

BILL ANALYSIS

Senate Research Center
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S.B. 993
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Therapeutic optometrists and optometric glaucoma specialists are doctors of optometry who diagnose, manage, and treat conditions of the eye and the ocular adnexa. Optometrists examine approximately 10 million Texans each year, and they perform approximately 70 percent of the eye care in Texas.

In 1981, the Texas Legislature granted optometrists the ability to use topical diagnostic eye drop medications to dilate the eye in order to facilitate comprehensive eye examinations.

In 1991, the Texas Legislature granted optometrists the ability to become licensed as therapeutic optometrists, allowing doctors of optometry to treat eye conditions with certain topical medications.

In 1999, the Texas Legislature granted therapeutic optometrists the ability to become licensed as optometric glaucoma specialists, allowing doctors of optometry to prescribe a limited formulary of oral medications to treat eye conditions, and to diagnose, manage and treat glaucoma with certain restrictions.

Today, all optometrists from the two Texas schools of optometry graduate as therapeutic optometrists and are immediately eligible to become optometric glaucoma specialists once they complete a board-required skills demonstration following graduation.

Even with these changes, approximately 1 in 4 optometry students leave Texas to practice in other states where the laws allow them to practice to the full extent of their training and provide patients with more services. Texas ranks 49th in the nation for patient access to optometric eye care. According to the Department of Health and Human Services, Texas is quickly heading toward a major crisis in eye care.

S.B. 993 seeks to remove the restricted oral medication formulary so that optometric glaucoma specialists may use all medications appropriate for treatment of the eye for any length of time that is medically necessary. Additionally, S.B. 993 seeks to restore the ability for optometric glaucoma specialists to prescribe no more than a three-day supply of hydrocodone or hydrocodone combination products for conditions of the eye causing intense eye pain. The bill repeals the requirement that they consult with an ophthalmologist at the time that a patient is newly diagnosed with glaucoma. S.B. 993 allows for therapeutic optometrists to order the appropriate tests needed to diagnose and manage ocular diseases. The bill also expands the therapeutic optometrist's ability to provide minor, in-office surgical procedures, while at the same time creating a list of surgical procedures that optometrists are specifically not allowed to perform. Lastly, S.B. 993 designates the Texas Optometry Board as the sole authority for determining the scope of practice of optometrists with respect to the limitations found in the chapter.

As proposed, S.B. 993 amends current law relating to the practice of therapeutic optometry, and requires an occupational certificate to perform certain surgical procedures.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Optometry Board in SECTION 10 of this bill.

Rulemaking authority previously granted to the Texas Optometry Board is rescinded in SECTION 11 (Section 351.160, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 351.002(7), Occupations Code, as follows:

(7) Provides that "practice of therapeutic optometry" means using objective or subjective means, including surgery, except as prohibited by Section 351.4521 (Performance of Surgery Prohibited) to carry out certain functions, rather than using objective or subjective means, not including surgery or laser surgery, to carry out certain functions.

SECTION 2. Amends the heading to Section 351.151, Occupations Code, to read as follows:

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

SECTION 3. Amends Section 351.151, Occupations Code, by adding Subsection (c), to authorize the Texas Optometry Board (TOB) to provide an interpretation of a provision of Chapter 351 (Optometrists and Therapeutic Optometrists) or a rule adopted under Chapter 351, including by issuing an advisory opinion or declaratory ruling.

SECTION 4. Amends Subchapter D, Chapter 351, Occupations Code, by adding Section 351.170, as follows:

Sec. 351.170. SOLE AUTHORITY OVER PRACTICE OF OPTOMETRY. Provides that TOB has sole authority to regulate optometrists and therapeutic optometrists and to determine the scope of practice of an optometrist or therapeutic optometrist.

SECTION 5. Amends Section 351.358, Occupations Code, by amending Subsections (b) and (c) and adding Subsection (f), as follows:

(b) Authorizes a therapeutic optometrist to administer, perform, or prescribe ophthalmic devices, procedures, and appropriate medications administered by any means to diagnose or treat visual defects, abnormal conditions, or diseases of the human vision system, including the eye and adnexa, rather than medications administered by topical or oral means, in accordance with Section 351.358 (Ophthalmic Devices, Oral Medications, and Pharmaceutical Agents) and Section 351.3581, to diagnose or treat visual defects, abnormal conditions, or diseases of the human vision system, including the eye and adnexa. Deletes existing text authorizing a therapeutic optometrist to administer medication by parenteral means for a purpose and in a manner prescribed by Subsection (c).

(c) Authorizes a therapeutic optometrist to prescribe not more than one three-day supply of any medication classified as a controlled substance under Schedule III, IV, or V of 21 U.S.C. Section 812, and one three-day supply of hydrocodone or a hydrocodone combination medication classified as a controlled substance under Schedule II of 21 U.S.C. Section 812. Deletes existing text authorizing a therapeutic optometrist to prescribe oral medications only in the following classifications of oral pharmaceuticals: one 10-day supply of oral antibiotics; one 72-hour supply of oral antihistamines; one seven-day supply of oral nonsteroidal anti-inflammatories; one three-day supply of any analgesic identified in Schedules III, IV, and V of 21 U.S.C. Section 812; and any other oral pharmaceutical recommended by the Optometric Health Care Advisory Committee and approved by TOB and the Texas State Board of Medical Examiners.

(f) Authorizes a therapeutic optometrist to administer, perform, prescribe, or order diagnostic studies, analyses, tests, imaging studies, or laboratory tests necessary to

diagnose or treat visual defects, abnormal conditions, or diseases of the human vision system, including the eye and adnexa.

SECTION 6. Amends the heading to Section 351.3581, Occupations Code, to read as follows:

Sec. 351.3581. TREATMENT OF GLAUCOMA.

SECTION 7. Amends Section 351.3581(a), Occupations Code, to require a therapeutic optometrist, to obtain a certificate issued by TOB, to complete an instructional clinical review course and pass an examination approved by TOB, rather than requiring a therapeutic optometrist to obtain a certificate issued by TOB and as required under Section 351.165(c) (relating to required recommendations by the Optometric Health Care Advisory Committee), to complete an instructional clinical review course and pass an examination approved by TOB. Makes a nonsubstantive change.

SECTION 8. Amends Subchapter H, Chapter 351, Occupations Code, by adding Section 351.3582, as follows:

Sec. 351.3582. CERTAIN SURGICAL PROCEDURES: CERTIFICATE REQUIRED. Prohibits a therapeutic optometrist from performing a surgical procedure described by Section 351.4521(b) unless the therapeutic optometrist holds a certificate issued by TOB. Requires a therapeutic optometrist, to obtain a certificate, to complete an instructional clinical review course and pass an examination approved by TOB.

SECTION 9. Amends Section 351.4521, Occupations Code, as follows:

Sec. 351.4521. New heading: PERFORMANCE OF CERTAIN SURGICAL PROCEDURES BY THERAPEUTIC OPTOMETRISTS PROHIBITED. (a) Prohibits a therapeutic optometrist from performing certain surgical procedures. Deletes existing text prohibiting a therapeutic optometrist from performing surgery or laser surgery.

(b) Prohibits a therapeutic optometrist from performing certain surgical procedures unless the therapeutic optometrist holds a certificate under Section 351.3582 and the procedure is performed using laser or any form of ionizing or non-ionizing radiation.

(c) Provides that this section does not prevent a therapeutic optometrist from providing preoperative or postoperative care relating to a surgical procedure listed in Subsection (a) or (b), or limit the use of a diagnostic or therapeutic instrument necessary to perform surgical treatments or procedures to the eye or adnexa except for those treatments or procedures specifically prohibited by this section.

SECTION 10. Requires TOB, not later than December 1, 2021, to adopt the rules necessary to implement the changes in law made by this Act to Chapter 351, Occupations Code.

SECTION 11. (1) Repealer: Section 351.160 (Pharmaceutical Agents), Occupations Code.

(2) Repealer: Section 351.358(d) (relating to the authority of a therapeutic optometrist to independently administer oral carbonic anhydrase inhibitors for emergency purposes), Occupations Code.

(3) Repealer: Sections 351.3581(b), (c), (d), (e), (f), (g), (h), (i), and (j) (relating to certain required actions by a therapeutic optometrist for a patient with glaucoma), Occupations Code.

SECTION 12. Effective date: September 1, 2021.