

1-1 By: Hunter, et al. (Senate Sponsor - Harris) H.B. No. 2975
1-2 (In the Senate - Received from the House May 13, 2011;
1-3 May 13, 2011, read first time and referred to Committee on Health
1-4 and Human Services; May 20, 2011, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 7,
1-6 Nays 0; May 20, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2975 By: Huffman

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to continuing education for physicians and nurses
1-11 regarding the treatment of tick-borne diseases.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. The legislature finds that tick-borne diseases
1-14 are an important public health issue in Texas. The legislature
1-15 further finds that medical and nursing education on the appropriate
1-16 care and treatment of tick-borne diseases is essential to the
1-17 delivery of necessary health care to individuals in Texas suffering
1-18 from tick-borne diseases. It is the intent of the legislature to
1-19 address the need for medical and nursing education on tick-borne
1-20 diseases through the continuing medical education requirements for
1-21 physicians and nurses.

1-22 SECTION 2. Subchapter B, Chapter 156, Occupations Code, is
1-23 amended by adding Section 156.059 to read as follows:

1-24 Sec. 156.059. CONTINUING EDUCATION IN TICK-BORNE DISEASES.

1-25 (a) A physician licensed under this subtitle who submits an
1-26 application for renewal of a license to practice medicine and whose
1-27 practice includes the treatment of tick-borne diseases is
1-28 encouraged to include continuing medical education in the treatment
1-29 of tick-borne diseases among the hours of continuing medical
1-30 education completed for purposes of rules adopted under Section
1-31 156.051(a)(2).

1-32 (b) The board shall adopt rules to establish the content of
1-33 and approval requirements for continuing medical education
1-34 relating to the treatment of tick-borne diseases. In adopting
1-35 rules, the board shall seek input from affected parties and review
1-36 relevant courses, including courses that have been approved in
1-37 other states. Rules adopted under this section must provide for the
1-38 identification and approval of accredited continuing medical
1-39 education courses that represent an appropriate spectrum of
1-40 relevant medical clinical treatment relating to tick-borne
1-41 diseases.

1-42 (c) If relevant, the board shall consider a physician's
1-43 participation in a continuing medical education course approved
1-44 under Subsection (b) if:

1-45 (1) the physician is being investigated by the board
1-46 regarding the physician's selection of clinical care for the
1-47 treatment of tick-borne diseases; and

1-48 (2) the physician completed the course not more than
1-49 two years before the start of the investigation.

1-50 (d) The board may adopt other rules to implement this
1-51 section.

1-52 SECTION 3. Subchapter G, Chapter 301, Occupations Code, is
1-53 amended by adding Section 301.304 to read as follows:

1-54 Sec. 301.304. CONTINUING EDUCATION IN TICK-BORNE DISEASES.

1-55 (a) As part of the continuing education requirements under Section
1-56 301.303, a license holder whose practice includes the treatment of
1-57 tick-borne diseases shall be encouraged to participate, during each
1-58 two-year licensing period, in continuing education relating to the
1-59 treatment of tick-borne diseases.

1-60 (b) The board shall adopt rules to identify the license
1-61 holders who are encouraged to complete continuing education under
1-62 Subsection (a) and establish the content of that continuing
1-63 education. In adopting rules, the board shall seek input from

affected parties and review relevant courses, including courses that have been approved in other states. Rules adopted under this section must provide that continuing education courses representing an appropriate spectrum of relevant medical clinical treatment relating to tick-borne diseases qualify as approved continuing education courses for license renewal.

(c) If relevant, the board shall consider a license holder's participation in a continuing education course approved under Subsection (b) if:

(1) 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

(2) the license holder completed the course not more than two years before the start of the investigation.

(d) The board may adopt other rules to implement this section, including rules under Section 301.303(c) for the approval of education programs and providers.

SECTION 4. The Texas Medical Board and the Texas Board of Nursing shall consult and cooperate in adopting the rules required under Sections 156.059 and 301.304, Occupations Code, as added by this Act.

SECTION 5. Not later than January 31, 2012, the Texas Medical Board shall adopt rules required by Section 156.059, Occupations Code, as added by this Act.

SECTION 6. Not later than January 31, 2012, the Texas Board of Nursing shall adopt rules required by Section 301.304, Occupations Code, as added by this Act.

SECTION 7. Not later than February 6, 2012, the Texas Medical Board and the Texas Board of Nursing shall 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. Subsection (c), Section 156.059, and Subsection (c), Section 301.304, Occupations Code, as added by this Act, apply only to the investigation of a complaint or a disciplinary action based on a complaint filed on or after the effective date of this Act. The investigation of a complaint or a disciplinary action based on a complaint filed before that date is governed by the law in effect on the date the complaint was filed, and that law is continued in effect for that purpose.

SECTION 9. This Act takes effect September 1, 2011.

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