

From: [Sunset Advisory Commission](#)
To: [Janet Wood](#)
Subject: FW: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Tuesday, June 24, 2014 3:52:11 PM

-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Tuesday, June 24, 2014 12:45 PM
To: Sunset Advisory Commission
Subject: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)

Submitted on Tuesday, June 24, 2014 - 12:44

Agency: DEPARTMENT STATE HEALTH SERVICES DSHS

First Name: Sidney K.

Last Name: Gicheru, MD

Title: President

Organization you are affiliated with: Texas Ophthalmological Association

City: Irving

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

The Texas Ophthalmological Association (TOA) is opposed to the removal of contact lens dispensers and opticians from DSHS regulations. There is no question that both of these professions are healthcare professions. They deal with vital health issues relating to vision and the proper functioning of the eye. Regulation of opticians and contact lens dispensers meet the criteria for necessary regulation as set forth in the Staff Report. The staff identified a standard to determine if deregulation would increase a risk to public health and safety and pointed to a lack of public health concerns in regulating the selling of new and used bedding and dead animals. These activities are not comparable to regulating the fabricating of eyeglasses and contact lenses which are supposed to be dispensed in conformity with a prescription of an optometrist or ophthalmologist. However, unless the optician or contact lens provider is in the employ of an optometrist or ophthalmologist, there is no effective regulation of these activities and an independent registered optician or contact lens provider, of which there are many, is regulated only by DSHS and not in a "highly regulated environment".

No other state or local regulatory program exists for regulation of these two programs. The average consumer has little to guide him or her except by commercial advertising. The comparison of prices online does not address the necessity for regulation.

Lack of regulatory activity by DSHS may be the result of standards set by the Agency and the acquiescence of the professionals to the standards rather than the lack of need for regulation. This acquiescence to follow regulatory guidelines may disappear when DSHS regulation is no longer in place.

Any Alternative or New Recommendations on This Agency: Retain regulation of opticians and contact lens dispensers in DSHS.

My Comment Will Be Made Public: I agree