

By: Blanco

S.B. No. 2256

A BILL TO BE ENTITLED

AN ACT

relating to the verification of health care practitioner continuing education compliance through the establishment of continuing education tracking systems.

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 subchapter:

(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 authorized or approved by a licensing entity to offer continuing education courses.

(3) "Continuing education tracking system" means an

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. (a) Except as provided by Subsection (b), this subchapter applies only to a licensing entity that issues a license to a health care practitioner under this title.

(b) This subchapter does not apply to Subtitle L.

Sec. 112.103. CONTINUING EDUCATION COMPLIANCE REQUIRED FOR LICENSE RENEWAL. (a) Notwithstanding any other law, 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 any continuing education requirements of the licensing entity.

(b) Verification of a health care practitioner's compliance with continuing education requirements that is generated by the continuing education tracking system:

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

(2) must be used in the conduct of any audit 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

1 requirements.

2 Sec. 112.104. CONTINUING EDUCATION TRACKING SYSTEM. (a)
3 Each licensing entity by rule shall establish a continuing
4 education tracking system for use by and accessible to health care
5 practitioners, licensing entity staff, and continuing education
6 providers.

7 (b) A continuing education tracking system established
8 under this subchapter may not require any expenditure by the
9 licensing entity.

10 Sec. 112.105. DATA AND SYSTEMS REQUIREMENTS. (a) A
11 continuing education tracking system may collect and use only:

12 (1) information that directly relates to a health care
13 practitioner's compliance with continuing education requirements,
14 including:

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

17 (B) the health care practitioner's license
18 number;

19 (C) the license issue date;

20 (D) the license expiration date; and

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

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

26 (b) A continuing education tracking system established
27 under Section 112.104 must:

1 (1) if the continuing education tracking system is a
2 cloud-based system, be certified under the state risk and
3 authorization management program established under Section
4 2054.0593, Government Code; and

5 (2) comply with the Americans with Disabilities Act of
6 1990 (42 U.S.C. Section 12101 et seq.).

7 Sec. 112.106. RULEMAKING. A licensing entity shall adopt
8 rules necessary to implement this subchapter.

9 SECTION 3. Not later than September 1, 2024, each licensing
10 entity shall establish a continuing education tracking system as
11 required by Section 112.104, Occupations Code, as added by this
12 Act.

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

20 SECTION 5. This Act takes effect September 1, 2023.