

BILL ANALYSIS

C.S.H.B. 2975
By: Hunter
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that the incidence of tick-borne diseases, such as Lyme disease, in Texas is increasing at a steady rate. Those parties further contend that many medical practitioners are unfamiliar with symptoms and treatment options for such diseases. C.S.H.B. 2975 seeks to provide patients in Texas with adequate treatment for tick-borne diseases by establishing provisions relating to continuing education in tick-borne diseases for licensed physicians and nurses.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Medical Board in SECTIONS 2, 4, and 5 of this bill and to the Texas Board of Nursing in SECTIONS 3,4, and 6 of this bill.

ANALYSIS

C.S.H.B. 2975 amends the Occupations Code to encourage a physician licensed under the Medical Practice Act who submits an application for renewal of a license to practice medicine and whose practice includes the treatment of tick-borne diseases to include continuing medical education in the treatment of tick-borne diseases among the hours of continuing medical education completed for purposes of rules adopted under provisions of law relating to continuing medical education hours required to be approved by the Texas Medical Board. The bill requires the board, not later than January 31, 2012, to adopt rules to establish the content of and approval requirements for continuing medical education relating to the treatment of tick-borne diseases. The bill requires the board, in adopting rules, to review relevant courses, including courses that have been approved in other states. The bill requires such rules to provide for the identification and approval of accredited continuing medical education courses that represent an appropriate spectrum of relevant medical clinical treatment relating to tick-borne diseases. The bill requires the board to consider, if relevant, a physician's participation in an approved continuing medical education course if the physician is being investigated by the board regarding the physician's selection of clinical care for the treatment of tick-borne diseases and the physician completed the course not more than two years before the start of the investigation. The bill authorizes the board to adopt other rules to implement the bill's provisions relating to continuing education in tick-borne diseases.

C.S.H.B. 2975 requires a licensed nurse whose practice includes the treatment of tick-borne diseases to be encouraged to participate, during each two-year licensing period, in continuing education relating to the treatment of tick-borne diseases as part of the continuing education requirements for continuing competency. The bill requires the Texas Board of Nursing, not later than January 31, 2012, to adopt rules to identify the license holders who are encouraged to complete such continuing education and establish the content of that continuing education. The bill requires the board, in adopting rules, to review relevant courses, including courses that have been approved in other states. The bill requires such rules to provide for the identification and approval of accredited continuing education courses that represent an appropriate spectrum of

relevant medical clinical treatment relating to tick-borne diseases. The bill requires the board, if relevant, to consider the license holder's participation in an approved continuing education course if the license holder is being investigated by the board regarding the license holder's selection of clinical care for the treatment of tick-borne diseases and the license holder completed the course not more than two years before the start of the investigation. The bill authorizes the board to adopt other rules to implement its provisions, including rules under statutory provisions relating to the establishment of a system for the approval of education programs and providers for continuing competency.

C.S.H.B. 2975 requires the Texas Medical Board and the Texas Board of Nursing to consult and cooperate in adopting the rules required under the bill's provisions. The bill requires the Texas Medical Board and the Texas Board of Nursing, not later than February 6, 2012, to report to the governor, the lieutenant governor, and the speaker of the house of representatives concerning the adoption of rules under the bill's provisions.

C.S.H.B. 2975 establishes legislative findings relating to tick-borne diseases and specifies the legislature's intent to address the need for medical and nursing education on tick-borne diseases through the continuing medical education requirements for physicians and nurses.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2975 contains provisions not included in the original establishing legislative findings and intent relating to tick-borne diseases and medical and nursing education on the appropriate care and treatment of tick-borne diseases.

C.S.H.B. 2975 omits provisions included in the original prohibiting the Texas Medical Board and the Texas Board of Nursing from investigating or disciplining a physician or nurse, as applicable, based solely on the physician's or nurse's treatment of a patient's tick-borne disease if the physician or nurse has personally performed, in good faith, a medical examination of the patient; informed the patient in writing of the patient's treatment options and the known risks of each option; and obtained informed written consent for the treatment option chosen by the patient. The substitute omits provisions included in the original prohibiting the bill's provisions from being construed as prohibiting the Texas Medical Board or the Texas Board of Nursing from investigating certain complaints or disciplining a physician or nurse who engages in certain activity. The substitute omits a saving provision included in the original.

C.S.H.B. 2975 contains a provision not included in the original encouraging a licensed physician whose practice includes the treatment of tick-borne diseases to participate in continuing education relating to the treatment of tick-borne diseases as part of required continuing education. The substitute contains a provision not included in the original requiring the Texas Medical Board, not later than January 31, 2012, to adopt rules to establish the content of and approval requirements for continuing medical education relating to the treatment of tick-borne diseases. The substitute contains a provision not included in the original requiring the Texas Medical Board to consider, if relevant, the physician's recent participation in a tick-borne diseases continuing education course in an investigation of a physician's selection of clinical care. The substitute contains a provision not included in the original authorizing the Texas Medical Board to adopt other rules to implement the bill's provisions.

C.S.H.B. 2975 contains a provision not included in the original requiring a licensed nurse whose practice includes the treatment of tick-borne diseases to be encouraged to participate in continuing education relating to the treatment of tick-borne diseases as part of required continuing education. The substitute contains a provision not included in the original requiring

the Texas Board of Nursing, not later than January 31, 2012, to adopt rules to identify the license holders required to be encouraged to complete such continuing education and to establish the content of that continuing education. The substitute contains a provision not included in the original requiring the Texas Board of Nursing to consider, if relevant, the license holder's recent participation in a tick-borne diseases continuing education course in an investigation of the license holder's selection of clinical care. The substitute contains a provision not included in the original authorizing the Texas Board of Nursing to adopt other rules to implement its provisions, including rules under statutory provisions relating to the establishment of a system for the approval of education programs and providers for continuing competency.

C.S.H.B. 2975 contains provisions not included in the original requiring the Texas Medical Board and the Texas Board of Nursing, in adopting rules, to review relevant courses, including courses that have been approved in other states. The substitute contains provisions not included in the original requiring rules adopted by the Texas Medical Board and the Texas Board of Nursing to provide for the identification and approval of accredited continuing education courses that represent an appropriate spectrum of relevant medical clinical treatment relating to tick-borne diseases.

C.S.H.B. 2975 contains a provision not included in the original requiring the Texas Medical Board and the Texas Board of Nursing to consult and cooperate in adopting the rules required under the bill's provisions. The substitute contains a provision not included in the original requiring the Texas Medical Board and the Texas Board of Nursing, not later than February 6, 2012, to report to the governor, the lieutenant governor, and the speaker of the house of representatives concerning the adoption of rules under the bill's provisions. The substitute differs from the original in nonsubstantive ways.