

By: Brimer

S.B. No. 1265

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the practice of optometry and therapeutic optometry and
3 the administration by other health care professionals of treatments
4 ordered by an optometrist or therapeutic optometrist.

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

6 SECTION 1. Section 104.003, Occupations Code, is amended by
7 amending Subsection (f) and adding Subsection (f-1) to read as
8 follows:

9 (f) A person who is licensed by the Texas Optometry Board as
10 an optometrist shall use:

- 11 (1) optometrist;
12 (2) doctor, optometrist;
13 (3) doctor of optometry; [~~or~~]
14 (4) doctor, O.D.; or
15 (5) O.D.

16 (f-1) A person who is licensed by the Texas Optometry Board
17 as a therapeutic optometrist shall use a designation approved by
18 the board.

19 SECTION 2. Section 351.002(8), Occupations Code, is amended
20 to read as follows:

21 (8) "Surgery" means a procedure using instruments,
22 including lasers, scalpels, or needles, in which human tissue is
23 cut, burned, vaporized, or otherwise altered by any mechanical
24 means, laser, or ionizing radiation. The term includes procedures

1 using instruments that require closing by suturing, clamping, or
2 another device. The term does not include:

3 (A) using a noninvasive procedure to remove a
4 superficial foreign body in the conjunctiva, eyelid, or corneal
5 epithelium that has not perforated the Bowman's membrane;

6 (B) using tissue glue to close a wound;

7 (C) performing cultures or smears for diagnosis;

8 (D) pulling eyelashes;

9 (E) dilating, irrigating, or probing the
10 lacrimal passages;

11 (F) placing punctal plugs;

12 (G) removing loose epithelium to promote
13 healing;

14 (H) draining an abscess;

15 (I) removing small bumps from the eyelid;

16 (J) draining a cyst;

17 (K) removing irregular eyelashes with
18 electrolysis; or

19 (L) closing the puncta by cautery.

20 SECTION 3. Section 351.004, Occupations Code, is amended to
21 read as follows:

22 Sec. 351.004. SUNSET PROVISION. The Texas Optometry Board
23 is subject to Chapter 325, Government Code (Texas Sunset Act).
24 Unless continued in existence as provided by that chapter, the
25 board is abolished and this chapter expires September 1, 2015
26 [~~2017~~].

27 SECTION 4. Section 351.358(b), Occupations Code, is amended

1 to read as follows:

2 (b) A therapeutic optometrist may:

3 (1) ~~[administer, perform, or prescribe ophthalmic~~
4 ~~devices, procedures, and appropriate medications administered by~~
5 ~~topical or oral means, in accordance with this section and Section~~
6 ~~351.3581, to] diagnose and ~~[or]~~ treat ~~[visual defects, abnormal]~~
7 conditions, ~~[or]~~ diseases, and disorders of the human vision
8 system, including the eye and adnexa, by any appropriate means
9 other than surgery; [or]~~

10 (2) administer or prescribe any medication by any
11 route of administration that is appropriate for the diagnosis or
12 treatment of the eye, adnexa, or visual system, other than a
13 controlled substance listed in Schedule I or II as established by
14 the commissioner of state health services under Chapter 481, Health
15 and Safety Code; and

16 (3) remove all or part of an eye from a dead human body
17 for transplant or scientific purposes ~~[parenteral means for a~~
18 ~~purpose and in a manner prescribed by Subsection (e)].~~

19 SECTION 5. Section 301.002(2), Occupations Code, is amended
20 to read as follows:

21 (2) "Professional nursing" means the performance of an
22 act that requires substantial specialized judgment and skill, the
23 proper performance of which is based on knowledge and application
24 of the principles of biological, physical, and social science as
25 acquired by a completed course in an approved school of
26 professional nursing. The term does not include acts of medical
27 diagnosis or the prescription of therapeutic or corrective

1 measures. Professional nursing involves:

2 (A) the observation, assessment, intervention,
3 evaluation, rehabilitation, care and counsel, or health teachings
4 of a person who is ill, injured, infirm, or experiencing a change in
5 normal health processes;

6 (B) the maintenance of health or prevention of
7 illness;

8 (C) the administration of a medication or
9 treatment as ordered by a physician, podiatrist, ~~[or]~~ dentist, or
10 therapeutic optometrist;

11 (D) the supervision or teaching of nursing;

12 (E) the administration, supervision, and
13 evaluation of nursing practices, policies, and procedures;

14 (F) the requesting, receiving, signing for, and
15 distribution of prescription drug samples to patients at sites in
16 which a registered nurse is authorized to sign prescription drug
17 orders as provided by Subchapter B, Chapter 157;

18 (G) the performance of an act delegated by a
19 physician under Section 157.052, 157.053, 157.054, 157.0541,
20 157.0542, 157.058, or 157.059; and

21 (H) the development of the nursing care plan.

22 SECTION 6. Section 453.001(9), Occupations Code, is amended
23 to read as follows:

24 (9) "Referring practitioner" means a qualified
25 licensed health care professional who, within the scope of
26 professional licensure, may refer a person for health care
27 services. The term includes:

1 (A) a physician licensed to practice medicine by
2 a state board of medical examiners;

3 (B) a dentist licensed by a state board of dental
4 examiners;

5 (C) a chiropractor licensed by a state board of
6 chiropractic examiners; ~~and~~

7 (D) a podiatrist licensed by a state board of
8 podiatric medical examiners; and

9 (E) an optometrist or therapeutic optometrist
10 licensed by a state optometry board.

11 SECTION 7. Section 454.213(b), Occupations Code, is amended
12 to read as follows:

13 (b) Implementation of direct occupational therapy to a
14 person for a specific health care condition must be based on a
15 referral from:

16 (1) a physician licensed by a state board of medical
17 examiners;

18 (2) a dentist licensed by a state board of dental
19 examiners;

20 (3) a chiropractor licensed by a state board of
21 chiropractic examiners;

22 (4) a podiatrist licensed by a state board of
23 podiatric medical examiners; ~~or~~

24 (5) an optometrist or therapeutic optometrist
25 licensed by a state optometry board; or

26 (6) another qualified, licensed health care
27 professional who is authorized to refer for health care services

1 within the scope of the professional's license.

2 SECTION 8. The changes in law made by this Act do not
3 prohibit a therapeutic optometrist from performing a procedure or
4 administering or prescribing a medication that the therapeutic
5 optometrist could perform, administer, or prescribe immediately
6 before the effective date of this Act.

7 SECTION 9. The following laws are repealed:

8 (1) Sections 351.160, 351.165, and 351.3581,
9 Occupations Code; and

10 (2) Sections 351.358(c), (d), and (e), Occupations
11 Code.

12 SECTION 10. This Act takes effect September 1, 2007.