

By: Klick

H.B. No. 2340

A BILL TO BE ENTITLED

AN ACT

relating to the practice of therapeutic optometry; requiring an occupational certificate to perform certain surgical procedures.

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 by 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. The heading to Section 351.151, Occupations Code, is amended to read as follows:

Sec. 351.151. RULES; INTERPRETATION OF CHAPTER AND RULES.

SECTION 3. Section 351.151, Occupations Code, is amended by

1 adding Subsection (c) to read as follows:

2 (c) The board may provide an interpretation of a provision
3 of this chapter or a rule adopted under this chapter, including by
4 issuing an advisory opinion or declaratory ruling.

5 SECTION 4. Subchapter D, Chapter 351, Occupations Code, is
6 amended by adding Section 351.170 to read as follows:

7 Sec. 351.170. SOLE AUTHORITY OVER PRACTICE OF OPTOMETRY.
8 The board has sole authority to regulate optometrists and
9 therapeutic optometrists and to determine the scope of practice of
10 an optometrist or therapeutic optometrist.

11 SECTION 5. Section 351.358, Occupations Code, is amended by
12 amending Subsections (b) and (c) and adding Subsection (f) to read
13 as follows:

14 (b) A therapeutic optometrist may~~+~~
15 ~~[(1)]~~ administer, perform, or prescribe ophthalmic
16 devices, procedures, and appropriate medications administered by
17 any ~~[topical or oral]~~ means~~[, in accordance with this section and~~
18 ~~Section 351.3581,~~] to diagnose or treat visual defects, abnormal
19 conditions, or diseases of the human vision system, including the
20 eye and adnexa~~[, or~~

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

23 (c) A therapeutic optometrist may prescribe not more than
24 ~~[oral medications only in the following classifications of oral~~
25 ~~pharmaceuticals]:~~

26 (1) ~~[one 10-day supply of oral antibiotics,~~

27 ~~[(2) one 72-hour supply of oral antihistamines,~~

1 ~~[(3) one seven-day supply of oral nonsteroidal~~
2 ~~anti-inflammatories;~~

3 ~~[(4)] one three-day supply of any medication~~
4 ~~classified as a controlled substance under Schedule [analgesic~~
5 ~~identified in Schedules] III, IV, or [and] V of 21 U.S.C. Section~~
6 812; and

7 ~~(2) one three-day supply of hydrocodone or a~~
8 ~~hydrocodone combination medication classified as a controlled~~
9 ~~substance under Schedule II of 21 U.S.C. Section 812 [(5) any~~
10 ~~other oral pharmaceutical recommended by the Optometric Health Care~~
11 ~~Advisory Committee and approved by the board and the Texas State~~
12 ~~Board of Medical Examiners].~~

13 (f) A therapeutic optometrist may administer, perform,
14 prescribe, or order diagnostic studies, analyses, tests, imaging
15 studies, or laboratory tests necessary to diagnose or treat visual
16 defects, abnormal conditions, or diseases of the human vision
17 system, including the eye and adnexa.

18 SECTION 6. The heading to Section [351.3581](#), Occupations
19 Code, is amended to read as follows:

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

21 SECTION 7. Section [351.3581](#)(a), Occupations Code, is
22 amended to read as follows:

23 (a) A therapeutic optometrist may not administer or
24 prescribe an oral or parenteral medication or treat glaucoma unless
25 the therapeutic optometrist holds a certificate issued by the
26 board. A therapeutic optometrist certified under this section
27 ~~[subsection]~~ shall be known as an optometric glaucoma specialist.

1 To obtain a certificate, a therapeutic optometrist must [~~as~~
2 ~~required under Section 351.165(c)~~]:

3 (1) complete an instructional clinical review course;
4 and

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

6 SECTION 8. Subchapter H, Chapter 351, Occupations Code, is
7 amended by adding Section 351.3582 to read as follows:

8 Sec. 351.3582. CERTAIN SURGICAL PROCEDURES: CERTIFICATE
9 REQUIRED. A therapeutic optometrist may not perform a surgical
10 procedure described by Section 351.4521(b) unless the therapeutic
11 optometrist holds a certificate issued by the board. To obtain a
12 certificate, a therapeutic optometrist must:

13 (1) complete an instructional clinical review course;
14 and

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

16 SECTION 9. Section 351.4521, Occupations Code, is amended
17 to read as follows:

18 Sec. 351.4521. PERFORMANCE OF CERTAIN SURGICAL PROCEDURES
19 BY THERAPEUTIC OPTOMETRISTS [~~SURGERY~~] PROHIBITED. (a) A
20 therapeutic optometrist may not perform the following surgical
21 procedures:

22 (1) retinal laser procedures;

23 (2) laser-assisted in situ keratomileusis (LASIK),
24 photorefractive keratectomy (PRK), or laser epithelial
25 keratomileusis (LASEK);

26 (3) penetrating keratoplasty, corneal transplant, or
27 lamellar keratoplasty;

1 (4) a surgical procedure that requires the
2 administration of general anesthesia;

3 (5) intraocular injection;

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

6 (7) surgical intraocular implants;

7 (8) surgery of the eyelid for a suspected eyelid
8 malignancy;

9 (9) tarsorrhaphy;

10 (10) surgery of the bony orbit, including orbital
11 implants; and

12 (11) retrobulbar injection or injection into the
13 extraocular orbital space.

14 (b) A therapeutic optometrist may not perform the following
15 surgical procedures unless the therapeutic optometrist holds a
16 certificate under Section 351.3582 and the procedure is performed
17 using laser or any form of ionizing or non-ionizing radiation:

18 (1) a surgical procedure requiring full-thickness
19 incision or excision of the cornea or sclera other than
20 paracentesis in an emergency situation requiring immediate
21 reduction of the pressure inside of the eye;

22 (2) a surgical procedure requiring incision or
23 excision of the iris and ciliary body;

24 (3) a surgical procedure requiring incision or
25 excision of the vitreous;

26 (4) a surgical procedure requiring incision or
27 excision of the retina;

1 (5) a surgical procedure requiring incision or
2 excision of the crystalline lens;

3 (6) a surgical procedure requiring incision or
4 excision of the extraocular muscles;

5 (7) the incisional or excisional repair of
6 blepharochalasis, dermatochalasis, or ptosis;

7 (8) a surgical procedure requiring incision or
8 excision of the lacrimal system other than lacrimal probing and
9 related procedures;

10 (9) a surgical procedure requiring conjunctivoplasty
11 with graft or flap; and

12 (10) a surgical procedure requiring incision or
13 excision of pterygium [~~surgery or laser surgery~~].

14 (c) This section does not:

15 (1) prevent a therapeutic optometrist from providing
16 preoperative or postoperative care relating to a surgical procedure
17 listed in Subsection (a) or (b); or

18 (2) limit the use of a diagnostic or therapeutic
19 instrument necessary to perform surgical treatments or procedures
20 to the eye or adnexa except for those treatments or procedures
21 specifically prohibited by this section.

22 SECTION 10. Not later than December 1, 2021, the Texas
23 Optometry Board shall adopt rules necessary to implement the
24 changes in law made by this Act to Chapter 351, Occupations Code.

25 SECTION 11. The following provisions of the Occupations
26 Code are repealed:

27 (1) Section 351.160;

1 (2) Section 351.358(d); and

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

4 SECTION 12. This Act takes effect September 1, 2021.