CHAPTER 1020

H.B. No. 4276

AN ACT

relating to a transportation plan for persons furloughed or discharged from certain mental health facilities.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter F, Chapter 574, Health and Safety Code, is amended by adding Section 574.089 to read as follows:

Sec. 574.089. TRANSPORTATION PLAN FOR FURLough OR DISCHARGE. (a) The facility administrator of a mental health facility, in conjunction with the local mental health authority, shall create a transportation plan for a person scheduled to be furloughed or discharged from the facility.

(b) The transportation plan must account for the capacity of the person, must be in writing, and must specify:

(1) who is responsible for transporting the person;
(2) when the person will be transported; and
(3) where the person will arrive.

(c) If the person consents, the facility administrator shall forward the transportation plan to a family member of the person before the person is transported.

SECTION 2. This Act takes effect September 1, 2009.

Passed by the House on May 5, 2009: Yeas 144, Nays 0, 1 present, not voting; passed by the Senate on May 21, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.

Effective September 1, 2009.

CHAPTER 1021

H.B. No. 4281

AN ACT

relating to continuing education requirements for physical therapists.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 453.254, Occupations Code, is amended to read as follows:

Sec. 453.254. [MANDATORY] CONTINUING COMPETENCE [EDUCATION]. (a) The board by rule shall:

(1) [assesst the continuing education needs of license holders and] adopt requirements for [mandatory] continuing competence [education] for license holders in subjects pertaining to the practice of physical therapy;
(2) establish a minimum number [of hours] of continuing competence units [education] required to renew a license; and
(3) develop a process to [evaluate and] approve continuing competence activities [education courses].

(b) The board may require license holders to complete [attend] continuing competence activities [education courses] specified by the board. The board shall adopt a procedure to assess a license holder's participation and performance in continuing competence activities [education programs].

(c) The board may [shall] identify the key factors for the competent performance by a license holder of the license holder's professional duties.
(d) In developing a process under Subsection (a) for the approval of continuing competence activities [education courses], the board may authorize appropriate [license holder peer] organizations to approve the activities [courses in accordance with the established process].

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed by the House on May 15, 2009: Yeas 144, Nays 0, 1 present, not voting; passed by the Senate on May 27, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.

CHAPTER 1022

H.B. No. 4291

AN ACT

relating to insurance charters and certificates of authority.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 801.001(2), Insurance Code, is amended to read as follows:

(2) "Insurer" means the issuer of an insurance policy that is issued to another in consideration of a premium and that insures against a loss that may be insured against under the law. The term includes a:

(A) fraternal benefit society;

(B) Lloyd's plan;

(C) mutual company of any kind, including a:
(i) statewide mutual assessment association;
(ii) local mutual aid association or burial association; and
(iii) county or farm mutual insurance company;

(D) reciprocal or interinsurance exchange; [and]

(E) group hospital service corporation;

(F) health maintenance organization;

(G) nonprofit legal services corporation; and

(H) stock company.

SECTION 2. Section 801.051, Insurance Code, is amended to read as follows:

Sec. 801.051. APPROVAL, DENIAL, OR DISAPPROVAL OF APPLICATION FOR CERTIFICATE; ELIGIBILITY; HEARING. (a) The department shall approve, deny, or disapprove an application for a certificate of authority to act as an insurer.

(b) If the department determines that the applicant has complied with the law, the department shall approve the application and issue under the department's seal a certificate of authority to act as an insurer [to an applicant applying for the certificate if the department determines that the applicant has complied with the law].

(c) On the applicant's request, the commissioner shall hold a hearing on a denial. Not later than the 30th day after the date of the applicant's request for a hearing, the commissioner shall request a hearing date.

SECTION 3. Section 801.102, Insurance Code, is amended to read as follows:

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