

BILL ANALYSIS

C.S.H.B. 3370
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, a person whose physical therapist license has been expired for one year or longer is required to reapply for licensure in the same manner as a new applicant. According to those involved in the licensure process, this requirement is both expensive and time-consuming. C.S.H.B. 3370, among other provisions, intends to allow rules to be adopted relating to the reinstatement of a physical therapist license that has been expired for a certain amount of time.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Board of Physical Therapy Examiners and the Executive Council of Physical Therapy and Occupational Therapy Examiners in SECTION 3 of this bill.

ANALYSIS

C.S.H.B. 3370 amends the Occupations Code to specify that a person is authorized to renew a license to practice physical therapy that has been expired for 90 days or less by paying to the Executive Council of Physical Therapy and Occupational Therapy Examiners, in addition to the renewal fee, a late fee set by the executive council in an amount that does not exceed one-half of the amount charged for examination for the license, rather than a fee that is equal to half of the amount charged for examination for the license.

C.S.H.B. 3370 specifies that a person is authorized to renew a license that has been expired for more than 90 days but less than one year by paying to the executive council, in addition to all unpaid renewal fees, a late fee set by the executive council in an amount that does not exceed the amount charged for examination for the license, rather than a fee that is equal to the amount charged for examination for the license.

C.S.H.B. 3370 removes a provision prohibiting a person whose license has been expired for one year or longer from renewing the license, and instead requires such a person to comply with the Texas Board of Physical Therapy Examiners' requirements and procedures to reinstate the license and pay a reinstatement fee in the amount set by the executive council. The bill authorizes a person to obtain a new license, if the person is unable to comply with the board's requirements to reinstate the license, by submitting to reexamination and complying with the requirements and procedures for obtaining an original license.

C.S.H.B. 3370, in a provision of law authorizing the board to renew without reexamination the license of a person who was licensed to practice as a physical therapist or physical therapist assistant in Texas and moved to another state, specifies that the board is authorized to renew an expired license and includes in the requirements for renewal that the person be currently licensed and in good standing in the other state, and meet the board's requirements for renewal. The bill removes from the requirements for renewal that the person have been in practice in the other state for the two years preceding application. The bill requires the person to pay to the executive council a renewal fee set by the executive council in an amount that does not exceed the

examination fee for the license, rather than a fee that is equal to the examination fee for the license.

C.S.H.B. 3370 requires the Texas Board of Physical Therapy Examiners and the Executive Council of Physical Therapy and Occupational Therapy Examiners, as soon as practicable after the effective date of the bill, to adopt rules and fees necessary to implement the bill's provisions. The bill makes its provisions applicable only to a physical therapist or physical therapist assistant license that is renewed on or after the effective date of those rules and fees, regardless of the date on which the license holder submitted the application to renew the license.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3370 differs from the original by requiring the Texas Board of Physical Therapy Examiners and the Executive Council of Physical Therapy and Occupational Therapy Examiners, as soon as practicable after the effective date, rather than not later than December 1, 2011, as in the original, to adopt rules and fees necessary to implement the bill's provisions.

C.S.H.B. 3370 differs from the original by specifying that its provisions apply only to a physical therapist or physical therapist assistant license that is renewed on or after the effective date of the rules and fees adopted by the board and the executive council, regardless of the date on which the license holder submitted the application to renew the license, and provides for the continuance of the effect of the former law for purposes of a license that is renewed before that effective date, whereas the original specifies that its provisions apply only to the renewal of a physical therapist or physical therapist assistant license that expires on or after December 1, 2011 and provides for the continuance of the effect of the former law for purposes of a license that expires before December 1, 2011.

C.S.H.B. 3370 differs from the original by making the bill effective on passage, or, if the bill does not receive the necessary vote, September 1, 2011, whereas the original makes the bill effective September 1, 2011.