

## **BILL ANALYSIS**

Senate Research Center

S.B. 1349  
By: Brown  
Health & Human Services  
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As Filed

### **DIGEST**

Currently, the administrative functions of the Texas Board of Physical Therapy Examiners (board) and the Texas Board of Occupational Therapy were consolidated into a single licensing and regulatory board in 1993. As a result of this consolidation the board members are no longer authorized by statute to receive reimbursements for meals and lodging when engaged in board business, there is no statutory authority allowing the board to assess monetary penalties for administrative violations, and there is no statutory provision for the emergency suspension of a license when immediate action may be warranted. This bill would provide for the expense reimbursement of members of the board, establish statutory authority for the assessment of monetary penalties by the board, and authorize the board to suspend a license in the event of an emergency.

### **PURPOSE**

As proposed, S.B. 1349 provides for the expense reimbursement of members of the Board of Physical Therapy Examiners (board), establishes statutory authority for the assessment of monetary penalties by the board, and authorizes the board to suspend a license in the event of an emergency.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Board of Physical Therapy Examiners in SECTIONS 2 and 4 (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, rather than prohibit, a member of the Board of Physical Therapy Examiners (board) to receive reimbursement for meals, lodging, and transportation expenses as provided by the General Appropriations Act.

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

Sec. 18A. ADMINISTRATIVE PENALTY. Authorizes the board 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. Sets forth the parameters of the penalty. Sets forth the factors upon which the amount the penalty must be based. Requires the board 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 which may be subject to a penalty under this section. Provides that all proceedings under this section are subject to Chapter 2001, Government Code.

SECTION 3. Amends Section 19(a)(1), Article 4512e, V.T.C.S., to authorize that a license may be denied, suspended, or revoked, or a licensee otherwise disciplined if the applicant, among other items, has provided physical therapy treatment to a person without a referral from certain practitioners.

SECTION 4. Amends Article 4512e, V.T.C.S., by adding Section 20B, as follows:

Sec. 20B. EMERGENCY SUSPENSION. Authorizes the board to temporarily suspend a license issued under this Act on an emergency basis if the board determines from the evidence or information presented to the board that the continued practice by the license holder

constitutes a continuing or imminent threat to the public health or welfare. Provides that a temporary suspension under this section requires a two-thirds vote by the board. Authorizes a license temporarily suspended under this section to be suspended without notice or hearing under certain conditions. Requires a second hearing on the suspended license to be held by a certain date after the temporary suspension was ordered. Provides that if the second hearing is not held within the required time, the suspended license is automatically reinstated. Requires the board to adopt rules that establish procedures and standards for the temporary suspension of a license under this section.

SECTION 5. Effective date: September 1, 1997.

SECTION 6. Emergency clause.