

TEXAS OPTOMETRY BOARD

333 Guadalupe Street, Suite 2-420
Austin, Texas 78701-3942

November 28, 2016

KEN LEVINE, DIRECTOR
SUNSET ADVISORY COMMISSION
SIXTH FLOOR
1501 N CONGRESS
AUSTIN TX 78701

RE: Sunset Staff Report on the Health Licensing Consolidation Project

Dear Mr. Levine:

The Texas Optometry Board respectfully submits the following response to the Sunset Staff Report on the Health Licensing Consolidation Project. The response is identical to the agency's response to Issue 2 of the Sunset Staff Report on the Board.

The recommendation to transfer the agency will remove expertise and professional concern from the regulation of optometry, a very complex health care profession important to every citizen of Texas. The system proposed in the Staff Report on the Texas Optometry Board and the Health Licensing Consolidation Project, removes the historical role of learned and experienced licensees to use their knowledge and concern to regulate a profession in a manner that best protects the health of Texans. The rationale to treat the practice of optometry differently than other health professions with similar education and treatment authority appears to be based solely on the number of individuals licensed by the agency.

For almost 100 years the Texas Optometry Board has protected the public health of all Texans, young and old, residing in large and small communities, and with varied financial resources. Board Members intimately familiar with the knowledge, training and practice of optometrists, have with the guidance of the legislature, directly developed requirements for the education, testing, continuing education, and practice of this important health profession. Board Members, the majority of whom have successfully practiced the profession, have employed knowledgeable staff to insure compliance with state law through outreach to the profession and the public. Board Members have also been directly involved in the disciplinary process.

The qualifications for license and the health treatment authorized by optometrists are directly comparable to many of the other health professions.



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An optometrist is licensed only after receiving a doctorate in optometry and passing extensive national exams testing medical knowledge and clinical skills. An optometrist is authorized to prescribe and administer medication to diagnose and treat diseases of the eye and surrounding structure. A majority of the licensees are authorized to prescribe and administer classes of oral medications, including Class III and Class IV Controlled Substances. An optometrist is also authorized to prescribe and use medical devices to correct defects in vision. In many small towns in Texas, the local optometrist is the most knowledgeable health professional regarding eye disease and defects in the vision system. Many doctors of optometry work in physician practices. Despite the similarity in qualifications and treatment authority, the Staff Report decides to treat the Optometry Board differently, leaving other similar health profession boards in the current system with regulation by learned licensees, but removing the authority of learned licensees in the case of the Optometry Board.

The Optometry Act authorizes a board of licensed optometrists to determine the accreditation required of schools educating applicants (including the two schools located in Texas), to determine the specifics of the licensing examinations, and once licensed, to determine the content of continuing education that all licensees must take. The system proposed by the Staff Report on the Texas Optometry Board Report would give this authority to persons without the extensive knowledge of an experienced practitioner.

A licensed health professional devotes their professional life to the improvement of the health of the public. A licensed optometrist board member is deeply concerned with a profession devoted to bettering the lives of every citizen of Texas. Maintaining professionalism in the practice of optometry through the regulation of practice is a major concern of a professional board. The board members have adopted rules setting out specific practice requirements, such as: initial examination requirements, patient record requirements, rules defining procedures authorized, and a continuing education course that covers important issues arising the preceding year. The board members issue a newsletter for licensees devoted solely to the practice of optometry. The system proposed in the Staff Report on the Texas Optometry Board would give this authority to persons both without the professional pride and knowledge of a licensed optometrist.

Licensed Board Members have employed staff, including the executive director, an investigator, and licensing specialists with many years of experience in the regulation of optometry. No other profession is regulated by the Optometry Board. Such a focus allows staff to quickly and accurately provide information to applicants, licensees and the public. Easy access to licensed practitioner board members is also important to this focus. It would be impossible for an agency regulating multiple professions to have such a focus.

The practice of optometry is a very complex profession. The involvement of licensed experienced practitioners in every step of compliance is essential, but does not appear to be part of the system proposed in the Staff Report on the Texas Optometry Board, which at the most may provide a mechanism to seek input from a licensee as determined by a person without extensive experience with optometry. Every complaint involving medical decisions is currently reviewed by two experienced licensed optometrist board members. Any significant issue with providing health care is examined in an informal settlement conference held by two licensed optometrist board members, as well as a public member. All disciplinary decisions, including administrative penalties, are deliberated in a public meeting by six licensed experienced optometrists (and including the three public members). Yet the system

proposed in the Staff Report on the Texas Optometry Board would give all of these decisions to individuals without the extensive knowledge of experienced optometrists.

The practice of optometry is quite different from many of the health professions included in the Health Licensing Consolidation Project. Quite different in qualifications, prescribing authority, independence of practice, and the procedures and responsibilities authorized by the Optometry Act. These differences can be complex and difficult for a staff of many hats to fully understand. The differences are important in determining qualifications for license, providing answers to the public and licensees regarding questions about the practice and the licensing act, disciplinary action, and working with the Office of the Attorney General when litigation arises.

For the reasons stated above, the Optometry Board respectfully requests the Commission to exclude the agency from any changes in structure that removes the direct input of concerned and learned licensees in the regulation of the profession.

Sincerely,

A handwritten signature in blue ink that reads "Chris Kloeris". The signature is written in a cursive, flowing style.

Chris Kloeris
Executive Director