

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1360
By: Harris, Hinojosa
Health & Human Services
5/3/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.S.B. 1360 amends current law relating to continuing education for physicians and nurses regarding the treatment of tick-borne diseases.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Medical Board in SECTION 2 (Section 156.059, Occupations Code) of this bill.

Rulemaking authority is expressly granted to the Texas Board of Nursing in SECTION 3 (Section 301.304, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Provides that the legislature finds that tick-borne diseases are an important public health issue in Texas. Provides that the legislature further finds that medical and nursing education on the appropriate care and treatment of tick-borne diseases is essential to the delivery of necessary health care to individuals in Texas suffering from tick-borne diseases. Provides that it is the intent of the legislature to address the need for medical and nursing education on tick-borne diseases through the continuing medical education requirements for physicians and nurses.

SECTION 2. Amends Subchapter B, Chapter 156, Occupations Code, by adding Section 156.059, as follows:

Sec. 156.059. CONTINUING EDUCATION IN TICK-BORNE DISEASES. (a) Provides that a physician licensed under this subtitle who submits an application for renewal of a license to practice medicine and whose practice also includes the treatment of tick-borne diseases is encouraged 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 Section 156.051(a)(2) (relating to requiring the Texas Medical Board (TMB) by rule to adopt, monitor, and enforce a reporting program for the continuing medical education of license holders).

(b) Requires the TMB to adopt rules to establish the content of and approval requirements for continuing medical education relating to the treatment of tick-borne diseases. Requires TMB, in adopting rules, to review relevant courses, including courses that have been approved in other states. Requires that rules adopted under this section 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.

(c) Requires TMB, if relevant, to consider a physician's participation in a continuing medical education course approved under Subsection (b) if the physician is being investigated by TMB 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.

(d) Authorizes TMB to adopt other rules to implement this section.

SECTION 3. Amends Subchapter G, Chapter 301, Occupations Code, by adding Section 301.304, as follows:

Sec. 301.304. CONTINUING EDUCATION IN TICK-BORNE DISEASES. (a) Requires a license holder whose practice includes the treatment of tick-borne diseases, as part of a the continuing education requirements under Section 301.303 (Continuing Competency), to be encouraged to participate, during each two-year licensing period, in continuing education relating to the treatment of tick-borne diseases.

(b) Requires the Texas Board of Nursing (BON) to adopt rules to identify the license holders who are encouraged to complete continuing education under Subsection (a) and establish the content of that continuing education. Requires BON, in adopting rules, to review relevant courses, including courses that have been approved in other states. Requires that rules adopted under this section 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) Requires BON, if relevant, to consider a license holder's participation in a continuing education course approved under Subsection (b) if the license-holder is being investigated by BON regarding the physician'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.

(d) Authorizes BON to adopt other rules to implement this section, including rules under Section 301.303(c) (relating to requiring BON by rule, if BON requires participation in continuing education programs as a condition of license renewal, to establish a system for the approval of programs and providers of continuing education) for the approval of education programs and providers.

SECTION 4. Requires TMB and BON to consult and cooperate in adopting the rules required under Sections 156.059 and 301.304, Occupations Code, as added by this Act.

SECTION 5. Requires TMB, not later than January 31, 2012, to adopt rules required by Section 156.059, Occupations Code, as added by this Act.

SECTION 6. Requires BON, not later than January 31, 2012, to adopt rules required by Section 301.304, Occupations Code, as added by this Act.

SECTION 7. Requires TMB and BON, 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 as required by Sections 156.059 and 301.304, Occupations Code, as added by this Act.

SECTION 8. Makes application of Sections 156.059(c) and 301.304(c), Occupations Code, prospective.

SECTION 9. Effective date: September 1, 2011.