

## **BILL ANALYSIS**

C.S.H.B. 2553  
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Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

In 2019, the legislature passed H.B. 29 which provided patients direct access to see their physical therapist without needing a referral from a physician or other provider. That bill provided access for 10 or 15 business days depending on qualifications of the physical therapist. In the three plus years such direct access has been in effect there have been no complaints to the Texas Board of Physical Therapy Examiners related to patients choosing to go directly to a physical therapist. It has been noted that patients should have the right to choose the treatment they believe to be best for their needs. Currently, 21 states and the District of Columbia allow 20 days of direct access to physical therapists. Additionally, 20 states allow direct access to physical therapists with no time restrictions at all, making Texas one of only nine states with such a restrictions on a patient's choice of provider. Physical therapy has been proven to be the least invasive and most effective treatment for a variety of injuries and causes of pain. C.S.H.B. 2553 seeks to allow a patient the right to choose their treatment for their pain through a licensed physical therapist for up to 20 consecutive business days.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Board of Physical Therapy Examiners in SECTION 3 of this bill.

### **ANALYSIS**

C.S.H.B. 2553 amends the Occupations Code to change the period during which a licensed physical therapist may treat a patient without a referral from not more than 10 consecutive business days to not more than 20 consecutive business days.

C.S.H.B. 2553 repeals Section 453.301(a-2), Occupations Code, which prescribes the qualifications for a physical therapist to treat a patient for not more than 15 consecutive business days without a referral as follows:

- the physical therapist possesses a doctoral degree in physical therapy from:
  - a program that is accredited by the Commission on Accreditation in Physical Therapy Education; or
  - an institution that is accredited by an agency or association recognized by the U.S. secretary of education; and
- the physical therapist either has completed a residency or fellowship or is certified by an entity approved by the Texas Board of Physical Therapy Examiners (TBPTE).

C.S.H.B. 2553 requires TBPTE, not later than December 1, 2023, to adopt rules necessary to implement the bill's provisions.

### **EFFECTIVE DATE**

September 1, 2023.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 2553 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute omits the following provisions from the introduced:

- provisions that extended to all licensed physical therapists the authority to treat patients without referral; and
- provisions that repealed the following:
  - the definition of "referring practitioner" for purposes of statutory provisions relating to the regulation of physical therapists;
  - the limitation for a licensed physical therapist to treat a patient without referral for 10 consecutive business days;
  - the requirement for a licensed physical therapist to obtain a referral from a referring practitioner before continuing treatment that exceeds statutory limitations; and
  - the authorization for a licensed physical therapist to provide physical assessments or instructions to an asymptomatic person without a referral from a referring practitioner.

The substitute includes a provision absent from the introduced changing the period during which a licensed physical therapist may treat a patient without a referral.

The substitute includes a requirement absent from the introduced for TBPTE to adopt rules necessary to implement the bill's provisions not later than December 1, 2023.