

BILL ANALYSIS

Senate Research Center

H.B. 3106
By: Craddick (Brown)
Health & Human Services
5-12-97
Engrossed

DIGEST

In 1993, sunset legislation revised the Physical Therapy Practice Act, consolidating the administrative functions of both the Texas Board of Physical Therapy Examiners (BPTE) and the Texas Board of Occupational Therapy Examiners into a single licensing and regulatory board. This change, coupled with rapid growth in the number of physical and occupational therapists being regulated, has made it increasingly difficult for BPTE to perform its regulatory functions. H.B. 3106 addresses the needs of BPTE by establishing statutory authority for the emergency suspension of a license and for assessment of monetary penalties. This bill also provides for expense reimbursement of BPTE members.

PURPOSE

As proposed, H.B. 3106 establishes the regulation of the practice of physical therapy, and provides administrative penalties.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Board of Physical Therapy Examiners in SECTIONS 2 and 3 (Sections 18A(d) and 20B(d), Article 4512e, V.T.C.S.) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2A, Article 4512e, V.T.C.S., to authorize a member of the Texas Board of Physical Therapy Examiners (BPTE) to receive reimbursement for meals, lodging, and transportation expenses as provided by the General Appropriations Act. Deletes existing text prohibiting a member from receiving reimbursement for certain expenses.

SECTION 2. Amends Article 4512e, V.T.C.S., by adding Section 18A, as follows:

Sec. 18A. ADMINISTRATIVE PENALTY. Authorizes BPTE to impose an administrative penalty against a person licensed or regulated under this Act or a facility registered under this Act that violates this Act or a rule or order adopted under this Act. Authorizes the penalty for a violation to be in an amount not to exceed \$200. Provides that each day a violation continues or occurs is a separate violation for purposes of imposing a penalty. Requires the amount of the penalty to be based on certain factors. Requires BPTE to adopt rules that establish procedures for assessing an administrative penalty and that provide for notice and a hearing for a license holder or facility administrator that may be subject to a penalty under this section. Provides that all proceedings are subject to Chapter 2001, Government Code.

SECTION 3. Amends Article 4512e, V.T.C.S., by adding Section 20B, as follows:

Sec. 20B. EMERGENCY SUSPENSION. Sets forth the terms by which BPTE is authorized to temporarily suspend a license issued on an emergency basis if BPTE determines from the evidence or information presented to BPTE that the continued practice by the license holder constitutes a continuing or imminent threat to the public health or welfare. Sets forth the terms by which a license temporarily suspended is authorized to be suspended without notice or a hearing. Requires the board to adopt rules that establish procedures and standards for the temporary suspension of a license under this section.

SECTION 4. Effective date: September 1, 1997.

SECTION 5. Emergency clause.