

## **BILL ANALYSIS**

Senate Research Center  
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C.S.S.B. 2256  
By: Blanco  
Health & Human Services  
4/21/2023  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Many state agencies have not been afforded the opportunity to modernize their continuing education tracking systems. As a result, they currently employ legacy systems, which are often outdated and opaque. This leads to confusion among licensees regarding continuing education requirements and compliance. Moreover, unwieldy and inefficient legacy systems cause licensing agencies and staff to incur losses in time and productivity. With over 1,000 people moving to Texas each day, some of whom are licensed healthcare professionals, already strained legacy systems will soon be pushed to the breaking point.

C.S.S.B. 2256 will direct state healthcare licensing agencies to establish a modern continuing education tracking system if it can be done with only a one-time cost to the agency. Additionally, this bill requires that a licensing entity may not renew a health care practitioner's license unless the licensing entity verifies that the health care practitioner has complied with all continuing education requirements of the licensing entity.

Committee Substitute:

The committee substitute for S.B. 2256 will ensure that the new tracking system is implemented at zero cost to the licensing entity, unless there is a prior agreement in place between the entity and a tracking system that can implement the requirements in the bill.

C.S.S.B. 2256 amends current law relating to the verification of health care practitioner continuing education compliance through the establishment of continuing education tracking systems.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to each licensing entity in SECTION 2 (Sections 112.104 and 112.106, Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Transfers Section 112.002, Occupations Code, to Subchapter B, Chapter 112, Occupations Code, redesignates it as Section 112.0501, Occupations Code, and amends it, as follows:

Sec. 112.0501. APPLICABILITY. Provides that Subchapter B (Services Provided to Charities), rather than Chapter 112 (General Licensing Requirements Applicable to Multiple Health Care Practitioners), applies only to licensing entities and health care practitioners under certain chapters and subtitles.

SECTION 2. Amends Chapter 112, Occupations Code, by adding Subchapter C, as follows:

#### **SUBCHAPTER C. CONTINUING EDUCATION REQUIREMENTS**

Sec. 112.101. DEFINITIONS. Defines "continuing education course," "continuing education provider," "continuing education tracking system," and "license."

Sec. 112.102. APPLICABILITY. (a) Provides that this subchapter, except as provided by Subsection (b), applies only to a licensing entity that issues a license to a health care practitioner under Title 3 (Health Professions).

(b) Provides that this subchapter does not apply to Subtitle L (Crematory Services, Funeral Directing, and Embalming).

Sec. 112.103. CONTINUING EDUCATION COMPLIANCE REQUIRED FOR LICENSE RENEWAL. (a) Prohibits a licensing entity, notwithstanding any other law, from renewing a health care practitioner's license unless the licensing entity verifies that the health care practitioner has complied with all continuing education requirements of the licensing entity.

(b) Provides that verification of an applicant's compliance with continuing education requirements that is generated by the continuing education tracking system:

(1) satisfies the requirement of Subsection (a); and

(2) is required to be used for all audits of health care practitioners conducted by the licensing entity.

(c) Provides that this section does not prohibit a licensing entity from imposing penalties under applicable statutes or rules for a health care practitioner's failure to comply with continuing education requirements.

Sec. 112.104. CONTINUING EDUCATION TRACKING SYSTEM. (a) Requires each licensing entity by rule to establish a continuing education tracking system for use by and accessible to health care practitioners, licensing entity staff, and continuing education providers.

(b) Prohibits a continuing education tracking system established under this subchapter from requiring any expenditure by the licensing entity.

Sec. 112.105. DATA AND SYSTEMS REQUIREMENTS. (a) Authorizes a continuing education tracking system to collect and use only:

(1) information that directly relates to a health care practitioner's compliance with continuing education requirements, including the name in which the health care practitioner's license is issued, the health care practitioner's license number, the license issue date, the license expiration date, and any other information disclosed to the public in response to a license verification request; and

(2) other information designated by licensing entity rule as necessary for the system's performance of a function required by this subchapter.

(b) Requires that a continuing education tracking system established under Section 112.104:

(1) if the continuing education tracking system is a cloud-based system, be certified under the state risk and authorization management program established under Section 2054.0593 (Cloud Computing State Risk and Authorization Management Program), Government Code; and

(2) comply with the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

Sec. 112.106. RULEMAKING. Requires a licensing entity to adopt rules necessary to implement this subchapter.

SECTION 3. Requires each licensing entity, not later than September 1, 2024, to establish a continuing education tracking system as required by Section 112.104, Occupations Code, as added by this Act.

SECTION 4. Authorizes a licensing entity subject to Section 112.104(b), Occupations Code, as added by this Act, that on the effective date of this Act has an agreement in place with a continuing education tracking system provider that is able to implement the requirements of Subchapter C, Chapter 112, Occupations Code, as added by this Act, notwithstanding that section, to maintain that agreement and any costs associated with implementation of the agreement.

SECTION 5. Effective date: September 1, 2023.