

By: Sheffield

H.B. No. 3710

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the comanagement of glaucoma by ophthalmologists and
3 therapeutic optometrists and the establishment of a comanagement
4 registry.

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

6 SECTION 1. Subchapter A, Chapter 153, Occupations Code, is
7 amended by adding Section 153.017 to read as follows:

8 Sec. 153.017. GLAUCOMA COMANAGEMENT REGISTRY AND
9 DISCIPLINARY INFORMATION. (a) The board and the Texas Optometry
10 Board shall:

11 (1) jointly maintain a registry of ophthalmologists
12 and therapeutic optometrists engaged in the comanagement of
13 patients under Section 351.3581; and

14 (2) make the registry available to the public through
15 a link on each board's Internet website.

16 (b) The registry must be searchable by:

17 (1) the name of the ophthalmologist;

18 (2) the name of the therapeutic optometrist;

19 (3) the county that an ophthalmologist in the registry
20 lists as a primary practice location; and

21 (4) the county that a therapeutic optometrist in the
22 registry lists as a primary practice location.

23 (c) The board and the Texas Optometry Board shall jointly
24 develop a process to share information regarding license holders

1 under the jurisdiction of either board who:

2 (1) become the subject of an investigation involving
3 the comanagement or treatment of glaucoma, including information
4 regarding the final disposition of the investigation; or

5 (2) have been subject to a final adverse disciplinary
6 action for an act involving the comanagement or treatment of
7 glaucoma.

8 (d) The board or the Texas Optometry Board, as applicable,
9 may use information shared under Subsection (c) to initiate an
10 investigation of a license holder.

11 SECTION 2. Chapter 160, Occupations Code, is amended by
12 adding Subchapter D to read as follows:

13 SUBCHAPTER D. PARTICIPATION IN GLAUCOMA COMANAGEMENT REGISTRY

14 Sec. 160.151. PROVISION OF INFORMATION TO GLAUCOMA
15 COMANAGEMENT REGISTRY. (a) An ophthalmologist engaged in the
16 comanagement of patients under Section 351.3581 shall provide to
17 the board the name, license number, and county of primary practice
18 location of each therapeutic optometrist with whom the
19 ophthalmologist is comanaging patients for inclusion in the
20 comanagement registry maintained as required under Section
21 153.017.

22 (b) The board shall establish procedures to allow an
23 ophthalmologist who provides information under Subsection (a) to
24 update the information through the registry's Internet website.
25 The board shall require the ophthalmologist to update the
26 information at least annually.

27 SECTION 3. Section 351.3581, Occupations Code, is amended

1 by amending Subsection (c) and adding Subsections (c-1), (c-2),
2 (k), and (l) to read as follows:

3 (c) A therapeutic optometrist required to engage in
4 comanagement consultation with an ophthalmologist shall:

5 (1) inform the patient diagnosed with or undergoing or
6 beginning treatment for glaucoma that the therapeutic optometrist
7 is required to have the diagnosis confirmed and comanaged with an
8 ophthalmologist with whom the therapeutic optometrist has a
9 glaucoma comanagement agreement or by an ophthalmologist of the
10 patient's choosing; and

11 (2) obtain signed, written consent from a patient
12 described by Subdivision (1) that meets the requirements of
13 Subsection (c-1) [or, if the patient does not choose an
14 ophthalmologist, an ophthalmologist practicing in the geographic
15 area in which the therapeutic optometrist practices].

16 (c-1) Consent obtained under Subsection (c) must
17 acknowledge receipt by the patient of the following information:

18 (1) that the patient has been diagnosed with glaucoma
19 by the therapeutic optometrist or is undergoing or beginning
20 treatment for glaucoma;

21 (2) that the therapeutic optometrist obtaining the
22 consent is not a physician licensed to practice medicine by the
23 Texas Medical Board;

24 (3) that the patient should have the diagnosis of
25 glaucoma confirmed by an ophthalmologist licensed to practice
26 medicine by the Texas Medical Board not later than the 30th day
27 after the date the diagnosis is determined by the therapeutic

1 optometrist and that the diagnosis should be reconfirmed annually
2 by an ophthalmologist;

3 (4) that the therapeutic optometrist obtaining the
4 consent is required to comanage the treatment for glaucoma with an
5 ophthalmologist licensed to practice medicine by the Texas Medical
6 Board; and

7 (5) that the Texas Medical Board and the Texas
8 Optometry Board maintain a searchable registry of ophthalmologists
9 and therapeutic optometrists who comanage glaucoma patients.

10 (c-2) A therapeutic optometrist shall maintain a patient's
11 consent obtained under Subsection (c) in the patient's medical
12 record and forward a copy of the consent to the comanaging
13 ophthalmologist with whom the therapeutic optometrist has a
14 glaucoma comanagement agreement under Subsection (l) or to an
15 ophthalmologist of the patient's choice on the written request of
16 the patient.

17 (k) A therapeutic optometrist engaged in the comanagement
18 of patients under this section shall provide to the board the name,
19 physician license number, and county of primary practice location
20 of each ophthalmologist with whom the therapeutic optometrist is
21 comanaging patients for inclusion in the glaucoma comanagement
22 registry maintained as required by Section 153.017. The board
23 shall establish procedures to allow a therapeutic optometrist who
24 provides information under this subsection to update the
25 information through the registry's Internet website. The board
26 shall require the therapeutic optometrist to update the information
27 at least annually.

1 (1) A therapeutic optometrist who is required to engage in
2 consultation with an ophthalmologist under this section shall enter
3 into a written glaucoma comanagement agreement, signed and dated by
4 the parties to the agreement, that:

5 (1) contains the following information:

6 (A) the names, addresses, and applicable license
7 numbers of the parties;

8 (B) the practice locations and settings of the
9 parties;

10 (C) a general plan for addressing consultation
11 and referral; and

12 (D) a general process for communications between
13 the parties;

14 (2) requires the agreement and any amendment to the
15 agreement to be reviewed, dated, and signed by each party at least
16 annually;

17 (3) requires a party to the agreement who is notified
18 that the party is the subject of an investigation by the party's
19 licensing board to immediately notify the other party of the
20 investigation; and

21 (4) provides that the agreement may be terminated by
22 any party not later than the 30th day after the date the party
23 seeking termination notifies all other parties.

24 SECTION 4. (a) Not later than March 1, 2018, the Texas
25 Medical Board and the Texas Optometry Board shall establish the
26 registry and adopt rules to implement the changes in law made by
27 this Act.

1 (b) Notwithstanding Section [351.3581](#), Occupations Code, as
2 amended by this Act, a therapeutic optometrist or ophthalmologist
3 is not required to comply with that section until April 1, 2018.

4 SECTION 5. This Act takes effect September 1, 2017.