

1-1 By: Zedler (Senate Sponsor - Eltife) H.B. No. 2627  
 1-2 (In the Senate - Received from the House April 29, 2013;  
 1-3 April 30, 2013, read first time and referred to Committee on Health  
 1-4 and Human Services; May 13, 2013, reported favorably by the  
 1-5 following vote: Yeas 8, Nays 0; May 13, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the issuance of remedial plans to resolve complaints  
 1-20 filed with the Texas Optometry Board; authorizing a fee.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter K, Chapter 351, Occupations Code, is  
 1-23 amended by adding Section 351.509 to read as follows:

1-24 Sec. 351.509. REMEDIAL PLAN. (a) The board may issue and  
 1-25 establish the terms of a remedial plan to resolve the investigation  
 1-26 of a complaint filed under this chapter.

1-27 (b) A remedial plan may not contain a provision that:

1-28 (1) revokes, suspends, limits, or restricts a person's  
 1-29 license or other authorization to practice optometry or therapeutic  
 1-30 optometry; or

1-31 (2) assesses an administrative penalty against a  
 1-32 person.

1-33 (c) A remedial plan may not be imposed to resolve a  
 1-34 complaint:

1-35 (1) concerning:

1-36 (A) a death;

1-37 (B) a hospitalization; or

1-38 (C) the commission of a felony; or

1-39 (2) in which the appropriate resolution may involve a  
 1-40 restriction on the manner in which a license holder practices  
 1-41 optometry or therapeutic optometry.

1-42 (d) The board may not issue a remedial plan to resolve a  
 1-43 complaint against a license holder if the license holder has  
 1-44 entered into a remedial plan with the board in the preceding 24  
 1-45 months for the resolution of a different complaint filed under this  
 1-46 chapter.

1-47 (e) If a license holder complies with and successfully  
 1-48 completes the terms of a remedial plan, the board shall remove all  
 1-49 records of the remedial plan from the board's records on the second  
 1-50 anniversary of the date the license holder successfully completes  
 1-51 the remedial plan.

1-52 (f) The board may assess a fee against a license holder  
 1-53 participating in a remedial plan in an amount necessary to recover  
 1-54 the costs of administering the plan.

1-55 (g) The board shall adopt rules necessary to implement this  
 1-56 section.

1-57 SECTION 2. The Texas Optometry Board shall adopt rules  
 1-58 under Section 351.509, Occupations Code, as added by this Act, not  
 1-59 later than January 1, 2014.

1-60 SECTION 3. Section 351.509, Occupations Code, as added by  
 1-61 this Act, applies only to a complaint under Chapter 351,

2-1 Occupations Code, filed on or after the effective date of this Act.  
2-2 A complaint under Chapter 351, Occupations Code, filed before that  
2-3 date is governed by the law in effect on the date the complaint was  
2-4 filed, and that law is continued in effect for that purpose.  
2-5 SECTION 4. This Act takes effect September 1, 2013.

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