

By: Hunter

H.B. No. 3057

A BILL TO BE ENTITLED

AN ACT

relating to the voluntary regulation of persons providing certain ophthalmic goods and services.

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

SECTION 1. Section 352.002, Occupations Code, is amended to read as follows:

Sec. 352.002 DEFINITIONS. In this chapter:

(1) "Board" means the Texas Board of Health.

(2) "Contact lens dispensing" means fabricating, ordering, mechanically adjusting, dispensing, selling, and delivering to a consumer contact lenses in accordance with a prescription from a physician, optometrist, or therapeutic optometrist, along with appropriate instructions for the care and handling of the lenses. The term does not include, unless directed or approved by a physician:

(A) taking any measurements of the eye or the cornea; or

(B) evaluating the physical fit of contact lenses.

(3) "Contact lens prescription" means a written specification from a physician, optometrist, or therapeutic optometrist for therapeutic, corrective, or cosmetic contact lenses that states the refractive power of the product and other information required to be in the specification by the physician,

1 optometrist, therapeutic optometrist, Texas State Board of Medical  
2 Examiners, or Texas Optometry Board.

3 (4) "Department" means the Texas Department of Health.

4 (5) "Dispensing optician" or "ophthalmic dispenser"  
5 means a person who is not a registered optician, registered contact  
6 lens technician, physician, optometrist, therapeutic optometrist,  
7 or pharmacist, who provides or offers to provide spectacle or  
8 contact lens dispensing services or products to the public.

9 (6) "Spectacle dispensing" means designing,  
10 verifying, fitting, adjusting, selling, or delivering to a consumer  
11 fabricated and finished ophthalmic devices, including spectacle  
12 lenses and frames but excluding contact lenses, in accordance with  
13 a prescription from a physician, therapeutic optometrist, or  
14 optometrist. The term includes:

15 (A) prescription analysis and interpretation;

16 (B) the measurement of the face, including  
17 interpupillary distances, to determine the size, shape, and  
18 specifications of the spectacle lenses or frames best suited to the  
19 wearer's needs;

20 (c) the preparation and delivery of a work order  
21 to a laboratory technician engaged in grinding lenses and  
22 fabricating spectacles;

23 (D) the verification of the quality of finished  
24 spectacle lenses;

25 (E) the adjustment of spectacle lenses or frames  
26 to the wearer's face; and

27 (F) the adjustment, repair, replacement, or

1 reproduction of a previously prepared, specially fabricated  
2 ophthalmic device.

3 (7) "Spectacle prescription" means a written  
4 specification by a physician, therapeutic optometrist, or  
5 optometrist for therapeutic or corrective lenses that states the  
6 refractive power of the lenses and other information included in  
7 the specification by the physician, therapeutic optometrist, or  
8 optometrist.

9 (8) "Registered contact lens technician" means a  
10 person registered under this act as a contact lens technician who  
11 performs contact lens dispensing.

12 (9) "Registered optician" means a person registered  
13 under this Act as a registered optician performs spectacle  
14 dispensing.

15 SECTION 2. 352.101, Occupations Code, is amended to read as  
16 follows:

17 Section 352.101. REPRESENTATION TO PUBLIC. (a) A person  
18 may not represent to the public that the person is a "Registered  
19 Optician" [~~"Registered Dispensing Optician" or "Registered~~  
20 ~~Spectacle Dispenser"~~] unless the person is registered as an  
21 [~~spectacle dispensing~~] optician and complies with this chapter.

22 (b) A person may not represent to the public that the person  
23 is a [~~"Registered Contact Lens Dispenser" or~~] "Registered Contact  
24 Lens Technician" unless the person is registered as a contact lens  
25 technicians [~~dispenser~~] and complies with this chapter.

26 (c) A person may not use abbreviations or other letters to  
27 represent that the person is registered.

1 (d) A person properly registered under this chapter may  
2 represent to the public that the person is a "Registered ~~Dispensing~~  
3 Optician[~~7~~]" [~~"Registered Spectacle Dispenser,7"~~] or a "Registered  
4 Contact Lens Technician[~~7~~]." or "Registered Contact Lens  
5 Dispenser."

6 (e) A person registered under this Chapter as a contact lens  
7 technician shall not be required to obtain a contact lens  
8 dispensing permit under Chapter 353.

9 SECTION 3. Section 352.102. Occupations Code, is amended  
10 to read as follows:

11 Sec. 352.102. ISSUANCE OF CERTIFICATE; QUALIFICATIONS. (a)  
12 The department shall issue a certificate of registration to an  
13 applicant who:

14 (1) applies and pays a registration fee;

15 (2) presents evidence satisfactory to the department  
16 that the applicant has successfully completed the number of  
17 classroom hours of training required by the board; and

18 (3) passes the appropriate examination required under  
19 Section 352.103.

20 (b) The board may not require more than 30 classroom hours  
21 of training as a prerequisite to registration.

22 (c) A person may qualify and be registered as an optician  
23 [~~spectacle dispenser~~], contact lens technician [~~dispenser~~], or  
24 both.

25 SECTION 4. Section 352.201. Occupations Code, is amended  
26 to read as follows:

27 352.201. DIRECTIONS FOR REGISTERED [~~DISPENSING~~] OR

1 REGISTERED CONTACT LENS TECHNICIAN. A physician's directions,  
2 instructions, or orders may be performed or a physician's  
3 prescription may be filled by a registered ~~[dispensing]~~ optician or  
4 registered contact lens technician who is separate from and  
5 independent of the physician's office only if the directions,  
6 instructions, orders, or prescription is:

7 (1) in writing; except that a physician's directions,  
8 instructions, or orders may be communicated by telephone provided  
9 that the registered optician or registered contact lens technician  
10 sends a written acknowledgment of the physician's directions,  
11 instructions, or orders within 10 business days.

12 (2) of a scope and content and communicated to the  
13 dispensing optician in a form and manner that, in the physician's  
14 professional judgment, best serves the health, safety, and welfare  
15 of the physician's patient; and

16 (3) in a form and detail consistent with the  
17 particular dispensing optician's skill and knowledge.

18 SECTION 5. Section 352.203, Occupations Code, is amended to  
19 read as follows:

20 Sec. 352.203. DELEGATION BY PHYSICIAN. A registered  
21 contact lens technician ~~[dispenser]~~ may take measurements of the  
22 eye or cornea and evaluate the physical fit of lenses for a patient  
23 of a physician if the physician has delegated in writing to the  
24 technician ~~[dispenser]~~ those responsibilities for that specific  
25 patient in accordance with Sections 351.005 and 352.201.

26 SECTION 6. Section 351.005 (a) (5), Occupations Code,  
27 (Texas Optometry Act), is amended to read as follows:

1           Sec. 351.005 (a) (5). APPLICATION OF CHAPTER; EXEMPTIONS.  
2                   (5) prevent or interfere with the right of an optician  
3 or a contact lens technician [~~dispensing optician~~] registered under  
4 Chapter 352 to engage in spectacle or contact lens dispensing under  
5 that chapter;

6           SECTION 7. This Act takes effect September 1, 2003.