

## **BILL ANALYSIS**

Senate Research Center  
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H.B. 2975  
By: Hunter et al. (Harris)  
Health & Human Services  
5/15/2011  
Engrossed

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

The incidence of Lyme and related tick-borne diseases in Texas is increasing at a steady rate. There are two internationally recognized standards of care for treating Lyme: one from the Infectious Diseases Society of America and the other from the International Lyme and Associated Diseases Society.

This bill encourages physicians and nurses, whose practice includes the treatment of tick-borne disease, to participate in continuing medical education courses (CME) among the hours currently required by the Texas Occupations Code.

In order to assure that both forms of treatment are recognized in the CME courses, the Texas Medical Board or Texas Board of Nursing will use a stakeholder process to approve accredited CME courses that represent an appropriate spectrum of relevant medical treatment, including courses that have been improved in other states.

Lastly, in the event that a physician or nurse is investigated by the respective board, regarding their choice of clinical care, the board is required to consider the physicians participation within the prior two years in the continuing medical education courses.

H.B. 2975 amends current law relating to continuing education for physicians and nurses regarding the treatment of tick-borne diseases.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Medical Board in SECTION 2 (Section 156.059, Occupations Code ) of this bill.

Rulemaking authority is expressly granted to the Texas Board of Nursing in SECTION 3 (Section 301.304, Occupations Code ) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Provides that the legislature finds that tick-borne diseases are an important public health issue in Texas. Provides that the legislature further finds that medical and nursing education on the appropriate care and treatment of tick-borne diseases is essential to the delivery of necessary health care to individuals in Texas suffering from tick-borne diseases. Provides that it is the intent of the legislature to address the need for medical and nursing education on tick-borne diseases through the continuing medical education requirements for physicians and nurses.

SECTION 2. Amends Subchapter B, Chapter 156, Occupations Code, by adding Section 156.059, as follows:

Sec. 156.059. CONTINUING EDUCATION IN TICK-BORNE DISEASES. (a) Provides that a physician licensed under this subtitle who submits an application for renewal of a license to practice medicine and whose practice includes the treatment of tick-borne diseases is encouraged to include continuing medical education in the treatment of tick-borne diseases among the hours of continuing medical education

completed for purposes of rules adopted under Section 156.051(a)(2) (relating to requiring at least one-half of the hours of continuing medical education to be approved).

(b) Requires the Texas Medical Board (TMB) to adopt rules to establish the content of and approval requirements for continuing medical education relating to the treatment of tick-borne diseases. Requires TMB, in adopting rules, to 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 medical clinical treatment relating to tick-borne diseases.

(c) Requires TMB, if relevant, to consider a physician's participation in a continuing medical education course approved under Subsection (b) if:

(1) the physician is being investigated by TMB regarding the physician's selection of clinical care for the treatment of tick-borne diseases; and

(2) the physician completed the course not more than two years before the start of the investigation.

(d) Authorizes TMB to adopt other rules to implement this section.

SECTION 3. Amends Subchapter G, Chapter 301, Occupations Code, by adding Section 301.304, as follows:

Sec. 301.304. CONTINUING EDUCATION IN TICK-BORNE DISEASES. (a) Provides that, as part of the continuing education requirements under Section 301.303 (Continuing Competency), a license holder whose practice includes the treatment of tick-borne diseases shall be encouraged to participate, during each two-year licensing period, in continuing education relating to the treatment of tick-borne diseases.

(b) Requires the Texas Board of Nursing (BON) to adopt rules to identify the license holders who are encouraged to complete continuing education under Subsection (a) and establish the content of that continuing education. Requires BON, in adopting rules, to 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 education courses that represent an appropriate spectrum of relevant medical clinical treatment relating to tick-borne diseases.

(c) Requires BON, if relevant, to consider a license holder's participation in a continuing education course approved under Subsection (b) if:

(1) the license holder is being investigated by BON regarding the license holder's selection of clinical care for the treatment of tick-borne diseases; and

(2) the license holder completed the course not more than two years before the start of the investigation.

(d) Authorizes BON to adopt other rules to implement this section, including rules under Section 301.303(c) for the approval of education programs and providers.

SECTION 4. Requires TMB and BON to consult and cooperate in adopting the rules required under Sections 156.059 and 301.304, Occupations Code, as added by this Act.

SECTION 5. Requires TMB, not later than January 31, 2012, to adopt rules required by Section 156.059, Occupations Code, as added by this Act.

SECTION 6. Requires BON, not later than January 31, 2012, to adopt rules required by Section 301.304, Occupations Code, as added by this Act.

SECTION 7. Requires TMB and BON, not later than February 6, 2012, to report to the governor, the lieutenant governor, and the speaker of the house of representatives concerning the adoption of rules as required by Sections 156.059 and 301.304, Occupations Code, as added by this Act.

SECTION 8. Makes application of Sections 156.059(c) and 301.304(c), Occupations Code, as added by this Act, prospective.

SECTION 9. Effective date: September 1, 2011.