

1-1 By: Carona, Van de Putte S.B. No. 1001
1-2 (In the Senate - Filed February 28, 2011; March 16, 2011,
1-3 read first time and referred to Committee on Business and Commerce;
1-4 April 11, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 11, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1001 By: Carona

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the practice of certain professions regulated under the
1-11 Occupations Code.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Title 2, Occupations Code, is amended by adding
1-14 Chapter 60 to read as follows:

1-15 CHAPTER 60. ABILITY TO PRACTICE PROFESSION

1-16 Sec. 60.001. PURPOSE. The purpose of this chapter is to
1-17 ensure that a person licensed under Title 3 may practice the
1-18 person's profession to the full extent authorized by law in
1-19 accordance with the person's education, training, and licensing.

1-20 Sec. 60.002. CERTAIN INJUNCTIONS PROHIBITED. A licensing
1-21 authority created under Title 3 may not institute an action to
1-22 enjoin a person licensed by another licensing authority created
1-23 under Title 3 from engaging in certain conduct if that conduct has
1-24 been determined by the licensing authority that issued the license
1-25 to be lawful and within the scope of practice authorized by the
1-26 person's license.

1-27 Sec. 60.003. COLLABORATION WITH OTHER LICENSEES. In
1-28 accordance with the provisions of Title 3, a person licensed under a
1-29 particular chapter of Title 3 is authorized to:

1-30 (1) collaborate with a person licensed under a
1-31 different chapter of Title 3 in providing services to a client if
1-32 each person performs only those services that the person is
1-33 authorized under state law, rules, or regulations to perform; or

1-34 (2) use objective or subjective means to analyze,
1-35 examine, evaluate, or otherwise determine the condition of the
1-36 person's client for the purpose of:

1-37 (A) providing services to the client that the
1-38 person is authorized under state laws, rules, or regulations to
1-39 provide; or

1-40 (B) referring the client to an appropriate person
1-41 licensed under Title 3 for the provision of services needed by the
1-42 client.

1-43 Sec. 60.004. AUTHORITY TO FORM CERTAIN ENTITIES AND
1-44 ASSOCIATIONS. Any person licensed under Subtitle C, Title 3 of this
1-45 code, may form a partnership, professional association, or
1-46 professional limited liability company with persons licensed under
1-47 Subtitle B, Title 3 of this code according to the procedures
1-48 established in the Business Organizations Code.

1-49 Sec. 60.005. BILLING AND REIMBURSEMENT FOR SERVICES.

1-50 (a) A person licensed under Title 3 may use the same billing codes
1-51 used by a person licensed under Chapter 453 if the billing codes
1-52 describe services that the person is authorized to provide under
1-53 state law, rules, or regulations.

1-54 (b) An entity that reimburses persons licensed under Title 3
1-55 for physical modalities and procedures covered under a health
1-56 benefit plan may not:

1-57 (1) deny payment or reimbursement for covered physical
1-58 modalities and procedures because of the type of license held by the
1-59 person, if the entity allows payment or reimbursement for the same
1-60 services provided by a person licensed under a different chapter of
1-61 Title 3, and the services are performed in strict compliance with
1-62 state laws, rules, and regulations relating to that person's
1-63 license;

2-1 (2) make payment or reimbursement for covered physical
2-2 modalities and procedures that the person is authorized to provide
2-3 under state law, rules, or regulations contingent on provision of
2-4 those services by a person licensed under a different chapter of
2-5 Title 3; or

2-6 (3) establish other limitations on the provision of
2-7 covered physical modalities and procedures by persons licensed
2-8 under a particular chapter of Title 3 to provide those services that
2-9 would prohibit a covered person from seeking the provision of
2-10 covered physical modalities and procedures to an equal extent from
2-11 any person licensed under Title 3 to provide those services.

2-12 (c) Nothing in this section requires an entity to cover
2-13 particular services or affects the ability of an entity to
2-14 determine whether specific procedures for which payment or
2-15 reimbursement is requested are medically necessary.

2-16 (d) This section does not apply to workers' compensation
2-17 insurance coverage as defined by Section 401.011, Labor Code, or a
2-18 self-insured employee welfare benefit plan subject to the Employee
2-19 Retirement Income Security Act of 1974 (29 U.S.C. Section 1001 et
2-20 seq.).

2-21 SECTION 2. This Act takes effect September 1, 2011.

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