

BILL ANALYSIS

Senate Research Center

H.B. 675
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Health & Human Services
5/1/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, the Texas Optometry Board (TOB) is authorized to renew an expired license to practice optometry or therapeutic optometry, provided the license has been expired for less than one year. If the license has been expired for one year or more, the license holder must comply with the requirements and procedures for applying for an original license. In some cases, a retired optometrist or therapeutic optometrist wishing to practice voluntary charitable care in the community has inadvertently allowed the license to expire and is unable to provide charitable care.

This bill authorizes TOB to renew the license of an optometrist or therapeutic optometrist who fails to renew a license for one year or more without requiring the person to comply with the requirements and procedures for applying for an original license provided the person places the license on retired status and confines his or her practice to voluntary charity care. The bill also authorizes TOB to place a current license on retired status provided the person confines his or her practice to voluntary charity care.

H.B. 675 amends current law relating to a retired status license for an optometrist or therapeutic optometrist practicing voluntary charity care.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Optometry Board in SECTION 1 (Section 351.265, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter F, Chapter 351, Occupations Code, by adding Section 351.265, as follows:

Sec. 351.265. RETIRED STATUS. (a) Authorizes the Texas Optometry Board (TOB) by rule to allow a license holder to place the person's license on retired status. Requires a license holder to apply to TOB for retired status, on a form prescribed by TOB, before the expiration date of the person's license.

(b) Requires TOB, in determining whether to grant retired status, to consider the age, years of practice, and status of the license holder at the time of the application.

(c) Provides that a license holder on retired status is required to pay a license renewal fee in an amount equal to the renewal fee for a license on inactive status and, except as provided by Subsection (f), is prohibited from performing any activity regulated under this chapter.

(d) Requires the license holder, to reinstate a license placed on retired status, to submit a written request for reinstatement to TOB. Authorizes TOB to return the license to active status and issue a renewal license if the license holder complies with any education or other requirement established by TOB rule and pays the renewal fee in effect at the time of the requested reinstatement.

(e) Authorizes TOB to charge a reasonable administrative fee to cover the cost of research and the preparation of documentation for TOB's consideration of a request for reinstatement of a license on retired status.

(f) Authorizes a license holder on retired status to perform an activity regulated under this chapter if the license holder's practice consists only of voluntary charity care, as defined by TOB rule. Requires that TOB's rules under this subsection prescribe the scope of practice permitted for the license holder, the license holder's authority to prescribe and administer drugs, and any continuing education requirements applicable to the license holder. Prohibits the scope of practice of a license holder on retired status from being greater than the scope of practice of a license holder on active status.

SECTION 2. Amends Subchapter G, Chapter 351, Occupations Code, by adding Section 351.3065, as follows:

Sec. 351.3065. RENEWAL OF EXPIRED LICENSE BY RETIRED OPTOMETRIST OR THERAPEUTIC OPTOMETRIST. Authorizes TOB to renew the license of a person whose license has been expired for one year or more without requiring the person to comply with the requirements and procedures for an original license if the person places the person's renewed license on retired status and confines the person's practice solely to voluntary charity care under Section 351.265(f).

SECTION 3. Requires TOB, not later than December 1, 2009, to adopt rules necessary to implement the changes in law made by this Act.

SECTION 4. (a) Provides that Section 351.265, Occupations Code, as added by this Act, applies to an application for retired status filed on or after January 1, 2010.

(b) Provides that Section 351.3065, Occupations Code, as added by this Act, applies to an application for renewal of an expired license filed on or after January 1, 2010.

SECTION 5. Effective date: September 1, 2009.