

## **BILL ANALYSIS**

C.S.H.B. 3469  
By: Coleman  
Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

In Texas, the Occupations Code regulates how and where health professionals work. The Texas Optometry Act places restrictions on how optometrists are able to work, in order to protect their ability to earn a fair wage. Optometrists may work for themselves or in practice with other optometrists, whereas, under state law, physicians are given a specific exemption so that they can be directly hired and placed on staff at federally qualified health centers.

This places a burden on federally qualified health centers that need to have an optometrist as part of their services. These centers provide comprehensive primary care that includes services from primary care physicians, optometrists, dentists, dietitians, mental health professionals, and other medical professionals that help clinics provide a medical home to their patients. Instead of placing optometrists on staff, the centers must contract with an optometrist and set their optometry practice up separately from the community clinic.

C.S.H.B. 3469 requires the Texas Optometry Board to certify a community health center to contract with or employ an optometrist if the health center conforms to certain requirements.

### **RULEMAKING AUTHORITY**

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

### **ANALYSIS**

C.S.H.B. 3469 amends the Occupations Code to require the Texas Optometry Board by rule to certify a health organization to contract with or employ an optometrist or therapeutic optometrist if the organization applies for certification on a form approved by the board and presents proof satisfactory to the board that the organization is a community health center. The bill prohibits a community health center that contracts with or employs an optometrist or therapeutic optometrist under this provision from controlling or attempting to control the professional judgment of the optometrist or therapeutic optometrist. The bill defines "community health center" as a health organization that is a nonprofit corporation under the Texas Non-Profit Corporation Act and under Section 501(c)(3) of the Internal Revenue Code, and that is organized and operated as a migrant, community, or homeless health center under the authority of and in compliance with provisions of the United States Code regarding health centers or rural health care services outreach, rural health network development, and small health care provider quality improvement grant programs, or that is organized and operated as a federally qualified health center as defined under the United States Code.

### **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 3469 adds a provision not in the original prohibiting a community health center that contracts with or employs an optometrist or therapeutic optometrist under this provision from controlling or attempting to control the professional judgment of the optometrist or therapeutic optometrist.