

A BILL TO BE ENTITLED

AN ACT

relating to a retired status license for an optometrist or therapeutic optometrist practicing voluntary charity care.

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

SECTION 1. Subchapter F, Chapter 351, Occupations Code, is amended by adding Section 351.265 to read as follows:

Sec. 351.265. RETIRED STATUS. (a) The board by rule may allow a license holder to place the person's license on retired status. A license holder must apply to the board for retired status, on a form prescribed by the board, before the expiration date of the person's license.

(b) In determining whether to grant retired status, the board shall consider the age, years of practice, and status of the license holder at the time of the application.

(c) A license holder on retired status:

(1) must pay a license renewal fee in an amount equal to the renewal fee for a license on inactive status; and

(2) except as provided by Subsection (f), may not perform any activity regulated under this chapter.

(d) To reinstate a license placed on retired status, the license holder must submit a written request for reinstatement to the board. The board may return the license to active status and issue a renewal license if the license holder complies with any education or other requirement established by board rule and pays

1 the renewal fee in effect at the time of the requested
2 reinstatement.

3 (e) The board may charge a reasonable administrative fee to
4 cover the cost of research and the preparation of documentation for
5 the board's consideration of a request for reinstatement of a
6 license on retired status.

7 (f) A license holder on retired status may perform an
8 activity regulated under this chapter if the license holder's
9 practice consists only of voluntary charity care, as defined by
10 board rule. The board's rules under this subsection must prescribe
11 the scope of practice permitted for the license holder, the license
12 holder's authority to prescribe and administer drugs, and any
13 continuing education requirements applicable to the license
14 holder. The scope of practice of a license holder on retired status
15 may not be greater than the scope of practice of a license holder on
16 active status.

17 SECTION 2. Subchapter G, Chapter 351, Occupations Code, is
18 amended by adding Section 351.3065 to read as follows:

19 Sec. 351.3065. RENEWAL OF EXPIRED LICENSE BY RETIRED
20 OPTOMETRIST OR THERAPEUTIC OPTOMETRIST. The board may renew the
21 license of a person whose license has been expired for one year or
22 more without requiring the person to comply with the requirements
23 and procedures for an original license if the person places the
24 person's renewed license on retired status and confines the
25 person's practice solely to voluntary charity care under Section
26 351.265(f).

27 SECTION 3. Not later than December 1, 2009, the Texas

1 Optometry Board shall adopt rules necessary to implement the
2 changes in law made by this Act.

3 SECTION 4. (a) Section 351.265, Occupations Code, as added
4 by this Act, applies to an application for retired status filed on
5 or after January 1, 2010.

6 (b) Section 351.3065, Occupations Code, as added by this
7 Act, applies to an application for renewal of an expired license
8 filed on or after January 1, 2010.

9 SECTION 5. This Act takes effect September 1, 2009.