

BILL ANALYSIS

Senate Research Center
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H.B. 29
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Physical therapists are highly-educated, licensed healthcare professionals that play an integral part in patient recovery for musculoskeletal and nerve injuries. Their involvement significantly improves patient outcomes without the need for expensive surgery or the long-term use of opioids and other prescription medicines. Early interaction with a physical therapist has proven to be the most effective treatment for patients in terms of better outcomes and cost of care.

Current law requires a patient acquire a physician referral before they can access a physical therapist. The referral process creates unnecessary barriers to care for the patient such as additional payments and longer wait times. One study identified 159,777 patients who were reported to have lower back pain. Of the patients who saw a physical therapist first, they had significantly lower costs and were 89.4 percent less likely to be prescribed an opioid prescription. Texas is one of only two states in the United States that do not allow direct access to physical therapy. Texas also ranks 47th in access to care in the U.S and has some of the highest rates of opioid addictions in the country. Allowing patients direct access to physical therapy would expand improve access to care in Texas, decrease the prevalence of opioid subscriptions, and improve patient outcomes.

H.B. 29 gives Texans the right to receive direct access to treatment from a physical therapist for a maximum of 30 consecutive calendar days. After 30 days, the therapist could only continue treatment with a referral from a primary care physician. Multiple studies show giving patients direct access to physical therapy treatment increases access to care, decreases patient costs and wait times, and correlates with a much lower risk of being prescribed opioids.

H.B. 29 amends current law relating to the regulation of the practice of physical therapy.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Board of Physical Therapy Examiners in SECTION 3 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 453.301, Occupations Code, as follows:

Sec. 453.301. New heading: PRACTICE BY PHYSICAL THERAPIST. (a) Authorizes a physical therapist to treat a patient for an injury or condition in a manner described by Section 453.005 without a referral, rather than treat a patient for an injury or condition that was the subject of a prior referral, if the physical therapist:

- (1) makes no changes to this subdivision;
- (2) is covered by professional liability insurance in the minimum amount required by Texas Board of Physical Therapy Examiners (TBPTE) rule, rather than 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

(B) has completed at least 30 hours of continuing competence activities in the area of differential diagnosis.

(a-1) Authorizes a physical therapist, except as provided by Subsection (a-2), to treat a patient under Subsection (a) for not more than 10 consecutive business days. Deletes existing text relating to beginning any episode of treatment before the first anniversary of the referral by the referring practitioner. Deletes Subdivision (4) and existing text authorizing a physical therapist to treat a patient for an injury or condition in a manner described by Section 453.005 without a referral if the physical therapist, for physical therapy episodes subsequent to the episode which was initiated by the referral, treats the patient for not more than 20 treatment sessions or 30 consecutive calendar days, whichever occurs first. Deletes Subdivision (5) and existing text authorizing a physical therapist to treat a patient for an injury or condition in a manner described by Section 453.005 without a referral if the physical therapist satisfies any other requirement set by TBPTE.

(a-2) Authorizes a physical therapist who possesses a doctoral degree described by Subsection (a)(3)(A) and has completed a residency or fellowship to treat a patient under Subsection (a) for not more than 15 consecutive business days.

(b) Requires the physical therapist to obtain a referral from a referring practitioner before the physical therapist may continue treatment that exceeds treatment authorized under Subsection (a-1) or (a-2), as applicable, rather than confer with the referring practitioner before the physical therapist may continue treatment that exceeds treatment authorized under Subsection (a)(4).

(c) Requires a physical therapist who treats a patient without a referral to obtain from the patient a signed disclosure on a form prescribed by TBPTE in which the patient acknowledges that:

(1) physical therapy is not a substitute for a medical diagnosis by a physician;

(2) physical therapy is not based on radiological imaging;

(3) a physical therapist cannot diagnose an illness or disease; and

(4) the patient's health insurance may not include coverage for the physical therapist's services.

SECTION 2. Amends Section 453.351(a), Occupations Code, as follows:

(a) Authorizes TBPTE to deny a license or suspend or revoke a license, place a license holder on probation, reprimand a license holder, impose an administrative penalty, or otherwise discipline a license holder if the applicant or license holder has:

(1) except as provided by Section 453.302, provided care to a person outside the scope of the physical therapist's practice, rather than except as provided by

Section 453.301 or 453.302, provided physical therapy to a person without a referral from a referring practitioner; or

(2)–(10) makes no changes to these subdivisions.

SECTION 3. Requires TBPTE, not later than November 1, 2019, to adopt rules necessary to implement Section 453.301, Occupations Code, as amended by this Act.

SECTION 4. Makes application of Section 453.301(c), Occupations Code, as added by this Act, prospective to treatment by a physical therapist that is provided on or after November 1, 2019.

SECTION 5. Effective date: September 1, 2019.