense is committed before  
16 the effective date of this Act if any element of the offense occurs  
17 before that date.

18 (b) An offense committed before the effective date of this  
19 Act is covered by the law in effect when the offense was committed,  
20 and the former law is continued in effect for that purpose.

21 SECTION 5. This Act takes effect September 1, 2011.

David Dewhurst  
President of the Senate

Joe Straus  
Speaker of the House

I hereby certify that S.B. No. 263 passed the Senate on March 17, 2011, by the following vote: Yeas 31, Nays 0; May 23, 2011, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 24, 2011, House granted request of the Senate; May 28, 2011, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Patsy Spaw  
Secretary of the Senate

I hereby certify that S.B. No. 263 passed the House, with amendments, on May 20, 2011, by the following vote: Yeas 149, Nays 0, one present not voting; May 24, 2011, House granted request of the Senate for appointment of Conference Committee; May 27, 2011, House adopted Conference Committee Report by the following vote: Yeas 141, Nays 0, two present not voting.

Robert Haney  
Chief Clerk of the House

Approved:

17 JUN '11  
Date

RICK PERRY  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4:20 P.M. O'CLOCK

JUN 17 2011  
Boyer  
Secretary of State