

By: \_\_\_\_\_ .B. No. \_\_\_\_\_

Substitute the following for \_\_\_\_B. No. \_\_\_\_\_:

By: \_\_\_\_\_ C.S.\_\_\_\_.B. No. \_\_\_\_\_

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) 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.