

BILL ANALYSIS

C.S.H.B. 2454
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are concerns that health care professionals should be more informed regarding pain management and opioid abuse. C.S.H.B. 2454 seeks to address this issue by requiring certain health care professionals to complete continuing medical education on this topic.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Medical Board in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 2454 amends the Occupations Code to require a licensed physician who submits an application for renewal of a license that designates a direct patient care practice, without regard to whether the practice includes treating patients for pain, to complete not less than two hours of continuing medical education regarding safe and effective pain management related to the prescription of opioids and other controlled substances, including education regarding:

- the reasonable standard of care;
- the identification of drug-seeking behavior in patients; and
- effectively communicating with patients regarding the prescription of an opioid or other controlled substance.

The bill requires a physician to complete the continuing medical education hours in each of the first two renewal periods following the issuance of the physician's initial registration permit, with two of those hours to be completed not later than the first anniversary of the date of issuance. The bill requires a physician, after such period, to complete not less than two hours of the continuing medical education every eight years. The bill authorizes the continuing education to be completed in any Texas Medical Board (TMB)-approved continuing medical education activity, including medical ethics or professional responsibility education. The bill prohibits the required continuing medical education hours from being used to satisfy any education required by TMB rule for certified pain clinic personnel. The bill requires the TMB to adopt rules to implement the bill's continuing education requirements. The bill adds a temporary provision set to expire January 1, 2026, requiring a physician who on January 1, 2021, holds a license to practice medicine to complete not less than two hours of the continuing medical education in each of the two renewal periods occurring after that date.

C.S.H.B. 2454 requires the TMB, the Texas Board of Nursing, and the Texas Physician Assistant Board to jointly develop a process to ensure that each advanced practice registered nurse or

physician assistant who has entered into a prescriptive authority agreement authorizing the prescribing of opioids is required to annually complete not less than two hours of the continuing medical education. The bill requires the State Board of Dental Examiners (SBDE) to require a licensed dentist whose practice includes direct patient care to annually complete not less than two hours of SBDE-approved continuing education related to the prescription of opioids and other controlled substances that includes the same components as the continuing medical education approved by the TMB.

C.S.H.B. 2454 applies only to an application for renewal of a registration permit or license submitted on or after January 1, 2021.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2454 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute revises the content of the continuing medical education regarding safe and effective pain management related to the prescription of opioids and other controlled substances.

The substitute includes provisions setting out the frequency with which a physician and a dentist are required to complete the continuing medical education and provisions relating to the minimum hours required for a physician.

The substitute includes an authorization for the continuing medical education to be completed in any TMB-approved continuing medical education activity.

The substitute includes a prohibition against the continuing medical education being used to satisfy any education for certified pain clinic personnel required by TMB rule.

The substitute includes a requirement for the TMB to adopt rules to implement the continuing medical education requirement for a physician.

The substitute changes the frequency with which each applicable advanced practice registered nurse or physician assistant is required to complete the continuing medical education.

The substitute changes the date the bill's provisions apply to an application for renewal of a registration permit or license.