

Adopted Rule Amendment: §322.5. Telehealth (to be effective 3/01/2020)

Summary of Amendment: The amendment is adopted in order to clarify the role of the physical therapist assistant in the provision of physical therapy via telehealth in response to a petition for adoption of rule changes.

<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 or physical therapist assistant is located, whether or not in Texas.

(b) Physical therapy telehealth services must be provided by a physical therapist or physical therapist assistant under the supervision of the 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 or physical therapist assistant and the patient/client, which may be accompanied by the use of asynchronous store and forward technology.

(d) Standard of Care. A physical therapist or physical therapist assistant 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) the physical therapist 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 or physical therapist assistant 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 or physical therapist assistant to comply with this section shall constitute detrimental practice and could subject the licensee to disciplinary action by the Board.

(h) Provision of telehealth services by a physical therapist assistant must occur under the supervision of the physical therapist in accordance with rule §322.3 of this title.

~~[(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.