

OCCUPATIONS CODE

TITLE 3. HEALTH PROFESSIONS

SUBTITLE A. PROVISIONS APPLYING TO HEALTH PROFESSIONS GENERALLY

CHAPTER 108. LICENSE SUSPENSION OR REVOCATION REQUIRED

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

Sec. 108.001. DEFINITION. In this subchapter, "board" means the Texas Medical Board.

Added by Acts 2003, 78th Leg., ch. 1276, Sec. 14.003(a), eff. Sept. 1, 2003.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 789 (H.B. 1899), Sec. 7, eff. September 1, 2019.

Sec. 108.002. LICENSE SUSPENSION ON CONVICTION; REVOCATION. (a) The board shall suspend a license issued by the board if it is determined at an administrative hearing that the license holder has been convicted of a felony under Chapter 481 or 483, Health and Safety Code, or Section 485.032 of that code.

(b) A hearing under Subsection (a) shall be conducted under Chapter 2001, Government Code.

(c) The board shall revoke the license of a person whose license is suspended under Subsection (a) on the person's final conviction.

Added by Acts 2003, 78th Leg., ch. 1276, Sec. 14.003(a), eff. Sept. 1, 2003.

Sec. 108.003. LICENSE REINSTATEMENT OR REISSUANCE. (a) The board may not reinstate or reissue a license suspended or revoked under Section 108.002 unless an express determination is made that the reinstatement or reissuance of the license is in the best interests of the public and the person whose license was suspended or revoked.

(b) The board must base its determination under Subsection (a) on substantial evidence contained in an investigative report.

Added by Acts 2003, 78th Leg., ch. 1276, Sec. 14.003(a), eff. Sept. 1, 2003.

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

Sec. 108.051. DEFINITIONS. In this subchapter:

- (1) "Health care professional" means:
  - (A) a dentist licensed under Subtitle D;
  - (B) a dental hygienist licensed under Chapter 262;
  - (C) a hearing instrument fitter and dispenser licensed under Chapter 402;
  - (D) a nurse, including an advanced practice registered nurse, licensed under Chapter 301;
  - (E) an occupational therapist licensed under Chapter 454;
  - (F) an optometrist or therapeutic optometrist licensed under Chapter 351;
  - (G) a pharmacist licensed under Subtitle J;
  - (H) a physical therapist licensed under Chapter 453;
  - (I) a physician licensed under Subtitle B;
  - (J) a physician assistant licensed under Chapter 204;
  - (K) a podiatrist licensed under Chapter 202;
  - (L) a psychologist licensed under Chapter 501;
  - (M) a social worker licensed under Chapter 505;and
  - (N) a speech-language pathologist or audiologist licensed under Chapter 401.
- (2) "License" means a license, certificate, registration, permit, or other authorization that:
  - (A) is issued by a licensing authority; and
  - (B) a person must obtain to practice or engage in a particular business, occupation, or profession.
- (3) "Licensing authority" means a department,

commission, board, office, or other agency of this state that issues a license.

Added by Acts 2019, 86th Leg., R.S., Ch. 789 (H.B. 1899), Sec. 8, eff. September 1, 2019.

Sec. 108.052. DENIAL OF LICENSE. A licensing authority shall deny an application for a license as a health care professional for an applicant who:

(1) is required to register as a sex offender under Chapter 62, Code of Criminal Procedure;

(2) 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

(3) has been previously convicted of or placed on deferred adjudication community supervision for the commission of an offense:

(A) under Section 22.011, 22.02, 22.021, or 22.04, Penal Code, or an offense under the laws of another state or federal law that is equivalent to an offense under one of those sections;

(B) committed:

(i) when the applicant held a license as a health care professional in this state or another state; and

(ii) in the course of providing services within the scope of the applicant's license; and

(C) in which the victim of the offense was a patient of the applicant.

Added by Acts 2019, 86th Leg., R.S., Ch. 789 (H.B. 1899), Sec. 8, eff. September 1, 2019.

Sec. 108.053. REVOCATION OF LICENSE. (a) The license of a health care professional is revoked if the health care professional is:

(1) convicted or placed on deferred adjudication community supervision for an offense described by Section 108.052(2) or (3); or

(2) required to register as a sex offender under

Chapter 62, Code of Criminal Procedure.

(b) The licensing authority shall 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.

Added by Acts 2019, 86th Leg., R.S., Ch. 789 (H.B. 1899), Sec. 8, eff. September 1, 2019.

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

(1) based on a conviction or placement on deferred adjudication community supervision for an offense described by Section 108.052(2) or (3) may 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, may reapply for the license after the expiration of the period for which the person is required to register.

Added by Acts 2019, 86th Leg., R.S., Ch. 789 (H.B. 1899), Sec. 8, eff. September 1, 2019.

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

(1) based on a conviction or placement on deferred adjudication community supervision for an offense described by Section 108.052(2) or (3) may 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, may apply

for reinstatement of the license after the expiration of the period for which the person is required to register.

Added by Acts 2019, 86th Leg., R.S., Ch. 789 (H.B. [1899](#)), Sec. 8, eff. September 1, 2019.