

## **BILL ANALYSIS**

Senate Research Center  
86R3352 MAW-F

S.B. 732  
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### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Physical therapists are highly-educated, licensed healthcare professionals who 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.

S.B. 732 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 patients costs and wait times, and correlates with a much lower risk of being prescribed opioids.

As proposed, S.B. 732 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, Occupation Code, as follows:

Sec. 453.301. New heading: PRACTICE BY PHYSICAL THERAPIST (a) Authorizes a therapist to treat a patient for an injury or condition in a manner described by Section 453.005 (Practice of Physical Therapy) without a referral if the physical therapist:

- (1) has been licensed to practice physical therapy for at least one year;
- (2) is covered by professional liability insurance in the minimum amount required by Texas Board of Physical Therapy Examiners (TBPTE) rule; 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 to treat a patient under Subsection (a) for not more than 30 consecutive calendar days.

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

Deletes existing text authorizing a physical therapist to treat a patient for an injury or condition that was the subject of a prior referral if the physical therapist notifies the referring practitioner of the therapy not later than the fifth business day after the date therapy is begun, begins any treatment before a certain date, treats the patient for no more than a certain number of days or sessions, and satisfies any other requirements set by TBPTE.

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

(a) Authorizes TBPTE to deny a license or suspended our 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, rather than Section 453.301, provided care, rather than physical therapy, to a person outside the scope of the physical therapist's practice, rather than without a referral from a referring practitioner;

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

SECTION 3. Requires the Texas Board of Physical Therapy Examiners to adopt rules necessary to implement Section 453.301, Occupations Code, as amended by this Act, not later than November 1, 2019.

SECTION 4. Effective date: September 1, 2019.