

TEXAS OPTOMETRY BOARD

S.B. 314 Schwertner (Flynn) — Sunset Bill

H.B. 2561 S. Thompson (V. Taylor) — Prescription Monitoring Program

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Prescription Monitoring Program

- Beginning September 1, 2019, require optometrists to check the Prescription Monitoring Program database before prescribing certain controlled substances, with certain exemptions. (H.B. 2561)
- Require the optometry board to develop guidelines for responsible prescribing of certain controlled substances and to monitor prescribing patterns of licensees, and allow the board to open investigations based on information obtained from the Prescription Monitoring Program. (H.B. 2561)
- Require the optometry board to provide licensee information to the pharmacy board, and require the pharmacy board to use this information to automatically register practitioners to use the Prescription Monitoring Program. (H.B. 2561)

Licensing

- Require the agency to conduct fingerprint-based criminal background checks of all licensure applicants and licensees to ensure the agency can effectively monitor licensees for criminal conduct and take disciplinary action when warranted.
- Require the agency to check for disciplinary or other legal actions in other states for license applications and renewals, and authorize the agency to pursue any necessary enforcement action.
- Authorize the agency to provide biennial license renewal.
- Remove subjective licensure qualifications that could unreasonably restrict entry into practice.
- Remove the unnecessary notarization requirement for individuals applying for licensure, an obstacle to putting applications online.
- Remove the statutory limitation currently restricting the agency's authority to lower fees.
- Direct the agency to update its website to make it more user-friendly for the public and licensees. (Management action – nonstatutory)

Enforcement

- Eliminate the provision requiring five affirmative votes of the nine-member board to take an enforcement action, removing a regulatory bias favoring the licensee.

- Prohibit the agency from accepting anonymous complaints and require the board to maintain confidentiality of investigative reports, complaints, and other investigative information.
- Replace archaic and subjective disciplinary provisions such as “habitual drunkard” with more specific disciplinary criteria, and authorize the agency to order physical and mental examinations if probable cause exists to do so.
- Direct the agency to accept all license applications and fee payments online. (Management action – nonstatutory)
- Direct the agency to make all formal disciplinary orders easily accessible and readily available on its website to improve the transparency of the board’s operations and give the public more access to information on health providers. (Management action – nonstatutory)
- Direct the agency to report all letters of formal agreement to the National Practitioner Data Bank unless discussions with agency counsel and the federal administrator indicate otherwise. (Management action – nonstatutory)

Governance

- Update the standard across-the-board requirement related to board member training.

Continue

- Continue the state’s regulation of optometrists and the Texas Optometry Board as an independent agency for 12 years.