

By: Thompson

H.B. No. 3981

A BILL TO BE ENTITLED

AN ACT

relating to the composition of the Texas Optometry Board.

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

SECTION 1. Section 351.051(a), Occupations Code, is amended to read as follows:

(a) The Texas Optometry Board consists of 13 [~~nine~~] members appointed by the governor with the advice and consent of the senate as follows:

(1) seven [~~six~~] optometrists or therapeutic optometrists; [~~and~~]

(2) three learned and eminent physicians who specialize in ophthalmology and who have been licensed under Subtitle B for at least three years before the date of appointment;  
and

(3) three members who represent the public.

SECTION 2. Section 351.054(a), Occupations Code, is amended to read as follows:

(a) Members of the board serve staggered six-year terms. The terms of two or three optometrist or therapeutic optometrist members, as applicable, one physician member, and one public member expire on January 31 of each odd-numbered year.

SECTION 3. Section 351.058(b), Occupations Code, is amended to read as follows:

(b) The board shall hold special meetings on the request of

1 seven [~~five~~] members of the board or on the call of the presiding  
2 officer.

3 SECTION 4. Section 351.501(a), Occupations Code, is amended  
4 to read as follows:

5 (a) On the vote of seven [~~five~~] or more members, the board  
6 may refuse to issue a license to an applicant, revoke or suspend a  
7 license, place on probation a person whose license has been  
8 suspended, impose a fine, impose a stipulation, limitation, or  
9 condition relating to continued practice, including conditioning  
10 continued practice on counseling or additional education, or  
11 reprimand a license holder if the board determines that:

12 (1) the applicant or license holder is guilty of  
13 fraud, deceit, dishonesty, or misrepresentation in the practice of  
14 optometry or therapeutic optometry or in seeking admission to that  
15 practice;

16 (2) the applicant or license holder is unfit or  
17 incompetent by reason of negligence;

18 (3) the applicant or license holder has been convicted  
19 of a misdemeanor involving moral turpitude or a felony;

20 (4) the applicant or license holder:

21 (A) is a habitual drunkard;

22 (B) is addicted to the use of morphine, cocaine,  
23 or other drugs having similar effect;

24 (C) has become insane; or

25 (D) has been found by a court to be of unsound  
26 mind;

27 (5) the license holder has directly or indirectly

1 employed, hired, procured, or induced a person to practice  
2 optometry or therapeutic optometry in this state without a license;

3 (6) the license holder has directly or indirectly  
4 aided or abetted an unlicensed person in the practice of optometry  
5 or therapeutic optometry;

6 (7) the license holder has placed the holder's license  
7 at the disposal or service of, including lending, leasing, or  
8 renting to, a person not licensed to practice optometry or  
9 therapeutic optometry in this state;

10 (8) the applicant or license holder has wilfully or  
11 repeatedly violated this chapter or a board rule adopted under this  
12 chapter;

13 (9) the license holder has wilfully or repeatedly  
14 represented to a member of the public that the license holder is  
15 authorized or competent to cure or treat an eye disease beyond the  
16 authorization granted by this chapter;

17 (10) the license holder has had the right to practice  
18 optometry or therapeutic optometry suspended or revoked by a  
19 federal agency for a cause that the board believes warrants that  
20 action;

21 (11) the applicant or license holder has acted to  
22 deceive, defraud, or harm the public;

23 (12) the applicant or license holder is guilty of  
24 gross incompetence in the practice of optometry or therapeutic  
25 optometry;

26 (13) the applicant or license holder has engaged in a  
27 pattern of practice or other behavior demonstrating a wilful

1 provision of substandard care;

2           (14) the applicant or license holder has committed an  
3 act of sexual abuse, misconduct, or exploitation with a patient or  
4 has otherwise unethically or immorally abused the doctor-patient  
5 relationship;

6           (15) the applicant or license holder has prescribed,  
7 sold, administered, distributed, or given a drug legally classified  
8 as a controlled substance or as an addictive or dangerous drug for  
9 other than an accepted diagnostic or therapeutic purpose;

10           (16) the applicant or license holder has failed to  
11 report to the board the relocation of the applicant's or license  
12 holder's office not later than the 30th day after the date of  
13 relocation, whether in or out of this state; or

14           (17) the license holder has practiced or attempted to  
15 practice optometry while the license holder's license was  
16 suspended.

17           SECTION 5. As soon as practicable on or after the effective  
18 date of this Act, the governor shall appoint four additional  
19 members to the Texas Optometry Board. In appointing those members,  
20 the governor shall appoint one physician member to a term expiring  
21 January 31, 2011, one physician member to a term expiring January  
22 31, 2013, and one physician member and one optometrist or  
23 therapeutic optometrist member to terms expiring January 31, 2015.

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