

The Texas Medical Board (Board) proposes amendments to Chapter 161, concerning Continuing Medical Education (CME) Requirements for License Renewal.

These rules are mandated by the passage of HB47 and SB25 (89th Regular Legislative Session) which amended the Texas Occupations Code, Sections 156.057 and 156.061. The proposed amendments require licensed physicians to complete specified continuing medical education on forensic evidence collection as well as nutrition and metabolic health.

The proposed amendments to §161.35 are as follows:

Amendment to §161.35(a) adds section (3)(A), requiring licensed physicians to complete two credit hours of CME in accordance with §156.057 of the Act and provides that the Board will recognize any course found acceptable to the Governor's Sexual Assault Survivors' Task Force to meet the requirement for continuing education in forensic evidence collection. The bill requires the Medical Board to adopt rules as necessary to implement the new provisions of the Texas Occupations Code.

Amendment to §161.35(a) adds section (3)(B), requiring licensed physicians to complete one credit hour of CME, in accordance with §156.061 of the Act, in the topic of nutrition and metabolic health focused on the nutritional guidelines recommended by the Texas Nutrition Advisory Committee. The bill requires the Medical Board to adopt rules as necessary to implement the new provisions of the Texas Occupations Code.

Scott Freshour, General Counsel for the Texas Medical Board, has determined that, for each year of the first five years the proposed sections are in effect, the public benefit anticipated as a result of enforcing these proposed sections will be to physician's knowledge about: 1) providing trauma-informed care for sexual assault survivors, community referrals, prophylactic medications, rights of sexual assault survivors, forensic medical examinations and forensic evidence collection methods; and 2) health and nutrition standards that promote healthy living for patients in Texas.

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

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

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

considered alternative methods of achieving the purpose of these proposed amendments and found none.

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 these proposed amendments are in effect:

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

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 these proposed amendments 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 amendments. For each year of the first five years the proposed amendments will be in effect, Mr. Freshour has determined the following:

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

Comments on the proposals may be submitted using this link: <https://forms.cloud.microsoft/g/q3HxhnfZn5> or e-mail comments to: rules.development@tmb.state.tx.us. A public hearing will be held at a later date.

The proposed amendments to the rules are proposed pursuant to the passage of HB47 and SB25 (89th Regular Legislative Session) which amended the Texas Occupations Code, Section 156.057 and added new Texas Occupations Code Section 156.061. These Sections

require the Board to adopt rules to implement such sections. Specifically, Texas Occupations Code, Section 153.001, provides authority for the Board to adopt rules necessary to administer and enforce the Medical Practice Act, adopt rules necessary to perform its duties and regulate the practice of medicine in this state. Texas Occupations Code, Sections 156.057 and 156.061, provide authority for the Board to recommend and adopt rules to implement these sections. No other statutes, articles or codes are affected by this proposal.

<rule>

§161.35.

Continuing Medical Education (CME) Requirements for License Renewal

(a) Forty-eight total CME credits are required, biennially, as follows:

(1) Minimum of 24 formal credits of AMA/PRA Category 1 designated by:

(A) the Accreditation Council for Continuing Medical Education;

(B) a state medical society recognized by the Committee for Review and Recognition of the Accreditation Council for Continuing Medical Education;

(C) the American Academy of Family Physicians;

(D) the AOA Category 1-A;

(E) the Texas Medical Association;

(F) the board, but only as it applies to medical ethics and/or professional responsibility; or

(G) a board-appointed physician performing a competency evaluation or practice monitoring of another physician, which may receive one (1) formal CME credit for each hour of time spent on these duties up to 12 hours.

(2) As part of the 24 formal credits, the following are required:

(A) a human trafficking prevention course, in accordance with §156.060 of the Act;

(B) two credits in the topic of medical ethics and/or professional responsibility; and

(C) two credits in accordance with §156.055 of the Act.

(3) Informal or Formal CME credits must include:

(A) two credits in accordance with §156.057 of the Act. The Board will recognize any course found acceptable to the Governor's Sexual Assault Survivors' Task Force to meet the requirement for continuing education in forensic evidence collection; and

(B) one credit in accordance with §156.061 of the Act in the topic of nutrition and metabolic health focused on the nutritional guidelines recommended by the Texas Nutrition Advisory Committee.

(4)[3] Remaining Informal CME credits may include:

(A) informal self-study; or

(B) attendance at hospital lectures, grand rounds, or case conferences.

(b) Alternate proof of CME compliance is presumed if the physician:

(1) meets the criteria set forth in §156.052 of the Act;

(2) is currently in a residency/fellowship training; or

(3) completed residency/fellowship training within six months prior to obtaining licensure.

(c) CME Deficiencies and Carry Forward Procedures:

(1) Any CME deficiency can be remedied within 30 days after registration renewal due.

(2) A maximum of 48 total excess credits may be carried forward only to the next registration period; and

(3) Required formal credits described in subsection (a)(2) of this section cannot be carried forward.

(d) In accordance with §156.053 of the Act, exemptions from CME may be allowed upon a written request at least 30 days before renewal is due.

(e) Voluntary Charity Care CME requirements are reduced to twelve informal CME credits per biennium.

(f) In accordance with §323.0045 of the Health and Safety Code, recognized forensic examination CME must be:

- (1) a formal category 1 course; or
- (2) approved or recognized by the Texas Board of Nursing.