

TEXAS OPTOMETRY BOARD

333 GUADALUPE STREET, SUITE 2-420
AUSTIN, TEXAS 78701-3942
512/305-8500
FAX 512/305-8501
<http://www.tob.state.tx.us>



RQ-0329-JC

December 21, 2000

FILE # ML-41805-00

I.D. # ~~41805~~ 41805

Honorable John Cornyn
Office of the Attorney General
P.O. Box 12548
Austin, TX 78711-2548

VIA U.S. Mail, Certified
Return Receipt Requested
No. 7000-0520 0023 5097 1441

REC-20

RE: Opinion Request

DEC 22 2000

Dear General Cornyn:

OPINION COMMITTEE

The passage of House Bill 1051¹ during the 1999 legislative session created a new type of licensee regulated by the Texas Optometry Board: the "Optometric Glaucoma Specialist." Practitioners possessing this license have greatly expanded authority versus therapeutic optometrists and optometrists (the other two types of licensees regulated by the Board).

Some Optometric Glaucoma Specialists have indicated to the Board that they desire to use a professional designation consisting solely of their name plus the phrase "Optometric Glaucoma Specialist." This listing would be in the following form:

Dr. Jane Doe, Optometric Glaucoma Specialist

These doctors have asked the Board if they can legally use such a professional designation even though the designation is not listed in Tex. Occ. Code Ann. § 104.103(f) (Vernon 2000). Section 104.103 lists mandatory forms of professional identification to be used by practitioners of the healing arts, and the statute does not include the designation "Optometric Glaucoma Specialist." However, section 2 of House Bill 1051, in subsection (r) of the amendments to article 4552-1.03, specifically directs that these licensees "... shall be known as optometric glaucoma specialist[s]."

Because House Bill 1051 and § 104.103 appear to be in direct conflict, the Board authorized me on December 4, 2000, to seek an opinion of the Attorney General on whether an optometric glaucoma specialist may list their name in the form set out above as their sole means of professional designation.

BOARD MEMBERS

Kevin D. DeWolfe, O.D.
Chair
Austin, Texas

Joe Wesley DeLoach, O.D.
Vice-Chair
Dallas, Texas

Katherine M. Garrett Gear
Secretary-Treasurer
Mineral Wells, Texas

Ann Appling Bradford
Midland, Texas

Carolyn R. Carman-Merrifield, O.D.
Arlington, Texas

Judy McClendon Eidson
San Antonio, Texas

B. J. Garner, O.D.
Houston, Texas

Donald R. Glenz, O.D.
Houston, Texas

Mark A. Latta, O.D.
Amarillo, Texas

EXECUTIVE DIRECTOR

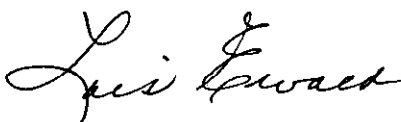
Lois Ewald
333 Guadalupe Street, Ste. 2-420
Austin, Texas 78701-3942

lois.ewald@mail.capnet.state.tx.us

Please provide the Board with an opinion under the provisions of Tex. Gov. Code Ann. § 402.042 (Vernon 1998).

Thank you. Should you have any questions, please call me at 305-8502.

Sincerely,

A handwritten signature in cursive script that reads "Lois Ewald".

Lois Ewald
Executive Director

¹ Act of May 24, 1999, 76th Leg., R.S., ch. 733, § 2, 1999 Tex. Gen. Laws 3342. The sections pertinent to this opinion request amend Tex. Rev. Civ. Stat. art. 4552-1.03, and are published as italicized material following Tex. Occ. Code Ann § 351.160 (Vernon 2000).