

## **BILL ANALYSIS**

C.S.H.B. 675  
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Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, the Texas Optometry Board is authorized to renew an expired license to practice optometry or therapeutic optometry, provided the license has been expired for less than one year. If the license has been expired for one year or more, the license holder must comply with the requirements and procedures for applying for an original license. In some cases, a retired optometrist or therapeutic optometrist wishing to practice voluntary charitable care in the community has inadvertently allowed the license to expire and is unable to provide charitable care.

C.S.H.B. 675 authorizes the Texas Optometry Board to renew the license of an optometrist or therapeutic optometrist who fails to renew a license for one year or more without requiring the person to comply with the requirements and procedures for applying for an original license provided the person places the license on retired status and confines the practice to voluntary charity care. The bill also authorizes the board to place a current license on retired status provided the person confines the practice to voluntary charity care.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Optometry Board in SECTIONS 1 and 3 of this bill.

### **ANALYSIS**

C.S.H.B. 675 amends the Occupations Code to authorize the Texas Optometry Board by rule to allow the holder of a license to practice optometry or therapeutic optometry to place the license on retired status. The bill requires the license holder to apply to the board for retired status, on a form prescribed by the board, before the expiration date of the license. The bill requires the board to consider the age, years of practice, and the status of the license holder at the time of the application in determining whether to grant retired status. The bill requires a license holder on retired status to pay a license renewal fee in an amount equal to the renewal fee for a license on inactive status and prohibits the license holder from performing any activity regulated under the Texas Optometry Act unless the license holder's practice consists only of voluntary charity care, as defined by board rule. The bill requires those rules to prescribe the scope of practice permitted for the license holder, the license holder's authority to prescribe and administer drugs, and any continuing education requirements applicable to the license holder. The bill prohibits the scope of practice of a license holder on retired status from being greater than the scope of practice of a license holder on active status.

C.S.H.B. 675 requires a license holder seeking to reinstate a license placed on retired status to submit a written request for reinstatement to the board. The bill authorizes the board to return a license to active status and issue a renewal license if the license holder complies with any education or other requirements established by board rule and pays the renewal fee in effect at the time of the requested reinstatement. The bill authorizes the board to charge a reasonable administrative fee to cover the cost of research and the preparation of documentation for the board's consideration of a request for reinstatement of a license on retired status.

C.S.H.B. 675 authorizes the board to renew the license of a person whose license has been expired for one year or more without requiring the person to comply with the requirements and procedures for an original license if the person places the renewed license on retired status and confines the person's practice solely to voluntary charity care. The bill requires the board to adopt rules necessary to implement the changes in law made by this bill not later than December 1, 2009. The bill makes its provisions applicable to an application for retired status or an application for renewal of an expired license filed on or after January 1, 2010.

**EFFECTIVE DATE**

September 1, 2009.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 675 differs from the original by requiring that a license holder on retired status pay a license renewal fee in an amount equal to the renewal fee for a license on inactive status, rather than exempting the license holder from license renewal fees as in the original. The substitute adds a prohibition against a retired status license holder's scope of practice from being greater than the scope of practice of an active status license holder that was not in the original.