

Proposed Rule Amendments/Repeal:

§322.4. Practicing in a Manner Detrimental to the Public Health and Welfare; §344.1. Administrative Fines and Penalties; and CHAPTER 347. REGISTRATION OF PHYSICAL THERAPY FACILITIES

Summary of Amendment: the amendments and repeal are proposed in order to discontinue the registration of physical therapy facilities; to eliminate failure to register or renew a facility registration and practicing in an unregistered facility from the list of practices considered detrimental to the public health and welfare; and to establish a process for expungement of facility-related administrative violations from a licensee's record as mandated by legislative changes in statute. These rules changes are pursuant to the amendment of the PT Practice Act, Occupations Code Chapter 453 pertaining to the repeal of physical therapy facility registration and annual renewal in SB 317 during the 85th Legislative Session.

<rule>

§322.4. Practicing in a Manner Detrimental to the Public Health and Welfare.

(a) The board may deny a license to or discipline an applicant/respondent who is found to be practicing in a manner detrimental to the public health and welfare. [~~The board may deny a registration for a physical therapy facility to an applicant or discipline a physical therapy facility required to be registered by the act which is found to be practicing in a manner detrimental to the public health and welfare.~~]

(b) Practicing in a manner detrimental to the public health and welfare may include, but is not limited to, the following:

(1) – (13) No change.

~~[(14) failing to register a physical therapy facility which is not exempt or failing to renew the registration of a physical therapy facility which is not exempt;]~~

~~(15) practicing in an unregistered physical therapy facility which is not exempt;~~

~~(14) [(16)] failing to notify the board of any conduct by another licensee which reasonably appears to be a violation of the Practice Act and rules, or aids or causes another person, directly or indirectly, to violate the Practice Act or rules of the board;~~

~~(15) [(17)] abandoning or neglecting a patient under current care without making reasonable arrangements for the continuation of such care;~~

~~(16) [(18)] failing to maintain the confidentiality of all verbal, written, electronic, augmentative, and nonverbal communication, including compliance with HIPAA regulations; and~~

~~(17) [(19)] violating the rules of the Physical Therapy Licensure Compact if holding a Compact privilege to practice in Texas.~~

<rule>

§344.1. Administrative Fines and Penalties.

(a) No change.

(b) The board may expunge any record of disciplinary action taken against a license holder before September 1, 2019, for practicing in a facility that failed to meet the registration requirements of Occupations Code, Section 453.213, as that section existed on January 1, 2019. The board may not expunge a record under this section after September 1, 2021.

~~[-Any facility providing physical therapy services in violation of the Texas Physical Therapy Practice Act, shall be, at the discretion of the Board, subject to the following penalties-~~

~~(1) The Board may impose suspension or revocation of a facility registration, or other disciplinary action.~~

~~(2) The Board may assess fines, not to exceed \$200 for each day of the offense, based on the following schedule:~~

~~(A) first offense: \$200-\$3,600;~~

~~(B) subsequent offense: \$200-\$10,000.]~~

(c) – (e) No change.

Facility Registration – Repeal

CHAPTER 347. REGISTRATION OF PHYSICAL THERAPY FACILITIES:

<rule>

§347.1. Definitions;

§347.2. Requirement for Practice Setting of Licensees;

§347.4. Requirements for Registration Application;

§347.5. Requirements for Registered Facilities;

§347.6. Exemptions to Registration;

§347.8. Change in Facility Ownership;

§347.9. Renewal of Registration;

§347.11. Failure to Register;

§347.12. Restoration of Registration;

§347.13. Cancellation of Registration;

§347.15. Disciplinary Action