

1-1 By: Minjarez, et al. H.B. No. 29
 1-2 (Senate Sponsor - Hughes, Menéndez)
 1-3 (In the Senate - Received from the House May 9, 2019;
 1-4 May 13, 2019, read first time and referred to Committee on Business
 1-5 & Commerce; May 20, 2019, reported favorably by the following vote:
 1-6 Yeas 8, Nays 0; May 20, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	
1-17	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to the regulation of the practice of physical therapy.
 1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-22 SECTION 1. Section 453.301, Occupations Code, is amended to
 1-23 read as follows:
 1-24 Sec. 453.301. PRACTICE BY PHYSICAL THERAPIST [~~TREATING~~
 1-25 ~~PATIENT UNDER PRIOR REFERRAL~~]. (a) A physical therapist may treat
 1-26 a patient for an injury or condition in a manner described by
 1-27 Section 453.005 without a [~~that was the subject of a prior~~] referral
 1-28 if the physical therapist:
 1-29 (1) has been licensed to practice physical therapy for
 1-30 at least one year;
 1-31 (2) is covered by professional liability insurance in
 1-32 the minimum amount required by board rule [~~notifies the referring~~
 1-33 ~~practitioner of the therapy not later than the fifth business day~~
 1-34 ~~after the date therapy is begun~~]; and
 1-35 (3) either:
 1-36 (A) possesses a doctoral degree in physical
 1-37 therapy from:
 1-38 (i) a program that is accredited by the
 1-39 Commission on Accreditation in Physical Therapy Education; or
 1-40 (ii) an institution that is accredited by
 1-41 an agency or association recognized by the United States secretary
 1-42 of education; or
 1-43 (B) has completed at least 30 hours of continuing
 1-44 competence activities in the area of differential diagnosis.
 1-45 (a-1) Except as provided by Subsection (a-2), a physical
 1-46 therapist may treat a patient under Subsection (a) [~~begins any~~
 1-47 ~~episode of treatment before the first anniversary of the referral~~
 1-48 ~~by the referring practitioner;~~
 1-49 [~~(4) for physical therapy episodes subsequent to the~~
 1-50 ~~episode which was initiated by the referral, treats the patient]~~
 1-51 for not more than 10 [~~20 treatment sessions or 30~~] consecutive
 1-52 business [~~calendar~~] days[, ~~whichever occurs first, and~~
 1-53 [~~(5) satisfies any other requirement set by the~~
 1-54 ~~board~~].
 1-55 (a-2) A physical therapist who possesses a doctoral degree
 1-56 described by Subsection (a)(3)(A) and has completed a residency or
 1-57 fellowship may treat a patient under Subsection (a) for not more
 1-58 than 15 consecutive business days.
 1-59 (b) The physical therapist must obtain a referral from a
 1-60 [~~confer with the~~] referring practitioner before the physical
 1-61 therapist may continue treatment that exceeds treatment authorized

2-1 under Subsection (a-1) or (a-2), as applicable [~~(a)(4)~~].

2-2 (c) A physical therapist who treats a patient without a
2-3 referral shall obtain from the patient a signed disclosure on a form
2-4 prescribed by the board in which the patient acknowledges that:

2-5 (1) physical therapy is not a substitute for a medical
2-6 diagnosis by a physician;

2-7 (2) physical therapy is not based on radiological
2-8 imaging;

2-9 (3) a physical therapist cannot diagnose an illness or
2-10 disease; and

2-11 (4) the patient's health insurance may not include
2-12 coverage for the physical therapist's services.

2-13 SECTION 2. Section 453.351(a), Occupations Code, is amended
2-14 to read as follows:

2-15 (a) The board may deny a license or suspend or revoke a
2-16 license, place a license holder on probation, reprimand a license
2-17 holder, impose an administrative penalty, or otherwise discipline a
2-18 license holder if the applicant or license holder has:

2-19 (1) except as provided by Section [453.301 or]
2-20 453.302, provided care [physical therapy] to a person outside the
2-21 scope of the physical therapist's practice [without a referral from
2-22 a referring practitioner];

2-23 (2) used drugs or intoxicating liquors to an extent
2-24 that affects the license holder's or applicant's professional
2-25 competence;

2-26 (3) been convicted of a felony, including a finding or
2-27 verdict of guilty, an admission of guilt, or a plea of nolo
2-28 contendere, in this state or in any other state or nation;

2-29 (4) obtained or attempted to obtain a license by fraud
2-30 or deception;

2-31 (5) been grossly negligent in the practice of physical
2-32 therapy or in acting as a physical therapist assistant;

2-33 (6) been found to be mentally incompetent by a court;

2-34 (7) practiced physical therapy in a manner detrimental
2-35 to the public health and welfare;

2-36 (8) had a license to practice physical therapy revoked
2-37 or suspended or had other disciplinary action taken against the
2-38 license holder or applicant;

2-39 (9) had the license holder's or applicant's
2-40 application for a license refused, revoked, or suspended by the
2-41 proper licensing authority of another state or nation; or

2-42 (10) in the case of a physical therapist assistant,
2-43 treated a person other than under the direction of a physical
2-44 therapist.

2-45 SECTION 3. Not later than November 1, 2019, the Texas Board
2-46 of Physical Therapy Examiners shall adopt rules necessary to
2-47 implement Section 453.301, Occupations Code, as amended by this
2-48 Act.

2-49 SECTION 4. Section 453.301(c), Occupations Code, as added
2-50 by this Act, applies only to treatment by a physical therapist that
2-51 is provided on or after November 1, 2019. Treatment that is
2-52 provided before November 1, 2019, is governed by the law in effect
2-53 on the date the treatment was provided, and the former law is
2-54 continued in effect for that purpose.

2-55 SECTION 5. This Act takes effect September 1, 2019.

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