

BILL ANALYSIS

C.S.H.B. 3717
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Requiring a person to acquire a Texas physical therapy license before allowing the person to legally practice in Texas is not always possible or practical. There are a few circumstances where a physical therapist licensed in other states should have the ability to practice in Texas; however, these exceptions necessitate restrictions to limit who is allowed to practice without a Texas license and the conditions under which such persons may do so.

Current law only exempts two individuals from the holding requirement of a Texas license to lawfully practice physical therapy: those who are in school to obtain an entry-level physical therapy degree and therapists from another state who come to Texas to attend a physical therapy educational program or seminar in which they will perform physical therapy as part of the educational process. Several other exemptions would be beneficial for Texas and the consumer and are now common in many states.

C.S.H.B. 3717 adds several new categories of exemptions from physical therapist licensing requirements and further clarifies, limits, and removes existing exceptions.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3717 amends the Occupations Code to add to those exempt from licensing requirements a physical therapist licensed in another jurisdiction of the United States if the person is engaging, for not more than 90 days in a 12-month period and under the supervision of a physical therapist licensed in Texas, in a special project or clinic required for completion of a post-professional degree in physical therapy from an accredited college or university or a person who practices physical therapy or practices as a physical therapy assistant and is practicing physical therapy in the United States armed services, United States Public Health Service, or Veterans Administration in compliance with federal regulations for licensure of health care providers; licensed in another jurisdiction of the United States or credentialed to practice physical therapy in another country, if the person is teaching, demonstrating, or practicing physical therapy in an educational seminar in Texas for not more than 60 days in a 12-month period, or by contract or employment is practicing physical therapy in Texas for not more than 60 days in a 12-month period for an athletic team or organization or a performing arts company temporarily competing or performing in Texas; licensed in another jurisdiction of the United States, if the person notifies the Texas Board of Physical Therapy Examiners of the person's intent to practice in Texas, and is practicing physical therapy for not more than 60 days during a declared local, state, or national disaster or emergency or is displaced from the person's residence or place of employment due to a declared local, state, or national disaster and is practicing physical therapy in Texas for not more than 60 days after the date the disaster is declared. The bill removes exemptions from licensing requirements for a person practicing

physical therapy and engaging in a special project in patient care while working toward an advanced degree from an accredited college or university and for a physical therapist who does not live in Texas, is licensed by the appropriate authority, and is in Texas for a period not to exceed six months to attend an educational activity.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3717 differs from the original by adding the exemption from licensing requirements for a physical therapist licensed in another jurisdiction of the United States under certain conditions. The substitute differs from the original by removing the exemption from licensing requirements for a person practicing physical therapy and engaging in a special project in patient care while working toward an advanced degree from an accredited college or university, whereas the original clarifies that the exemption applied to a person working toward a postprofessional degree. The substitute differs from the original by removing the exemption for a physical therapist who does not live in Texas, is licensed by the appropriate authority, and is in Texas for a limited period to attend an educational activity.