

AN ACT

relating to the issuance of remedial plans to resolve complaints filed with the Texas Optometry Board; authorizing a fee.

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

SECTION 1. Subchapter K, Chapter 351, Occupations Code, is amended by adding Section 351.509 to read as follows:

Sec. 351.509. REMEDIAL PLAN. (a) The board may issue and establish the terms of a remedial plan to resolve the investigation of a complaint filed under this chapter.

(b) A remedial plan may not contain a provision that:

(1) revokes, suspends, limits, or restricts a person's license or other authorization to practice optometry or therapeutic optometry; or

(2) assesses an administrative penalty against a person.

(c) A remedial plan may not be imposed to resolve a complaint:

(1) concerning:

(A) a death;

(B) a hospitalization; or

(C) the commission of a felony; or

(2) in which the appropriate resolution may involve a restriction on the manner in which a license holder practices optometry or therapeutic optometry.

1 (d) The board may not issue a remedial plan to resolve a
2 complaint against a license holder if the license holder has
3 entered into a remedial plan with the board in the preceding 24
4 months for the resolution of a different complaint filed under this
5 chapter.

6 (e) If a license holder complies with and successfully
7 completes the terms of a remedial plan, the board shall remove all
8 records of the remedial plan from the board's records on the second
9 anniversary of the date the license holder successfully completes
10 the remedial plan.

11 (f) The board may assess a fee against a license holder
12 participating in a remedial plan in an amount necessary to recover
13 the costs of administering the plan.

14 (g) The board shall adopt rules necessary to implement this
15 section.

16 SECTION 2. The Texas Optometry Board shall adopt rules
17 under Section 351.509, Occupations Code, as added by this Act, not
18 later than January 1, 2014.

19 SECTION 3. Section 351.509, Occupations Code, as added by
20 this Act, applies only to a complaint under Chapter 351,
21 Occupations Code, filed on or after the effective date of this Act.
22 A complaint under Chapter 351, Occupations Code, filed before that
23 date is governed by the law in effect on the date the complaint was
24 filed, and that law is continued in effect for that purpose.

25 SECTION 4. This Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I certify that H.B. No. 2627 was passed by the House on April 25, 2013, by the following vote: Yeas 136, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2627 was passed by the Senate on May 20, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor