

## **BILL ANALYSIS**

C.S.H.B. 29  
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Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been suggested that treatment by a physical therapist significantly improves patient outcomes while minimizing the costs associated with surgery and the long-term use of opioids or other prescription pain medications. Concerns have been raised regarding the requirement for a patient to obtain a prior referral for treatment by a physical therapist. C.S.H.B. 29 seeks to address these concerns by removing the unnecessary barrier of prior referral in certain circumstances in order to increase access to care.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Board of Physical Therapy Examiners in SECTIONS 1 and 3 of this bill.

### **ANALYSIS**

C.S.H.B. 29 amends the Occupations Code to remove the authorization for a physical therapist to treat a patient for an injury or condition that was the subject of a prior referral under certain conditions and to authorize a physical therapist instead to treat a patient for an injury or condition in a manner described by statutory provisions relating to the practice of physical therapy without a referral if the physical therapist has been licensed to practice physical therapy for at least one year, is covered by professional liability insurance in the minimum amount required by Texas Board of Physical Therapy Examiners rule, and either possesses a doctoral degree in physical therapy from an appropriately accredited program or institution or has completed at least 30 hours of continuing competence activities in the area of differential diagnosis. The bill removes the cap on the number of sessions a physical therapist may treat a patient as an alternative to a specified maximum period of treatment and changes that period from 30 consecutive calendar days to 10 consecutive business days of treatment. The bill authorizes a physical therapist who possesses a doctoral degree and has completed a residency or fellowship to treat a patient for not more than 15 consecutive business days. The bill requires the physical therapist to obtain a referral from a referring practitioner before continuing treatment exceeding the period of 10 consecutive business days or 15 consecutive business days, as applicable.

C.S.H.B. 29, with respect to treatment by a physical therapist that is provided on or after November 1, 2019, requires a physical therapist who treats a patient without a referral to obtain from the patient a signed disclosure on a form prescribed by the board in which the patient acknowledges that:

- physical therapy is not a substitute for a medical diagnosis by a physician;

- physical therapy is not based on radiological imaging;
- a physical therapist cannot diagnose an illness or disease; and
- the patient's health insurance may not include coverage for the physical therapist's services.

C.S.H.B. 29 requires the board, not later than November 1, 2019, to adopt rules necessary to implement the bill's provisions regarding practice by a physical therapist.

**EFFECTIVE DATE**

September 1, 2019.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 29 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute revises the bill provision setting the maximum period a physical therapist may treat a patient without a referral by changing that period from 30 consecutive calendar days to 10 consecutive business days and includes a provision setting the maximum period of treatment a physical therapist who possesses a doctoral degree and has completed a residency or fellowship may treat a patient without a referral at 15 consecutive business days.

The substitute includes provisions requiring a physical therapist who treats a patient without a referral to obtain from the patient a signed disclosure on a prescribed form that acknowledges certain information and establishing that the requirement applies only to treatment by a physical therapist that is provided on or after November 1, 2019.