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S.B. [Senate Bill] No. 433

**A BILL TO BE ENTITLED  
AN ACT**

relating to certain treatment by a physical therapist.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 453.301, Occupations Code, is amended to read as follows:

Section. 453.301. TREATING PATIENT WITHIN THE SCOPE OF PRACTICE. (a) A physical therapist may treat a patient for an injury or condition that is within the physical therapist's scope of practice under Section 453.005 or a board rule.

(b) The physical therapist must confer with an appropriate health care practitioner before the physical therapist may continue treatment if there is not a significant functional improvement in the patient's condition within a reasonable and predictable time.

SECTION 2. The heading to Section 453.302, Occupations Code, is amended to read as follows:

Section 453.302. EMERGENCY TREATMENT OF PATIENT

SECTION 3. Sections 453.302(b) and (c), Occupations Code, are amended to read as follows:

(b) In an emergency circumstance, including a minor emergency, a physical therapist may provide, without conferring with another health care practitioner, emergency medical care to a person to the best of the therapist's ability to stabilize the person's condition and to prevent or minimize further harm or exacerbation of the person's condition.

(c) A physical therapist providing emergency medical care to a person under Subsection (b) shall confer, as soon as practicable, with an appropriate health care practitioner regarding the emergency and refer the person to an appropriate health care practitioner.

SECTION 4. Section 453.351(a), Occupations Code, is amended to read as follows:

(a) The board may deny a license or suspend or 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, provided care to a person outside the scope of the physical therapist's practice;

(2) used drugs or intoxicating liquors to an extent that affects the license holder's or applicant's professional competence;

(3) been convicted of a felony, including a finding or verdict of guilty, an admission of guilt, or a plea of nolo contendere, in this state or in any other state or nation;

(4) obtained or attempted to obtain a license by fraud or deception;

(5) been grossly negligent in the practice of physical therapy or in acting as a physical therapist assistant;

(6) been found to be mentally incompetent by a court;

(7) practiced physical therapy in a manner detrimental to the public health and welfare;

(8) had a license to practice physical therapy revoked or suspended or had other disciplinary action taken against the license holder or applicant;

(9) had the license holder's or applicant's application for a license refused, revoked, or suspended by the proper licensing authority of another state or nation; or

(10) in the case of a physical therapist assistant, treated a person other than under the direction of a physical therapist.

SECTION 5. This Act takes effect September 1, 2009.