

1-1 By: Hancock S.B. No. 993  
 1-2 (In the Senate - Filed March 3, 2021; March 18, 2021, read  
 1-3 first time and referred to Committee on Business & Commerce;  
 1-4 May 10, 2021, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 7, Nays 0; May 10, 2021,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Hancock	X			
1-9 Nichols	X			
1-10 Campbell	X			
1-11 Creighton			X	
1-12 Johnson	X			
1-13 Menéndez			X	
1-14 Paxton	X			
1-15 Schwertner	X			
1-16 Whitmire	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 993 By: Hancock

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the practice of therapeutic optometry.  
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-23 SECTION 1. Subchapter E, Chapter 351, Occupations Code, is  
 1-24 amended by adding Section 351.2034 to read as follows:  
 1-25 Sec. 351.2034. COMPLAINTS RESULTING FROM GLAUCOMA  
 1-26 TREATMENT. (a) The board, in collaboration with the Texas Medical  
 1-27 Board, shall adopt rules for investigating and reviewing complaints  
 1-28 filed with the board regarding a therapeutic optometrist's  
 1-29 treatment of a patient for glaucoma. The rules must ensure that:  
 1-30 (1) a person who files a complaint has the opportunity  
 1-31 to explain the allegations made in the complaint;  
 1-32 (2) a complaint is not dismissed without appropriate  
 1-33 consideration by the board;  
 1-34 (3) a complaint is resolved within six months after  
 1-35 the date the complaint is filed;  
 1-36 (4) the board notifies the Texas Medical Board of the  
 1-37 receipt and disposition of a complaint; and  
 1-38 (5) a complaint is reviewed as provided by this  
 1-39 section.  
 1-40 (b) After a complaint regarding a therapeutic optometrist's  
 1-41 treatment of a patient for glaucoma is filed with the board, the  
 1-42 board shall select at least one physician licensed in this state who  
 1-43 specializes in ophthalmology to:  
 1-44 (1) review the complaint and determine if the  
 1-45 therapeutic optometrist's treatment of the patient for glaucoma  
 1-46 violated the standard of care applicable to a physician  
 1-47 specializing in ophthalmology; and  
 1-48 (2) submit to the board a written report on the  
 1-49 physician's determination.  
 1-50 (c) If the report under Subsection (b) states that the  
 1-51 standard of care was violated, the board shall forward the  
 1-52 complaint and report to an expert panel appointed by the board and  
 1-53 the Texas Medical Board. The panel must be composed of an equal  
 1-54 number of physicians who specialize in ophthalmology and  
 1-55 therapeutic optometrists. Each member of the expert panel must be  
 1-56 licensed to practice medicine or therapeutic optometry, as  
 1-57 applicable, in this state. A physician who serves on an expert  
 1-58 panel may also serve as an expert physician for the Texas Medical  
 1-59 Board.  
 1-60 (d) An expert panel selected to review a complaint under

2-1 Subsection (c) shall:

2-2 (1) review the physician's determination made under  
2-3 Subsection (b); and

2-4 (2) recommend to the board whether the therapeutic  
2-5 optometrist should be subject to disciplinary action and, if so,  
2-6 whether the disciplinary action should include suspension or  
2-7 revocation of the therapeutic optometrist's certificate issued  
2-8 under Section 351.3581(a).

2-9 (e) A person is not eligible to review a complaint under  
2-10 Subsection (b) or serve on an expert panel under Subsection (c) if:

2-11 (1) the person or the person's spouse is an officer,  
2-12 employee, or paid consultant of a Texas trade association, as  
2-13 defined by Section 351.053, in the field of health care; or

2-14 (2) the person is a member of the faculty or board of  
2-15 trustees of an optometry school or an institution of higher  
2-16 education with an affiliated school of optometry.

2-17 (f) The board shall maintain and make publicly available  
2-18 online:

2-19 (1) information regarding the number of complaints  
2-20 filed with the board regarding the treatment of patients for  
2-21 glaucoma by therapeutic optometrists and the disposition of those  
2-22 complaints; and

2-23 (2) a searchable list of each therapeutic optometrist  
2-24 whose certificate under Section 351.3581(a) was suspended or  
2-25 revoked by the board.

2-26 (g) This section expires September 1, 2027.

2-27 SECTION 2. Section 351.358(c), Occupations Code, is amended  
2-28 to read as follows:

2-29 (c) A therapeutic optometrist may prescribe not more than  
2-30 [oral medications only in the following classifications of oral  
2-31 pharmaceuticals:

2-32 [(1) one 10-day supply of oral antibiotics;

2-33 [(2) one 72-hour supply of oral antihistamines;

2-34 [(3) one seven-day supply of oral nonsteroidal  
2-35 anti-inflammatories;

2-36 [(4)] one three-day supply of any medication  
2-37 classified as a controlled substance under Schedule [analgesic  
2-38 identified in Schedules] III, IV, or [and] V of 21 U.S.C. Section  
2-39 812[, and

2-40 [(5) any other oral pharmaceutical recommended by the  
2-41 Optometric Health Care Advisory Committee and approved by the board  
2-42 and the Texas State Board of Medical Examiners].

2-43 SECTION 3. The heading to Section 351.3581, Occupations  
2-44 Code, is amended to read as follows:

2-45 Sec. 351.3581. [DIAGNOSIS AND] TREATMENT OF GLAUCOMA.

2-46 SECTION 4. Sections 351.3581(a) and (d), Occupations Code,  
2-47 are amended to read as follows:

2-48 (a) A therapeutic optometrist may not administer or  
2-49 prescribe an oral or parenteral medication or treat glaucoma unless  
2-50 the therapeutic optometrist holds a certificate issued by the  
2-51 board. A therapeutic optometrist certified under this section  
2-52 [subsection] shall be known as an optometric glaucoma specialist.  
2-53 To obtain a certificate, a therapeutic optometrist must [as  
2-54 required under Section 351.165(c)]:

2-55 (1) complete an instructional clinical review course;  
2-56 and

2-57 (2) pass an examination approved by the board.

2-58 (d) A therapeutic optometrist shall refer a patient to an  
2-59 ophthalmologist if:

2-60 (1) the patient is younger than 16 years of age and has  
2-61 been diagnosed as having glaucoma;

2-62 (2) the patient has been diagnosed as having acute  
2-63 closed angle glaucoma;

2-64 (3) the patient has been diagnosed as having malignant  
2-65 glaucoma or neovascular glaucoma;

2-66 (4) the patient has definite optic disc, retinal nerve  
2-67 fiber layer, or macular imaging abnormalities consistent with  
2-68 glaucoma and visual field abnormalities in both hemifields, or loss  
2-69 within five degrees of fixation in at least one hemifield as tested

3-1 with standard automated perimetry [~~therapeutic optometrist~~  
3-2 ~~determines that a patient's glaucoma is caused by a diabetic~~  
3-3 ~~complication and, after joint consultation with the physician~~  
3-4 ~~treating the diabetes and an ophthalmologist by telephone, fax, or~~  
3-5 ~~another method, the physician or ophthalmologist determines that~~  
3-6 ~~the patient should be seen by the physician or ophthalmologist]; or  
3-7 (5) the therapeutic optometrist determines that a  
3-8 patient's glaucoma is not responding [~~appropriately~~] to  
3-9 ~~nonsurgical intervention [a treatment specified in Subsection (f)~~  
3-10 ~~and, after consulting a physician by telephone, fax, or another~~  
3-11 ~~method, the physician determines that the patient should be seen by~~  
3-12 ~~the physician or an appropriate specialist].~~~~

3-13 SECTION 5. Not later than December 1, 2021, the Texas  
3-14 Optometry Board shall adopt rules necessary to implement the  
3-15 changes in law made by this Act to Chapter 351, Occupations Code.

3-16 SECTION 6. Sections 351.3581(b) and (c), Occupations Code,  
3-17 are repealed.

3-18 SECTION 7. This Act takes effect September 1, 2021.

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