

BILL ANALYSIS

Senate Research Center
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H.B. 2454
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There are concerns that health care professionals should be more informed regarding pain management and opioid abuse.

H.B. 2454 seeks to address this issue by requiring certain health care professionals to complete continuing medical education on this topic.

H.B. 2454 provides that physicians with direct patient care practice are required to complete two hours of continuing medical education regarding reasonable standards of care of prescribing these drugs, effectively communicating with patients regarding the prescription of an opioid or other controlled substance, and how to identify drug-seeking behavior in patients.

Accordingly, a prescribing physician who holds a license on January 1, 2021, must complete the two hours of CME in each of the next two renewal periods. (This requirement expires January 1, 2026.) Also, newly Texas licensed physicians must complete the hours in each of the first two renewal periods following the issuance of the initial registration permit with two of the hours not later than the first anniversary of the date of issuance date. After the initial period, prescribing physicians must complete not less than two hours every eight years.

The bill also requires physician assistants, advanced practice registered nurses, and dentists who prescribe these types of drugs to complete two hours of continued education on this matter annually.

H.B. 2454 amends current law relating to continuing education requirements for certain health professionals regarding pain management and the prescribing of opioids.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Medical Board in SECTION 1 (Section 156.055, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 156.055, Occupations Code, as follows:

Sec. 156.055. New heading: CONTINUING EDUCATION IN PAIN MANAGEMENT AND PRESCRIPTION OF OPIOIDS. (a) Creates this subsection from existing text. Requires a physician licensed under this subtitle (Physicians) who submits an application for renewal of a license that designates a direct patient care practice to complete, in accordance with this section, not less than two hours of continuing medical education regarding safe and effective pain management related to the prescription of opioids and other controlled substances, including education regarding:

- (1) reasonable standards of care;
- (2) the identification of drug-seeking behavior in patients; and

(3) effectively communicating with patients regarding the prescription of an opioid or other controlled substance.

(b) Requires a physician to complete the hours required by Subsection (a) in each of the first two renewal periods following the issuance of the physician's initial registration permit under this chapter, with two of those hours to be completed not later than the first anniversary of the date of issuance.

(c) Requires a physician, after the period described by Subsection (b), to complete not less than two hours of continuing medical education described by Subsection (a) every eight years.

(d) Authorizes the hours required by this section to be completed in any continuing medical education activity approved by the Texas Medical Board (TMB), including medical ethics or professional responsibility education, and to be counted toward the hours of continuing medical education completed to comply with Section 156.051(a)(2) (relating to requiring TMB to adopt certain rules).

Deletes existing text providing that a physician licensed under this subtitle who submits an application for renewal of a license that designates a direct patient care practice and whose practice includes treating patients for pain is encouraged to include continuing medical education in pain treatment among the hours of continuing medical education completed to comply with Section 156.051(a)(2).

(e) Prohibits the hours required by this section from being used to satisfy any education required by board rule for certified pain clinic personnel.

(f) Requires TMB to adopt rules to implement this section.

(g) Requires a physician who on January 1, 2021, holds a license to practice medicine under this subtitle, notwithstanding Subsections (b) and (c), to complete not less than two hours of continuing medical education described by Subsection (a) in each of the two renewal periods occurring after that date. Provides that this subsection expires January 1, 2026.

SECTION 2. Amends Section 157.0513(a), Occupations Code, as follows:

(a) Requires TMB, the Texas Board of Nursing, and the Texas Physician Assistant Board to jointly develop a process:

(1) makes no changes to this subdivision;

(2) and (3) makes nonsubstantive changes to these subdivisions; and

(4) to ensure that each advanced practice registered nurse or physician assistant who has entered into a prescriptive authority agreement authorizing the prescribing of opioids is required to complete not less than two hours of continuing education annually regarding safe and effective pain management related to the prescription of opioids and other controlled substances, including education regarding:

(A) reasonable standards of care;

(B) the identification of drug-seeking behavior in patients; and

(C) effectively communicating with patients regarding the prescription of an opioid or other controlled substance.

SECTION 3. Amends Section 257.005, Occupations Code, by adding Subsection (b-1), as follows:

(b-1) Requires the Texas State Board of Dental Examiners to require a licensed dentist whose practice includes direct patient care to complete not less than two hours of board-approved continuing education annually regarding safe and effective pain management related to the prescription of opioids and other controlled substances, including education regarding:

- (1) reasonable standards of care;
- (2) the identification of drug-seeking behavior in patients; and
- (3) effectively communicating with patients regarding the prescription of an opioid or other controlled substance.

SECTION 4. Makes application of this Act prospective to January 1, 2021.

SECTION 5. Effective date: September 1, 2019.