

The Texas Medical Board (Board) proposes new rule §160.8, concerning Employee Training and Education.

The proposed new rule §160.8, relating to Employee Training and Education, authorizes reimbursement of training and education expenses consistent with Subchapters C and D, Chapter 656, Texas Government Code.

Scott Freshour, General Counsel for the Texas Medical Board, has determined that, for each year of the first five years the proposed new rule is in effect, the public benefit anticipated as a result of enforcing the proposed new rule will be to provide agency employees an opportunity to qualify for reimbursement of training and education expenses.

Mr. Freshour has also determined that for the first five-year period the proposed new rule is in effect, there will be no fiscal impact or effect on government growth as a result of enforcing the proposed new rule.

Mr. Freshour has also determined that for the first five-year period the proposed new rule is in effect there will be no probable economic cost to individuals required to comply with the proposed new rule.

Pursuant to Texas Government Code §2006.002, the agency provides the following economic impact statement for the proposed new rule and determined that for each year of the first five years the proposed new rule will be in effect there will be no effect on small businesses, micro businesses, or rural communities.

Pursuant to Texas Government Code §2001.024(a)(4), Mr. Freshour certifies that this proposal has been reviewed and the agency has determined that for each year of the first five years the proposed new rule is in effect:

- (1) there is no additional estimated cost to the state or to local governments expected as a result of enforcing or administering the proposed new rule;
- (2) there are no estimated reductions in costs to the state or to local governments as a result of enforcing or administering the proposed new rule;
- (3) there is no estimated loss or increase in revenue to the state or to local governments as a result of enforcing or administering the proposed new rule; and
- (4) there are no foreseeable implications relating to cost or revenues of the state or local governments with regard to enforcing or administering the proposed new rule.

Pursuant to Texas Government Code §2001.024(a)(6) and §2001.022, the agency has determined that for each year of the first five years the proposed new rule will be in effect, there will be no effect on local economy and local employment.

Pursuant to Government Code §2001.0221, the agency provides the following Government Growth Impact Statement for the proposed new rule. For each year of the first five years the proposed new rule will be in effect, Mr. Freshour has determined the following:

- (1) The proposed new rule does not create or eliminate a government program.
- (2) Implementation of the proposed new rule does not require the creation of new employee positions or the elimination of existing employee positions.
- (3) Implementation of the proposed new rule does not require an increase or decrease in future legislative appropriations to the agency.
- (4) The proposed new rule does not require an increase or decrease in fees paid to the agency.
- (5) The proposed new rule does create a new regulation.
- (6) The proposed new rule does not repeal existing regulations as described above. The proposed new rule does not expand or limit an existing regulation.
- (7) The proposed new rule does not increase the number of individuals subject to the rules' applicability.
- (8) The proposed new rule does not positively or adversely affect this state's economy.

Comments on the proposals may be submitted using this link: <https://forms.cloud.microsoft/g/qfnjLgv3AB> or e-mail comments to: rules.development@tmb.state.tx.us. A public hearing will be held at a later date.

The new rule is proposed under the authority of Texas Occupations Code §153.001, which provides authority for the Board to adopt rules necessary to administer and enforce the Medical Practice Act and to adopt rules necessary to perform its duties.

The proposed new rule is also proposed pursuant to requirements set forth in Subchapters C and D, Chapter 656, Texas Government Code and requires the Board to adopt rules to implement such sections in Texas Government Code, Chapter 656, including §656.048. No other statutes, articles or codes are affected by this proposal.

<rule>

§160.8. Employee Training and Education

(a) The Board may use state funds to provide education and training for its employees in accordance with the State Employees Training Act, Texas Government Code §§656.041 - 656.049.

(b) The agency shall adopt policies related to training for Board employees, including eligibility, approval and obligations assumed upon completion.

(c) Participation in an education or training program requires the appropriate level of approval prior to participation and is subject to the availability of funds within the Board's budget.

(d) In accordance with Texas Government Code Chapter 656, Subchapter C, the Board will only reimburse an employee for tuition expenses for a program or course successfully completed at an accredited institution of higher education.

(e) Approval to participate in any portion of the Board's education and training program shall not in any way affect an employee's at-will status or constitute a guarantee or indication of continued employment, nor shall it constitute a guarantee or indication of future employment in a current or prospective position.

(f) Permission to participate in any education and training program may be withdrawn at the discretion of the agency.

(g) An employee who completes training and education to obtain a degree or certification for which the Board has provided all or part of the required fees must agree in writing to fully repay the Board any amounts paid for educational assistance if the employee voluntarily terminates employment with the agency within one year after the course or courses are completed.