

## **BILL ANALYSIS**

C.S.H.B. 2059  
By: Blanco  
Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Human trafficking is a public health concern that affects individuals, families, and entire communities across multiple generations. It has been reported that Texas has one of the highest rates of human trafficking in the nation, with hundreds of thousands of victims currently residing in Texas. Recent surveys have also found that a large percentage of trafficking survivors had contact with a health care provider while they were being trafficked. Given the unique position health care providers are in to identify trafficking victims, it has been suggested that the state should ensure that certain providers are given training on human trafficking prevention. C.S.H.B. 2059 seeks to ensure that certain health care providers are given this training.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTIONS 1 and 4 of this bill, to the Texas Medical Board in SECTION 2 of this bill, and to the Texas Board of Nursing in SECTION 3 of this bill.

### **ANALYSIS**

C.S.H.B. 2059 amends the Occupations Code to require a health care practitioner, other than a physician or a nurse, within the time prescribed by Health and Human Services Commission (HHSC) rule to successfully complete a training course approved by the executive commissioner of HHSC on identifying and assisting victims of human trafficking as a condition of license renewal. A health care practitioner is not required to comply with this requirement before September 1, 2020. The bill requires the executive commissioner to approve such training courses, including at least one course that is available without charge, and consider for approval training courses conducted by health care facilities. The bill requires the executive commissioner to post a list of the approved courses on the HHSC website and to update the list as necessary. The bill requires the applicable licensing agency to provide notice, as soon as practicable after the bill's effective date, to a health care practitioner of the requirement to complete human trafficking prevention training. The bill requires the executive commissioner to adopt rules to implement these provisions.

C.S.H.B. 2059 requires a licensed physician who submits an application for renewal of a registration permit and who designates a direct patient care practice to complete, as part of applicable continuing medical education requirements, a human trafficking prevention course approved by the executive commissioner of HHSC under the bill's provisions; requires the Texas Medical Board (TMB) to designate the course as a medical ethics or professional responsibility

course for purposes of complying with applicable continuing medical education requirements; and requires the TMB to adopt rules to implement these provisions. The bill requires a licensed nurse who provides direct patient care to complete, as part of applicable continuing competency program requirements, a human trafficking prevention course approved by the executive commissioner of HHSC under the bill's provisions and requires the Texas Board of Nursing to adopt rules to implement these requirements. These provisions apply only to the renewal of a license or registration permit on or after September 1, 2020.

### **EFFECTIVE DATE**

September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2059 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include provisions requiring a health care facility to require each health care practitioner who is employed by the facility to successfully complete a training course.

The substitute revises the bill provision setting out training course requirements for health care practitioners:

- by not including provisions requiring each employee of a health care practitioner to complete such a training course;
- by including the specification in the definition of "health care practitioner" that the term means an individual who provides direct patient care;
- by making the bill requirements conditioning license renewal for health care practitioners on successful completion of the course inapplicable to a licensed physician or licensed nurse;
- by clarifying that the course is approved by the executive commissioner rather than HHSC;
- by not including the provision requiring the training course to use a standardized curriculum created by the human trafficking prevention task force or a substantially similar curriculum; and
- by requiring the executive commissioner to include at least one approved course that is available without charge, to post a list of approved courses on the HHSC website, to update the list as necessary, and to consider for approval training courses conducted by health care facilities.

The substitute includes provisions setting out the following:

- a requirement for a licensed physician who submits an application for renewal of a registration permit and who designates a direct patient care practice to complete, as part of applicable continuing education requirements, a human trafficking prevention course approved by the executive commissioner under the bill's provisions;
- a requirement for a licensed nurse who provides direct patient care to complete, as part of applicable continuing competency program requirements as a condition of license renewal, a human trafficking prevention course approved by the executive commissioner under the bill's provisions; and
- requirements for the TMB and the Texas Board of Nursing to adopt applicable rules for implementation of those requirements.

The substitute includes procedural provisions:

- requiring the applicable licensing agency to provide notice to a health care practitioner of the human trafficking prevention training required under the bill; and
- making the bill's provisions regarding a licensed physician and a licensed nurse applicable only to the renewal of a registration permit to practice medicine or the renewal of a license to practice nursing on or after September 1, 2020.