

SENATE AMENDMENTS

2nd Printing

By: Bonnen

H.B. No. 675

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 status of the
14 license holder at the time of the application.

15 (c) A license holder on retired status:

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

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

20 (d) To reinstate a license placed on retired status, the
21 license holder must submit a written request for reinstatement to
22 the board. The board may return the license to active status and
23 issue a renewal license if the license holder complies with any
24 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.

ADOPTED

MAY 21 2009


Secretary of the Senate

By: Bonnen / SP. Huffman

H.B. No. 675

Substitute the following for H.B. No. 675:

By: 

C.S.H.B. No. 675

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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 status of the
14 license holder at the time of the application.

15 (c) A license holder on retired status:

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17 to the renewal fee for a license on inactive status; and

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

20 (d) To reinstate a license placed on retired status, the
21 license holder must submit a written request for reinstatement to
22 the board. The board may return the license to active status and
23 issue a renewal license if the license holder complies with any
24 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 the same license
16 holder on active status.

17 SECTION 2. Subchapter G, Chapter 351, Occupations Code, is
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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.

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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.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 21, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB675 by Bonnen (Relating to a retired status license for an optometrist or therapeutic optometrist practicing voluntary charity care.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would allow the Texas Optometry Board, by rule, to allow a licensee to apply to the board to have a license placed on retired status. The bill would require a license holder on retired status to pay a license renewal fee in an amount equal to the renewal fee for a license on inactive status.

Based on the analysis of the Texas Optometry Board, it is assumed any costs and duties associated with implementing the provisions of the bill could be absorbed within existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 514 Optometry Board

LBB Staff: JOB, SD, CL, TG

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 7, 2009

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB675 by Bonnen (Relating to a retired status license for an optometrist or therapeutic optometrist practicing voluntary charity care.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would allow the Texas Optometry Board, by rule, to allow a licensee to apply to the board to have a license placed on retired status. The bill would require a license holder on retired status to pay a license renewal fee in an amount equal to the renewal fee for a license on inactive status.

Based on the analysis of the Texas Optometry Board, it is assumed any costs and duties associated with implementing the provisions of the bill could be absorbed within existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 514 Optometry Board

LBB Staff: JOB, CL, TG

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 1, 2009

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB675 by Bonnen (Relating to a retired status license for an optometrist or therapeutic optometrist practicing voluntary charity care.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would allow the Texas Optometry Board, by rule, to allow a licensee to apply to the board to have a license placed on retired status. The bill would require a license holder on retired status to pay a license renewal fee in an amount equal to the renewal fee for a license on inactive status.

Based on the analysis of the Texas Optometry Board, it is assumed any costs and duties associated with implementing the provisions of the bill could be absorbed within existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 514 Optometry Board

LBB Staff: JOB, CL, TG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 19, 2009

TO: Honorable Lois W. Kolkhorst, Chair, House Committee on Public Health

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB675 by Bonnen (Relating to a retired status license for an optometrist or therapeutic optometrist practicing voluntary charity care.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would allow the Texas Optometry Board, by rule, to allow a licensee to apply to the board to have a license placed on retired status. The bill would require a license holder on retired status to pay a license renewal fee in an amount equal to the renewal fee for a license on inactive status.

Based on the analysis of the Texas Optometry Board, it is assumed any costs and duties associated with implementing the provisions of the bill could be absorbed within existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 514 Optometry Board

LBB Staff: JOB, CL, TG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 2, 2009

TO: Honorable Lois W. Kolkhorst, Chair, House Committee on Public Health

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB675 by Bonnen (Relating to a retired status license for an optometrist or therapeutic optometrist practicing voluntary charity care.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB675, As Introduced: a negative impact of (\$92,496) through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$0
2011	(\$92,496)
2012	(\$92,496)
2013	(\$92,496)
2014	(\$92,496)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue (Loss) from <i>General Revenue Fund</i> 1	Probable (Cost) from <i>General Revenue Fund</i> 1	Probable Revenue Gain from <i>General Revenue Fund</i> 1
2010	\$0	(\$6,144)	\$6,144
2011	(\$92,496)	(\$5,760)	\$5,760
2012	(\$92,496)	\$0	\$0
2013	(\$92,496)	\$0	\$0
2014	(\$92,496)	\$0	\$0

Fiscal Analysis

The bill would allow the Texas Optometry Board, by rule, to allow a licensee to apply to the Texas Optometry Board, on a form prescribed by the board, to have a license placed on retired status. In retired status, a license holder would not be required to pay license renewal fees. The bill would authorize a license on retired status to be reinstated to active status and would authorize the board to charge a reasonable administrative fee to cover the costs of research and the preparation of documentation for the board's consideration of a request for reinstatement. The bill would require the board to adopt rules to implement the provisions of the bill no later than December 1, 2009. The provisions of the bill would apply to an application for retired status filed on or after January 1, 2010.

The bill would take effect on September 1, 2009.



Methodology

Based on the analysis of the Texas Optometry Board (TOB), it is assumed that the board's rules would authorize 80 percent of the 615 current licensees on inactive status to be approved for the new retired status. The current annual renewal fee for an inactive license is \$188. Therefore, it is assumed 492 inactive licenses would apply for and achieve retired status and no longer pay an annual renewal fee, which would result in a loss of \$92,496 from fees deposited to the General Revenue Fund beginning in fiscal year 2011. It is assumed the loss in fee revenue would continue at the same or similar levels each year thereafter.

Based on the analysis of TOB, it is assumed the agency would incur programming costs of \$6,144 in fiscal year 2010 to add an additional license type to its licensing and enforcement database. Also based on the analysis of TOB, it is assumed a majority of the initial applications for retired status would be received over a period from October 2010 to January 2011, which would require the agency to hire a temporary employee at \$12 per hour for three months to assist in processing the additional license applications for a total cost of \$5,760 in fiscal year 2011.

It is assumed TOB would assess fees sufficient to cover any costs associated with implementing the provisions of the bill.

Technology

It is assumed the agency would incur information resource technology costs of \$6,144 for database programming to implement the provisions of the bill in fiscal year 2010.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 514 Optometry Board

LBB Staff: JOB, CL, MW, TG

