

**Adopted Rule Amendment:** to be effective 11/01/2025

**§322.5 Telehealth**

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**Summary of Amendment:** The amendment to §322.5 is adopted to standardize formats for and retention of records related to a patient's consent to treatment, data collection, and data sharing when providing physical therapy services via telehealth. The amendment is necessary to implement changes to Texas Occupations Code §111.004 pursuant to HB 1700, 89th Regular Session (2025).

**Rulemaking Process:**

- Proposed by the Texas Board of Physical Therapy Examiners (PT Board) at July 11, 2025 meeting.
- Proposed Rulemaking Memorandum sent to the Regulatory Compliance Division of the Office of the Governor on July 29, 2025 for review.
- Notification of review from the Regulatory Compliance Division of the Office of the Governor on August 07, 2025 with no recommended changes.
- Approved by the Executive Council of Physical Therapy & Occupational Therapy Examiners (ECPTOTE) at August 08, 2025 meeting.
- Published in the August 22, 2025 edition of the *Texas Register* for public comment.
- Final adoption by the PT Board at October 10, 2025 meeting.

**§322.5 Telehealth**

(a)-(d) No change

(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.

(1) The informed consent must include the patient's consent to:

(A) treatment;

(B) data collection; and

(C) data sharing.

(2) Consent documentation is acceptable either in written format or verbally.

(A) Informed consent obtained verbally must be documented in the patient's medical record and must include the date that the verbal consent is given.

(B) If the informed consent is provided by a responsible party of the patient, the name and relationship to the patient must be included.

(3) The informed consent must be retained as part of the patient's medical record.

(f)-(h) No change

## **KEY**

Underlined text = new language