



# TEXAS OPTOMETRY BOARD

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# 2001

VOL IX, NO 1

NEWSLETTER

AUGUST, 2001

THIS IS AN IMPORTANT DOCUMENT AND SHOULD BE RETAINED IN YOUR PERMANENT FILES

This newsletter contains several new rules, which can be found as an insert with this newsletter

Please read the entire newsletter carefully and maintain in your records

## EXECUTIVE DIRECTOR RETIRING SUCCESSOR NAMED

*Lois Ewald* has served as the executive director for the Texas Optometry Board for 28 1/2 years. Recently, both the Senate and House of Representatives presented proclamations to Mrs. Ewald for her long-time service to the State of Texas – a total of 33 1/2 years. When she began work for the Board in 1973, there were only two part-time employees (one being the director), with approximately 700 licensees. Now, there are 7 employees, with approximately 3,200 licensees. The Board was composed of six members; currently the Board has nine members. Mrs. Ewald recalls that in 1973 she was the youngest executive director and only one of five women directors. She currently holds more tenure than any other State agency director. She directed the agency through seventeen legislative sessions of which two involved Sunset legislation. The Board will miss her knowledge and history. Mrs. Ewald is retiring to spend more time with her family, especially five grandchildren, and plans to spend a lot of her time on her ranch in Blanco.

The Board has named *Chris Kloeris* as her successor. Mr. Kloeris has been employed by the Board as legal counsel for the past several years and has worked closely with Mrs. Ewald and members of the Board. He has served as the director of the complaints and enforcement area in the Board Office and is very familiar with the Texas Optometry Act, Contact Lens Prescription Act, and State government. Because of his experience, the Board is confident that the transition will be a smooth one.

## RULES

The Board has been involved in writing rules to *re-organize* Chapter 279. Because it deals with the examination and prescribing of both spectacles and contact lenses, we would urge that you carefully review the enclosure regarding Chapter 279.

## PROFESSIONAL DESIGNATION

Optometrists must use one of the following methods of identification:

John Smith, O.D.

or

John Smith, Doctor of Optometry

or

John Smith, Optometrist

or

Dr. John Smith, Optometrist

Therapeutic optometrists must use one of the above identifications or any of the following:

Jane Smith, Therapeutic Optometrist

or

Dr. Jane Smith, Therapeutic Optometrist

Optometric glaucoma specialists must first use one of the above designations prior to identifying themselves as an optometric glaucoma specialist. The Attorney General in Opinion JC-381 (2001) ruled "An optometric glaucoma specialist may not use the phrase '*optometric glaucoma specialist*' exclusively as a professional designation." Two examples of proper identification are:

Jane Smith, O.D.  
Optometric Glaucoma Specialist  
*or*  
Jane Smith, Therapeutic Optometrist  
Optometric Glaucoma Specialist

### **RENEWAL FEES INCREASED**

Renewals will be mailed during the last week of October, and may have a new look. There is both good news and bad regarding the renewal fee. The Board has been required by the Legislature to increase the renewal fee. The good news is that the Board has been appropriated monies to assist with increased costs for operating, a small salary increase for the staff, and technology improvements. One of the technology improvements is the ability of a licensee to be able to pay the renewal fee on-line during 2002 (toward renewal of license for 2003). The Board has no discretion over whether or not to increase fees as the Legislature will only appropriate monies to the agency based on the requirement that fees be increased. The renewal fee for active licensees in 2002 will be \$375 (\$175 renewal fee and \$200 professional fee). Inactive license renewal fee will be \$175.

All licenses must be renewed by January 1, 2002. Should your renewal fee be received after that date, a late penalty fee of \$75.00 will be assessed.

The postmark date of December 31, 2001, will be the cut-off date for acceptance of renewal fees without a penalty. No exceptions.

The address shown on this newsletter is the current mailing address for you. Verify that the Board has your correct address.

### **BOARD INVESTIGATIONS**

The Board has changed the primary focus of its investigation/compliance process. It will no longer regularly send Board investigators to your practice as a patient to obtain an eye examination and grade on the basic competence requirements. The Board will now primarily investigate by sending a Board representative to obtain copies of patient records.

Patient records will be reviewed by the Board's Investigation-Enforcement Committee to determine if a complete basic competence examination was performed on a first-time patient. See Rule 277.7 in the attachment for patient record requirements applicable to all optometrists.

### **PRESCRIBING ORAL MEDICATIONS**

The Board receives numerous calls from pharmacists and licensees regarding whether a therapeutic optometrist may prescribe oral prescription medications. The answer is NO. Only optometric glaucoma specialists may prescribe oral medications for treatment within the scope of their practice. Pharmacists are aware of the scope of practice of both a therapeutic optometrist and an optometric glaucoma specialist and will report such illegal prescriptions.

### **FAXING PRESCRIPTIONS**

The optometry board is *proposing* rule amendments that will allow faxing both contact lens and spectacle prescriptions to dispensers. Some forms of computerized transmission will also be allowed. If the rule is adopted, the effective date will be January 1, 2002. The proposed rule complies with new legislation that gives effect to electronic and written signatures. The text of the rule, *if adopted*, will be on the Board's website in December 2001. Website address is [www.tob.state.tx.us](http://www.tob.state.tx.us).

### **DISCIPLINARY ACTIONS**

#### **LICENSE SUSPENSIONS & PROBATIONS**

The following individuals appeared for informal conferences and as a result, each wished to dispose of the issues without formal adjudication and to enter into an agreement, which has been approved by the Board.

**Gregory Stringham, O.D.** License No. 5028T. Summary of Charges within Agreed Settlement: License was suspended for one year and probated except for two months for alleged practice of optometry without a current renewal certificate in violation of Section 351.031 of the Texas Optometry Act.

**Lairy Steven Chandler, O.D.**, License No. 1818. Summary of Charges within Agreed Settlement: The Board alleges that Dr. Chandler called in prescription refills to pharmacies for medications initially prescribed by physicians for the doctor and his family members. The physicians had not issued prescriptions for the refills in question, and Dr. Chandler was listed as the prescribing physician in each pharmacy's records. The prescribing of these medications was outside the scope of an optometrist, and one medication could only be prescribed by a physician. These acts constituted a violation of Section 351.451 of the Texas Optometry Act. Dr. Chandler's license was suspended for a period of one year, with all but two weeks probated. An administrative penalty of \$2,500 was also assessed.

### **OPTOMETRIC GLAUCOMA SPECIALIST**

Please remember that successfully completing the Optometric Glaucoma Specialist course and exami-

nation is only the *beginning* of the process. All successful course attendees must make application to the Board after an ophthalmologist completes the skills check-off form. Only *after* receiving a certificate from the Board may the licensee treat glaucoma and prescribe oral medications.

### **EMPLOYING NEW GRADUATES AS OPTOMETRISTS**

Licensees who employ graduates, prior to the graduates actually *receiving* a license from the Board, cannot instruct, permit or require the graduate to practice optometry. This would be considered the lending of the optometrist's license in which the Board would initiate disciplinary action against the employing optometrist. The new graduate is also subject to disciplinary action for practicing without a license.

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## **Past and Current Board Members Celebrate Retirement of Lois Ewald**



Left to right, back row - Dr. Gene Blackwell, Dr. Wes Pittman, Dr. Nelson Reber with UH, Dr. John Davis, Dr. Floyd Thornton, Dr. Kevin DeWolfe, and Dr. Clinton DeWolfe  
middle row - Dr. Stanley Pearle, Dr. E. Richard Friedman, Dr. Wilbur Treadwell, Lois Ewald, Kay Walls, Dr. Mark Latta, Dr. Joe DeLoach, Dr. Barry Davis, and Dr. Donald Glenz  
first row – Dr. John Bowen, Assistant Attorney General Cue Boykin, Attorney Joe Greenhill, Katherine Gear, Ann Bradford, and Judy Eidson. *Photo by Dr. David Perrigin with UH.*

## **Americans with Disabilities Act**

It is the goal of the Texas Optometry Board to assure the public and all constituencies that the agency is in full compliance with the Americans with Disabilities Act and that the office, programs, activities, and publications are accessible to anyone needing reasonable accommodations.

Information concerning the provisions of the ADA, and rights provided are available from the Agency ADA Coordinator, Lois Ewald, at (voice) 512-305-8500, (fax) 512-305-8501, or 1-RELAY-TEXAS (TDD).

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