

- SUBJECT:** Exemptions from licensing requirements to practice physical therapy
- COMMITTEE:** Public Health — committee substitute recommended
- VOTE:** 9 ayes — Kolkhorst, Coleman, J. Davis, Gonzales, Hopson, S. King, Laubenberg, Truitt, Zerwas
- 0 nays
- 2 absent — Naishtat, McReynolds
- WITNESSES:** For — Karen Gordon, Texas Board of Physical Therapy Examiners; (*Registered, but did not testify:* Paul Hardin, Texas Physical Therapy Association)
- Against — None
- On — (*Registered, but did not testify:* John Maline, Executive Council of Physical Therapy and Occupational Therapy Examiners; Phillip Palmer, Texas Board of Physical Therapy Examiners)
- BACKGROUND:** Occupations Code, sec. 453.004(b) exempts physical therapy aides and certain physical therapy students from licensing and other requirements applicable to practicing physical therapy in Texas.
- DIGEST:** CSHB 3717 would exempt additional practitioners from Texas physical therapy licensing standards under certain circumstances.
- Texas physical therapy licensing requirements would not apply to people practicing physical therapy in the U.S. armed services, U.S. Public Health Service, or Veterans Administration.
- People licensed to practice physical therapy in another U.S. jurisdiction who were supervised by a Texas-licensed physical therapist could participate for up to 90 days in a 12-month period in a special project or clinic required to complete a post-professional degree in physical therapy.
- A person licensed to practice physical therapy in another U.S. jurisdiction or credentialed in another country would not be subject to Texas license

standards if, for not more than 60 days during a 12-month period, the person was:

- teaching, demonstrating, or practicing physical therapy at an educational seminar; or
- providing physical therapy services for an athletic team or performing arts company that temporarily was competing or performing in Texas.

Texas physical therapy licensing requirements would not apply to a person licensed to practice physical therapy in another U.S. jurisdiction, if the person provided the Board of Physical Therapy Examiners with notice, and the person was:

- practicing in Texas during a declared disaster or emergency for not more than 60 days; or
- practicing in Texas for not more than 60 days after the date a disaster was declared that had displaced the practitioner from his home or place of employment.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

**SUPPORTERS  
SAY:**

CSHB 3717 would exempt certain physical therapy practitioners from the Texas licensure standards, only on a short-term basis and in very specific situations.

As necessary, the bill would allow people licensed to practice physical therapy in other jurisdictions to engage in certain practices with appropriate oversight. Out-of-state licensees could complete post-professional degree requirements under the supervision of a Texas-licensed practitioner or could teach or participate in educational seminars in Texas that would be attended by other Texas physical therapists.

The bill would allow certain physical therapists from outside Texas to practice if they did not serve the general public in Texas. Physical therapists who worked for a traveling sports team or performing arts company could provide services to the team or company. People complying with federal licensure regulations only could serve the entity

with which they were affiliated, such as a branch of the U.S. armed services.

CSHB 3717 would recognize special practice needs that arise during a natural disaster. People licensed in another jurisdiction could assist Texas practitioners in serving the physical therapy needs of Texans who were injured in a natural disaster or who could not reach their usual practitioner. In addition, out-of-state physical therapists could practice in Texas for a reasonable period of time without meeting Texas licensure standards if they had been displaced by a natural disaster. Such individuals would have to notify the state board that they would be practicing and the board could establish by rule supervision standards for any out-of-state practitioner to be supervised by a licensed-Texas physical therapist.

Temporary license requires a lot of paperwork, making issuance impossible to many people who have been displaced by a major storm. Their records could have been destroyed during the natural disaster, and these people still would need to earn a living while this paperwork was replaced.

The physical therapy licensing exceptions in this bill would represent an appropriate response to situations in which common-sense would dictate that even issuance of a temporary license should not be required. The board could adopt more rules, as appropriate, if supervision or other practice restrictions should be required.

**OPPONENTS  
SAY:**

As opposed to waiving the licensing standards for the practitioners in this bill, CSHB 3717 should adopt standards for these practitioners to receive temporary or visiting practitioner licenses. Other medical occupational licensing boards issue such licenses under similar circumstances. A temporary license already may be issued for physical therapists not licensed by Texas, but the bill did not make use of this provision. Providing temporary licenses at a minimum would allow Texas to track anyone performing physical therapy services in Texas, regardless of circumstance.

Out-of-state physical therapists have different licensing standards that may not be as stringent as Texas'. To ensure the safety of people receiving physical therapy services, out-of-state practitioners should not be able to practice in Texas without supervision by a Texas-licensed physical

therapist, even in cases of a declared emergency. This should be specified in statute and not by rule to guarantee that this requirement is followed.

This bill also should clarify that anyone temporarily practicing in Texas for any purpose described in this bill should not only hold a license from another jurisdiction, but that license should be free of any restriction or disciplinary order. This requirement would guard against unsafe practitioners performing any service in Texas.