

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 526**

Introduced by Howard, 9.

Read first time January 23, 2013

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Optometry Practice Act; to amend sections  
2 38-2601, 38-2604, 38-2610, and 38-2615, Reissue Revised  
3 Statutes of Nebraska, and section 38-2605, Revised  
4 Statutes Cumulative Supplement, 2012; to redefine terms;  
5 to change provisions relating to licensure and  
6 certification to perform minor surgery and use certain  
7 pharmaceutical agents; to harmonize provisions; and to  
8 repeal the original sections.  
9 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 38-2601, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   38-2601 Sections 38-2601 to 38-2623 and sections 6 and 7  
4 of this act shall be known and may be cited as the Optometry Practice  
5 Act.

6                   Sec. 2. Section 38-2604, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8                   38-2604 (1) Pharmaceutical agents, for diagnostic  
9 purposes, means anesthetics, cycloplegics, and mydriatics.

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

20                  (3) Pharmaceutical agents, for therapeutic purposes, also  
21 means pharmaceutical agents injected for treatment of anaphylaxis or  
22 pharmaceutical agents injected into the eyelid for treatment of cysts  
23 or infected or inflamed glands of the eyelids.

24                  Sec. 3. Section 38-2605, Revised Statutes Cumulative  
25 Supplement, 2012, is amended to read:

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

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

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

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

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

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

24                  (f) The performance of minor surgical procedures required  
25 for the removal of superficial eyelid, conjunctival, and corneal

1 foreign bodies and the treatment of cysts or infected or inflamed  
2 glands of the eyelids; and -

3 (g) The injection of pharmaceutical agents for purposes  
4 allowed pursuant to subsection (3) of section 38-2604.

5 (2) The practice of optometry does not include the use of  
6 surgery other than as authorized pursuant to subdivision (1)(f) of  
7 this section, laser surgery, oral therapeutic agents used in the  
8 treatment of glaucoma, oral steroids, or oral immunosuppressive  
9 agents or the treatment of infantile/congenital glaucoma, which means  
10 the condition is present at birth.

11 Sec. 4. Section 38-2610, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 38-2610 In issuing a license or renewal, the department,  
14 with the recommendation of the board, shall state whether such person  
15 licensed in the practice of optometry has been certified to use  
16 pharmaceutical agents pursuant to section 38-2613, 38-2614, or  
17 38-2615 or sections 6 and 7 of this act and shall determine an  
18 appropriate means to further identify those persons who are certified  
19 in the diagnostic use of such agents or the therapeutic use of such  
20 agents.

21 Sec. 5. Section 38-2615, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 38-2615 After ~~January 1, 2000,~~ August 1, 2020, only an  
24 optometrist licensed in this state prior to April 30, 1987, may  
25 practice optometry without meeting the requirements and obtaining

1 certification required by sections 38-2613 and 38-2614 and sections 6  
2 and 7 of this act.

3           Sec. 6. (1) An optometrist licensed in this state may  
4 administer injections authorized under subdivision (1)(g) of section  
5 38-2605 if the optometrist provides either (a) evidence of  
6 certification in another state in the use of injections and such  
7 evidence is deemed by the board as satisfactory evidence of such  
8 qualifications or (b)(i) for a licensee graduating from a school of  
9 optometry after December 31, 2012, evidence of passing the injection  
10 skills examination of the national licensing board for optometrists,  
11 or (ii) for a licensee graduating from a school of optometry on or  
12 before December 31, 2012, evidence of passing the injection skills  
13 examination of the national licensing board for optometrists or  
14 evidence of completion of a minimum of eight hours of transcript-  
15 quality education from an accredited school of optometry pursuant to  
16 section 38-2616.

17           (2)(a) The education referred to in subdivision (1)(b)  
18 (ii) of this section shall include didactic and clinical education.

19           (b) Didactic education shall include (i) review of the  
20 pharmacology of subcutaneous and intramuscular medications for the  
21 diagnosis and treatment of diseases and disorders of the eye and  
22 ocular adnexa, (ii) review of clinical indications for such  
23 medications, (iii) review of systemic side effects of such  
24 medications, (iv) review of laboratory testing associated with the  
25 use of such medications, (v) techniques of administration of such

1 medications, (vi) review of coordination of care with other providers  
2 when utilizing such medications, and (vii) informed consent and  
3 medical-legal issues regarding the administration of injectable  
4 medications.

5 (c) Clinical education shall be proctored by a person  
6 licensed to administer such injections and affiliated with an  
7 accredited school of optometry pursuant to section 38-2616. Such  
8 clinical education shall include the technique of subcutaneous and  
9 intramuscular injections, the technique of sterilization or asepsis,  
10 the federal regulations regarding blood-borne pathogen disposal, and  
11 competency-based testing.

12 Sec. 7. (1) An optometrist licensed in this state may  
13 perform minor surgical procedures authorized under subdivision (1)(f)  
14 of section 38-2605 if the optometrist provides either (a) evidence of  
15 certification in another state in the performance of minor surgical  
16 procedures and such evidence is deemed by the board as satisfactory  
17 evidence of such qualifications or (b)(i) for a licensee graduating  
18 from a school of optometry after December 31, 2012, (A) evidence from  
19 an accredited school of optometry pursuant to section 38-2616 that is  
20 deemed by the board as satisfactory evidence of competency in the  
21 performance of minor surgical procedures or (B) by the end of the  
22 first licensure renewal period, proof of compliance with the  
23 requirements of subsection (2) of this section, or (ii) for a  
24 licensee graduating from a school of optometry on or before December  
25 31, 2012, evidence of completion of a minimum of sixteen hours of

1 transcript-quality education from an accredited school of optometry  
2 pursuant to section 38-2616.

3 (2)(a) The education referred to in subdivision (1)(b) of  
4 this section shall include didactic and clinical education.

5 (b) Didactic education shall include (i) techniques for  
6 infection control, sterilization, and disposal of biohazardous waste,  
7 (ii) instruments, equipment, and supplies used to perform in-office  
8 minor surgical procedures, (iii) review of hemostasis and wound  
9 healing, (iv) review of clinical anatomy of the eyelid and ocular  
10 adnexa, (v) review of diagnosis and management of neoplasms of the  
11 eyelids and ocular adnexa, (vi) surgical techniques for treatment of  
12 lesions on the eyelids and ocular adnexa, (vii) techniques to perform  
13 chalazion injection, chalazion incision, and curettage, (viii)  
14 suturing techniques and perioperative wound management, (ix) specimen  
15 preservation and transport for laboratory analysis, (x) operative and  
16 postoperative complications of minor surgical procedures of the  
17 eyelids and ocular adnexa, (xi) informed consent and medical-legal  
18 aspects of minor surgical procedures of the eyelids and ocular  
19 adnexa, and (xii) federal regulations pertaining to optometry  
20 practices and minor surgical procedures.

21 (c) Clinical education shall be proctored by a person  
22 licensed to perform minor surgical procedures and affiliated with an  
23 accredited school of optometry pursuant to section 38-2616. Such  
24 clinical education shall include (i) technique for sterilization,  
25 (ii) technique for chalazion injection, chalazion incision, and

1 curettage, (iii) technique for treatment of cysts or infected or  
2 inflamed glands of the eyelid, (iv) biohazardous waste disposal  
3 techniques, and (v) competency-based testing.

4           Sec. 8. Original sections 38-2601, 38-2604, 38-2610, and  
5 38-2615, Reissue Revised Statutes of Nebraska, and section 38-2605,  
6 Revised Statutes Cumulative Supplement, 2012, are repealed.