

BILL ANALYSIS

S.B. 1476
By: Ellis
Public Health
Committee Report (Unamended)

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 the optometry practice up separately from the community clinic.

S.B. 1476 relates to the authority of a community health center to contract with or employ an optometrist or therapeutic optometrist.

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

S.B. 1476 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 federal Internal Revenue Code of 1986, and that is organized and operated as a migrant, community, or homeless health center under the authority of and in compliance with provisions of federal law 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 federal law.

EFFECTIVE DATE

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