

1-1 By: Hughes, West S.B. No. 732
1-2 (In the Senate - Filed February 8, 2019; March 1, 2019, read
1-3 first time and referred to Committee on Business & Commerce;
1-4 May 2, 2019, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; May 2, 2019, sent
1-6 to printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|------------|-----|--------|-----|
| 1-8 | | | | |
| 1-9 | Hancock | X | | |
| 1-10 | Nichols | X | | |
| 1-11 | Campbell | X | | |
| 1-12 | Creighton | X | | |
| 1-13 | Menéndez | X | | |
| 1-14 | Paxton | X | | |
| 1-15 | Schwertner | X | | |
| 1-16 | Whitmire | X | | |
| 1-17 | Zaffirini | X | | |

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 732 By: Creighton

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

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

2-1 ~~[confer with the]~~ referring practitioner before the physical
 2-2 therapist may continue treatment that exceeds treatment authorized
 2-3 under Subsection (a-1) or (a-2), as applicable ~~[(a)(4)]~~.

2-4 (c) A physical therapist who treats a patient without a
 2-5 referral shall obtain from the patient a signed disclosure on a form
 2-6 prescribed by the board in which the patient acknowledges that:

2-7 (1) physical therapy is not a substitute for a medical
 2-8 diagnosis by a physician;

2-9 (2) physical therapy is not based on radiological
 2-10 imaging;

2-11 (3) a physical therapist cannot diagnose an illness or
 2-12 disease; and

2-13 (4) the patient's health insurance may not include
 2-14 coverage for the physical therapist's services.

2-15 SECTION 2. Section 453.351(a), Occupations Code, is amended
 2-16 to read as follows:

2-17 (a) The board may deny a license or suspend or revoke a
 2-18 license, place a license holder on probation, reprimand a license
 2-19 holder, impose an administrative penalty, or otherwise discipline a
 2-20 license holder if the applicant or license holder has:

2-21 (1) except as provided by Section ~~[453.301 or]~~
 2-22 453.302, provided care ~~[physical therapy]~~ to a person outside the
 2-23 scope of the physical therapist's practice ~~[without a referral from~~
 2-24 ~~a referring practitioner]~~;

2-25 (2) used drugs or intoxicating liquors to an extent
 2-26 that affects the license holder's or applicant's professional
 2-27 competence;

2-28 (3) been convicted of a felony, including a finding or
 2-29 verdict of guilty, an admission of guilt, or a plea of nolo
 2-30 contendere, in this state or in any other state or nation;

2-31 (4) obtained or attempted to obtain a license by fraud
 2-32 or deception;

2-33 (5) been grossly negligent in the practice of physical
 2-34 therapy or in acting as a physical therapist assistant;

2-35 (6) been found to be mentally incompetent by a court;

2-36 (7) practiced physical therapy in a manner detrimental
 2-37 to the public health and welfare;

2-38 (8) had a license to practice physical therapy revoked
 2-39 or suspended or had other disciplinary action taken against the
 2-40 license holder or applicant;

2-41 (9) had the license holder's or applicant's
 2-42 application for a license refused, revoked, or suspended by the
 2-43 proper licensing authority of another state or nation; or

2-44 (10) in the case of a physical therapist assistant,
 2-45 treated a person other than under the direction of a physical
 2-46 therapist.

2-47 SECTION 3. Not later than November 1, 2019, the Texas Board
 2-48 of Physical Therapy Examiners shall adopt rules necessary to
 2-49 implement Section 453.301, Occupations Code, as amended by this
 2-50 Act.

2-51 SECTION 4. Section 453.301(c), Occupations Code, as added
 2-52 by this Act, applies only to treatment by a physical therapist that
 2-53 is provided on or after November 1, 2019. Treatment that is
 2-54 provided before November 1, 2019, is governed by the law in effect
 2-55 on the date the treatment was provided, and the former law is
 2-56 continued in effect for that purpose.

2-57 SECTION 5. This Act takes effect September 1, 2019.

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