

Proposed Rule Amendment: to be effective 5/15/2024

§346.1. Educational Settings

Summary of Amendment: the amendment clarifies the role of physical therapists and physical therapist assistants in the educational setting by updating the references to federal law that pertain to physical therapy services provided to students with disabilities in the education setting, eliminating the requirement for a reexamination to be performed onsite to allow for the reexamination to be performed via telehealth, and updating the section to reflect contemporary practice within the setting.

Rulemaking Process:

- Proposed by the Texas Board of Physical Therapy Examiners (PT Board) at January 26, 2024 meeting.
- Proposed Rulemaking Memorandum sent to the Office of the Governor on February 05, 2024 for review.
- Approved by the Executive Council of Physical Therapy & Occupational Therapy Examiners (ECPTOTE) at February 09, 2024 meeting.
- Notification of review from Office of the Governor on February 29, 2024 with no recommended changes.
- Published in the March 15, 2024 edition of the *Texas Register* for public comment.
- Final adoption by the PT Board at April 19, 2024.

§346.1. Educational Settings.

(a) In the educational setting, the physical therapist conducts appropriate screenings, evaluations, and assessments to determine needed services to fulfill educational goals. When a student is determined by the physical therapist to be eligible for physical therapy as a related service under Part B of the Individuals with Disabilities Education Act (IDEA), 20 USC §1414, or Section 504 of the Americans with Disabilities Act, as Amended [~~defined by Special Education Law~~], the physical therapist provides written recommendations to the Admissions Review and Dismissal Committee or the Section 504 Committee as to the amount of specific services needed by the student (i.e., [~~consultation or~~] direct and/or indirect services, as well as [~~and~~] the frequency, [and] duration, and location of services).

(b) The physical therapist implements physical therapy services in accordance with the decisions of [~~recommendations accepted by~~] the school committee members and as reflected in the student's Admission Review and Dismissal Committee or

Section 504 Committee reports. The physical therapist may implement services by delegating treatment to a physical therapist assistant under their supervision.

(c) The physical therapist may provide general consultation, coaching, professional development, or other physical therapy program services for school administrators, educators, assistants, parents and others to address district, campus, classroom or student-centered issues. For the student who is eligible to receive physical therapy as a related service [~~in accordance with the student's Admission Review and Dismissal Committee reports~~], the physical therapist will also provide the ~~consultation and~~ direct and/or indirect types of specific services needed to implement specially designed goals and objectives included in the student's Individualized Education Program or the 504 Plan.

(d) The types of services which may require a physician's referral in the educational setting include [~~the provision of individualized specially designed instructions and the~~] direct physical modeling or hands-on demonstration of activities with a student who has been determined eligible to receive physical therapy as a related service under the IDEA or under Section 504. Additionally, they may include the direct provision of activities which are of such a nature that they are only conducted with the eligible student by a physical therapist or physical therapist assistant. The physical therapist should refer to §322.1 of this title (relating to Provision of Services).

(e) Evaluation and reevaluation in the educational setting will be conducted in accordance with federal mandates under Part B of the Individuals with Disabilities Education Act (IDEA), 20 USC §1414, or under Section 504 when warranted by a change in the child's condition, and include [~~onsite~~] reexamination of the child. The Plan of Care (Individual Education Program or Section 504 Plan) must be reviewed by the PT at least every 60 school days, or concurrent with every visit if the student is seen at intervals greater than 60 school days, to determine if revisions are necessary prior to continuation of treatment by a physical therapist assistant.