

BILL ANALYSIS

C.S.H.B. 2758
By: Smith
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that the current requirement for physicians to satisfy continuing education requirements regarding human trafficking education by completing a training course approved by the Health and Human Services Commission limits physicians' freedom to choose other accredited courses that meet the requirements of the Texas Medical Board (TMB). Interested parties note that the TMB is better equipped to provide oversight of physicians with respect to completion of these human trafficking-related educational requirements. C.S.H.B. 2758 seeks to allow the TMB to approve training courses that satisfy human trafficking education training requirements, which should make the process simpler for tracking completion and align it with other mandated training requirements for maintaining licensure.

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. 2758 amends the Occupations Code to replace the requirement for a state-licensed physician who submits an application for renewal of a registration permit and who designates a direct patient care practice to complete a human trafficking prevention course approved by the executive commissioner of the Health and Human Services Commission (HHSC) as part of the hours of their continuing medical education with a requirement for such a physician to complete at least one hour of continuing medical education regarding the identification and assistance of victims of human trafficking. The bill provides for the transition to the new training requirement by setting out a provision that expires September 1, 2023, allowing such a physician to satisfy the training requirement by completing at least one hour of a course on human trafficking prevention approved by the executive commissioner.

C.S.H.B. 2758 requires the Texas Medical Board (TMB) to do the following:

- adopt rules to establish the content of and approval requirements for continuing medical education relating to the identification and assistance of trafficked persons, which must provide for the identification and approval of accredited continuing medical education courses that represent an appropriate spectrum of relevant information relating to the identification and assistance of trafficked persons;
- in adopting those rules, seek input from affected parties and review relevant courses, including courses approved in other states; and

- designate the hours of continuing medical education as medical ethics or professional responsibility education, which may be counted toward the hours needed to comply with continuing medical education requirements.

C.S.H.B. 2758 requires a physician subject to the continuing education training requirement to complete at least one hour of continuing education in the first renewal period following the issuance of their initial registration permit. After that period, a physician must complete the training every third renewal period if there is more than one course approved by the TMB.

C.S.H.B. 2758, in a temporary provision set to expire January 1, 2022, requires a physician who holds a medical license on September 1, 2021, to complete at least one hour of the continuing medical education regarding the identification and assistance of trafficked persons.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2758 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.

While the original required the TMB to approve training courses on human trafficking identification and assistance, the substitute requires the TMB to adopt rules establishing the content of and approval requirements for this training. The substitute also includes requirements regarding the content of the adopted rules.

The substitute omits provisions of the original requiring the TMB to approve at least one training course that is available without charge and to post and update a list of approved training courses on its website.

The substitute includes a procedural provision absent from the original providing for the prospective effect of its provisions with respect to registration renewal applications.