By:  Hughes                                      S.B. No. 732

A BILL TO BE ENTITLED

1                              AN ACT

2 relating to the regulation of the practice of physical therapy.

3       BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4       SECTION 1.   Section 453.301, Occupations Code, is amended to

5 read as follows:

6       Sec. 453.301.   PRACTICE   BY   PHYSICAL   THERAPIST   [TREATING

7 PATIENT UNDER PRIOR REFERRAL].  (a)  A physical therapist may treat

8 a patient for  an  injury  or  condition  in a manner described by

9 Section 453.005 without a [that was the subject of a prior] referral

10 if the physical therapist:

11             (1)   has been licensed to practice physical therapy for

12 at least one year;

13             (2)   is covered by professional liability insurance in

14 the minimum amount required by board rule [notifies the referring

15 practitioner of the therapy not later than the fifth business day

16 after the date therapy is begun]; and

17             (3)   either:

18                   (A)   possesses  a  doctoral  degree  in  physical

19 therapy from:

20                         (i)   a program that  is  accredited  by  the

21 Commission on Accreditation in Physical Therapy Education; or

22                         (ii)   an  institution  that  is  accredited  by

23 an agency or association recognized by the United States secretary

24 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)  A  physical  therapist  may  treat  a  patient  under

4    Subsection (a) [begins any episode of treatment before the first

5    anniversary of the referral by the referring practitioner;

6          [(4)  for physical therapy episodes subsequent to the

7    episode which was initiated by the referral, treats the patient]

8    for  not  more  than  [20  treatment  sessions  or]  30  consecutive

9    calendar days[, whichever occurs first ; and

10          [(5)  satisfies  any  other  requirement  set  by  the

11   board].

12          (b)  The  physical  therapist  must  obtain a referral from a

13   [confer  with  the]  referring  practitioner  before  the  physical

14   therapist may continue treatment that exceeds treatment authorized

15   under Subsection (a-1) [(a)(4)].

16          SECTION 2.  Section 453.351(a), Occupations Code, is amended

17   to read as follows:

18          (a)  The board may deny a license or suspend or revoke a

19   license, place a license holder on probation, reprimand a license

20   holder, impose an administrative penalty, or otherwise discipline a

21   license holder if the applicant or license holder has:

22          (1)  except  as  provided  by  Section  [453.301  or]

23   453.302, provided care [physical therapy] to a person outside the

24   scope of the physical therapist's practice [without a referral from

25   a referring practitioner];

26          (2)  used drugs or intoxicating liquors to an extent

27   that  affects  the  license  holder's  or  applicant's  professional

1 competence;

2 (3) been convicted of a felony, including a finding or

3 verdict of guilty, an admission of guilt, or a plea of nolo

4 contendere, in this state or in any other state or nation;

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

6 or deception;

7 (5) been grossly negligent in the practice of physical

8 therapy or in acting as a physical therapist assistant;

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

10 (7) practiced physical therapy in a manner detrimental

11 to the public health and welfare;

12 (8) had a license to practice physical therapy revoked

13 or suspended or had other disciplinary action taken against the

14 license holder or applicant;

15 (9) had the license holder's or applicant's

16 application for a license refused, revoked, or suspended by the

17 proper licensing authority of another state or nation; or

18 (10) in the case of a physical therapist assistant,

19 treated a person other than under the direction of a physical

20 therapist.

21 SECTION 3. Not later than November 1, 2019, the Texas Board

22 of Physical Therapy Examiners shall adopt rules necessary to

23 implement Section 453.301, Occupations Code, as amended by this

24 Act.

25 SECTION 4. This Act takes effect September 1, 2019.