

1-1 By: Harris, Hinojosa S.B. No. 1360
1-2 (In the Senate - Filed March 9, 2011; March 22, 2011, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 May 6, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; May 6, 2011, sent
1-6 to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1360 By: Rodriguez

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 review relevant courses, including courses
1-36 that have been approved in other states. Rules adopted under this
1-37 section must provide for the identification and approval of
1-38 accredited continuing medical education courses that represent an
1-39 appropriate spectrum of relevant medical clinical treatment
1-40 relating to tick-borne diseases.

1-41 (c) If relevant, the board shall consider a physician's
1-42 participation in a continuing medical education course approved
1-43 under Subsection (b) if:

1-44 (1) the physician is being investigated by the board
1-45 regarding the physician's selection of clinical care for the
1-46 treatment of tick-borne diseases; and

1-47 (2) the physician completed the course not more than
1-48 two years before the start of the investigation.

1-49 (d) The board may adopt other rules to implement this
1-50 section.

1-51 SECTION 3. Subchapter G, Chapter 301, Occupations Code, is
1-52 amended by adding Section 301.304 to read as follows:

1-53 Sec. 301.304. CONTINUING EDUCATION IN TICK-BORNE DISEASES.

1-54 (a) As part of the continuing education requirements under Section
1-55 301.303, a license holder whose practice includes the treatment of
1-56 tick-borne diseases shall be encouraged to participate, during each
1-57 two-year licensing period, in continuing education relating to the
1-58 treatment of tick-borne diseases.

1-59 (b) The board shall adopt rules to identify the license
1-60 holders who are encouraged to complete continuing education under
1-61 Subsection (a) and establish the content of that continuing
1-62 education. In adopting rules, the board shall review relevant
1-63 courses, including courses that have been approved in other states.

2-1 Rules adopted under this section must provide for the
2-2 identification and approval of accredited continuing education
2-3 courses that represent an appropriate spectrum of relevant medical
2-4 clinical treatment relating to tick-borne diseases.

2-5 (c) If relevant, the board shall consider a license holder's
2-6 participation in a continuing education course approved under
2-7 Subsection (b) if:

2-8 (1) the license holder is being investigated by the
2-9 board regarding the license holder's selection of clinical care for
2-10 the treatment of tick-borne diseases; and

2-11 (2) the license holder completed the course not more
2-12 than two years before the start of the investigation.

2-13 (d) The board may adopt other rules to implement this
2-14 section, including rules under Section 301.303(c) for the approval
2-15 of education programs and providers.

2-16 SECTION 4. The Texas Medical Board and the Texas Board of
2-17 Nursing shall consult and cooperate in adopting the rules required
2-18 under Sections 156.059 and 301.304, Occupations Code, as added by
2-19 this Act.

2-20 SECTION 5. Not later than January 31, 2012, the Texas
2-21 Medical Board shall adopt rules required by Section 156.059,
2-22 Occupations Code, as added by this Act.

2-23 SECTION 6. Not later than January 31, 2012, the Texas Board
2-24 of Nursing shall adopt rules required by Section 301.304,
2-25 Occupations Code, as added by this Act.

2-26 SECTION 7. Not later than February 6, 2012, the Texas
2-27 Medical Board and the Texas Board of Nursing shall report to the
2-28 governor, the lieutenant governor, and the speaker of the house of
2-29 representatives concerning the adoption of rules as required by
2-30 Sections 156.059 and 301.304, Occupations Code, as added by this
2-31 Act.

2-32 SECTION 8. Subsection (c), Section 156.059, and Subsection
2-33 (c), Section 301.304, Occupations Code, as added by this Act, apply
2-34 only to the investigation of a complaint or a disciplinary action
2-35 based on a complaint filed on or after the effective date of this
2-36 Act. The investigation of a complaint or a disciplinary action
2-37 based on a complaint filed before that date is governed by the law
2-38 in effect on the date the complaint was filed, and that law is
2-39 continued in effect for that purpose.

2-40 SECTION 9. This Act takes effect September 1, 2011.

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