

Rule Changes Effective December 31, 2020

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RULE CHANGES ADOPTED

CHAPTER 161. GENERAL PROVISIONS

New Rule, **§161.11**, entitled Memorandum of Understanding between Texas Medical Board (TMB) and Texas Physician Health Program (TXPHP), adopts the Memorandum of Understanding entered into by the TMB and the TXPHP, pursuant to H.B. 1504 (86th Legislature TMB Sunset Bill (2019)). H.B. 1504 added a provision to Texas Occupations Code §167.012 directing the TMB and TXPHP to enter into a memorandum of understanding to establish performance measures for the TXPHP, include a list of services provided by TMB to TXPHP, and require an internal audit of TXPHP to be completed once every three years.

CHAPTER 170. PRESCRIPTIONS OF CONTROLLED SUBSTANCES

New **Subchapter D**, and new **§170.10**, entitled Electronic Prescribing of Controlled Substances, sets forth requirements and exceptions related to controlled substance e-prescribing. Further, the rule sets forth the process and circumstances in which a physician may obtain a waiver from controlled substance e-prescribing requirements, in accordance with Texas Health and Safety Code §481.0756, as set forth by H.B. 2174 (86th Leg. (2019)).

CHAPTER 180. TEXAS PHYSICIAN HEALTH PROGRAM

The amendments to **§180.4**, concerning Operation of Program, corrects an error in the rule and is necessary to ensure that the rules are consistent with Texas Occupations Code Section 153.051(d)(10).

CHAPTER 183. ACUPUNCTURE

The amendments to **§183.20**, concerning Continuing Acupuncture Education, implement new continuing education requirements set forth by H.B. 2059, passed by the 86th Legislature, Regular Session (2019). The new language requires that acupuncturists complete a course in the topic of human trafficking prevention, as part of the course hours required each biennial registration period. Carry forward hours will not apply to the new course. Other changes to §183.20 reorganize and format the rule.

CHAPTER 184. SURGICAL ASSISTANTS

The amendments to **§184.4**, concerning Qualifications for Licensure, repeals language requiring an applicant for a surgical assistant license to attest to good moral character in order to obtain a license, pursuant to H.B. 1504 (86th Legislature (2019)).

The amendments to **§184.25**, concerning Continuing Education, implement new continuing education requirements set forth by H.B. 2059 (86th Leg.). The new language requires that licensed surgical assistants complete a course in the topic of human trafficking prevention, as part of the course hours required each biennial registration period. Carry forward hours will not apply to the new course requirement. Other changes proposed to 184.25 remove references to annual requirements, as the hours are required on a biennial basis. Other changes to §184.25 reorganize and format the rule.

CHAPTER 185. PHYSICIAN ASSISTANTS

The amendments to **§185.6**, concerning Biennial Renewal of License, implement new continuing education requirements set forth by H.B. 2059 passed by the 86th Legislature, Regular Session (2019). The new language requires that physician assistants complete a course in the topic of human trafficking prevention. The new courses are to be completed as part of the formal course hours required each biennial registration period. Carry forwards will not be allowed toward the new requirements. Other changes to §185.6 reorganize and format the rule.

CHAPTER 186. RESPIRATORY CARE PRACTITIONERS

The amendments to **§186.10**, concerning Continuing Education Requirements, implement new continuing education requirements set forth by H.B. 2059, passed by the 86th Legislature, Regular Session (2019). The new language requires that respiratory care practitioners complete a course in the topic of human trafficking prevention, as part of the course hours required each biennial registration period. Other changes to 186.10 reorganize and format the rule.

CHAPTER 187. PROCEDURAL RULES

The amendments to **§187.9**, concerning Board Actions; **§187.35**, concerning Presentation of Proposal for Decision; **§187.37**, concerning Final Decisions and Orders; and repeal of **§187.38**, concerning Motions for Rehearing, repeals language limiting the board's authority to issue more than one remedial plan to resolve complaints of violations of laws by licensees, pursuant to H.B. 1504 (86th Legislature TMB Sunset Bill (2019)). H.B. 1504 changed Texas Occupations Code §164.0015 so that the board is permitted to issue remedial plans to address minor law violations if the licensee has not received a remedial plan in the preceding five years. Remaining amendments delete language related to non-disciplinary orders, a type of order that the board has had no authority to issue since approximately 2009. Finally, the amendments delete an unnecessary reference to Chapter 175 of the board rules.

CHAPTER 188. PERFUSIONISTS

The amendments to **§188.24**, concerning Continuing Education, implement new continuing education requirements set forth by H.B. 2059, passed by the 86th Legislature, Regular Session (2019). The new language requires that perfusionists complete a course in the topic of human trafficking prevention, as part of the course hours required each biennial registration period. Other changes to §188.24 reorganize and format the rule.

CHAPTER 194. MEDICAL RADIOLOGIC TECHNOLOGY

The amendments to §194.7, concerning Biennial Renewal of Certificate or Placement on the Board's Non-Certified Technician Registry, implement new continuing education requirements set forth by H.B. 2059, passed by the 86th Legislature, Regular Session (2019). The new language requires that radiologist assistants, medical radiologic technologists, and non-certified technicians complete a course in the topic of human trafficking prevention, as part of the course hours required each biennial registration period. Carry forward hours will not apply to the new course requirement. For radiologist assistants, the course will be required in addition to the formal course hours. Other changes to 194.7 reorganize and format the rule.