

TEXAS OPTOMETRY BOARD NEWSLETTER



How you practice as an optometrist is governed by many different laws and rules. This newsletter is designed to summarize and clarify how an optometrist advertises and identifies himself or herself.

In general, an optometrist cannot publish a “...false, deceptive, or misleading statement or advertisement concerning ophthalmic services or materials...” ([Occ. Code §351.403](#)) or “...use advertising that is false, misleading, deceptive, or not readily subject to verification.” ([Occ. Code §101.201](#)).

Professional Designation —An optometrist must inform the public of the type of professional license held in all communications including signage, letterhead, prescription pads, business cards, etc ([Occ. Code §104.003](#)).

An optometrist must use the following:

- John Smith, O.D.
- John Smith, Doctor of Optometry,
- John Smith, Optometrist, OR
- Dr. John Smith, Optometrist

A therapeutic optometrist must use one of the above identifications or either of the following:

- Jane Smith, Therapeutic Optometrist, OR
- Dr. Jane Smith, Therapeutic Optometrist

An optometric glaucoma specialist must first use one of the above designations prior to identifying as an optometric glaucoma specialist.

An example of a proper identification:

- John Smith, O.D., Optometric Glaucoma Specialist, OR
- Jane Smith, Therapeutic Optometrist, Optometric Glaucoma Specialist

The Attorney General in [Opinion JC-381](#) ruled that “An optometric glaucoma specialist may not use the phrase ‘optometric glaucoma specialist’ exclusively as a professional designation.”

Specialization—An optometrist may advertise that he or she specializes in a certain type of treatment or type of patient. However, using the term “specialist,” such as “Contact Lens Specialist,” is prohibited unless the optometrist also includes the name of the organization conferring the specialty designation.

- Jane Smith, O.D., Contact Lens Specialist / Certified by the North American Contact Lens Foundation

Certification—The Texas Optometry Board does not certify optometrists and it is misleading for a doctor to state that he or she is certified by the Board ([TAC §279.9\(b\)](#)). Optometrists certified by readily identifiable organizations may advertise that they are certified, provided that the same advertisement specifically identifies the organization that awarded the certification.

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Free Glasses / Free Exams

An optometrist cannot advertise or give away free eyeglasses ([Occ. Code §351.404](#)). This restriction also applies to contact lenses. A doctor can advertise “buy one pair, get one free” ([TAC §273.3](#)). However, an optometrist may provide free eyeglasses/exams for a charity as that type of donation is not used as a prize or premium or an inducement to sell merchandise.

With restrictions, doctors may advertise an offer for a free eye examination. However, such an advertisement cannot be false, deceptive, or misleading ([Occ. Code §351.403](#)). Therefore the advertisement may be required to incorporate explanatory language including limitations on the type of eye examination included in the offer, whether the offer includes costs for additional testing if required, and any restrictions on the offer if the patient’s examination results do not show a need for glasses.

Leasing Space from Mercantile

If an optometrist leases space from a mercantile, [Occ. Code §351.459](#) prohibits the licensee from allowing his or her practice “to be directly or indirectly used in connection with a mercantile establishment in any manner, including in advertising, displays, or signs.” [Occ. Code §351.363](#) requires that “[e]very phase of the practice and the leased space of the optometric practice must be controlled exclusively by an optometrist or therapeutic optometrist.”

Prohibited Acts:

- Allow a sign referring to the doctor or doctor’s practice to be displayed in a mercantile (or on property controlled by the mercantile)
- Permit the mention of an optometrist’s office (including the optometrist’s name and telephone number) in an advertisement by the mercantile

Leasing Space from Optical

Optometrists who lease space from an optical must comply with advertising restrictions imposed by several sections of the Optometry Act. [Occ. Code §351.408](#) prohibits a retailer of ophthalmic goods from controlling or attempting to control the manner of practice of a leasing doctor, including the providing of “business services.” A doctor who permits the retailer to control the licensee’s practice places the optometrist’s license at the service of the retailer, which is prohibited by [Occ. Code §351.501](#) and subjects the licensee to disciplinary action.

Consumer Information Notice

All licensed optometrists practicing in Texas are required to post a [Consumer Information Notice](#) or [Consumer Brochure](#) in their office.

NOTE—All Texas licensed optometrists are ultimately responsible for compliance with the Texas Optometry Act and all other relevant statute and rules.

Disciplinary Authority

Pursuant to §351.501 of the Act, the Board may refuse to issue a license to an applicant, revoke or suspend a license, place on probation a person whose license has been suspended, impose a fine, impose a stipulation, limitation, or condition relating to continued practice, including conditioning continued practice or counseling or additional education, or reprimand a license holder.

Public disciplinary actions such as an Order of Suspension or an Agreed Settlement Order are permanent records.

Disciplinary Actions

Annually the agency investigates approximately more than 100 complaints regarding licensees, conducts at least 63 annual compliance inspections, performs a variety of applicant investigations, and also handles reports of substance abuse or mental impairment.

The following are a few examples of agency actions over the last year.

Agreed Settlement Order

A licensee entered into an Agreed Settlement Order with the Board because the investigation found that the licensee fell below the minimum standard of care in the treatment of a patient for failure to meet the minimum standard of care requirements of §351.353 of the Optometry Act. The licensee agreed to pay a \$1,000 fine and pay restitution to the patient.

Agreed Settlement Order

A licensee entered into an Agreed Settlement Order with the Board because the investigation found that the licensee fell below the minimum standard of care in the treatment of a patient for failure to diagnose, properly treat and provide follow-up care for glaucoma. The licensee agreed to pay an administrative fine in the amount of \$1,000, shadow a ophthalmologist who is a fellowship-trained glaucoma specialist for 8 hours, and take additional continuing education related to glaucoma. Additionally, the licensee shall attest he completed a total of 10 gonioscopy examinations on patients within a three-month period.

Administrative Penalties.

As a result of the inspection process and review of patient records, three administrative penalties were issued for failing to appropriately conduct an initial exam of a patient as defined in §351.353 of the Texas Optometry Act. Administrative penalties ranged between \$250—\$300.

Office Inspections

Inspections are specifically authorized by [Occ. Code §351.1575](#).

The Board can conduct inspections either onsite or remotely. The location of the office being inspected may determine the type of inspection. The Board always reserves the right to turn a remote inspection into an onsite inspection.

As a reminder, if you receive a notice of a remote inspection or onsite inspection, make sure to cooperate with the request within 14 business days as required by [TAC §273.16](#).



License Renewals



The renewal season will open on **Monday, October 14, 2024**. If your license expires on December 31, 2024, it is almost time to renew!

All licenses renew on a two-year renewal cycle.

Please do not wait to renew. It is easier for staff to help with any renewal issues early on. If you wait until the end of December, staff may not be available to help in time and you may be subject to late renewal penalties.

Continuing Education

A total of 32 hours of continuing education is required for two-year licenses. This includes at least 24-hours of diagnostic/therapeutic and two hours of Professional Responsibility. All licensees must use CE Broker to record CE hours. See below for other requirements—

- **One-hour opioid prescribing course** ([TAC §275.2\(g\)](#)). All active Optometric Glaucoma Specialists who prescribe or dispense opioids shall complete an approved opioid course each year (two hours for a biennial renewal) pursuant to §481.0764 of the Health and Safety Code. If you do not prescribe these types of medications, you may exempt yourself from the requirement in CE Broker.
- **One-hour human trafficking course** ([TAC §275.2\(g\)](#)). All active licensees who provide direct patient care shall complete one-hour of human trafficking continuing education prior to each biennial renewal as required by Occ. Code §116.003.
- **CPR or BLS certification** ([TAC §273.17](#)). All active licensees must complete a CPR/BLS course each biennial renewal period. The course certificate must be uploaded to CE Broker as general hours and counts for between two and four hours depending on the course. The Board will accept online or in-person. A certification in CPR includes training and successful course completion in cardiopulmonary resuscitation, AED and obstructed airway procedures for all age groups according to recognized national standards. A certification in BLS includes training and successful course completion in airway management, cardiopulmonary resuscitation (CPR), control of shock and bleeding, and splinting of fractures, according to recognized national standards.

Texas Optometry Board

Ron Hopping, O.D., MPH, of Friendswood is a Therapeutic Optometrist and Optometric Glaucoma Specialist. Dr. Hopping serves as Board-Chair.

Bill Thompson, O.D. of Richardson is a Therapeutic Optometrist and Optometric Glaucoma Specialist. Dr. Thompson serves as Board Vice Chair

Judy Chambers, of Austin is a public member. Mrs. Chambers serves as Board Secretary.

John Todd Cornett, O.D. of Amarillo is a Therapeutic Optometrist and Optometric Glaucoma Specialist.

Steve Nguyen, O.D. of Irving is a Therapeutic Optometrist and Optometric Glaucoma Specialist.

Carey Patrick, O.D. of Allen is a Therapeutic Optometrist and Optometric Glaucoma Specialist.

Rene Pena of El Paso is a public member.

Meghan Schutte, O.D. of Austin is a Therapeutic Optometrist and Optometric Glaucoma Specialist.

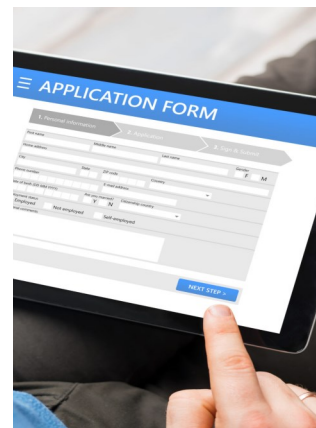
Mala Sharma of Houston is a public member.

Upcoming Licensing Changes

Starting in January 2025, new applicants for a Texas license must apply concurrently for a Therapeutic license with an Optometric Glaucoma Specialist certification.

By combining the two applications into one step, the Board is ensuring that all recent graduates who have the skills and education necessary are licensed to the full-extent of their training.

This concurrent application will apply to anyone who graduated from optometry school after 2008. All applicants will apply using the concurrent application. However, if an applicant does not qualify for the OGS certification, the applicant will receive a Therapeutic license.



Administrative Rules Update

In August 2024, the Board adopted amendments to 22 TAC Chapter 271—Examinations, 22 TAC Chapter 272—Administration, 22 TAC Chapter 273 – General Rules, and 22 TAC Chapter 280—Therapeutic Optometry. The changes become effective September 2024.

The changes to Chapter 271 and 280 update the rules to allow for the concurrent therapeutic and glaucoma specialist application process. None of the requirements to be licensed changed—the Board just combined the application steps previously found in Chapters 271 and 280 to create the concurrent application as noted above.

Chapter 272 updates bring the Board’s rules in compliance with various statutes that require the Board to have administrative rules on these issues. These rules primarily impact the administration of the agency, not the licensee population. However, the Board did add a definition for synchronous to mean “live, real-time audiovisual interaction between the practitioner and the patient in a separate location.”

Chapter 273 updates the Board’s rules for capitalization and grammar. The Board removed obsolete language related to the transition from annual to biennial renewals. Related to the changes made to the combined application process, the Board combined the application fee to include the \$150 therapeutic application fee and the \$55 optometric glaucoma specialist application fee.

Prescription Monitoring Program

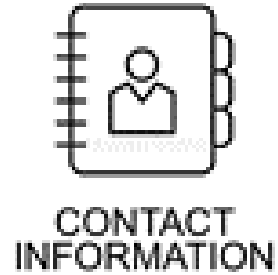
Every Optometrist with an optometric glaucoma specialist certification who prescribes or will prescribe a Controlled Substance must register with the [Prescription Monitoring Program](#) (PMP).

State law directs the prescriber to consult the PMP prior to prescribing or dispensing an opioid to determine what controlled substances, if any, have previously been prescribed to the patient. Optometrists with an optometric glaucoma specialist certification also should consult [TAC §280.10](#) for more information about the administration and prescribing of Oral Medications and Anti-Glaucoma Drugs.

Update Your Contact Information

The Board primarily sends communications via e-mail - including renewal notices, quarterly updates, and other reminders. The Board does send certain communications via U.S. postal mail such as notices of violation and investigation notices.

Please make sure to [update your contact information](#) including your email address. The Board recommends you use a personal email address instead of a business email so that correspondence does not get misplaced in the event of a job change.



Board Office



The Board office is located at 1801 Congress Avenue, Suite 9.300, Austin, Texas, 78701-1319.

Please know building security requires an access badge to access the upper floors. Visitors must stop at the information desk and be escorted upstairs by a badged staff member.

Staff works on a hybrid schedule and you are encouraged to make an appointment prior to visiting the office.

KEEP IN TOUCH

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Were you forwarded this newsletter?
Sign up for the Board's email list [HERE](#).

BOARD MEETINGS

Since September 1, 2023, the Board has held four regular board meetings.

Board meeting agendas and meeting minutes can be found under "[Board Meetings](#)" on the TOB website.

The next Board meeting will be held virtually on November 1, 2024.