

BUSINESS AND COMMERCE CODE

TITLE 5. REGULATION OF BUSINESSES AND SERVICES

SUBTITLE A. GENERAL PRACTICES

CHAPTER 74. REGISTRATION OF VISION SUPPORT ORGANIZATIONS

Sec. 74.001. DEFINITIONS. In this chapter:

(1) "Business support services" means business, management, consulting, or administrative services, facilities, or staff provided for an optometrist or an entity that employs or contracts with an optometrist to provide services or products, including:

(A) office space, furnishings, equipment, supplies, or inventory;

(B) staff employed by a vision support organization;

(C) regulatory compliance;

(D) eye care equipment, supplies, or products;

(E) information systems;

(F) marketing or advertising;

(G) financial services;

(H) accounting, bookkeeping, or monitoring of accounts receivable;

(I) payroll or benefits administration;

(J) billing and collection for services and products;

(K) reporting and payment of federal or state taxes;

(L) administration of interest expense or indebtedness incurred to finance the operation of a business;

(M) insurance services; or

(N) group purchasing services.

(2) "Optometrist" means an individual optometrist or therapeutic optometrist licensed to practice optometry in this state.

(3) "Vision support organization" means an entity that, under one or more agreements, provides two or more business support services to an optometrist.

Added by Acts 2023, 88th Leg., R.S., Ch. 274 (S.B. [820](#)), Sec. 1, eff. September 1, 2023.

Sec. 74.002. REGISTRATION REQUIRED. (a) A vision support organization shall annually register with the secretary of state.

(b) A vision support organization's registration under this section is considered registration of any subsidiary, contractor, or affiliate of the vision support organization through or with which the vision support organization provides business support services if the registration includes all required information from each subsidiary, contractor, or affiliate of the vision support organization as if that entity had filed individually.

Added by Acts 2023, 88th Leg., R.S., Ch. 274 (S.B. [820](#)), Sec. 1, eff. September 1, 2023.

Sec. 74.003. EXEMPTIONS. This chapter does not require registration by:

- (1) an accountant providing only accounting services;
- (2) an attorney providing only legal counsel;
- (3) an insurance company or insurance agent providing only insurance policies to a business;
- (4) entities providing only investment and financial advisory services;
- (5) an accredited college of optometry or college of medicine in this state;
- (6) an optometrist licensed by the Texas Optometry Board or a physician licensed by the Texas Medical Board who has an ownership interest in three or fewer locations;
- (7) a community health center, as defined by Section [351.367](#)(a), Occupations Code; and
- (8) a nonprofit corporation governed by Chapter [22](#), Business Organizations Code, and exempt from taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c)(3) of that code, that performs eye care services primarily for homeless, migrant, indigent, or medically underserved populations.

Added by Acts 2023, 88th Leg., R.S., Ch. 274 (S.B. [820](#)), Sec. 1,

eff. September 1, 2023.

Sec. 74.004. CONTENTS OF REGISTRATION; FEE. (a) The registration required by Section 74.002 must include:

(1) the name and business address of the vision support organization;

(2) the name and business address of each optometrist and each entity that employs or contracts with an optometrist to provide eye care services in this state with which the vision support organization has entered into an agreement to provide two or more business support services;

(3) the name of each optometrist who owns any portion of the vision support organization;

(4) the name of each person who is not an optometrist and owns five percent or more of the vision support organization; and

(5) a list of all business support services provided to each optometrist or each entity that employs or contracts with an optometrist to provide eye care services.

(b) A registration and each corrected registration must be accompanied by a fee set by the secretary of state in an amount necessary to recover the costs of administering this chapter.

(c) A registration or corrected registration is not effective until the vision support organization pays the fee required by this section.

Added by Acts 2023, 88th Leg., R.S., Ch. 274 (S.B. 820), Sec. 1, eff. September 1, 2023.

Sec. 74.005. TIMING OF REGISTRATION; CORRECTION REQUIRED.

(a) Except as provided by Subsection (b), the registration required by Section 74.002 must be filed with the secretary of state not later than January 31 of each year for which the registration is effective.

(b) A vision support organization that initially meets the requirement for registration under Section 74.002 after January 31 shall file the registration required by that section not later than the 90th day after the date an agreement to provide business support

services is executed.

(c) A vision support organization shall file a corrected registration semiannually as necessary.

Added by Acts 2023, 88th Leg., R.S., Ch. 274 (S.B. 820), Sec. 1, eff. September 1, 2023.

Sec. 74.006. FAILURE TO FILE REGISTRATION OR CORRECTION. (a) A person who fails to file a registration or a corrected registration as required by this chapter is liable to the state for a civil penalty in an amount not to exceed \$1,000.

(b) Each day a violation continues or occurs is a separate violation for the purpose of imposing the civil penalty.

(c) The attorney general shall file suit to collect the civil penalty provided by this section. The suit may be filed in Travis County or any county where the vision support organization provides business support services.

Added by Acts 2023, 88th Leg., R.S., Ch. 274 (S.B. 820), Sec. 1, eff. September 1, 2023.

Sec. 74.007. INTERAGENCY MEMORANDUM. The secretary of state shall enter into an interagency memorandum to share the information collected by the secretary of state under this chapter with any relevant state agency.

Added by Acts 2023, 88th Leg., R.S., Ch. 274 (S.B. 820), Sec. 1, eff. September 1, 2023.

Sec. 74.008. APPLICABILITY. This chapter does not limit business support services that may be provided to an optometrist by a vision support organization, to the extent permitted under Section 351.408, Occupations Code.

Added by Acts 2023, 88th Leg., R.S., Ch. 274 (S.B. 820), Sec. 1, eff. September 1, 2023.

Sec. 74.009. LIMITATION ON OPTOMETRY BOARD RULEMAKING. The Texas Optometry Board may not adopt any rule limiting the right of an optometrist to contract with a vision support organization for business support services that are otherwise legally permissible.

Added by Acts 2023, 88th Leg., R.S., Ch. 274 (S.B. [820](#)), Sec. 1,  
eff. September 1, 2023.