

By: Bucy

H.B. No. 3770

A BILL TO BE ENTITLED

AN ACT

relating to the verification of health care practitioner continuing education compliance and the establishment of continuing education tracking systems by health care practitioner licensing entities.

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

SECTION 1. Section 112.002, Occupations Code, is transferred to Subchapter B, Chapter 112, Occupations Code, redesignated as Section 112.0501, Occupations Code, and amended to read as follows:

Sec. 112.0501 [112.002]. APPLICABILITY. This subchapter [~~chapter~~] applies only to licensing entities and health care practitioners under Chapters 401, 453, and 454 and Subtitles B, C, D, E, F, and K.

SECTION 2. Chapter 112, Occupations Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. CONTINUING EDUCATION REQUIREMENTS

Sec. 112.101. DEFINITIONS. In this chapter:

(1) "Continuing education course" means a course, clinic, forum, lecture, program, or seminar that an individual must complete in order to maintain or renew a license.

(2) "Continuing education provider" means a person or entity authorized by a licensing entity to offer continuing education courses.

(3) "Continuing education tracking system" means a

electronic system established by a licensing entity as required by Section 112.104.

(4) "License" means a license, certificate, registration, permit, or other form of authorization that:

(A) is issued by a licensing entity; and

(B) an individual must obtain to engage in a particular business, occupation, or profession.

Sec. 112.102. APPLICABILITY. This subchapter applies only to:

(1) a licensing entity that issues a license to a health care practitioner.

Sec. 112.103. CONTINUING EDUCATION COMPLIANCE REQUIRED FOR LICENSE RENEWAL. (a) Notwithstanding any other law, a licensing entity shall 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.

(b) 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) shall be used for all audits of health care practitioners conducted by the licensing entity.

(c) 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.

1       Sec. 112.104. CONTINUING EDUCATION TRACKING SYSTEM;  
2 REQUIRED FUNCTIONS. (a) Each licensing entity by rule shall  
3 establish a continuing education tracking system for universal use  
4 and accessibility by health care practitioners, licensing entity  
5 staff, and continuing education providers; Sec. 112.105. DATA AND  
6 SYSTEMS REQUIREMENTS (a) A continuing education tracking system  
7 may collect and use only:

8               (1) information that directly relates to a health care  
9 practitioner's compliance with continuing education requirements,  
10 including:

11                       (A) the name in which the health care  
12 practitioner's license is issued;

13                       (B) the health care practitioner's license  
14 number;

15                       (C) the license issue date;

16                       (D) the license expiration date; and

17                       (E) any other information disclosed to the public  
18 in response to a license verification request; and

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

22       (b) A continuing education tracking system established  
23 under Section 112.104 must:

24               (1) represent no ongoing cost to the licensing agency;

25               (2) if the continuing education tracking system is a  
26 cloud-based system, be certified under the state risk and  
27 authorization management program established under Section

1 2054.0593, Government Code;

2 (3) comply with the Americans with Disabilities Act of  
3 1990 (42 U.S.C. Section 12101 et Sec. 112.107. RULEMAKING. A  
4 licensing entity shall adopt rules necessary to implement this  
5 subchapter.

6 SECTION 3. Not later than September 1, 2024, each licensing  
7 entity shall implement a continuing education tracking system as  
8 required by Section 112.104, Occupations Code, as added by this  
9 Act.

10 SECTION 4. This Act takes effect September 1, 2023.