

# TEXAS OPTOMETRY BOARD 2007 NEWSLETTER

VOL XV, NO 1



AUGUST, 2007

## License Renewal

### ALL Licenses Expire December 31, 2007

Last year almost ninety percent of licensees renewed on-line (see page 2 for the types of licenses that cannot renew on-line). Credit cards and electronic checks may be used to pay the license fee on-line.

#### CE and Renewal Procedure

- **Mail in Continuing Education** attendance documentation (certificates) **as soon as received from the provider** (unless the course provider has informed you that it is submitting the documents). The Board must have received and posted all 16 hours of CE before active licensees may renew on-line. If hours are recorded by ARBO CE Tracker, send in the list from ARBO's website. *Please see CE check list and articles on page 2.*
- **Log on to the Board's website after November 1, 2007** and click the button: "Renew" ([www.tob.state.tx.us](http://www.tob.state.tx.us)), or follow the instructions on the **postcard** being mailed to every licensee in late October 2007. Licensees are required to renew before January 1 *even if they do not receive a postcard.*
- Military and federal government employees who are exempt from fees may renew on-line  
\*\*\*paper renewal instructions on page 2\*\*\*

## CONTACT LENS Rx - REFRESHER

The Board continues to receive questions about contact lens prescriptions. [Rule 279.2](#) should answer most questions. Below are the most common questions.

**Do I need to release a prescription before the follow-up exam?** **NO.** Both federal law and Board rules recognize that the parameters of the prescription may not be determined until after a follow-up exam, provided the follow-up exam is "medically necessary."

**Am I required to release a prescription if the patient buys a full year's supply of contacts at the end of the examination?** **YES.** According to comments by the FTC, a prescription must be released. After first releasing the prescription, Board Rule [279.2\(k\)](#) offers a solution: "... the optometrist or therapeutic optometrist writes on the prescription "All Lenses Dispensed," makes a copy of the prescription to retain in the licensee's records, and returns the original to the person presenting the prescription."

**Must I give a duplicate prescription to a patient who received a prescription 6 months ago at the conclusion of the examination?** **NO.** You are not legally required to release more than one copy of the prescription, although you may. You are however, required to verify the prescription, even if you complied with the law and released a prescription to the patient.  
*continued on page 3*

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CONTACTING  
THE BOARD ● ●

512-305-8500 (fax: 512-305-8501)  
[www.tob.state.tx.us](http://www.tob.state.tx.us) (e-mail address is at the bottom of the web page)  
333 Guadalupe Street, Suite 2-420, Austin, Texas, 78701

## PAPER RENEWALS O.D.'S WHO CANNOT RENEW ON-LINE

Licenses who do not wish to renew on-line, and doctors with the following types of licenses, should contact the Board by mail, e-mail or telephone beginning November 1, 2007. You will be sent a paper renewal form, or a renewal form can be e-mailed to you.

- Licensees changing status from inactive to active (or vice-versa)
- Employees of military or federal government who are required by their employer to pay a fee

### Continuing Education Checklist

- \_\_ 16 hours, 6 diagnostic therapeutic (no more than 8 Internet/correspondence, no more than 4 grand rounds)
- \_\_ All courses approved by Board (list of approved courses is on the Board's website)\*
- \_\_ All original certificates of attendance mailed to Board (Internet courses may or may not provide certificates quickly)
- \_\_ Hours checked on [Board Website](#) or by calling Board
- \_\_ Beginning November 1, renew license

\*COPE approved and courses provided by optometry schools are approved by Board (Board must still determine D/T hours versus regular hours); other courses must be specifically approved by Board on or before November 8.

*More specific information is available on the website and in Board Rules 275.1 and 275.2.*

**Submitting your CE soon after you take the course speeds up the whole process.**

### ADDITIONAL CE INFORMATION

#### Exemptions from CE Requirements

Medical - A licensee claiming a medical exemption under [Rule 275.1\(c\)](#), must apply to the Board for the exemption prior to November 8.

Other - New licensees, doctors with an inactive license, and doctors in the military or working for the federal government who do not practice outside the federal government facility. Holders of a retired license have a reduced CE requirement.

#### Posting of CE Hours - Required

Active licensees cannot renew until CE hours are posted in the Board's computer:

- Hours are posted only after licensee sends in certificate
- Hours cannot be posted until after the course is approved

Hours are posted on the Board's web site. Use the Check CE button at the top of the web site to search for your CE Hours. If the search result is: "**Sorry, no matches found,**" either a zero was not placed in front of your license number, or no CE records have been

entered in the Board's computer. Please verify that you have sent in certificates (or the provider has provided your attendance information to the Board) and that the course is approved.

#### Original Certificate

Board rules require licensees to submit the original certificate supplied by the CE provider. Please add your license number to the certificate.

#### List of Attendees Submitted by Provider

Some CE providers submit a list of those who attend the CE Course. In this case, you would not be required to submit the certificate of completion. However, most providers do not submit a list. Please double check with the provider on this issue.

#### OE Tracker (ARBO)

For licensees registered with OE Tracker, an original printout of the course list from the OE Tracker website will meet the Board's rule requirements. OE Tracker does not submit this list or the data to the Board. For courses that are not COPE approved, you will need to submit the original certificate from the course in addition to the OE Tracker printout. The printout must be signed.

For licensees who have not registered with OE Tracker, this is a service of ARBO, the national association of optometry boards, that tracks many of the COPE approved CE courses. For additional information see: [www.arbo.org](http://www.arbo.org).

#### What is COPE Approved?

Texas, like other states, requires that CE courses meet certain standards before the course can be accepted by the Board. The Board's rules allow the Optometry Board to accept courses which meet the standards of the COPE committee (a committee of ARBO, see above). Since COPE is part of a national organization, a COPE approved course may also be accepted by other states.

Some, but not all COPE approved courses are listed on the Board's website under Approved CE Courses. Use this link to search for additional courses on COPE's website:

<http://www.arbo.org/index.php?action=courses>.

#### Volunteers Requested: COPE Reviewers

CE courses submitted to COPE must be reviewed to determine whether the course meets the required criteria. COPE is seeking licensees who might be interested in becoming a course reviewer. For additional information, look at this page on the COPE website:

<http://www.arbo.org/index.php?action=copefaq#general11>

-----*Contact Lens: continued from page 1*

**Should I verify, for a second time, a prescription?** YES. Federal law requires the doctor to respond to multiple verifications requests. If you know that the patient purchased a portion or all of the contacts authorized by the prescription (for example, the patient purchased the lenses from your office), you may include that information in your verification response.

**I have dispensed a full year's supply of contacts to a patient, and a dispenser is requesting a faxed verification. Can I write "expired" on the verification and fax it back?** NO. According to comments by the FTC, the prescriber should treat this as an "inaccurate" prescription and inform the prescriber of the number of lenses prescribed.

**Can my office only offer packages that include the eye exam and contact lenses?** NO. According to comments by the FTC, the practitioner must offer the option of a contact lens examination separate from a lens purchase package.

**Under HIPAA, can I transfer prescription data to a contact lens dispenser without a signed release from the patient?** YES. The HIPAA website states that the transfer of prescription information does not require a release from a patient.

**If a verification request is received at midnight, when does the 8 hour period to verify a prescription begin?** 9:00 a.m. Comments by the FTC state that the 8 hour period would begin at 9:00 a.m. the next day, excluding Saturdays, Sundays and holidays. If the dispenser determines that the prescriber has Saturday hours, Saturday would be included.

**The dispenser's method of verification makes it difficult for office staff to respond. What should I do?** CONTACT DISPENSER OR FTC. The Federal Trade Commission enforces the federal law. Information on contacting the FTC is on the Board's website under the Table of Contents heading: "[Main Information Page](#)." Scroll down to "Contact Lens."

**When I am dispensing contact lenses, do I need an original copy of the Rx to dispense?** NO. The FTC rule comments state that contacts may be dispensed upon presentation of the original prescription, the receipt of a fax of the prescription, or an e-mail with an attached scan of the prescription.

**Who enforces state law regarding dispensing of contact lenses?** TDSHS. The Texas Department of

State Health Services, the agency that licenses contact lens dispensers, enforces compliance with the Contact Lens Prescription Act. The Board is authorized to discipline optometrists who do not comply.

**How do I prove that I complied with the law?** PATIENT RECORDS DOCUMENTATION Notations and copies of documents in the patient records should prove compliance with the law.

**How do I handle a new or unusual situation?** CHECK RULE 279.2 If the rule does not answer your question, please call or e-mail the Board.

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## COMPLIANCE MATTERS

### *Administrative Penalties*

The Board issued administrative penalties in the following agreed settlements:

**\$100.00 penalty for failing to properly release contact lens prescription.** Contact lens prescription not released to patient who purchased contacts from licensee. Contact Lens Prescription Act Section 353.156, Rule 279.2.

**\$200.00 penalty for failing to properly release contact lens prescription.** Contact lens prescription not released to patient who purchased contacts from licensee. Licensee did not offer a contact lens examination without purchase of lenses. Contact Lens Prescription Act Sections 353.156, 353.158 and Rule 279.2.

**\$100.00 penalty for failing to use required professional identification.** The only identification on the licensee's office door read: "Dr. XX XX, Ophthalmic Glaucoma Specialist." Texas Occupations Code, Section 104.003 (Healing Arts Identification Act).

**\$100.00 penalty for failing to use required professional identification.** The licensee did not have a sign with the licensee's name visible prior to entry into the licensee's office. Optometry Act Section 351.362.

**\$250.00 penalty for failure to make patient record.** After contact lens prescription expired, licensee dispensed contact lenses without making entry in patient record as required by Rule 277.7.

*continued*

-----*Discipline: continued from page 3*

**\$150.00 penalty for failure to make patient record.**

Patient records were maintained on computer system. Backup copies of the records were not made on a regular basis, and when a power failure destroyed the records, the licensee was unable to print out a paper copy of the record as required by Rule 277.7.

**\$100.00 penalty for failing to report address change/ practicing under a different name than registered with Board.** The licensee did not inform the Board of an office address change within thirty days as required by Optometry Act Section 351.351. The licensee advertised and practiced under a different name than registered with the Board.

**\$150.00 penalty for failing to report address change/ failing to respond to Board within 14 days.** The licensee did not inform the Board of an office address change within thirty days as required by Optometry Act Section 351.351. The licensee did not respond to the Board within the time limit required by Rule 277.1.

**\$350.00 penalty for failing to respond to Board within 14 days.** The licensee did not respond to the Board within the time limit required by Rule 277.1. Second incident.

***Disciplinary Actions***

**—Dishonesty on Application**

On September 18, 2006, the Board issued an Order revoking the license of Ritchie Barron, O.D. Dr. Barron had recently reexamined for a license after his original license expired. Dr. Barron stated on his application that he had not been charged with a crime. Investigation uncovered several criminal convictions, including felonies. Dr. Barron did not appear at the informal conference or at the hearing held by the State Office of Administrative Hearings. 2657T

Authority: Optometry Act Sections 351.501(a)(1)

**—Prescribing Unauthorized Medication**

On December 23, 2006, the Board issued an Order suspending the license of Jon Nitardy, O.D., for a period of one year. The Order found that the doctor, a therapeutic optometrist, prescribed an oral analgesic classified as a controlled substance. The pharmacist did not fill the prescription. Only a optometric glaucoma specialist has the authority to write a prescrip-

tion for this drug. The doctor did not possess the required permits from the Department of Public Safety and the Drug Enforcement Administration. The Order also required the doctor to submit an administrative penalty of \$2,500. 6556T.

Authority: Optometry Act Sections 351.3581, 351.451 and 351.452

**—False Claims to Third Party Providers**

On September 29, 2006, the Board entered into an Agreed Order with Huyen Nguyen, O.D. The Agreed Order alleges that the doctor, who was practicing in California, was found by the California Optometry Board to have submitted false and fraudulent claims to third party insurance providers and received funds in her practice from the providers based on those claims. The Agreed Order revoked the license, and probated the revocation to correspond with the same disciplinary action and probation terms imposed in California. 4917T

Authority: Optometry Act Section 351.501(a)(1)

**—Felony Conviction of Fraud**

On June 28, 2007, the Board entered into an Agreed Order with David Fram, O.D. The Agreed Order alleges that the doctor was convicted in Federal Court of fraudulent misapplication of veteran benefits held by Dr. Fram as a fiduciary for certain veterans. The Agreed Order found that Dr. Fram had been placed on probation by the Federal Court and was making restitution of the misapplied benefits. The Agreed Order suspended Dr. Fram's license for 4 years, 9 months, and probated the entire suspension provided that Dr. Fram abided by the provisions of the criminal probation. 4804TG

Authority: Optometry Act Section 351.501(a)(11)

**—Administering Unauthorized Medication**

On August 10, 2007, the Board entered into an Agreed Order with John Deapen, O.D. The Agreed Order alleges that the doctor, a therapeutic optometrist, administered a controlled substance to himself for other than therapeutic purposes. The Agreed Order suspended Dr. Deapen's license for one year, and probated the entire suspension for that period, provided that Dr. Deapen abides by the provisions of criminal probation regarding the administration of the controlled substance. The Order also required the doctor to submit an administrative penalty of \$3,000. 3461T.

Authority: Optometry Act Sections 351.501(a)(15), 351.452 and 351.501(a)(8).

### ***Inspection of Offices & Patient Records***

To insure compliance with Section 351.353 of the Optometry Act, Initial Examination of Patient, the Board has investigated offices and examinations for over 30 years. The current procedure has the Board's investigator visiting licensee's offices and asking for copies of a few recent patient records. These records are reviewed by the Board for compliance with [Section 351.353](#) and [Rule 277.7](#). Although HIPAA regulations do not prohibit the copying of the entire patient record by the Optometry Board, a licensee may remove personal identifying information from the copies.

The office inspection should only disrupt a practice for a short time as staff may make the copies requested by the Board. Frequently the visit only requires 15 minutes of the office's time (depending in part on the speed of the copier). This is a performance measure set by the legislature for the Board.

This year the Board conducted inspections in the following cities:

Amarillo	Liberty
Borger	Nederland
Beaumont	Orange
Cleveland	Pampa
Dumas	Port Arthur

### ***Names on Office Door***

Several offices inspected this year did not have the name of the current doctor on the door or window of the office. There may be some confusion about this requirement, which is explained in Board [Rule 279.10](#):

(a) To protect the public health and provide a means for the patient to identify a licensee in a complaint filed with the Board, §351.362 of the Act requires an optometrist or therapeutic optometrist to display the doctor's name so that the name is visible to the public before entry into the office reception area. This requirement does not apply to an optometrist or therapeutic optometrist practicing at a location on a temporary basis, as defined in subsection (b) of this section.

(b) Temporary basis is defined as the practice of optometry or therapeutic optometry at an office for no more than two consecutive months. For example, an optometrist or therapeutic optometrist practicing at a location one day per week during a three month period is not at that location on a temporary basis, and the doctor's name must be displayed as required in §351.362 of the Act.

Thus fill in doctors who regularly practice at a location for more than a two month period must have their name visible to the public before entry into the office.

## **ETHICS CE HOUR RULE Board Seeks Licensee Input**

The Rules Committee has scheduled a public meeting for November 8, 2007, at 1:00 p.m., to hear comments from licensees, continuing education providers, the public and other interested persons regarding an amendment to the continuing education requirements. The Committee has discussed an amendment, which if adopted by the Board, would add the following requirement: each active licensee must obtain one hour of professional responsibility as part of the annual 16 hours of continuing education requirement. Professional responsibility might include ethics, jurisprudence, judicious prescribing of dangerous drugs, pain management, and drug abuse by professionals. Comments are requested on the advisability and parameters of this proposal and the implementation schedule for such a requirement.

If you are interested in commenting on this subject at the public meeting, please reserve time for your comments by notifying the Board as soon as possible of your intent to attend the meeting.

Written comments are also welcome. Written comments must be submitted prior to the November meeting date. You may send your comments to the Board at 333 Guadalupe Street, Suite 2-420, Austin, Texas, 78701, or e-mail them to: [chris.kloeris@mail.capnet.state.tx.us](mailto:chris.kloeris@mail.capnet.state.tx.us).

### ***Bernard Villegas, O.D.***

There is a long history of optometry in the Villegas family, including grandfather (licensed soon after the Board was created), father (also a Texas licensee) and brother (again a Texas licensee, but who subsequently changed careers). Optometrists' grandson, son, and bother Bernard Villegas, O.D., has himself been practicing since 1951.

Dr. Villegas attended high school and college in El Paso, and graduated from the Illinois College of Optometry in 1950. He has practiced in El Paso since being licensed. Although actively licensed, he no longer maintains a practice and now free-lances occasionally.

Optometry has been a very good profession for Dr. Villegas, providing him with a comfortable life. He has seen the profession change with more emphasis on drug treatment. Dr. Villegas notes that some of the practices located next to mass merchandisers have the appearance of less professionalism.

The doctor states that it takes 10,000 things to have a good practice, and he worked at all of them. Strive for the best service, the best lab, and respect the competition. If you work hard, and optometry is a priority, eventually you can be very successful.

Although his children did not follow in his footsteps as optometrists, he is proud that they are both health care professionals.

## WHY USE THE WEBSITE

You are most likely reading this Newsletter on the website. But the website is intended for much more than renewing your license and reading the Newsletter.

For example, the "[Main Information Page](#)" (in the Table of Contents), provides information and answers for the following topics:

- ADA
- Address Changes
- Advertising
- AIDS
- Board Meetings
- Business Organization
- CE Approved Courses
- CE Basic Requirements
- CE Checking Number of Hours
- CE Exemption
- CE Submitting Course Attendance
- Child Abuse
- Children Consent to Treatment
- Complaint Sign
- Complaints
- Contact Lens Dispensing
- Contact Rx (including obligation to release)
- Corporation
- Criminal Convictions
- Deaf Patients
- DEA Registration
- Disaster
- Disciplinary Action (Obtaining Information)
- DPS Permit
- "Dr." (use in Advertising, etc.)
- Drivers Patients Who May be Impaired
- Drivers Vision Requirements
- Drugs, Oral
- Emergency Preparedness and Response
- Family Violence
- Fees
- Finding Optometrist
- Free Eye Exams
- Free Glasses
- HIV
- HIPAA
- Inactive License
- Law Practice of Optometry
- Law Changes
- Licenses Copies
- Licenses Expiration
- Licenses Moving to another state
- Licenses Upgrades
- Medicare/Medicaid
- Military Service
- Minor Children Consent to Treatment
- Moving To another state
- Moving Closing an office
- Name
- Newsletters
- NPI Number
- Opening Office
- Opticians
- Optometric Glaucoma Specialists
- Partnership
- Patient Records Retention
- Permits
- Prescriptions
- Profile
- Renewal Certificate
- Renewals
- Retired License
- Rules
- T & TG License Upgrading
- UPIN or NPI Numbers
- Verification of License
- Vision Screening
- Volunteer License
- Volunteer Emergency Response

In addition, use the website as your source for:

- **Optometry Law and Board Rules** that can be viewed on your computer or downloaded for easier viewing ("Table of Contents:" "[Forms, Downloads, Lists & Reports](#)")
- **New rules** considered at each of the four Board Meetings held during the year ("Table of Contents:" "[New Rules](#)")
- **Poison control and drug abuse** information ("Table of Contents:" "[Drugs \(Abuse Info\) & Poison Control](#)")
- Easiest way to **contact the Board** (e-mail) for questions and address changes (bottom of each web page)
- **Board history** ("Table of Contents:" "[About the Board & Directions](#)")
- **Demographic** Information ("Table of Contents:" "[Career Information](#):" "Demographics")
- **Optometric Glaucoma Specialist** application forms and information ("Table of Contents:" "[Optometric Glaucoma Specialist](#)")

## NEW LEGISLATION

The 2007 Legislature enacted the following laws:  
**Senate Bill 29:** Requires all Health Licensing Boards to collect additional information at license renewal. The information will be used to allocate resources and incentives to improve the provision of health care in border and rural areas, and to forecast the need for health care providers in the future as the population ages and grows. Your cooperation in providing this data is appreciated.

**Senate Bill 10:** Allows Medicare and Medicaid patients direct access to therapeutic optometrists without the need for a referral.

**House Bill 2042:** The state is required to establish and administer an electronic, searchable, Internet-based database of all participating providers in the Medicaid program. The state shall ensure that the database:

- allows a person to search a managed care organization by name and by participating provider within each of the managed care plans offered by that managed care organization;
- allows a participating provider to electronically access and change or update the information required by the law; and
- is available and accessible to each participating provider and each recipient.

### ***William "Elmer" Tucker, O.D.***

When Dr. Tucker began practicing, optometry practice amounted to answering the question: "How much do these glasses run, doc?" Fifty seven years later Dr. Tucker still practices five days a week in El Paso at the age of 80. He believes that optometrists now can think much better of themselves and their profession. Optometry is a good way to make a living, but it is not an easy way as the profession is very fierce. Dr. Tucker has done well, but he believes that is because he worked very hard at his practice.

Young optometrists are burdened with such a large debt when they graduate. He advises graduates to start running like crazy and work hard at their practice. Read everything you can, discuss everything you don't understand, and take journals you read 6 months ago and reread them. Dr. Tucker also advises the younger optometrist to not expect an M.D. to treat you as an equal.

While at Texas A&M, Dr. Tucker met the sister of John McCall, O.D. Hearing about her family was the first time he had even considered a career in optometry, and when he was discharged from the service, Dr. Tucker thought optometry sounded much better than working in the oil fields.

Dr. Tucker's practice philosophy: what's good for the patient is good for the practice.

## NEW BOARD MEMBERS

On April 25, 2007, the governor appointed two new board members to replace Sharon L. Johnson, O.D., of Arlington, and Fred Farias, III, O.D., of McAllen. The terms of both board members had expired. The Board thanks both doctors for their many hours of service, including many trips to Austin for Board Meetings, and wishes them the best of luck in the future.

The two new members are: **Virginia Sosa**, O.D., of Uvalde, and **Melvin Cleveland**, O.D., of Arlington.

Board Members serve six year terms and are appointed by the governor subject to confirmation by the Senate.

### ***Donald H. McGonagill, O.D.***

At graduation from Northern Illinois College of Optometry, my fellow graduates and I felt we were very well educated! And at the time, February 1950, we really were.

After receiving my license, I was employed by a private practice optometrist in San Angelo. I did the examination and refraction, assisted the patient with choosing the frames, selected the lens blanks, then proceeded to the in-house lab to grind the lenses, and then edged, drilled and mounted the lenses.

After a five year stint, I moved to Dallas to begin working with a "chain" group. The pace picked up, and all I did was the examination and refraction. At this time, the waiting areas for the patients were segregated.

After two and a-half years, I moved to Big Spring to establish an office for the "chain" group. Eventually I was able to purchase the office. I was very active in the TAO, served in several areas, and was president during 1981 - 1982.

Continuing education seminars have opened a new vista for us and have given us valuable tools for our practice in serving the needs of our patients. It also allows us to mingle with the younger O.D.'s and share some of the teachings from the "school of hard knocks". The progression of contact lenses from the PMMA corneal contact lenses to the gas permeable lenses to the soft contact lenses, Toric soft lenses, and bifocal soft lenses has been wonderful. The innovations in the instrumentation has been a boon for the practitioner, as well as the patients.

I hope the younger generation will enjoy the benefits of their education and endeavor to serve their patients in years to come. When patients enter our office we are charged with the responsibility to listen to their vision problems and then use our expertise to remedy the situation to the best of our ability. Treat the patient as you would like to be treated. A job well done, gives a great deal of satisfaction. Patient loyalty is a wonderful thing and is demonstrated by the patient calling your attention to the fact that we are seeing the third and fourth generation of their family!

### **Daniel Klaff, O.D.**

The practice of optometry has been a joy from day one and I am having as much fun now as I did in August 1950, when I received my license. When I first began practicing, I put in place a fee system that was taught to us by Dean Fitch at the Pennsylvania State College of Optometry: "charge \$3.00 for your first exam and \$3.00 for a dispensing fee and material cost for glasses." Dean Fitch was of the opinion that making a "profit" on glasses was unethical. How that has changed!

Along with a much more reasonable and practical fee system, I think the best change in optometric practice has been the increased harmony between all the eye care professions. There was often hostility between ophthalmology and optometry. For example, there used to be rules prohibiting ophthalmologists from teaching in optometry colleges, as well as rule against ophthalmologists from sending back patients to a referring O.D. after referred surgery. [Dr. Klaff submitted copies of letters written many years ago by ophthalmologists which vividly illustrate his comments here].

Today, however, it is a genuine pleasure to have such good relations between the professions, with ophthalmologists providing referrals to the profession for procedures that are now routine for optometrists to perform.

I would encourage younger practitioners to heed the words of ABC News anchor Charles Gibson, who recently said to Union College graduates to practice with honesty and fairness. You can't go wrong with such a philosophy, a philosophy that has guided me in my practice for the last 57 years.

My continued enjoyment of the profession is what allows me to practice four days a week and I look forward to many more years of doing what I love.

## **NEW RULES & AMENDMENTS**

### ***Summary of Changes Since Last Newsletter***

**Reinstatement of expired licenses:** Rule 273.8 was amended concerning the reinstatement of expired licenses. For optometrists practicing in another state who let their license expire, the amendments require the applicant for reinstatement to obtain an official license verification from all states in which the optometrist is licensed, and clarifies that §351.501 of the Optometry Act applies to license reinstatements. In situations where the holder of a license now expired must reapply and retake the examination, the amendments clarify the type of examination required as well as the requirements that the doctor be eligible for a therapeutic license. The amended sections of the rule are printed below.

**Applicant submission of transcript deadlines:** Rule 271.2 amendments clarify the submission deadlines for college and optometry school transcripts. The amended sections of the rule are printed below.

**Repeal of Optometric Health Care Advisory Committee:** Rule 280.7 was repealed, as the statutory authority for the Optometric Health Care Advisory Committee expired.

**Amendment of license fees:** Rule 273.4 amendments were proposed at the August 2007 Board Meeting. The amendment changes renewal fees, as required by the appropriations authority of the Board, to: \$387 for active licenses and \$187 for inactive licenses, an increase of two dollars. The proposed rule is printed below.

*The Board has met four times since the last newsletter was published. New rules and amendments to existing rules may be proposed or adopted at each Board Meeting. When a rule is first proposed, the public, including licensees, have an opportunity to make comments on the proposal. A link to the proposed rule will be on the [Board's website](#). Once a rule is adopted, all licensees are required to comply with the rule. The [website](#) contains links to all the Board Rules.*

### **Rule Sections Amended**

#### **§271.2. Applications.**

(a) - (e) (No change.)

...

(f) Applications submitted by graduates of an approved college of optometry must contain a certified copy of the optometry school transcript. A license will not be issued until the applicant has submitted certified [ Certified ] copies of the transcript of record from preoptometry and optometry colleges attended by the applicant [ shall accompany each application ], which certified transcript of record shall show the total number of hours of attendance, the subjects studied, the grades or marks given, and the date of graduation of the applicant. All transcripts must be submitted to the executive director prior to the date which is one year after successful

**John C. Thigpen, O.D.**

It almost comes as a surprise to me that fifty years have passed since I graduated from the College of Optometry at University of Houston. Things were certainly a lot different then. The program at that time was a five year course of study, and upon completion you were awarded your O.D. degree.

I was in the third graduating class, and simply showed up on campus with two years of Junior College behind me, and asked to be admitted. Upon graduation in 1955, the universal military draft was still in effect, and while I awaited a commission in the Air Force, I worked in the Houston area with Drs. Mazow and Waldman.

That is when my education really began! And that was, I suppose, my internship. There was, and probably still is, a lot of difference in theory and application of the practice of Optometry.

After three years in the Air Force, I opened a small private practice, which I operated for forty-two years. When I first started, Optometry as a profession was experiencing a lot of infighting between what we considered to be between 'professional' and 'commercial' optometrists. The concept of advertising was considered unethical.

This infighting led to numerous trips to Austin to lobby for our position, which thankfully ceased upon the forming of a coalition between the factions and a stronger body emerged.

The trips to Austin continued as we lobbied for the use of diagnostic and therapeutic drugs. When these were finally approved, we older O.D.'s were challenged to show our ability to learn, adapt and move along with the times. This technology untied our hands in a lot of areas and gave us more credibility with the public.

I would consider those two events as the best changes in the practice during my 50 plus years. The small town individual practice is almost extinct, but the philosophy and principles that guided me are still relevant.

One of my patients, who later became a staff member, expressed admiration that I spent the same amount of time with my Medicaid patients as I did with private pay. You must love people and love what you do. Don't look for short cuts to enrich your bank account. Support your profession, honor your commitment as a public servant, and you will be rewarded.

My practice was bought out by a large Ophthalmology group a few years back. I have since worked for them on a part-time and relief basis. I recently achieved my goal of practicing for fifty years and, along with several others, was honored at University of Houston graduation services as a fifty-year graduate of the College of Optometry.

When I am not working, I stay busy assisting with disaster relief and international missions trips. I leave in mid-July for a vision-missions trip to Ethiopia.

When I graduated with my O.D., I was the youngest Optometrist in the state of Texas. If I continue, I could very well become the oldest!

-----*Rule 271.2, continued*

passage of the board's jurisprudence examination; otherwise, the applicant must reapply and take and pass the board's jurisprudence examination.

**§273.8. Renewal of License.**

(a) Expired license.

...

(1) - (3) (No change.)

...

(4) If a person's license has been expired for one year or longer, the person may not renew the license but may obtain a new license by taking and passing the jurisprudence exam, [ submitting to reexamination, ] obtaining 16 hours of board approved continuing education, and complying with the requirements and procedures for obtaining an initial license. If the person was not licensed as a therapeutic optometrist when the license expired, the person must also complete the requirements for therapeutic license in §§280.1 - 280.3 of this title prior to obtaining a new license.

...

(5) The board, however, may renew without examination an expired license of a person who was previously licensed in Texas, is currently licensed in another state, and has been in practice for two years immediately preceding application for renewal. The person shall be required to furnish documentation of continuous practice for the two-year period, pay the renewal fee as established by subsection (a)(3) of this title, above. The person must furnish license verifications from each state in which the person is currently or previously licensed. A license renewal under this section is subject to the same requirements of §351.501 of the Act as a license applicant.

## Rule 273.4. Fees (Non Refundable) Proposed

...  
(g) License Renewal \$186.00 [~~\$184.00~~] plus \$200.00 additional fee required by Section 351.153 of the Act, and plus \$1.00 fee required by House Bill 2985, 78th Legislature. The inactive licensee fee does not include \$200.00 additional fee. Total fees: \$387.00 [~~\$385.00~~] active renewal; \$187.00 [~~\$185~~] inactive renewal

(h) License fee for late renewal, one to 90 days late: \$279.00 [~~\$276.00~~] plus \$200.00 additional fee required by Section 351.153 of the Act, and plus \$1.00 fee required by House Bill 2985, 78th Legislature. The inactive licensee fee does not include \$200.00 additional fee. Total late license fees: \$480.00 [~~\$477.00~~] active renewal; \$280.00 [~~\$277.00~~] inactive renewal

(i) License fee for late renewal, 90 days to one year late: \$372.00 [~~\$360.00~~] plus \$200.00 additional fee required by Section 351.153 of the Act, and plus \$1.00 fee required by House Bill 2985, 78th Legislature. The inactive licensee fee does not include \$200.00 additional fee. Total late license fees: \$573.00 [~~\$569.00~~] active renewal; \$373.00 [~~\$369.00~~] inactive renewal

(j) Late fees (for all renewals with delayed continuing education) \$186.00 [~~\$184.00~~]

....

### **James Edwards, O.D.**

When I first began to practice all the emphasis was on refraction and glasses. I didn't fit any contacts. In school (U of H ) we had an O.D. in private practice ( Dr. Mazow ) teach us about contact lenses. The PMMA hard lenses were the only available lenses. I recall Dr. Mazow blending the curves of a CL with a portable dental drill with a polishing tool on the end. We fitted some CL in school.

We also had a ophthalmologist who came to the school to diagnose and treat pathology patients. We had the first female student in our class. She was Mildred Carlisle, O.D., who graduated in 1957.

We were indoctrinated that going "commercial" was taboo. So I opened a private office in Houston with very modest success. After 3 years I decided I wanted to become an O.D. in the Navy (I liked the naval uniforms!). But that didn't work out so I joined the USAF. My first posting was in Colorado Springs at NORAD Headquarters, Ent Air Force Base, which had 30 flag officers (British and America generals and admirals). I examined the eyes of several generals and once examined the eyes of Constance Bennett, a movie star of the 30's & 40's. She had married a General Coulter and was therefore a "military dependent." I recall when I was doing a test of her near vision she said, "Gawd, this is hard!"

In my 20 years in the USAF I was stationed in Japan, Okinawa, England, Colorado Springs twice, Laredo and Wichita Falls, where I retired in 1980. While in England I was stationed close to Oxford Hospital where I was fortunate to attend a monthly seminar where ophthalmologists from all over England brought patients to be evaluated. I learned a great deal.

I lived and practiced in Iowa Park about 12 miles from Wichita Falls. I practiced there about 7 years but felt I was making \$10,000 less than I should, so I decided to go "commercial" and leased space next to TSO in the mail in Wichita Falls where I made some "big" money for a change (until TSO bought the office and remodeled the location).

I decided to try a practice again in Iowa Park. I thought with my military retirement pay I could get by, but in the one year I was there I made \$12,000 and my expenses were \$12,000! So I closed the office and sold my equipment and "free lanced" for awhile as an independent contractor. For the past 5 years I have practiced usually one day per week, and, as I like to say, play golf 3 times a week (I am known as "Doc" on the golf course).

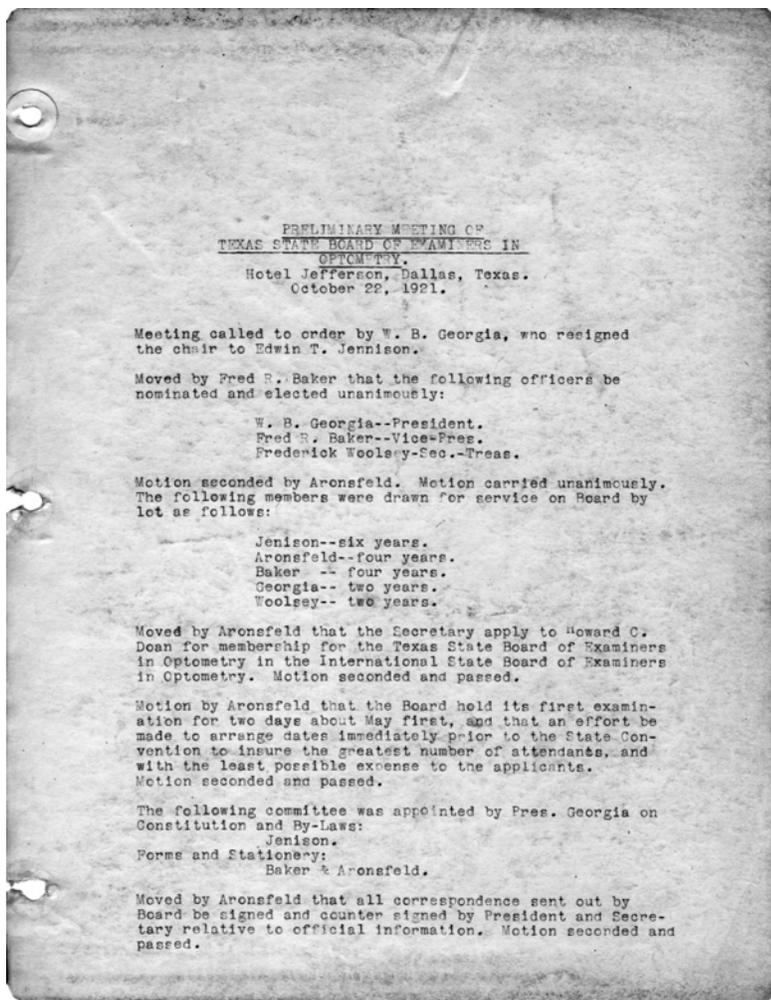
Of course, the big change in optometry is therapeutics. I didn't get certified in therapeutics as I felt I was going to retire soon and I had done a lot treatment of anterior pathology in the USAF. I taught myself how to remove corneal foreign bodies and worked closely with the ophthalmologists. When I first joined the USAF, O.D.'s could only prescribe Visine and I couldn't get a slit lamp (a reserve ophthalmologist who was a full colonel said O.D.'s didn't need one!). The powers that be at the time just wanted us to bang out a lot of refractions.

I've always tried to do good work. Many patients have said, "That's the best eye examine I ever had." Of course, I've had a few "misfires." So I consider myself only 98% accurate.

I went to my 50th reunion last year at Estes Park. I was the only one in my class there. I renewed my acquaintance with Dr. Troy Fannin, one of my instructors. I remember he always told us to flip the cross-cylinders quickly.

I believe I am the only one in my class (of only 13 ) that is still practicing. Some of us are now in that big refractory in the sky. I have been lucky for the most part, and life has been good. I had prostate cancer but managed to beat the odds. And a total knee replacement last year. With a "minor" complication of a pulmonary embolism. I plan to retire at the end of this year and then play golf 4 times a week!

## HISTORY OF THE BOARD - 50 YEAR PROFILES



### History of the Board

The Texas State Board of Examiners in Optometry was established by the legislature in 1921 (the current name was set in the 1969 law change). To the left are the minutes from an organizational meeting of the Board held on October 22, 1921. The first official meeting was held on November 21 - 22, 1921.

A brief time-line of the Board's 85 year history is now on the website. The time-line includes some illustrations, including a copy of one of the original licenses issued by the Board. To access the history on the website, in the Table of Contents, use your mouse to click on "[About the Board & Directions](#)" and then click on "History of the Board." Since the practice of optometry is closely regulated by the legislature, the history of the Board is a big part of the history of optometry in Texas.

### Fifty Year Histories

About 45 active optometrists have been licensed by the Board for more than half of its 85 year history. These doctors have practiced for 50 years or more, and have a personal insight to the history of optometry. Several doctors were selected at random, and they were offered the opportunity to provide the Newsletter with their reflections on the practice.

Because of very limited space in the Newsletter, the comments and interviews were edited by the executive director. The reflections are the personal comments of the licensees, and publication in the Newsletter is not an endorsement or verification of any of opinions expressed in these articles. See the 2005 and 2006 Newsletters for additional profiles.

### ***Phillip Price, O.D.***

Dr. Price has practiced in his hometown of Stephenville since graduating in 1949. He still volunteers half a day a week at the health clinic.

Stationed in the Philippines at Clark Army Air Force Base, Dr. Price visited the base library where he discovered information on the practice of optometry. The description of the practice appealed to him, and from the Philippines he wrote Southern College inquiring about admission. Dr. Price was also impressed with optometry's assistance in developing a course on aircraft recognition. Persons completing the course were able to accurately identify types of aircraft within 1/100 of a second, greatly helping to prevent the accidental shooting down of friendly aircraft.

On being discharged, Dr. Price attended Tarleton State to complete the prerequisites and then entered Southern College of Optometry.

When he opened his practice, there were two choices of frames available: zyl and rimless frames. The zyl frames were available in only one color, but dye kits were available if the optometrist wanted to change the frame color. Dr. Price worked six days a week, and only later was he able to enjoy taking Thursday or Saturday afternoons off.

Like other doctors of his generation, Dr. Price believes advertising makes optometry appear less professional. He is proud that optometry was one of the first professions to require continuing education.

Dr. Price loves the profession and has many friends in the profession, although many of these friends have now passed on.

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