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S.B. No. 993

A BILL TO BE ENTITLED

AN ACT

relating to the practice of therapeutic optometry.

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

SECTION 1. Subchapter E, Chapter 351, Occupations Code, is amended by adding Section 351.2034 to read as follows:

Sec. 351.2034. COMPLAINTS RESULTING FROM GLAUCOMA TREATMENT. (a) The board, in collaboration with the Texas Medical Board, shall adopt rules for investigating and reviewing complaints filed with the board regarding a therapeutic optometrist's treatment of a patient for glaucoma. The rules must ensure that:

(1) a person who files a complaint has the opportunity to explain the allegations made in the complaint;

(2) a complaint is not dismissed without appropriate consideration by the board;

(3) a complaint is resolved within six months after the date the complaint is filed;

(4) the board notifies the Texas Medical Board of the receipt and disposition of a complaint; and

(5) a complaint is reviewed as provided by this section.

(b) After a complaint regarding a therapeutic optometrist's treatment of a patient for glaucoma is filed with the board, the board shall select at least one physician licensed in this state who specializes in ophthalmology to:

1 (1) review the complaint and determine if the
2 therapeutic optometrist's treatment of the patient for glaucoma
3 violated the standard of care applicable to a physician
4 specializing in ophthalmology; and

5 (2) submit to the board a written report on the
6 physician's determination.

7 (c) If the report under Subsection (b) states that the
8 standard of care was violated, the board shall forward the
9 complaint and report to an expert panel appointed by the board and
10 the Texas Medical Board. The panel must be composed of an equal
11 number of physicians who specialize in ophthalmology and
12 therapeutic optometrists. Each member of the expert panel must be
13 licensed to practice medicine or therapeutic optometry, as
14 applicable, in this state. A physician who serves on an expert
15 panel may also serve as an expert physician for the Texas Medical
16 Board.

17 (d) An expert panel selected to review a complaint under
18 Subsection (c) shall:

19 (1) review the physician's determination made under
20 Subsection (b); and

21 (2) recommend to the board whether the therapeutic
22 optometrist should be subject to disciplinary action and, if so,
23 whether the disciplinary action should include suspension or
24 revocation of the therapeutic optometrist's certificate issued
25 under Section 351.3581(a).

26 (e) A person is not eligible to review a complaint under
27 Subsection (b) or serve on an expert panel under Subsection (c) if:

1 (1) the person or the person's spouse is an officer,
2 employee, or paid consultant of a Texas trade association, as
3 defined by Section 351.053, in the field of health care; or

4 (2) the person is a member of the faculty or board of
5 trustees of an optometry school or an institution of higher
6 education with an affiliated school of optometry.

7 (f) The board shall maintain and make publicly available
8 online:

9 (1) information regarding the number of complaints
10 filed with the board regarding the treatment of patients for
11 glaucoma by therapeutic optometrists and the disposition of those
12 complaints; and

13 (2) a searchable list of each therapeutic optometrist
14 whose certificate under Section 351.3581(a) was suspended or
15 revoked by the board.

16 (g) This section expires September 1, 2027.

17 SECTION 2. Section 351.358(c), Occupations Code, is amended
18 to read as follows:

19 (c) A therapeutic optometrist may prescribe not more than
20 ~~[oral medications only in the following classifications of oral~~
21 ~~pharmaceuticals:~~

- 22 ~~[(1) one 10-day supply of oral antibiotics,~~
23 ~~[(2) one 72-hour supply of oral antihistamines,~~
24 ~~[(3) one seven-day supply of oral nonsteroidal~~
25 ~~anti-inflammatories,~~
26 ~~[(4)]~~ one three-day supply of any medication
27 classified as a controlled substance under Schedule ~~[analgesic~~

1 ~~identified in Schedules~~ III, IV, or ~~[and]~~ V of 21 U.S.C. Section
2 812[~~, and~~

3 ~~[(5) any other oral pharmaceutical recommended by the~~
4 ~~Optometric Health Care Advisory Committee and approved by the board~~
5 ~~and the Texas State Board of Medical Examiners].~~

6 SECTION 3. The heading to Section 351.3581, Occupations
7 Code, is amended to read as follows:

8 Sec. 351.3581. ~~[DIAGNOSIS AND]~~ TREATMENT OF GLAUCOMA.

9 SECTION 4. Sections 351.3581(a) and (d), Occupations Code,
10 are amended to read as follows:

11 (a) A therapeutic optometrist may not administer or
12 prescribe an oral or parenteral medication or treat glaucoma unless
13 the therapeutic optometrist holds a certificate issued by the
14 board. A therapeutic optometrist certified under this section
15 ~~[subsection]~~ shall be known as an optometric glaucoma specialist.
16 To obtain a certificate, a therapeutic optometrist must ~~[as~~
17 ~~required under Section 351.165(c)]~~:

18 (1) complete an instructional clinical review course;
19 and

20 (2) pass an examination approved by the board.

21 (d) A therapeutic optometrist shall refer a patient to an
22 ophthalmologist if:

23 (1) the patient is younger than 16 years of age and has
24 been diagnosed as having glaucoma;

25 (2) the patient has been diagnosed as having acute
26 closed angle glaucoma;

27 (3) the patient has been diagnosed as having malignant

1 glaucoma or neovascular glaucoma;

2 (4) the patient has definite optic disc, retinal nerve
3 fiber layer, or macular imaging abnormalities consistent with
4 glaucoma and visual field abnormalities in both hemifields, or loss
5 within five degrees of fixation in at least one hemifield as tested
6 with standard automated perimetry [~~therapeutic optometrist~~
7 ~~determines that a patient's glaucoma is caused by a diabetic~~
8 ~~complication and, after joint consultation with the physician~~
9 ~~treating the diabetes and an ophthalmologist by telephone, fax, or~~
10 ~~another method, the physician or ophthalmologist determines that~~
11 ~~the patient should be seen by the physician or ophthalmologist]; or~~

12 (5) the therapeutic optometrist determines that a
13 patient's glaucoma is not responding [~~appropriately~~] to
14 nonsurgical intervention [~~a treatment specified in Subsection (f)~~
15 ~~and, after consulting a physician by telephone, fax, or another~~
16 ~~method, the physician determines that the patient should be seen by~~
17 ~~the physician or an appropriate specialist)].~~

18 SECTION 5. Not later than December 1, 2021, the Texas
19 Optometry Board shall adopt rules necessary to implement the
20 changes in law made by this Act to Chapter 351, Occupations Code.

21 SECTION 6. Sections 351.3581(b) and (c), Occupations Code,
22 are repealed.

23 SECTION 7. This Act takes effect September 1, 2021.