

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Hunter, Naishtat, Parker, Brown, et al.

H.B. No. 2975

## A BILL TO BE ENTITLED

### AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The legislature finds that tick-borne diseases are an important public health issue in Texas. 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. 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. Subchapter B, Chapter 156, Occupations Code, is amended by adding Section 156.059 to read as follows:

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

(a) A physician licensed under this subtitle who submits an application for renewal of a license to practice medicine and whose practice 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).

(b) The board shall adopt rules to establish the content of

and approval requirements for continuing medical education relating to the treatment of tick-borne diseases. In adopting rules, the board shall review relevant courses, including courses that have been approved in other states. Rules adopted under this section must 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) If relevant, the board shall consider a physician's participation in a continuing medical education course approved under Subsection (b) if:

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

(2) the physician 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.

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

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

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

(b) The board shall adopt rules to identify the license

1 holders who are encouraged to complete continuing education under  
2 Subsection (a) and establish the content of that continuing  
3 education. In adopting rules, the board shall review relevant  
4 courses, including courses that have been approved in other states.  
5 Rules adopted under this section must provide for the  
6 identification and approval of accredited continuing education  
7 courses that represent an appropriate spectrum of relevant medical  
8 clinical treatment relating to tick-borne diseases.

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

12 (1) the license holder is being investigated by the  
13 board regarding the license holder's selection of clinical care for  
14 the treatment of tick-borne diseases; and

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

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

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

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

27 SECTION 6. Not later than January 31, 2012, the Texas Board

1 of Nursing shall adopt rules required by Section 301.304,  
2 Occupations Code, as added by this Act.

3       SECTION 7. Not later than February 6, 2012, the Texas  
4 Medical Board and the Texas Board of Nursing shall report to the  
5 governor, the lieutenant governor, and the speaker of the house of  
6 representatives concerning the adoption of rules as required by  
7 Sections 156.059 and 301.304, Occupations Code, as added by this  
8 Act.

9       SECTION 8. Sections 156.059(c) and 301.304(c), Occupations  
10 Code, as added by this Act, apply only to the investigation of a  
11 complaint or a disciplinary action based on a complaint filed on or  
12 after the effective date of this Act. The investigation of a  
13 complaint or a disciplinary action based on a complaint filed  
14 before that date is governed by the law in effect on the date the  
15 complaint was filed, and that law is continued in effect for that  
16 purpose.

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

# ADOPTED

MAY 25 2011

*Atty. Gen.*  
Secretary of the Senate

By: HUNTER

H.B. No. 2975

Substitute the following for H.B. No. 2975:

By: Gauthuffman

C.S. ~~H~~.B. No. 2975

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SECTION 1. The legislature finds that tick-borne diseases are an important public health issue in Texas. 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. 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. Subchapter B, Chapter 156, Occupations Code, is amended by adding Section 156.059 to read as follows:

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

(a) A physician licensed under this subtitle who submits an application for renewal of a license to practice medicine and whose practice 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).

(b) The board shall adopt rules to establish the content of

1 and approval requirements for continuing medical education  
2 relating to the treatment of tick-borne diseases. In adopting  
3 rules, the board shall seek input from affected parties and review  
4 relevant courses, including courses that have been approved in  
5 other states. Rules adopted under this section must provide for the  
6 identification and approval of accredited continuing medical  
7 education courses that represent an appropriate spectrum of  
8 relevant medical clinical treatment relating to tick-borne  
9 diseases.

10 (c) If relevant, the board shall consider a physician's  
11 participation in a continuing medical education course approved  
12 under Subsection (b) if:

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

16 (2) the physician completed the course not more than  
17 two years before the start of the investigation.

18 (d) The board may adopt other rules to implement this  
19 section.

20 SECTION 3. Subchapter G, Chapter 301, Occupations Code, is  
21 amended by adding Section 301.304 to read as follows:

22 Sec. 301.304. CONTINUING EDUCATION IN TICK-BORNE DISEASES.

23 (a) As part of the continuing education requirements under Section  
24 301.303, a license holder whose practice includes the treatment of  
25 tick-borne diseases shall be encouraged to participate, during each  
26 two-year licensing period, in continuing education relating to the  
27 treatment of tick-borne diseases.

1       (b) The board shall adopt rules to identify the license  
2 holders who are encouraged to complete continuing education under  
3 Subsection (a) and establish the content of that continuing  
4 education. In adopting rules, the board shall seek input from  
5 affected parties and review relevant courses, including courses  
6 that have been approved in other states. Rules adopted under this  
7 section must provide that continuing education courses  
8 representing an appropriate spectrum of relevant medical clinical  
9 treatment relating to tick-borne diseases qualify as approved  
10 continuing education courses for license renewal.

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

14               (1) the license holder is being investigated by the  
15 board regarding the license holder's selection of clinical care for  
16 the treatment of tick-borne diseases; and

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

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

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

26       SECTION 5. Not later than January 31, 2012, the Texas  
27 Medical Board shall adopt rules required by Section 156.059,

1 Occupations Code, as added by this Act.

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

5       SECTION 7. Not later than February 6, 2012, the Texas  
6 Medical Board and the Texas Board of Nursing shall report to the  
7 governor, the lieutenant governor, and the speaker of the house of  
8 representatives concerning the adoption of rules as required by  
9 Sections 156.059 and 301.304, Occupations Code, as added by this  
10 Act.

11       SECTION 8. Subsection (c), Section 156.059, and Subsection  
12 (c), Section 301.304, Occupations Code, as added by this Act, apply  
13 only to the investigation of a complaint or a disciplinary action  
14 based on a complaint filed on or after the effective date of this  
15 Act. The investigation of a complaint or a disciplinary action  
16 based on a complaint filed before that date is governed by the law  
17 in effect on the date the complaint was filed, and that law is  
18 continued in effect for that purpose.

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



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 26, 2011**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB2975** by Hunter (Relating to continuing education for physicians and nurses regarding the treatment of tick-borne diseases.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Occupations Code relating to continuing education for physicians and nurses regarding the treatment of tick-borne diseases. Based on the analysis of the Texas Medical Board and the Texas Board of Nursing, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 503 Texas Medical Board, 507 Texas Board of Nursing

**LBB Staff:** JOB, KK, CL, NV

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 20, 2011**

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB2975** by Hunter (Relating to continuing education for physicians and nurses regarding the treatment of tick-borne diseases.), **Committee Report 2nd House, Substituted**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Occupations Code relating to continuing education for physicians and nurses regarding the treatment of tick-borne diseases. Based on the analysis of the Texas Medical Board and the Texas Board of Nursing, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 503 Texas Medical Board, 507 Texas Board of Nursing

**LBB Staff:** JOB, CL, NV

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 18, 2011**

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB2975** by Hunter (Relating to continuing education for physicians and nurses regarding the treatment of tick-borne diseases.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Occupations Code relating to continuing education for physicians and nurses regarding the treatment of tick-borne diseases. Based on the analysis of the Texas Medical Board and the Texas Board of Nursing, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 503 Texas Medical Board, 507 Texas Board of Nursing

**LBB Staff:** JOB, CL, NV

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 2, 2011**

**TO:** Honorable Lois W. Kolkhorst, Chair, House Committee on Public Health

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB2975** by Hunter (Relating to continuing education for physicians and nurses regarding the treatment of tick-borne diseases.), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend the Occupations Code relating to continuing education for physicians and nurses regarding the treatment of tick-borne diseases. Based on the analysis of the Texas Medical Board and the Texas Board of Nursing, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 503 Texas Medical Board, 507 Texas Board of Nursing

**LBB Staff:** JOB, CL, NV

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 26, 2011**

**TO:** Honorable Lois W. Kolkhorst, Chair, House Committee on Public Health

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB2975** by Hunter (Relating to the treatment of tick-borne diseases.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Occupations Code relating to the treatment of tick-borne diseases. Based on the analysis of the Texas Medical Board and the Texas Board of Nursing, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 503 Texas Medical Board, 507 Texas Board of Nursing

**LBB Staff:** JOB, CL, NV