

BILL ANALYSIS

Senate Research Center
83R19633 BEF-D

H.B. 2627
By: Zedler (Eltife)
Health & Human Services
5/3/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties assert that the Texas Optometry Board would benefit from an additional process for resolving investigations of licensed optometrists who commit minor infractions or of cases in which the appropriate remedy is something other than a limit on an optometrist's ability to practice. The parties contend that remedial plans, which are similar to the deferred adjudication program found in the criminal court system, have been enacted for the Texas Medical Board and proposed for the Texas State Board of Pharmacy and would give the Texas Optometry Board a useful tool for resolving such investigations. H.B. 2627 seeks to provide for the use of a remedial plan in resolving certain investigations of complaints filed with the board.

H.B. 2627 amends current law relating to the issuance of remedial plans to resolve complaints filed with the Texas Optometry Board and authorizes a fee.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Optometry Board in SECTION 1 (Section 351.509, Occupations Code) and SECTION 2 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter K, Chapter 351, Occupations Code, by adding Section 351.509, as follows:

Sec. 351.509. REMEDIAL PLAN. (a) Authorizes the Texas Optometry Board (TOB) to issue and establish the terms of a remedial plan to resolve the investigation of a complaint filed under this chapter.

(b) Prohibits a remedial plan from containing a provision that revokes, suspends, limits, or restricts a person's license or other authorization to practice optometry or therapeutic optometry, or assesses an administrative penalty against a person.

(c) Prohibits a remedial plan from being imposed to resolve a complaint:

(1) concerning a death, a hospitalization, or the commission of a felony,
or

(2) in which the appropriate resolution may involve a restriction on the manner in which a license holder practices optometry or therapeutic optometry.

(d) Prohibits TOB from issuing a remedial plan to resolve a complaint against a license holder if the license holder has entered into a remedial plan with TOB in the preceding 24 months for the resolution of a different complaint filed under this chapter.

(e) Requires TOB, if a license holder complies with and successfully completes the terms of a remedial plan, to remove all records of the remedial plan from

TOB's records on the second anniversary of the date the license holder successfully completes the remedial plan.

(f) Authorizes TOB to assess a fee against a license holder participating in a remedial plan in an amount necessary to recover the costs of administering the plan.

(g) Requires TOB to adopt rules necessary to implement this section.

SECTION 2. Requires TOB to adopt rules under Section 351.509, Occupations Code, as added by this Act, not later than January 1, 2014.

SECTION 3. Makes application of Section 351.509, Occupations Code, as added by this Act, prospective.

SECTION 4. Effective date: September 1, 2013.