

BILL ANALYSIS

Senate Research Center

S.B. 415
By: Paxton
Health & Human Services
5/24/2023
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2019, H.B. 2059 placed a requirement on certain health care practitioners to complete continuing education on human trafficking prevention and tasked the Health and Human Services Commission (HHSC) with identifying and approving eligible courses. It has been suggested that current HHSC-approval requirement limits physicians' freedom to choose other accredited courses that meet the requirements of the Texas Medical Board (TMB).

The proposed legislation would allow TMB to approve training courses that satisfy human trafficking education training requirements, which should simplify the process for tracking completion and align it with other mandated training requirements for maintaining licensure. This bill furthermore specifies the TMB process for content establishment and approval, such as by requiring the board to seek input from affected parties.

S.B. 415 amends current law relating to continuing education requirements for physicians regarding the identification and assistance of trafficked persons.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Medical Board is modified in SECTION 1 (Section 156.060, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 156.060, Occupations Code, as follows:

Sec. 156.060. New heading: CONTINUING EDUCATION REGARDING THE IDENTIFICATION AND ASSISTANCE OF TRAFFICKED PERSONS. (a) Provides that this section applies only to a physician who designates a direct patient care practice on an application for renewal of a registration permit.

(b) Redesignates text of existing Subsection (a) as Subsection (b). Requires a physician licensed under Subtitle B (Physicians) who submits an application for renewal of a registration permit to complete at least one hour of continuing medical education under this section regarding the identification and assistance of trafficked persons:

(1) in the first renewal period following the issuance of the physician's initial registration permit under Chapter 156 (Registration of Physicians); and

(2) if the Texas Medical Board (TMB) approves more than one course under Subsection (d), at least once in every third renewal period following the renewal period described by Subdivision (1).

Deletes existing text requiring a physician licensed under this subtitle who submits an application for renewal of a registration permit and who designates a direct patient care practice to complete, as part of the hours of continuing medical education required for compliance with Section 156.051(a)(2) (relating to

requiring TMB to require a certain number of prerequisite continuing medical education hours to be approved by TMB), a human trafficking prevention course approved by the executive commissioner of the Health and Human Services Commission (executive commissioner) under Section 116.002 (Required Training Course on Human Trafficking Prevention for Certain Health Care Providers).

(c) Redesignates existing Subsection (b) as Subsection (c). Provides that the hours required by Subsection (b):

(1) are required to be designated by TMB as medical ethics or professional responsibility education; and

(2) are authorized to be counted toward the hours of continuing medical education required by Section 156.051(a)(2).

Deletes existing text requiring TMB to designate the human trafficking prevention course required by Subsection (a) as a medical ethics or professional responsibility course for purposes of complying with continuing medical education required by Section 156.051(a)(2). Makes nonsubstantive changes.

(d) Redesignates existing Subsection (c) as Subsection (d). Requires TMB to adopt rules to implement this section, including rules to establish the content of and approval requirements for continuing medical education relating to the identification and assistance of trafficked persons. Requires TMB, in adopting rules, to seek input from affected parties and review relevant courses, including courses that have been approved in other states. Requires that rules adopted under this section 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. Makes a nonsubstantive change.

(e) Authorizes a physician to satisfy the requirement of Subsection (b)(1) by completing at least one hour of a training course approved by the executive commissioner under Section 116.002. Provides that this subsection expires September 1, 2025.

(f) Requires a physician who on September 1, 2023, holds a license to practice medicine under this subtitle, notwithstanding Subsection (b), to complete at least one hour of continuing medical education under this section regarding the identification and assistance of trafficked persons. Provides that this subsection expires January 1, 2024.

SECTION 2. Makes application of Section 156.060, Occupations Code, as amended by this Act, prospective.

SECTION 3. Effective date: September 1, 2023.