By:  Hughes, West S.B. No. 732

(In the Senate - Filed February 8, 2019; March 1, 2019, read first time and referred to Committee on Business & Commerce; May 2, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 0; May 2, 2019, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Hancock              X

Nichols              X

Campbell             X

Creighton            X

Menéndez             X

Paxton               X

Schwertner           X

Whitmire             X

Zaffirini            X

COMMITTEE SUBSTITUTE FOR S.B. No. 732 By:  Creighton

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the practice of physical therapy.

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.  PRACTICE BY PHYSICAL THERAPIST [~~TREATING PATIENT UNDER PRIOR REFERRAL~~]. (a) A physical therapist may treat a patient for an injury or condition in a manner described by Section 453.005 without a [~~that 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)  is covered by professional liability insurance in the minimum amount required by board rule [~~notifies the referring practitioner of the therapy not later than the fifth business day after the date therapy is begun~~]; and

(3)  either:

(A)  possesses a doctoral degree in physical therapy from:

(i)  a program that is accredited by the Commission on Accreditation in Physical Therapy Education; or

(ii)  an institution that is accredited by an agency or association recognized by the United States secretary of education; or

(B)  has completed at least 30 hours of continuing competence activities in the area of differential diagnosis.

(a-1)  Except as provided by Subsection (a-2), a physical therapist may treat a patient under Subsection (a) [~~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 10 [~~20 treatment sessions or 30~~] consecutive business [~~calendar~~] days[~~, whichever occurs first; and~~

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

(a-2)  A physical therapist who possesses a doctoral degree described by Subsection (a)(3)(A) and has completed a residency or fellowship may treat a patient under Subsection (a) for not more than 15 consecutive business days.

(b)  The physical therapist must obtain a referral from a [~~confer with the~~] referring practitioner before the physical therapist may continue treatment that exceeds treatment authorized under Subsection (a-1) or (a-2), as applicable [~~(a)(4)~~].

(c)  A physical therapist who treats a patient without a referral shall obtain from the patient a signed disclosure on a form prescribed by the board in which the patient acknowledges that:

(1)  physical therapy is not a substitute for a medical diagnosis by a physician;

(2)  physical therapy is not based on radiological imaging;

(3)  a physical therapist cannot diagnose an illness or disease; and

(4)  the patient's health insurance may not include coverage for the physical therapist's services.

SECTION 2.  Section 453.351(a), Occupations Code, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

SECTION 3.  Not later than November 1, 2019, the Texas Board of Physical Therapy Examiners shall adopt rules necessary to implement Section 453.301, Occupations Code, as amended by this Act.

SECTION 4.  Section 453.301(c), Occupations Code, as added by this Act, applies only to treatment by a physical therapist that is provided on or after November 1, 2019. Treatment that is provided before November 1, 2019, is governed by the law in effect on the date the treatment was provided, and the former law is continued in effect for that purpose.

SECTION 5.  This Act takes effect September 1, 2019.

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