

LEGISLATIVE BILL 526

Approved by the Governor April 22, 2014

Introduced by Howard, 9.

FOR AN ACT relating to the Optometry Practice Act; to amend sections 38-2604 and 38-2614, Reissue Revised Statutes of Nebraska, and section 38-2605, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to use of pharmaceutical agents; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 38-2604, Reissue Revised Statutes of Nebraska, is amended to read:

38-2604 (1) Pharmaceutical agents, for diagnostic purposes, means anesthetics, cycloplegics, and mydriatics.

(2) Pharmaceutical agents, for therapeutic purposes, means topical ophthalmic pharmaceutical agents which treat eye diseases, infection, inflammation, and superficial abrasions, or oral analgesics, including oral analgesics enumerated in Schedules III and IV of section 28-405 necessary to treat conditions of the eye, ocular adnexa, or visual system, or oral pharmaceutical agents for the treatment of diseases or infections of the eye, ocular adnexa, or visual system, or oral anti-inflammatory agents to treat conditions of the eye, ocular adnexa, or visual system. ~~excluding steroids and immunosuppressive agents.~~

(3) Pharmaceutical agents, for therapeutic purposes, includes an epinephrine autoinjector for treatment of anaphylaxis and an oral steroid, oral glaucoma agent, or oral immunosuppressive agent.

Sec. 2. Section 38-2605, Revised Statutes Cumulative Supplement, 2012, is amended to read:

38-2605 (1) The practice of optometry means one or a combination of the following:

(a) The examination of the human eye to diagnose, treat, or refer for consultation or treatment any abnormal condition of the human eye, ocular adnexa, or visual system;

(b) The employment of instruments, devices, pharmaceutical agents, and procedures intended for the purpose of investigating, examining, diagnosing, treating, managing, or correcting visual defects or abnormal conditions of the human eye, ocular adnexa, or visual system;

(c) The prescribing and application of lenses, devices containing lenses, prisms, contact lenses, ophthalmic devices, orthoptics, vision training, pharmaceutical agents, and prosthetic devices to correct, relieve, or treat defects or abnormal conditions of the human eye, ocular adnexa, or visual system;

(d) The dispensing and sale of a contact lens, including a cosmetic or plano contact lens or a contact lens containing an ocular pharmaceutical agent which an optometrist is authorized by law to prescribe and which is classified by the federal Food and Drug Administration as a drug;

(e) The ordering of procedures and laboratory tests rational to the diagnosis or treatment of conditions or diseases of the human eye, ocular adnexa, or visual system; and

(f) The removal of superficial eyelid, conjunctival, and corneal foreign bodies.

(2) The practice of optometry does not include the use of surgery, ~~the use of laser surgery, oral therapeutic agents used in the treatment of glaucoma, oral steroids, or oral immunosuppressive agents~~ or the treatment of infantile/congenital glaucoma, which means the condition is present at birth.

Sec. 3. Section 38-2614, Reissue Revised Statutes of Nebraska, is amended to read:

38-2614 (1) An optometrist licensed in this state may use topical ocular pharmaceutical agents for therapeutic purposes authorized under subdivision (1)(b) or (c) of section 38-2605 if such person is certified by the department, with the recommendation of the board, as qualified to use ocular pharmaceutical agents for therapeutic purposes, including the treatment of glaucoma.

(2) Such certification shall require In order to be certified by the department under subsection (1) of this section, the optometrist shall show (a) satisfactory completion of classroom education and clinical training which emphasizes the examination, diagnosis, and treatment of the eye, ocular adnexa, and visual system offered by a school or college approved by the board and passage of an examination approved by the board or (b) evidence

provided by the ~~optometrist~~ of certification in another state for the use of therapeutic pharmaceutical agents which is deemed by the board as satisfactory validation of such qualifications.

Sec. 4. Original sections 38-2604 and 38-2614, Reissue Revised Statutes of Nebraska, and section 38-2605, Revised Statutes Cumulative Supplement, 2012, are repealed.