

BILL ANALYSIS

C.S.H.B. 588
By: Craddick
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, the requirements for a person to renew a license as a physical therapist or a physical therapist assistant in Texas vary greatly depending on the specific circumstances of the license holder. For example, a physical therapist or physical therapist assistant licensed in Texas who moves to another state may renew that individual's Texas license without reexamination if the person has been licensed in the other state and has been in active practice in that state for the previous two years, while a physical therapist or physical therapist assistant licensed and practicing in Texas who has let the license lapse for more than a year must obtain a new license and submit to reexamination but is not required to show proof of active practice. In addition, interested parties have identified a number of statutes that have become outdated since their last review by the Sunset Advisory Commission.

C.S.H.B. 588 seeks to make the renewal licensing requirements for a physical therapist and physical therapist assistant license more consistent for all license holders and to update various statutory provisions regulating the practice of physical therapy.

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 5 of this bill.

ANALYSIS

C.S.H.B. 588 amends the Occupations Code to make confidential and not subject to disclosure under state public information law information maintained by the Executive Council of Physical Therapy and Occupational Therapy Examiners or the Texas Board of Physical Therapy Examiners regarding the home address or personal telephone number of a person licensed as a physical therapist or physical therapist assistant or a person who is an owner or manager of a registered physical therapy facility and requires such a person to provide the board with a business address or address of record that will be subject to disclosure under such law. The bill removes the requirement that a physical therapist or physical therapist assistant license holder display a license renewal certificate in a conspicuous place in the principal office in which the license holder practices physical therapy.

C.S.H.B. 588 specifies that the additional fee required to be paid by a person whose physical therapist or physical therapist assistant license has been expired for 90 days or less is 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 such an amount, and that the additional fee required to be paid by a person whose physical therapist or physical therapist assistant license has been expired for more than 90 days but less than one year is 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 such an amount. The bill removes a provision prohibiting a person whose physical therapist or physical therapist assistant license has been

expired for one year or longer from renewing the license and instead requires such a person to comply with the board's requirements and procedures to reinstate the license and to pay a reinstatement fee in the amount set by the executive council. The bill authorizes a person unable to comply with the board's requirements to reinstate the license to obtain a new license by submitting to reexamination and complying with the requirements and procedures for obtaining an original license. The bill removes a provision requiring the executive council to send a physical therapist or physical therapist assistant license holder written notice of an impending license expiration to the person at the person's last known address according to the records of the executive council and instead requires the council to provide such a person notice of an impending license expiration.

C.S.H.B. 588 clarifies that statutory provisions establishing the manner in which a license may be renewed by an out-of-state practitioner apply to the expired license of such a person. The bill specifies that such a person must be currently licensed and in good standing in the other state, rather than be currently licensed and have been in practice in the other state for the two years preceding application, and requires the person to meet the board's requirements for renewal. The bill requires such a person to pay 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. The bill requires the board and the executive council, not later than December 1, 2013, to adopt rules and fees necessary to implement the bill's provisions relating to renewing a physical therapist or physical therapist assistant license. The bill makes its provisions relating to the renewal of a physical therapist or physical therapist assistant license and the renewal of such an expired license by an out-of-state practitioner applicable only to the renewal of a license that expires on or after December 1, 2013.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 588 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 453.151, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) Information regarding the home address or personal telephone number of a person licensed under this chapter or a person who is an owner or manager of a physical therapy facility registered under this chapter is confidential and not subject to disclosure under Chapter 552, Government Code. A person licensed under this chapter or a person who is an owner or manager of a physical therapy facility registered under this chapter must provide the board with a business address or address of record that will be subject to disclosure under Chapter 552, Government Code.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 453.151, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) Information maintained by the executive council or the board under this chapter regarding the home address or personal telephone number of a person licensed under this chapter or a person who is an owner or manager of a physical therapy facility registered under this chapter is confidential and not subject to disclosure under Chapter 552, Government Code. A person licensed under this chapter or a person who is an owner or manager of a physical therapy facility registered under this chapter must provide the board with a business address or address of record that will be subject to

SECTION 2. Section 453.212, Occupations Code, is amended to read as follows:

Sec. 453.212. **DISPLAY OF LICENSE** ~~[AND RENEWAL CERTIFICATE]~~. A license holder under this chapter shall display the license holder's license ~~[and renewal certificate]~~ in a conspicuous place in the principal office in which the license holder practices physical therapy.

SECTION 2. Same as introduced version.

SECTION 3. Sections 453.252(b), (c), and (d), Occupations Code, are amended to read as follows:

(b) A person whose license has been expired for 90 days or less may renew the license by paying to the executive council the renewal fee and a late fee set by the executive council in an amount that does not exceed one-half ~~[that is equal to half]~~ of the amount charged for examination for the license. If a person's license has been expired for more than 90 days but less than one year, the person may renew the license by paying to the executive council all unpaid renewal fees and a late fee set by the executive council in an amount that does not exceed ~~[that is equal to]~~ the amount charged for examination for the license.

(c) A person whose license has been expired for one year or longer must comply with the board's requirements and procedures to reinstate the license and pay a reinstatement fee in the amount set by the executive council ~~[may not renew the license]~~. If the person is unable to comply with the board's requirements to reinstate the license, the ~~[The]~~ person may obtain a new license by submitting to reexamination and complying with the requirements and procedures for obtaining an original license.

(d) At least 30 days before the expiration of a person's license, the executive council shall provide the person with ~~[send written]~~ notice of the impending license expiration ~~[to the person at the person's last known address according to the records of the executive council]~~.

SECTION 3. Same as introduced version.

SECTION 4. Section 453.253, Occupations Code, is amended to read as follows:

SECTION 4. Same as introduced version.

Sec. 453.253. RENEWAL OF EXPIRED LICENSE BY OUT-OF-STATE PRACTITIONER. (a) The board may renew without reexamination the expired license of a person who was licensed to practice as a physical therapist or physical therapist assistant in this state, moved to another state, ~~[and]~~ is currently licensed and in good standing ~~[has been in practice]~~ in the other state, and meets the board's requirements for renewal ~~[for the two years preceding application]~~.

(b) The person must pay to the executive council a renewal fee set by the executive council in an amount that does not exceed ~~[that is equal to]~~ the examination fee for the license.

SECTION 5. (a) Not later than December 1, 2013, the Texas Board of Physical Therapy Examiners and the Executive Council of Physical Therapy and Occupational Therapy Examiners shall adopt rules and fees necessary to implement Sections 453.252 and 453.253, Occupations Code, as amended by this Act.

(b) Sections 453.252 and 453.253, Occupations Code, as amended by this Act, apply only to the renewal of a physical therapist or physical therapist assistant license that expires on or after December 1, 2013. A license that expires before that date is governed by the law in effect on the date the license expires, and the former law is continued in effect for that purpose.

SECTION 6. This Act takes effect September 1, 2013.

SECTION 5. Same as introduced version.

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