

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.