

BILL ANALYSIS

Senate Research Center

C.S.S.B. 505
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Health & Human Services
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Orthotic devices are used by injured or disabled persons to support parts of the body that have become weak or injured. Orthotic devices are prescribed by physicians, who generally rely on trained persons to measure and fit these devices.

Under the laws of most states, physicians have the option of relying on their own employees or manufacturers' representatives to measure and fit these devices in the physician's office under his or her supervision. If a physician feels it is necessary, he or she has the option of referring patients to orthotists who operate independent businesses in their own facilities. These individuals are not supervised by physicians or any other licensed health care professionals.

Texas has one of the most restrictive orthotic practice laws in the country. Texas requires a license for a wide range of activities, including measuring and fitting custom-fabricated and custom-fitted devices. The effect of this law is that physicians must send their patients to licensed orthotists to measure and fit orthotic devices, even if these tasks can be done in the physician's office. Even if it is appropriate to require a license for fabricating and designing orthotic devices, there is no persuasive rationale for requiring a license for non-clinical tasks of measuring and fitting orthotic devices under the supervision of a physician or another licensed health care professional.

Patients are forced to travel to independent orthotists, sometimes in another city. These restrictions reduce physicians' treatment options and impose considerable inconvenience and additional costs on patients, particularly those who have mobility limitations. Licensing restrictions can also limit patient access to services. According to the Department of State Health Services, there are only 425 licensed orthotists and prosthetists in the State of Texas and they are concentrated in the metropolitan areas. In many rural areas of Texas, this requirement means that patients may have to travel 100 miles or more to find a licensed orthotist.

C.S.S.B. 505 amends current law relating to an exemption from the licensing requirement for certain persons who measure or fit orthoses under the supervision of a physician.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter G, Chapter 605, Occupations Code, by adding Section 605.306, as follows:

Sec. 605.306. EXEMPTION FOR CERTAIN SUPERVISED PERSONS. (a) Provides that this chapter (Orthotists and Prosthetists) does not apply to a person who measures or fits an orthosis under the supervision of a physician practicing under Subtitle B (Physicians).

(b) Provides that the exemption provided by this section does not apply to the measuring and fitting of a custom-fabricated device if the measuring and fitting requires substantial clinical judgment as determined by the treating physician.

SECTION 2. Effective date: upon passage or September 1, 2013.