

Adopted Rule Amendment:

§322.1. Provision of Services.

Summary of Amendment: The amendment is adopted in order to include physical therapists who have a doctoral degree in physical therapy and are certified by an entity approved by the PT Board in the group that can treat patients for fifteen (15) consecutive business days before requiring a referral from a qualified healthcare practitioner.

Rulemaking Process:

- Proposed by the PT Board at the July 16, 2021 meeting.
- Proposed Rulemaking Memorandum sent to the Office of the Governor on July 22, 2021 for review.
- Notification of review with no comments from Office of the Governor on August 10, 2021.
- Approved by the Executive Council of Physical Therapy & Occupational Therapy Examiners (ECPTOTE) at the August 13, 2021 meeting.
- Published in the August 27, 2021 edition of the *Texas Register* for public comment.
- Final adoption by the PT Board at the October 8, 2021 meeting, to be effective November 1, 2021

§322.1. Provision of Services.

(a) Initiation of physical therapy services.

(1) (No change.)

(2) Exceptions to referral requirement.

(A) – (C) (No change.)

(D) A PT may treat a patient for an injury or condition without a referral for not more than 10 consecutive business days if the PT:

(i) has been licensed to practice physical therapy for at least one year;

(ii) is covered by professional liability insurance in the minimum amount of \$100,000 per claim and \$300,000 aggregate per year; and

(iii) either:

(I) possesses a doctoral degree in physical therapy from:

(-a-) a program that is accredited by the Commission on Accreditation in Physical Therapy Education; or

(-b-) an institution that is accredited by an agency or association recognized by the United States secretary of education; or

(II) has completed at least 30 CCUs in the area of differential diagnosis.

(E) A PT may treat a patient for an injury or condition without a referral for not more than 15 consecutive business days if the PT possesses a doctoral degree as described in subparagraph (D)(iii)(I)(-a-) or (-b-) of this paragraph and has satisfied the conditions set forth in subparagraph (D)(i) and (ii) of this paragraph, and either:

(i) has completed a physical therapy residency or fellowship, or

(ii) is certified by an entity approved by the board. The board will maintain a list of approved entities on its website.

~~(E) A PT who has completed a residency or fellowship may treat a patient without a referral for not more than 15 consecutive business days if he possesses a doctoral degree as described in subparagraph (D)(iii)(I)(-a-) or (-b-) of this paragraph and has satisfied the conditions set forth in subparagraph (D)(i) and (ii) of this paragraph.~~

(F) A PT must obtain a referral from a qualified healthcare practitioner before continuation of treatment that exceeds that which is authorized in subparagraph (D) or (E) of this paragraph.

(G) A PT who treats a patient without a referral under subparagraph (D) or (E) of this paragraph must obtain a signed disclosure on a form prescribed by the board prior to the initiation of treatment. The disclosure form will be made available on the board's website.

(3) (No change.)

(b) – (e) (No change.)