

By: Rodriguez

H.B. No. 2660

A BILL TO BE ENTITLED

AN ACT

relating to regulation of the practice of therapeutic optometry.

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

SECTION 1. Section 351.002(8), Occupations Code, is amended to read as follows:

(8) "Surgery" means a procedure using instruments, including lasers or ~~or~~ scalpels, ~~[or needles,]~~ in which human tissue is cut, burned, or vaporized~~[, or otherwise altered]~~ by any mechanical means, laser, or ionizing radiation. The term includes procedures using instruments that require closing by suturing, clamping, or another device. The term does not include a ~~[noninvasive]~~ procedure described by Section 351.368 ~~[to remove a superficial foreign body in the conjunctiva, eyelid, or corneal epithelium that has not perforated the Bowman's membrane]~~.

SECTION 2. Subchapter H, Chapter 351, Occupations Code, is amended by adding Sections 351.367 and 351.368 to read as follows:

Sec. 351.367. SCOPE OF PRACTICE OF THERAPEUTIC OPTOMETRIST.

(a) A therapeutic optometrist may diagnose and treat any disease, condition or disorder of the eye, adnexa, or visual system by any appropriate means other than surgery.

(b) A therapeutic optometrist may administer or prescribe any medication using any means of administration that is reasonably related to the diagnosis or treatment of the eye, adnexa, or visual system. A therapeutic optometrist may not prescribe a controlled

1 substance that is listed, as of September 1, 2009, in Schedule I or
2 Schedule II of the Comprehensive Drug Abuse Prevention and Control
3 Act of 1970 (21 U.S.C. Section 801 et seq.).

4 (c) In addition to the professional designations listed in
5 Section 104.003, a therapeutic optometrist may use the professional
6 designation "optometric glaucoma specialist" or "optometric
7 physician."

8 Sec. 351.368. AUTHORIZED PROCEDURES PERFORMED BY
9 THERAPEUTIC OPTOMETRIST. A therapeutic optometrist may:

10 (1) perform a noninvasive procedure to remove a
11 superficial foreign body in the conjunctiva, eyelid, or corneal
12 epithelium that has not perforated the Bowman's membrane;

13 (2) use tissue glue to close a wound;

14 (3) perform cultures or smears for diagnosis;

15 (4) pull eyelashes or remove irregular eyelashes with
16 electrolysis;

17 (5) dilate, irrigate, or probe the lacrimal passages;

18 (6) place punctal plugs;

19 (7) administer medication by injection;

20 (8) remove loose epithelium to promote healing;

21 (9) drain an abscess or cyst;

22 (10) remove small bumps from the eyelid;

23 (11) close the puncta by cautery; and

24 (12) perform any glaucoma treatment procedure,
25 including glaucoma treatment procedures using lasers, other than
26 intraocular surgery by blade.

27 SECTION 3. The following laws are repealed:

- 1 (1) Section 351.160, Occupations Code;
- 2 (2) Section 351.165, Occupations Code;
- 3 (3) Section 351.358, Occupations Code; and
- 4 (4) Section 351.3581, Occupations Code.

5 SECTION 4. Chapter 351, Occupations Code, as amended by
6 this Act, may not be construed as preventing a therapeutic
7 optometrist from performing a procedure or administering or
8 prescribing any medication that could legally be performed,
9 administered, or prescribed by a therapeutic optometrist
10 immediately before the passage of this Act.

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