

The Texas Medical Board (Board) proposes amendments to Chapter 183, concerning Biennial Continuing Medical Education (CME) Requirements concerning Physician Assistants.

These rules are mandated by the passage of HB47 and SB25 (89th Regular Legislative Session) which amended the Texas Occupations Code, Sections 204.1563. The proposed amendments require licensed physician assistants to complete specified continuing medical education on forensic evidence collection as well as nutrition and metabolic health.

The proposed amendments to §183.16 are as follows:

Amendment to §183.16(a) adds section (2)(A) requiring physician assistants to complete two credit hours of continuing medical education (CME) in accordance with § 204.1563 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, on recommendations of the Physician Assistant Board, to adopt rules as necessary to implement the new provisions of the Texas Occupations Code.

Amendment to §183.16(a) adds section (2)(B) requiring physician assistants to complete one credit hour of continuing medical education (CME), in accordance with § 204.1563 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 on recommendations of the Physician Assistant 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 amendments are in effect, the public benefit anticipated as a result of enforcing these proposed sections will be to physician assistant'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 new sections 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/guVtCfFykf> or e-mail comments to: rules.development@tmb.state.tx.us. A public hearing will be held at a later date.

The proposed amendment to the rules is proposed pursuant to the passage of HB47 and SB25 (89th Regular Legislative Session) which added new Texas Occupations Code Section 204.1563. This Section requires the Board to adopt rules to implement such

sections. Specifically, Texas Occupations Code, Section 204.101, provides authority for the Board to adopt rules necessary to administer and enforce the Physician Assistant Licensing Act, adopt rules necessary to perform its duties and regulate the practice of medicine in this state and Texas Occupations Code, Section 204.1563, 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>

§183.16. Biennial Continuing Medical Education (CME) Requirements

(a) As part of registration renewal, a license holder must complete 40 hours of continuing medical education (CME) during the biennial renewal period.

(1) At least 20 hours must be from formal courses:

(A) designated for Category I credit by a CME sponsor approved by the American Academy of Physician Assistants; or

(B) approved by the board for course credit, including a human trafficking prevention course approved by the Executive Commissioner of the Texas Health and Human Services Commission.

(2) Informal or Formal CME credits must include:

(A) two credits in accordance with §204.1563 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.

(B) one credit in accordance with §204.1563 of the Act in the topic of nutrition and metabolic health focused on the nutritional guidelines recommended by the Texas Nutrition Advisory Committee.

(3) [2] The remaining hours may be designated for Category II credit, composed of informal self-study, attendance at hospital lectures, grand rounds, case conferences, or by providing volunteer medical services at a site serving a medically underserved population.

(b) Formal CME credit is allowed at the rate of 1 credit for each hour of time acting on behalf of the physician assistant board for evaluation of a physician assistant's competency or practice monitoring, up to a maximum of 6 hours per year, as part of the required formal hours.

(c) Military service members are subject to the same CME requirements but are allowed extensions in accordance with §55.003 of the Texas Occupations Code, if applicable.

(d) Carry forward of CME credit is allowed as follows:

(1) A maximum of 80 total excess credit hours may be carried forward and shall be reported according to whether the hours are Category I and/or Category II.

(2) Excess CME credit hours may not be carried forward or applied to a report of CME more than two years beyond the date of the biennial registration following the period during which the hours were earned. No hours may be carried forward past a single renewal period.

(e) Exemptions for CME requirements.

(1) Requests must be made in writing at least 30 days prior to expiration of the biennial renewal period for the following reasons:

(A) catastrophic illness;

(B) military service of longer than one year's duration outside the United States;

(C) licensee's residence of longer than one year's duration outside the United States; or

(D) other good cause.

(2) Exemptions are subject to the approval of the Executive Director of the board and may not exceed two years.