

2021 Professional Responsibility Course

Q&A

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License Renewal

How do I know if I renewed for 1 or 2 years at the end of 2020?

If your license number ends in an even number (Ex: TX2020), you renewed your license for two years in 2020. Your next renewal will be in 2022, and then on subsequent even numbered years.

If your license number ends in an odd number (ex: TX2021), you renewed your license for one year in 2020. Your next renewal will be in 2021, and then on subsequent odd numbered years.

How can I contact the Texas Optometry Board for questions or concerns regarding my CE hours?

You may contact the TOB by phone at 512-305-8500 or via email:

- Executive Director: Kelly.Parker@tob.texas.gov
- Licensing Inquiries: Licensinginfo@tob.texas.gov
- Continuing Education Submissions: CEinfo@tob.texas.gov
- General Inquiries: Info@tob.texas.gov

How many ethics hours do I need to take during my two-year renewal cycle?

You must complete two hours of the Professional Responsibility Course during a two-year renewal cycle.

Example: If you renewed in 2020 for two years, you must complete the 2021 and 2022 Professional Responsibility Courses prior to your renewal date in 2022.

Are there new renewal fees?

The renewal fee for one year in 2020 was \$211.36 for “T” licensees and \$222 for “TG” licensees.

The renewal fee for two years in 2020 was double the one year fee structure: \$422.72 for “T” licensees and \$442 for “TG” licensees.

Once you renew for a two-year license, your fee will follow the two year structure moving forward.

Can I complete all 32 CE hours in one year to satisfy my renewal requirements?

With the exception of the PR course, which is released each year, you may complete your hours in one year.

How often does the Texas Optometry Board post CE attendance hours to the website?

The TOB efforts to reflect submitted attendance hours to their website is ongoing. Please be patient as they receive numerous CE submissions per day.

Opioid, Controlled Substance, & DEA Numbers

How can I complete the two-hour controlled substance course?

UHCO offers the controlled substance through various live webinars as well as through an online on-demand course.

Live offerings prior to September 2021 can be found here: <https://ce.opt.uh.edu/live-programs/>

The online on-demand course can be found here anytime: <https://ce.opt.uh.edu/online-ce/>

If I don't prescribe opioids, do I still need to take the opioid prescribing and the two-hour Controlled Substances courses?

Opioid Prescribing: If you do not prescribe or administer opioids in Schedules III, IV, or V, you do not need to complete the opioid prescribing course. If you are unsure if you have/will prescribe opioids, you should complete the course to be sure your renewal requirements are met. The opioid prescribing course also counts as a D/T credit, so you will benefit from completing the course regardless.

Controlled Substance: The two-hour Controlled Substance course is a one-time requirement for Texas Optometric Glaucoma Specialists who were certified prior to September 1, 2020. This course must be completed by September 1, 2021. You will not need to complete the course again. Those who are certified after September 1, 2020 will have one year from certification to complete this two-hour course.

If I took the opioid prescribing course in fall 2020, does it satisfy the TOB requirement?

CE hours completed in a previous renewal cycle do not apply to your current renewal CE requirements; therefore, you will need to complete the opioid prescribing course before your next license renewal.

Do I need a DEA number to prescribe non-opioid drugs that I am licensed to prescribe as a therapeutic optometrist or optometric glaucoma specialist?

No, you are not required to have a DEA number, but some pharmacies track prescriptions by the prescriber's DEA number. Not having one might slow the process of your patients receiving their prescriptions.

How long does it take to get a DEA certificate?

According to the DEA website, the average processing time for a new DEA registration is four to six weeks provided the application is complete.

Human Trafficking

If I took the one-hour Human Trafficking course in 2020, do I have to take it again for my next renewal cycle?

Yes. You are required to complete a one-hour Human Trafficking course once per renewal cycle.

If you renewed your license for one year in 2020, you will have to take the Human Trafficking course in 2021. Once you enter a two-year renewal cycle, you will need to complete one hour over that two year timeframe.

If you renewed your license for two years in 2020, you will need to complete one hour over that two year timeframe before you renew in 2022.

Where can I find a list of approved Human Trafficking courses?

The Department of Health and Human Services reviews and approves all Human Trafficking courses for the State of Texas. You may access a list of approved courses here:

<https://hhs.texas.gov/sites/default/files/documents/services/safety/human-trafficking/hhs-approved-human-trafficking-training.pdf>

Contact Lens Rule

How does the fee separately for materials work with specialty contacts, such as scleral lenses, when the final CL Rx is not determined until multiple trial lenses are utilized?

There are exceptions with specialty contact lenses, such as sclerals, that allow you to charge a patient for trials prior to finalizing the CL Rx. Do not take the interpretation of specialty lenses too far. A soft toric conventional lens is not a specialty contact lens.

If a patient gets trial lenses but does not return to follow up, the CL Rx is not finalized, correct?

The law does not speak to this situation specifically, and it would be determined by the doctor prescribing the lenses. It would be reasonable to say that if the patient never returned, a doctor could say it was not finalized. However, there should be some effort taken by the doctor to communicate with the patient on how to finalize the prescription.

What is the new amendment to 2020-FTC Contact Lens Rule?

- Prescriber cannot disallow liability or accuracy of examination just because CL obtained elsewhere.
- Provision of digital copy allowed with documented patient consent that specifies type of information transfer.
- Must provide an additional copy if request made within forty (40) business hours of the original request (essentially one week).
- Custom designed soft AND gas permeable CLs not exempt from rule.
- Must document the patient received a copy of the Rx.

The lecturer stated to never write the word “expired” on a contact lens prescription that has expired. He said to write “inadequate.” But, inadequate is for contact prescriptions that are written incorrectly. The Optometry Board Website states that you can write the word “expired.” Please clarify.

This is an issue at the Texas level and not the federal level. In the TOB rules 279.2 it states "k) Number of Lenses. An optometrist or therapeutic optometrist dispensing contact lenses shall record on the prescription the number of lenses dispensed and return the prescription to the person. If all the contact lenses authorized by the prescription are dispensed by an optometrist or therapeutic optometrist, the following procedure complies with state law and should not be in conflict with federal law: 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."

It specifically states what should be written on the prescription if it has already been fulfilled. It does not specifically state not to write other things but it was our interpretation that as this was specifically mentioned, it should be written as requested and not "expired."

If had a patient request their CL Rx after it was filled (i.e. beyond the 2 month extension) or after it expired (i.e. 14 months past the exam), am I still required to provide the Rx? The Rx was provided upon initial finalization.

If the original CL Rx was given, and it is past the expiration date (minimum of 1 year after the exam unless medically contraindicated), the optometrist is not required to provide the CL Rx. You must provide a verbal explanation to the patient as to why and maintain in the medical record why the CL Rx was not given. An optometrist is not required to withhold an expired prescription.

Is the 2 month extension yearly or just once?

The 2-month extension would apply to each new CL Rx given.

When you say one-time, two month extension, does this apply as long as that patient is considered under your care?

The law does not specifically address this issue, but it would not seem medically appropriate for a doctor to release any care recommendations to a patient, including prescriptions for anything, that were not determined through adequate examination of the patient by that provider.

Who do we contact when a manufacturer over fills or fills an expired RX?

You can report this to the Texas Optometry Board, and you can also report this directly to the FTC at <https://www.ftc.gov/complaint>.

What does the law say about the fitting fee even when the Rx has not changed? Some patients complain and do not want to pay the fitting fee after the exam is done.

The Texas Optometry Board rules state "An optometrist or therapeutic optometrist may charge a fitting fee that includes fees for lenses required to be used in the fitting process." It is up to the optometrist if they would like to charge for the fitting.

Writing “expired” is not permitted, but do we need to put an expiration date on the Rx?

Yes an expiration date is required on the Rx.

If the patient has access to a patient portal to print their contact lens Rx, do we still have to print out the Rx for them or send to 1-800 contact lenses?

The dispense of the original CL Rx is determined by the request of the patient. If the patient requests at an original paper copy, this must be provided. The patient portal is an acceptable way to provide the CL Rx if this method is requested by the patient. If a contact lens dispenser requests a verification of the Rx, then this must be provided.

How do you extend a 2 month contact lens prescription when the boxes are 6 months or 3 months?

The law does not specify how to logistically achieve the 2-month extension. You must provide at least the minimum amount of lenses to make it through the 2-month period. If that happens to be a box of 6, then that is what will need to be allowed.

Can a TX OD write a contact lens Rx that is good for 2 years?

The state law only specifies a minimum of 1 year unless medically indicated.

The AOA sent a notice that this law is on HOLD (contact lens extension rule). Please clarify.

The new FTC amendments were on hold until April 31, 2021. As no change has been authorized or no further extension has been allowed, the new amendments are now in effect.

Where is an effort to pass a new CL law to negate this rule?

The AOA and the TOA are advocating to remove any burdens for optometrists to care for their patients.

TOB Audit

How are TOB audits completed remotely?

The requests for medical records to ensure compliance with minimum competency may be requested remotely. The Board has not stated how audits of the display of name, complaint placards, etc. will still be done, but it is possible they could be in-person or virtual.

If a doctor is providing exams remotely, is their name required to be listed on the door?

The situation of optometrists only providing remote care is currently unclear. New telemedicine rules and clarifications will be coming out this year and next.

I work for the Navy as a DOD contractor. Do I need to meet the signage rules for TOB compliance?

If you work there on a regular basis (more than 2 consecutive months), then your name should be displayed.

If an OD only sees patients one Saturday a month, and not always in consistent months, is the OD's name required to be placed on the practice door?

If there is ever a time that it is more than two consecutive months, the name needs to be on the door.

Where do you get fingerprinted?

Fingerprint information can be found on the TOB website here: <http://www.tob.state.tx.us/fingerprints-licenses/index.html>.

Domestic Violence

Where can I find a Domestic Violence Complaint poster?

You can find templates of Domestic Violence Complaint verbiage here:

<https://statutes.capitol.texas.gov/Docs/FA/htm/FA.91.htm>

If I suspect an employee of mine is having domestic abuse against her, am I required to report this?

This is not as clear in the law, but yes. Please contact the Texas Department of Family Services. They have a hotline that can answer more questions than we can.