

By: Farabee

H.B. No. 3332

A BILL TO BE ENTITLED

AN ACT

relating to patient choice and prompt and more cost effective access to physical therapy services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 3, Chapter 453, Subchapter G, of the Occupations Code is amended to read as follows:

SUBCHAPTER G. PRACTICE BY LICENSE HOLDER

Sec. 453.301. TREATING PATIENT ~~UNDER PRIOR REFERRAL~~ WITHIN SCOPE OF PRACTICE

(a) A physical therapist, ~~as defined under Section 453.001.~~ may treat a patient for ~~an~~ any injury or condition that is within the scope of practice for a physical therapist as set forth in Section 453.095 and the rules and regulations adopted by the Texas Board of Physical Therapy Examiners. ~~was the subject of a prior referral if the physical therapist:~~

~~(1) has been licensed to practice physical therapy for at least one year;~~

~~(2) notifies the referring practitioner of the therapy not later than the fifth business day after the date therapy is begun;~~

~~(3) begins any episode of treatment before the first anniversary of the referring practitioner;~~

~~(4) for physical therapy episodes subsequent to the episode which was initiated by the referral, treats the patient for~~

1 ~~not more than 20 treatment sessions or 30 consecutive calendar~~
2 ~~days, whichever occurs first, and~~

3 ~~(5) satisfies any other requirement set by the board.~~

4 (b) The physical therapist must confer with ~~the referring~~
5 appropriate healthcare practitioner before the physical therapist
6 may continue treatment in any instance in which there has not been
7 significant functional improvement in a reasonable and predictable
8 period of time. ~~that exceeds treatment authorized under Subsection~~
9 ~~(a)(4).~~

10 Sec. 453.302. TREATING PATIENT ~~WITHOUT REFERRAL~~ IN AN
11 EMERGENCY CIRCUMSTANCE.

12 (a) In this section:

13 (1) "Emergency circumstance" means an instance in
14 which emergency medical care is necessary.

15 (2) "Emergency medical care" means a bona fide
16 emergency service provided after the sudden onset of a medical
17 condition manifesting itself by acute symptoms of sufficient
18 severity, including severe pain, such that the absence of immediate
19 medical attention could reasonably be expected to result in:

20 (A) serious jeopardy to the patient's health;

21 (B) serious dysfunction of any bodily organ or
22 part; or

23 (C) serious impairment to bodily functions.

24 (b) In an emergency circumstance, including a minor
25 emergency, a physical therapist may provide emergency medical care
26 to a person to the best of the therapist's ability without ~~a~~
27 referral from a referring ~~conferring with another healthcare~~

1 practitioner to stabilize the person's condition so as to prevent
2 or minimize further harm or exacerbation of the condition.

3 (c) A physical therapist who provides emergency medical
4 care as authorized under Section 453.302(b) shall as soon as
5 possible confer with and refer to all appropriate healthcare
6 practitioner regarding the person's emergency circumstances.
7 ~~may provide physical assessments or instructions to an~~
8 ~~asymptomatic person without a referral from a referring physician.~~

9 Sec. 453.303. PROHIBITED USE OF CERTAIN PROCEDURES. In
10 practicing physical therapy, a person may not use:

11 (1) roentgen rays or radium for a diagnostic or
12 therapeutic purpose; or

13 (2) electricity for a surgical purpose, including
14 cauterization.

15 Sec. 453.304. PROHIBITED PRACTICE. It is a violation of
16 this chapter for an individual licensed by the board to violate
17 Section 102.001.

18 SECTION 2. Title 3, Chapter 453, Subchapter H, of the
19 Occupations Code is amended to read as follows:

20 SUBCHAPTER H. DISCIPLINARY ACTION AND PROCEDURE

21 Sec. 453.351. GROUNDS FOR DENIAL OF LICENSE OR DISCIPLINE
22 OF LICENSE HOLDER. (a) The board may deny a license or suspend or
23 revoke a license, place a license holder on probation, reprimand a
24 license holder, impose an administrative penalty, or otherwise
25 discipline a license holder if the applicant or license holder has:

26 (1) except as provided by Section ~~453.301 or~~ 453.302,
27 provided physical therapy care to a person ~~without a referral from a~~

1 ~~referring practitioner~~ beyond the authorized scope of physical
2 therapy practice:

3 (2) used drugs or intoxicating liquors to an extent
4 that affects the license holder's or applicant's professional
5 competence;

6 (3) been convicted of a felony, including a finding or
7 verdict of guilty, an admission of guilt, or a plea of nolo
8 contendere, in this state or in any other state or nation;

9 (4) obtained or attempted to obtain a license by fraud
10 or deception;

11 (5) been grossly negligent in the practice of physical
12 therapy or in acting as a physical therapist assistant;

13 (6) been found to be mentally incompetent by a court;

14 (7) practiced physical therapy in a manner detrimental
15 to the public health and welfare;

16 (8) had a license to practice physical therapy revoked
17 or suspended or had other disciplinary action taken against the
18 license holder or applicant;

19 (9) had the license holder's or applicant's
20 application for a license refused, revoked, or suspended by the
21 proper licensing authority of another state or nation; or

22 (10) in the case of a physical therapist assistant,
23 treated a person other than under the direction of a physical
24 therapist.

25 (b) The board shall revoke or suspend a license, place on
26 probation a person whose license has been suspended, or reprimand a
27 license holder for a violation of this chapter or a rule adopted by

1 the bard.

2 (c) If a license suspension is probated, the board may
3 require the license holder to:

4 (1) report regularly to the board on matters that are
5 the basis of the probation;

6 (2) limit practice to the areas prescribed by the
7 board; or

8 (3) continue to review continuing professional
9 education until the license holder attains a degree of skill
10 satisfactory to the board in those areas that are the basis of the
11 probation.

12 SECTION 3. EFFECTIVE DATE. September 1, 2005.