

BILL ANALYSIS

S.B. 993
By: Hancock
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Therapeutic optometrists and optometric glaucoma specialists are doctors of optometry who diagnose, manage, and treat conditions of the eye and the ocular adnexa. It has been reported that approximately one in four optometry students leave Texas to practice in other states that allow them to provide more services and that Texas ranks 49th in the nation for patient access to eye care services. There are concerns that the state could experience a shortage of eye care providers in the near future.

S.B. 993 seeks to address these concerns and help ensure efficient and effective care for patients by removing certain restrictions on the prescribing of oral medications by therapeutic optometrists and allowing therapeutic optometrists who are appropriately certified to independently manage most types of glaucoma cases. The bill also provides for a peer review process for investigating and reviewing complaints filed with the Texas Optometry Board regarding a therapeutic optometrist's treatment of a patient for glaucoma.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Optometry Board in SECTION 1 of this bill.

ANALYSIS

S.B. 993 amends the Occupations Code to require the Texas Optometry Board, in collaboration with the Texas Medical Board (TMB), to adopt rules for investigating and reviewing complaints filed with the board regarding a therapeutic optometrist's treatment of a patient for glaucoma. The rules must ensure that:

- a person who files a complaint has the opportunity to explain the allegations made in the complaint;
- a complaint is not dismissed without appropriate consideration by the board;
- a complaint is resolved within six months after the date the complaint is filed;
- the board notifies the TMB of the receipt and disposition of a complaint; and
- a complaint is reviewed as provided by the bill.

S.B. 993 requires the Texas Optometry Board, after a complaint regarding a therapeutic optometrist's treatment of a patient for glaucoma is filed with the board, to select at least one physician licensed in Texas who specializes in ophthalmology to do the following:

- review the complaint and determine if the therapeutic optometrist's treatment of the patient for glaucoma violated the standard of care applicable to a physician specializing in ophthalmology; and
- submit to the board a written report on the physician's determination.

If the report states that the standard of care was violated, the board must forward the complaint and report to an expert panel appointed by the board and the TMB. The panel must be composed of an equal number of physicians who specialize in ophthalmology and therapeutic optometrists. Each member of the expert panel must be licensed to practice medicine or therapeutic optometry, as applicable, in Texas. A physician who serves on the expert panel may also serve as an expert physician for the TMB.

S.B. 993 requires the expert panel to review the physician's determination and recommend to the Texas Optometry Board whether the therapeutic optometrist should be subject to disciplinary action and, if so, whether the disciplinary action should include suspension or revocation of the therapeutic optometrist's certificate to practice as an optometric glaucoma specialist. A person is not eligible to review a complaint or serve on an expert panel under the following conditions:

- the person or the person's spouse is an officer, employee, or paid consultant of a Texas trade association in the field of health care; or
- the person is a member of the faculty or board of trustees of an optometry school or an institution of higher education with an affiliated school of optometry.

S.B. 993 requires the Texas Optometry Board to maintain and make publicly available online the following information:

- information regarding the number of complaints filed with the board regarding the treatment of patients for glaucoma by therapeutic optometrists and the disposition of those complaints; and
- a searchable list of each therapeutic optometrist whose optometric glaucoma specialist certificate was suspended or revoked by the board.

The bill's provisions relating to complaints resulting from glaucoma treatment expire September 1, 2027.

S.B. 993 removes restrictions on a therapeutic optometrist's authority to prescribe oral medications that authorize only limited supplies of certain classifications of oral pharmaceuticals to be prescribed. However, the bill maintains a three-day supply limit for medications classified as a controlled substance under Schedule III, IV, or V of federal law.

S.B. 993 makes the following changes with respect to the required procedures for a therapeutic optometrist to diagnose and treat a patient with glaucoma:

- repeals the requirement for a therapeutic optometrist to engage in a comanagement consultation with an ophthalmologist to develop an individual treatment plan after an initial diagnosis;
- removes requirements for a therapeutic optometrist to refer a patient to an ophthalmologist under the following circumstances:
 - the therapeutic optometrist determines that a patient's glaucoma is caused by a diabetic complication and, after joint consultation with the physician treating the diabetes and an ophthalmologist, the physician or ophthalmologist determines that the patient should be seen by the physician or ophthalmologist; or
 - the therapeutic optometrist determines that a patient's glaucoma is not responding appropriately to treatment based on the target intraocular pressure and, after consulting a physician, the physician determines that the patient should be seen by the physician or an appropriate specialist;
- requires a therapeutic optometrist to refer to an ophthalmologist a patient who has definite optic disc, retinal nerve fiber layer, or macular imaging abnormalities consistent with glaucoma and visual field abnormalities in both hemifields, or loss within five degrees of fixation in at least one hemifield as tested with standard automated perimetry; and

- requires a therapeutic optometrist to refer a patient to an ophthalmologist if the therapeutic optometrist determines that a patient's glaucoma is not responding to nonsurgical intervention.

S.B. 993 requires the Texas Optometry Board to adopt rules necessary to implement the bill's provisions not later than December 1, 2021.

S.B. 993 repeals Sections 351.3581(b) and (c), Occupations Code.

EFFECTIVE DATE

September 1, 2021.