

BILL ANALYSIS

Senate Research Center
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S.B. 1771
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Health & Human Services
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AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current law a person may voluntarily register with the Department of State Health Services (DSHS) as a spectacle dispenser or as a contact lens dispenser if the person completes training of up to thirty classroom hours and passes a required examination. A person may not represent to the public that the person is a "registered dispensing optician," "registered spectacle dispenser," "registered contact lens dispenser," or "registered contact lens technician" unless the person is registered under the Health and Safety Code. The use of four titles for two registered occupations has created confusion among consumers.

S.B. 1771 eliminates from the law the two seldom used titles of "registered spectacle dispenser" and "registered contact lens dispenser." Persons registered under the Opticians Registry Act are frequently referred to as registered opticians. However "registered optician" is not a protected title. S.B. 1771 creates the title of "registered optician."

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 352.002, Occupations Code, by adding Subdivision (3-a) and amending Subdivisions (4) and (5), to define "contact lens technician" and to redefine "department" and "dispensing optician."

SECTION 2. Amends Section 352.101, Occupations Code, by amending Subsections (a), (b), and (d), and adding Subsection (e), as follows:

- (a) Deletes existing text prohibiting a person from representing the person as a "registered spectacle dispenser" unless that person is registered as such.
- (b) Deletes existing text prohibiting a person from representing the person as a "registered contact lens dispenser" unless that person is registered as such. Prohibits a person from representing the person as a "registered contact lens technician" unless the person is registered as a contact lens technician, rather than dispenser.
- (d) Authorizes a person properly registered as a "registered optician" to represent the person as such and makes a conforming change.
- (e) Prohibits a person from representing the person as a registered optician unless the person is registered as an optician and complies with this chapter.

SECTION 3. Amends Section 352.102, Occupations Code, as follows:

- (a) Requires the Department of State Health Services (DSHS) to issue a certificate of registration as a dispensing optician to an applicant who meets certain requirements. Deletes existing text requiring a certificate of registration to be issued to an applicant who has successfully completed the number of classroom hours of training required by the board.

(b) Requires DSHS to issue a certificate of registration as a contact lens technician to an applicant who meets certain requirements. Deletes existing text prohibiting the State Board of Health (board) from requiring more than 30 classroom hours as a prerequisite to registration.

(c) Authorizes a person to qualify and be registered as a dispensing optician, a contact lens technician, both a dispensing optician and a contact lens technician, or an optician.

(d) Requires DSHS to issue a certificate of registration as an optician to an applicant who meets certain requirements.

(e) Requires a person registered under this chapter as an optician to continue to be registered under this chapter as a dispensing optician, a contact lens technician, or both a dispensing optician and a contact lens technician, rather than a spectacle dispenser, contact lens dispenser, or both.

SECTION 4. Amends Section 352.153(b), Occupations Code, to prohibit DSHS, rather than the Texas Board of Health, from requiring more than ten classroom hours of dispensing optician continuing education courses each year for registration under Section 352.102(a) as a dispensing optician; twelve classroom hours of contact lens technician continuing education courses each year for registration under Section 352.102(b) as a contact lens technician; or eighteen classroom hours of continuing education courses each year for registration under this chapter as both a dispensing optician and a contact lens technician, provided that half of the hours are approved for contact lens technician continuing education.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2005.