

By: Klick

H.B. No. 2129

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the administration by certain health care professionals
3 of treatments, therapy, or medication ordered by an optometrist or
4 therapeutic optometrist.

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

6 SECTION 1. Section 301.002(2), Occupations Code, is amended
7 to read as follows:

8 (2) "Professional nursing" means the performance of an
9 act that requires substantial specialized judgment and skill, the
10 proper performance of which is based on knowledge and application
11 of the principles of biological, physical, and social science as
12 acquired by a completed course in an approved school of
13 professional nursing. The term does not include acts of medical
14 diagnosis or the prescription of therapeutic or corrective
15 measures. Professional nursing involves:

16 (A) the observation, assessment, intervention,
17 evaluation, rehabilitation, care and counsel, or health teachings
18 of a person who is ill, injured, infirm, or experiencing a change in
19 normal health processes;

20 (B) the maintenance of health or prevention of
21 illness;

22 (C) the administration of a medication or
23 treatment as ordered by a physician, podiatrist, ~~[or]~~ dentist, or
24 therapeutic optometrist;

- 1 (D) the supervision or teaching of nursing;
- 2 (E) the administration, supervision, and
3 evaluation of nursing practices, policies, and procedures;
- 4 (F) the requesting, receiving, signing for, and
5 distribution of prescription drug samples to patients at practices
6 at which an advanced practice registered nurse is authorized to
7 sign prescription drug orders as provided by Subchapter B, Chapter
8 157;
- 9 (G) the performance of an act delegated by a
10 physician under Section 157.0512, 157.054, 157.058, or 157.059; and
- 11 (H) the development of the nursing care plan.

12 SECTION 2. Section 453.001(9), Occupations Code, is amended
13 to read as follows:

14 (9) "Referring practitioner" means a qualified
15 licensed health care professional who, within the scope of
16 professional licensure, may refer a person for health care
17 services. The term includes:

18 (A) a physician licensed to practice medicine by
19 a state board of medical examiners;

20 (B) a dentist licensed by a state board of dental
21 examiners;

22 (C) a chiropractor licensed by a state board of
23 chiropractic examiners; ~~and~~

24 (D) a podiatrist licensed by a state board of
25 podiatric medical examiners; and

26 (E) an optometrist or therapeutic optometrist
27 licensed by a state board of optometry.

1 SECTION 3. Section 454.213(b), Occupations Code, is amended
2 to read as follows:

3 (b) Implementation of direct occupational therapy to a
4 person for a specific health care condition must be based on a
5 referral from:

6 (1) a physician licensed by a state board of medical
7 examiners;

8 (2) a dentist licensed by a state board of dental
9 examiners;

10 (3) a chiropractor licensed by a state board of
11 chiropractic examiners;

12 (4) a podiatrist licensed by a state board of
13 podiatric medical examiners; [~~or~~]

14 (5) an optometrist or therapeutic optometrist
15 licensed by a state board of optometry; or

16 (6) another qualified, licensed health care
17 professional who is authorized to refer for health care services
18 within the scope of the professional's license.

19 SECTION 4. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2015.