

**CHAPTER 822**

**S.B. No. 866**

**An Act relating to the prohibition against the division of fees for optometric services or materials with lay persons, firms, or corporations; amending the Texas Optometry Act, as amended, by**

amending Subsection (b), Section 5.13 and Section 5.16 (Article 4552-1.01 et seq., Vernon's Texas Civil Statutes).

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Subsection (b), Section 5.13, Texas Optometry Act, as amended (Article 4552-5.13, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) No optometrist shall divide, share, split, or allocate, either directly or indirectly, any fee for optometric services or materials with any lay person, firm or corporation, provided that this rule shall not be interpreted to prevent an optometrist from paying an employee in the regular course of employment, and provided further, that it shall not be construed as a violation of this Act for any optometrist to lease space from an establishment, *or to pay for franchise fees or other services*, on a percentage or gross receipts basis, or to sell, transfer or assign accounts receivable. *The provisions of this section authorizing payment based upon a percentage of gross receipts shall not be construed as authorizing any activity which is prohibited under Section 5.11 of this Act.*"

**SECTION 2.** Section 5.16, Texas Optometry Act, as amended (Article 4552-5.16, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 5.16. **LEASING SPACE ON PERCENTAGE BASIS; TRANSFERRING ACCOUNTS RECEIVABLE.** It shall not be construed as a violation of this Act for any optometrist to lease space from an establishment, *or to pay for franchise fees or other services*, on a percentage or gross receipts basis, or to sell, transfer or assign accounts receivable. *The provisions of this section authorizing payment based upon a percentage of gross receipts shall not be construed as authorizing any activity which is prohibited under Section 5.11 of this Act.*"

**SECTION 3.** This Act takes effect September 1, 1985.

**SECTION 4.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 25, 1985, by the following vote: Yeas 30, Nays 0; Senate concurred in House amendment on May 21, 1985, by the following vote: Yeas 31, Nays 0; passed the House, with amendment, on May 17, 1985, by the following vote: Yeas 134, Nays 0, one present not voting.

Approved: June 15, 1985

Effective: Immediately