

By: Goldman

H.B. No. 1413

A BILL TO BE ENTITLED

AN ACT

relating to the practice of therapeutic optometry.

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

SECTION 1. Section 351.002(7), Occupations Code, is amended to read as follows:

(7) "Practice of therapeutic optometry" means using objective or subjective means, ~~[not]~~ including surgery except as prohibited under Section 351.4521 ~~[or laser surgery]~~, to:

(A) determine or measure the powers of vision of the human eye as provided by Section 351.355;

(B) examine or diagnose visual defects, abnormal conditions, or diseases of the human eye or adnexa;

(C) prescribe or fit lenses or prisms to correct or remedy a defect or abnormal condition of vision as provided by Section 351.356;

(D) administer or prescribe a drug or physical treatment in the manner authorized by this chapter; or

(E) treat the visual system, including the eye or adnexa as authorized by this chapter.

SECTION 2. Sections 351.358(b) and (c), Occupations Code, are amended to read as follows:

(b) A therapeutic optometrist may:

(1) administer, perform, or prescribe ophthalmic devices, procedures, and appropriate medications administered by

1 topical, subconjunctival, or oral means[~~, in accordance with this~~
2 ~~section and Section 351.3581,~~] to diagnose or treat visual defects,
3 abnormal conditions, or diseases of the human vision system,
4 including the eye and adnexa; or

5 (2) administer medication by parenteral means for a
6 purpose and in a manner prescribed by Subsection (e).

7 (c) A therapeutic optometrist may administer or prescribe
8 oral analgesic medications only in the following classifications of
9 oral pharmaceuticals:

10 (1) [~~one 10-day supply of oral antibiotics;~~
11 [~~(2) one 72-hour supply of oral antihistamines;~~
12 [~~(3) one seven-day supply of oral nonsteroidal~~
13 ~~anti-inflammatories;~~

14 [~~(4)~~] one three-day supply of any analgesic medication
15 classified as a controlled substance under Schedule [~~identified in~~
16 ~~Schedules~~] III, IV, or and V of 21 U.S.C. Section 812; and

17 (2) one three-day supply of hydrocodone or of a
18 hydrocodone combination medication classified as a controlled
19 substance under Schedule II of 21 U.S.C. Section 812

20 [~~(5) any other oral pharmaceutical recommended by the~~
21 ~~Optometric Health Care Advisory Committee and approved by the board~~
22 ~~and the Texas State Board of Medical Examiners].~~

23 SECTION 3. The heading to Section 351.3581, Occupations
24 Code, is amended to read as follows:

25 Sec. 351.3581. [~~DIAGNOSIS AND~~] TREATMENT OF GLAUCOMA.

26 SECTION 4. Section 351.3581(a), Occupations Code, is
27 amended to read as follows:

1 (a) A therapeutic optometrist may not administer or
2 prescribe an oral or parenteral medication or treat glaucoma unless
3 the therapeutic optometrist holds a certificate issued by the
4 board. A therapeutic optometrist certified under this section
5 [~~subsection~~] shall be known as an optometric glaucoma specialist.
6 To obtain a certificate, a therapeutic optometrist must [~~as~~
7 ~~required under Section 351.165(c)~~]:

8 (1) complete an instructional clinical review course;
9 and

10 (2) pass an examination approved by the board.

11 SECTION 5. Section [351.4521](#), Occupations Code, is amended
12 to read as follows:

13 Sec. 351.4521. PERFORMANCE OF CERTAIN SURGICAL PROCEDURES
14 BY THERAPEUTIC OPTOMETRISTS [~~SURGERY~~] PROHIBITED. (a) A
15 therapeutic optometrist may not perform the following surgical
16 procedures:

17 (1) retinal laser procedures, laser-assisted in situ
18 keratomileusis (LASIK), photorefractive keratectomy (PRK), or
19 laser epithelial keratomileusis (LASEK);

20 (2) penetrating keratoplasty, corneal transplant, or
21 lamellar keratoplasty;

22 (3) a surgical procedure that requires the
23 administration of general anesthesia;

24 (4) intraocular injection;

25 (5) a surgical procedure relating to the removal of
26 the eye from a living person;

27 (6) a surgical procedure requiring full-thickness

1 incision or excision of the cornea or sclera other than
2 paracentesis in an emergency situation requiring immediate
3 reduction of the pressure inside of the eye;

4 (7) a surgical procedure requiring incision or
5 excision of the iris and ciliary body, including iris diathermy and
6 cryotherapy;

7 (8) a surgical procedure requiring incision or
8 excision of the vitreous;

9 (9) a surgical procedure requiring incision or
10 excision of the retina;

11 (10) surgical extraction of the crystalline lens;

12 (11) surgical intraocular implants;

13 (12) incisional or excisional surgery of the
14 extraocular muscles;

15 (13) surgery of the eyelid for a suspected eyelid
16 malignancy;

17 (14) surgery of the eyelid, including the incisional,
18 excisional, or mechanical repair of blepharochalasis,
19 dermatochalasis, or ptosis;

20 (15) tarsorrhaphy;

21 (16) surgery of the bony orbit, including orbital
22 implants;

23 (17) incisional or excisional surgery of the lacrimal
24 system other than lacrimal probing and related procedures;

25 (18) a surgical procedure requiring full-thickness
26 conjunctivoplasty with graft or flap;

27 (19) retrobulbar injection or injection into the

1 extraocular orbital space; and

2 (20) pterygium surgery [~~or laser surgery~~].

3 (b) This section does not prevent a therapeutic optometrist
4 from providing preoperative or postoperative care relating to a
5 surgical procedure listed in Subsection (a).

6 SECTION 6. The following provisions of the Occupations Code
7 are repealed:

8 (1) Section 351.358(d); and

9 (2) Sections 351.3581(b), (c), (d), (e), (f), (g),
10 (h), (i), and (j).

11 SECTION 7. This Act takes effect September 1, 2015.