

By: Eiland, et al.

H.B. No. 1039

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the practice of physical therapy.

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

SECTION 1. Section 453.301, Occupations Code, is amended to read as follows:

Sec. 453.301. TREATING PATIENT WITHIN SCOPE OF PRACTICE [~~UNDER PRIOR REFERRAL~~]. (a) A physical therapist may treat a patient for an injury or condition that is within the physical therapist's scope of practice under Section 453.005 without a [~~was the subject of a prior~~] referral if the physical therapist:

(1) has been licensed to practice physical therapy for at least one year;

(2) is covered by professional liability insurance in the minimum amount required by board rule [~~notifies the referring practitioner of the therapy not later than the fifth business day after the date therapy is begun~~]; and

(3) either:

(A) possesses a doctoral degree in physical therapy from:

(i) a program that is accredited by the Commission on Accreditation in Physical Therapy Education; or

(ii) an institution that is accredited by an agency or association recognized by the United States secretary 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 45 [~~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. This Act takes effect September 1, 2013.