

By: Minjarez, Klick, Moody, Coleman, Parker,
et al.

H.B. No. 29

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

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

3 (a-1) Except as provided by Subsection (a-2), a physical
4 therapist may treat a patient under Subsection (a) [~~begins any~~
5 episode of treatment before the first anniversary of the referral
6 by the referring practitioner;

7 ~~[(4) for physical therapy episodes subsequent to the~~
8 ~~episode which was initiated by the referral, treats the patient]~~
9 for not more than 10 ~~[20 treatment sessions or 30]~~ consecutive
10 business ~~[calendar]~~ days~~[, whichever occurs first, and~~

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

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

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

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

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

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

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

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

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

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

11 (1) except as provided by Section [~~453.301 or~~
12 453.302, provided care [physical therapy] to a person outside the
13 scope of the physical therapist's practice [~~without a referral from~~
14 ~~a referring practitioner~~];

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

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

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

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

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

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

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

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

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

10 SECTION 3. Not later than November 1, 2019, the Texas Board
11 of Physical Therapy Examiners shall adopt rules necessary to
12 implement Section [453.301](#), Occupations Code, as amended by this
13 Act.

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

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