

By: Lozano

H.B. No. 1420

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. Sections 351.358(b), (c), (d), and (e), 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 topical or oral means [~~, in accordance with this section and Section 351.3581,~~] to diagnose or treat visual defects, abnormal conditions, or diseases of the human vision system, including the eye and adnexa; or

(2) administer medication by parenteral means for a purpose and in a manner prescribed by Subsection (d) [~~(e)~~].

(c) A therapeutic optometrist may administer or prescribe oral analgesics [~~medications~~] only in the following classifications of oral pharmaceuticals:

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

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

1           (2) one three-day supply of hydrocodone or of a  
2 hydrocodone combination product classified as a controlled  
3 substance under Schedule II of 21 U.S.C. Section 812

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

7           (d) ~~[A therapeutic optometrist may independently administer~~  
8 ~~oral carbonic anhydrase inhibitors for emergency purposes only and~~  
9 ~~shall immediately refer the patient to an ophthalmologist.~~

10          ~~[(e)]~~ A therapeutic optometrist may inject appropriate  
11 medication for a patient who has an anaphylactic reaction to  
12 counteract the anaphylaxis. The therapeutic optometrist shall  
13 immediately refer the patient to a physician.

14          SECTION 2. Section [351.3581](#), Occupations Code, is amended  
15 to read as follows:

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

17 ~~[(a)]~~ A therapeutic optometrist may not administer or prescribe an  
18 oral or parenteral medication or treat glaucoma unless the  
19 therapeutic optometrist holds a certificate issued by the board. A  
20 therapeutic optometrist certified under this section ~~[subsection]~~  
21 shall be known as an optometric glaucoma specialist. To obtain a  
22 certificate, a therapeutic optometrist must ~~[as required under~~  
23 ~~Section 351.165(c)]~~:

24           (1) complete an instructional clinical review course;  
25 and

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

27          ~~[(b) Not later than the 30th day after the date of the~~

1 ~~initial diagnosis of glaucoma, a therapeutic optometrist shall~~  
2 ~~engage in consultation with an ophthalmologist to develop an~~  
3 ~~individual treatment plan that is approved by the therapeutic~~  
4 ~~optometrist and ophthalmologist. The parameters of the~~  
5 ~~consultation shall be at the discretion of the ophthalmologist but~~  
6 ~~must at least include confirmation of the diagnosis and a plan for~~  
7 ~~comanagement of the patient, including periodic review of the~~  
8 ~~patient's progress.~~

9 ~~[(c) A therapeutic optometrist required to engage in~~  
10 ~~comanagement consultation with an ophthalmologist shall inform the~~  
11 ~~patient diagnosed with glaucoma that the therapeutic optometrist is~~  
12 ~~required to have the diagnosis confirmed and comanaged with an~~  
13 ~~ophthalmologist of the patient's choosing or, if the patient does~~  
14 ~~not choose an ophthalmologist, an ophthalmologist practicing in the~~  
15 ~~geographic area in which the therapeutic optometrist practices.~~

16 ~~[(d) A therapeutic optometrist shall refer a patient to an~~  
17 ~~ophthalmologist if:~~

18 ~~[(1) the patient is younger than 16 years of age and~~  
19 ~~has been diagnosed as having glaucoma,~~

20 ~~[(2) the patient has been diagnosed as having acute~~  
21 ~~closed angle glaucoma,~~

22 ~~[(3) the patient has been diagnosed as having~~  
23 ~~malignant glaucoma or neovascular glaucoma,~~

24 ~~[(4) the therapeutic optometrist determines that a~~  
25 ~~patient's glaucoma is caused by a diabetic complication and, after~~  
26 ~~joint consultation with the physician treating the diabetes and an~~  
27 ~~ophthalmologist by telephone, fax, or another method, the physician~~

1 ~~or ophthalmologist determines that the patient should be seen by~~  
2 ~~the physician or ophthalmologist; or~~

3 ~~[(5) the therapeutic optometrist determines that a~~  
4 ~~patient's glaucoma is not responding appropriately to a treatment~~  
5 ~~specified in Subsection (f) and, after consulting a physician by~~  
6 ~~telephone, fax, or another method, the physician determines that~~  
7 ~~the patient should be seen by the physician or an appropriate~~  
8 ~~specialist.~~

9 ~~[(e) A therapeutic optometrist who refers a patient to a~~  
10 ~~physician or specialist shall inform the patient that the patient~~  
11 ~~may go to any physician or specialist the patient chooses. This~~  
12 ~~subsection does not prevent a therapeutic optometrist from~~  
13 ~~recommending a physician or specialist.~~

14 ~~[(f) On making an initial diagnosis of glaucoma, a~~  
15 ~~therapeutic optometrist shall set a target pressure that is not~~  
16 ~~more than 80 percent of the initial intraocular pressure. The~~  
17 ~~patient's glaucoma is not considered to be appropriately responding~~  
18 ~~to treatment if the patient fails to achieve the target pressure~~  
19 ~~within an appropriate time.~~

20 ~~[(g) Before a therapeutic optometrist may prescribe a beta~~  
21 ~~blocker, the therapeutic optometrist must take a complete case~~  
22 ~~history of the patient and determine whether the patient has had a~~  
23 ~~physical examination within the 180 days preceding the date of~~  
24 ~~taking the history. If the patient has not had a physical~~  
25 ~~examination or if the patient has a history of congestive heart~~  
26 ~~failure, bradycardia, heart block, asthma, or chronic obstructive~~  
27 ~~pulmonary disease, the therapeutic optometrist must refer the~~

1 ~~patient to a physician for a physical examination before initiating~~  
2 ~~beta blocker therapy.~~

3 ~~[(h) A therapeutic optometrist who diagnoses acute closed~~  
4 ~~angle glaucoma may initiate appropriate emergency treatment for a~~  
5 ~~patient but shall refer the patient to a physician in a timely~~  
6 ~~manner.~~

7 ~~[(i) A physician may charge a reasonable consultation fee~~  
8 ~~for a consultation given as provided by this section.~~

9 ~~[(j) A physician to whom a patient is referred by a~~  
10 ~~therapeutic optometrist under this section shall forward to the~~  
11 ~~therapeutic optometrist, not later than the 30th day after first~~  
12 ~~seeing the patient, a written report on the results of the referral.~~  
13 ~~The therapeutic optometrist shall maintain the report in the~~  
14 ~~patient's records. A physician who, for a medically appropriate~~  
15 ~~reason, does not return a patient to the therapeutic optometrist~~  
16 ~~who referred the patient shall state in the physician's report to~~  
17 ~~the therapeutic optometrist the specific medical reason for failing~~  
18 ~~to return the patient.]~~

19 SECTION 3. This Act takes effect September 1, 2015.