

## **BILL ANALYSIS**

Senate Research Center  
81R15329 NC-D

C.S.S.B. 1476  
By: Ellis  
Health & Human Services  
4/22/2009  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In Texas, the Occupations Code regulates how and where health professionals work. The Texas Optometry Act applies to optometrists and 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 a practice with other optometrists.

This places a burden on federally qualified health centers (FQHC) that need to have an optometrist as part of their services. FQHCs provide comprehensive primary care that includes services from primary care physicians, optometrists, dentists, dietitians, mental health professionals, and other medical professionals that help these community clinics provide a medical home to their patients. Instead of placing optometrists on staff, these FQHCs must contract with optometrists and set their optometry practice in a way that makes it separate from the clinic. Under the Occupations Code, physicians are given a specific exemption so that they can be directly hired and placed on staff at FQHCs. This legislation creates the same exemption in the Occupations Code for optometrists.

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

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Optometry Board in SECTION 1 (Section 351.367, Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter H, Chapter 351, Occupations Code, by adding Section 351.367, as follows:

Sec. 351.367. CONTRACT OR EMPLOYMENT WITH COMMUNITY HEALTH CENTERS. (a) Defines "community health center."

(b) Requires the Texas Optometry Board (TOB) 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 TOB, and presents proof satisfactory to TOB that the organization is a community health center.

(c) Prohibits a community health center that contracts with or employs an optometrist or therapeutic optometrist under this section from controlling or attempting to control the professional judgment of the optometrist or therapeutic optometrist.

SECTION 2. Effective date: upon passage or September 1, 2009.