

By: Farabee

H.B. No. 1040

A BILL TO BE ENTITLED

AN ACT

relating to certain treatment by a physical therapist.

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

SECTION 1. Section 453.301, Occupations Code, is amended to read as follows:

Sec. 453.301. TREATING PATIENT WITHIN SCOPE OF PRACTICE [~~UNDER PRIOR REFERRAL~~]. (a) A physical therapist may treat a patient for an injury or condition that is within the physical therapist's scope of practice under Section 453.005 or a board rule [~~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 referral by the referring practitioner;~~

[~~(4) for physical therapy episodes subsequent to the episode which was initiated by the referral, treats the patient for not more than 20 treatment sessions or 30 consecutive calendar days, whichever occurs first; and~~

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

(b) The physical therapist must confer with an appropriate

1 health care [~~the referring~~] practitioner before the physical  
2 therapist may continue treatment if there is not a significant  
3 functional improvement in the patient's condition within a  
4 reasonable and predictable time [~~that exceeds treatment authorized~~  
5 ~~under Subsection (a)(4)] .~~

6 SECTION 2. The heading to Section 453.302, Occupations  
7 Code, is amended to read as follows:

8 Sec. 453.302. EMERGENCY TREATMENT OF [TREATING] PATIENT  
9 [~~WITHOUT REFERRAL~~] .

10 SECTION 3. Sections 453.302(b) and (c), Occupations Code,  
11 are amended to read as follows:

12 (b) In an emergency circumstance, including a minor  
13 emergency, a physical therapist may provide, without conferring  
14 with another health care practitioner, emergency medical care to a  
15 person to the best of the therapist's ability to stabilize the  
16 person's condition and to prevent or minimize further harm or  
17 exacerbation of the person's condition [~~without a referral from a~~  
18 ~~referring practitioner~~] .

19 (c) A physical therapist providing emergency medical care  
20 to a person under Subsection (b) shall confer, as soon as  
21 practicable, with an appropriate health care practitioner  
22 regarding the emergency and refer the person to an appropriate  
23 health care [~~may provide physical assessments or instructions to an~~  
24 ~~asymptomatic person without a referral from a referring~~]  
25 practitioner.

26 SECTION 4. Section 453.351(a), Occupations Code, is amended  
27 to read as follows:

1 (a) The board may deny a license or suspend or revoke a  
2 license, place a license holder on probation, reprimand a license  
3 holder, impose an administrative penalty, or otherwise discipline a  
4 license holder if the applicant or license holder has:

5 (1) except as provided by Section [~~453.301 or~~  
6 453.302, provided care [~~physical therapy~~] to a person outside the  
7 scope of the physical therapist's practice [~~without a referral from~~  
8 ~~a referring practitioner~~];

9 (2) used drugs or intoxicating liquors to an extent  
10 that affects the license holder's or applicant's professional  
11 competence;

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

15 (4) obtained or attempted to obtain a license by fraud  
16 or deception;

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

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

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

22 (8) had a license to practice physical therapy revoked  
23 or suspended or had other disciplinary action taken against the  
24 license holder or applicant;

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

1                   (10) in the case of a physical therapist assistant,  
2 treated a person other than under the direction of a physical  
3 therapist.

4                   SECTION 5. This Act takes effect September 1, 2007.