

## **BILL ANALYSIS**

Senate Research Center  
83R7173 MAW-F

H.B. 588  
By: Craddick (Uresti)  
Health & Human Services  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, the requirements for a person to renew a license as a physical therapist or a physical therapist assistant in Texas vary greatly depending on the specific circumstances of the license holder. For example, a physical therapist or physical therapist assistant licensed in Texas who moves to another state may renew that individual's Texas license without reexamination if the person has been licensed in the other state and has been in active practice in that state for the previous two years, while a physical therapist or physical therapist assistant licensed and practicing in Texas who has let the license lapse for more than a year must obtain a new license and submit to reexamination but is not required to show proof of active practice. In addition, interested parties have identified a number of statutes that have become outdated since their last review by the Sunset Advisory Commission.

H.B. 588 seeks to make the renewal licensing requirements for a physical therapist and physical therapist assistant license more consistent for all license holders and to update various statutory provisions regulating the practice of physical therapy.

H.B. 588 amends current law relating to the regulation of the practice of physical therapy and authorizes fees.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Board of Physical Therapy Examiners and the Executive Council of Physical Therapy and Occupational Therapy Examiners in SECTION 5 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 453.151, Occupations Code, by adding Subsection (c), as follows:

(c) Provides that information maintained by the Executive Council of Physical Therapy and Occupational Therapy Examiners (ECPTOTE) or the Texas Board of Physical Therapy Examiners (TBPTE) under this chapter (Physical Therapists) regarding the home address or personal telephone number of a person licensed under this chapter or a person who is an owner or manager of a physical therapy facility registered under this chapter is confidential and not subject to disclosure under Chapter 552 (Public Information), Government Code. Requires a person licensed under this chapter or a person who is an owner or manager of a physical therapy facility registered under this chapter to provide TBPTE with a business address or address of record that will be subject to disclosure under Chapter 552, Government Code.

SECTION 2. Amends Section 453.212, Occupations Code, as follows:

Sec. 453.212. New heading: DISPLAY OF LICENSE. Requires a license holder under this chapter to display the license holder's license, rather than to display the license holder's license and renewal certificate, in a conspicuous place in the principal office in which the license holder practices physical therapy.

SECTION 3. Amends Sections 453.252(b), (c), and (d), Occupations Code, as follows:

(b) Authorizes a person whose license has been expired for 90 days or less to renew the license by paying to ECPTOTE the renewal fee and a late fee set by ECPTOTE in an amount that does not exceed one-half of the amount charged for examination for the license, rather than a late fee that is equal to half of the amount charged for examination for the license. Authorizes a person, if the person's license has been expired for more than 90 days but less than one year, to renew the license by paying to ECPTOTE all unpaid renewal fees and a late fee set by ECPTOTE in an amount that does not exceed the amount charged for examination for the license, rather than by paying to ECPTOTE all unpaid renewal fees and a fee that is equal to the amount charged for examination for the license.

(c) Requires a person whose license has been expired for one year or longer to comply with TBPTE's requirements and procedures to reinstate the license and pay a reinstatement fee in the amount set by ECPTOTE, rather than prohibits a person whose license has been expired for one year or longer from renewing the license. Authorizes the person, if the person is unable to comply with TBPTE's requirements to reinstate the license, to obtain a new license by submitting to reexamination and complying with the requirements and procedures for obtaining an original license. Makes nonsubstantive changes.

(d) Requires ECPTOTE, at least 30 days before the expiration of a person's license, to provide the person with notice of the impending license expiration, rather than to send written notice of the impending license expiration to the person at the person's last known address according to the records of ECPTOTE.

SECTION 4. Amends Section 453.253, Occupations Code, as follows:

Sec. 453.253. RENEWAL OF EXPIRED LICENSE BY OUT-OF-STATE PRACTITIONER. (a) Authorizes TBPTE to renew without reexamination the expired license of a person who was licensed to practice as a physical therapist or physical therapist assistant in this state, moved to another state, is currently licensed and in good standing in the other state, and meets TBPTE's requirements for renewal. Deletes existing text authorizing TBPTE to renew without reexamination the license of a person who was licensed to practice as a physical therapist or physical therapist assistant in this state, moved to another state, and is currently licensed and has been in practice in the other state for the two years preceding application.

(b) Requires the person to pay to ECPTOTE a renewal fee set by ECPTOTE in an amount that does not exceed the examination fee for the license, rather than a fee that is equal to the examination fee for the license.

SECTION 5. (a) Requires TBPTE and ECPTOTE, not later than December 1, 2013, to adopt rules and fees necessary to implement Sections 453.252 and 453.253, Occupations Code, as amended by this Act.

(b) Provides that Sections 453.252 and 453.253, Occupations Code, as amended by this Act, apply only to the renewal of a physical therapist or physical therapist assistant license that expires on or after December 1, 2013. Provides that a license that expires before that date is governed by the law in effect on the date the license expires, and the former law is continued in effect for that purpose.

SECTION 6. Effective date: September 1, 2013.