

Proposed Rule Addition: §322.5. Telehealth

Summary of Amendment: The amendment is proposed in order to establish rules for the safe delivery of physical therapy through telehealth in compliance with Tex. Occupations Code Chapter 111, Telemedicine and Telehealth as amended during the 85th Legislative Session.

<rule>

§322.5. Telehealth

(a) When used in the rules of the Texas Board of Physical Therapy Examiners, telehealth is the use of telecommunications or information technology to provide physical therapy services to a patient who is physically located at a site in Texas other than the site where the physical therapist is located, whether or not in Texas.

(b) Physical therapy telehealth services must be provided by a physical therapist who possesses a current:

(1) unrestricted Texas license, or

(2) Compact Privilege to practice in Texas.

(c) The provision of physical therapy services via telehealth requires synchronous audiovisual or audio interaction between the physical therapist and the patient/client, which may be accompanied by the use of asynchronous store and forward technology.

(d) Standard of Care. A physical therapist that provides telehealth services:

(1) is subject to the same standard of care that would apply to the provision of the same physical therapy service in an in-person setting; and

(2) is responsible for determining whether an evaluation or intervention may be conducted via telehealth or must be conducted in an in-person setting.

(e) Informed Consent. A physical therapist that provides telehealth services must obtain and maintain the informed consent of the patient, or of another individual authorized to make health care treatment decisions for the patient, prior to the provision of telehealth services.

(f) Confidentiality. A physical therapist that provides telehealth services must ensure that the privacy and confidentiality of the patient's medical information is maintained during and following the provision of telehealth services, including compliance with HIPAA regulations and other federal and state law.

(g) The failure of a physical therapist to comply with this section shall constitute detrimental practice and could subject the licensee to disciplinary action by the Board.

(h) A physical therapist assistant may not provide telehealth services but may be present at the same location as the patient to assist the physical therapist in providing telehealth services.

(i) Telehealth is a mode for providing one-on-one physical therapy services to a patient/client and is not a means for supervision of physical therapist assistants or physical therapy aides.