

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a retired status license for an optometrist or
3 therapeutic optometrist practicing voluntary charity care.

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

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

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

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

15 (c) A license holder on retired status:

16 (1) is not required to pay license renewal fees; and

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

19 (d) To reinstate a license placed on retired status, the
20 license holder must submit a written request for reinstatement to
21 the board. The board may return the license to active status and
22 issue a renewal license if the license holder complies with any
23 education or other requirement established by board rule and pays
24 the renewal fee in effect at the time of the requested

1 reinstatement.

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

6 (f) A license holder on retired status may perform an
7 activity regulated under this chapter if the license holder's
8 practice consists only of voluntary charity care, as defined by
9 board rule. The board's rules under this subsection must prescribe
10 the scope of practice permitted for the license holder, the license
11 holder's authority to prescribe and administer drugs, and any
12 continuing education requirements applicable to the license
13 holder.

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

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

24 SECTION 3. Not later than December 1, 2009, the Texas
25 Optometry Board shall adopt rules necessary to implement the
26 changes in law made by this Act.

27 SECTION 4. (a) Section 351.265, Occupations Code, as added

1 by this Act, applies to an application for retired status filed on
2 or after January 1, 2010.

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

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