LEGISLATIVE BILL 391

Introduced by Watermeier, 1.
Read first time January 13, 2017
Committee: Health and Human Services

A BILL FOR AN ACT relating to the Optometry Practice Act; to amend sections 38-2604, 38-2605, 38-2614, and 38-2615, Reissue Revised Statutes of Nebraska; to redefine terms; to provide requirements for use of injections and surgical procedures; to provide for applicability; 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 (a) topical ophthalmic pharmaceutical agents which treat eye diseases, infection, inflammation, and superficial abrasions, (b) 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, (c) oral pharmaceutical agents for the treatment of diseases or infections of the eye, ocular adnexa, or visual system, or (d) oral anti-inflammatory agents to treat conditions of the eye, ocular adnexa, or visual system.

(3) Pharmaceutical agents, for therapeutic purposes, includes an epinephrine autoinjector for treatment of anaphylaxis, an agent injected into the eyelid for treatment of cysts or infected or inflamed glands of the eyelid, and an oral steroid, oral glaucoma agent, or oral immunosuppressive agent.

Sec. 2. Section 38-2605, Reissue Revised Statutes of Nebraska, 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

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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 and the performance of minor surgical procedures required for the treatment of cysts or infected or inflamed glands of the eyelid; and

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

(2) The practice of optometry does not include the use of surgery, the use of laser surgery, 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)(a) (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.

(b) (2) In order to be certified by the department under this subsection (1) of this section, the optometrist shall show (i) (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 (ii) evidence of certification in another state for the use of therapeutic pharmaceutical agents which is deemed by the board as satisfactory validation of such qualifications.

(2)(a) An optometrist licensed in this state may administer injections authorized under subdivision (1)(g) of section 38-2605 if (i) evidence provided by the optometrist of certification in another state in the use of injections is deemed by the board as satisfactory evidence of such qualifications, (ii) licensees graduating after 2012 provide evidence of passing the Injection Skills Examination of the profession's national licensing board, or (iii) licensees provide evidence of passing the Injection Skills Examination of the profession's national licensing board or evidence of completion of a minimum of eight hours of transcript-quality education certified by a school or college of optometry accredited by a regional or professional organization which is recognized by the United States Department of Education and approved by the board. Such education shall include didactic and clinical workshop education as provided in this subsection.

(b) Didactic education shall include (i) review of the pharmacology of subcutaneous, intramuscular, and intravenous medications for the diagnosis and treatment of diseases and disorders of the eye and ocular adnexa, (ii) review of clinical indications for these medications, (iii) review of systemic side effects of these medications, (iv) review of laboratory testing associated with the use of these medications, (v) techniques of administration of these medications, (vi) review of coordination of care with other providers when utilizing these medications, and (vii) informed consent and medical-legal issues regarding the administration of injectable medications.

(c) Clinical workshop education shall be proctored by a person
licensed to do these procedures and affiliated with a school or college
of optometry accredited by a regional or professional organization which
is recognized by the United States Department of Education and approved
by the board. Such clinical workshop education shall include (i)
technique of subcutaneous, intramuscular, and intravenous injections,
(ii) technique of sterilization for asepsis, (iii) federal regulations
and blood-borne pathogen disposal, and (iv) competency-based testing.

(3)(a) An optometrist licensed in this state may perform minor
surgical procedures authorized under subdivision (1)(f) of section
38-2605 if (i) evidence provided by the optometrist of certification in
another state in the performance of minor surgical procedures is deemed
by the board as satisfactory evidence of such qualifications, (ii)
licensees graduating after 2012 provide evidence from an accredited
school or college of optometry that is deemed by the board as
satisfactory evidence of competency in the performance of minor surgical
procedures, or (iii) licensees provide evidence of completion of a
minimum of sixteen hours of transcript-quality education certified by a
school or college of optometry accredited by a regional or professional
organization which is recognized by the United States Department of
Education and approved by the board. Such education shall include
didactic and clinical workshop education as provided in this subsection.

(b) Didactic education shall include (i) techniques for infection
control, sterilization, and disposal of biohazardous waste, (ii)
instruments, equipment, and supplies used to perform in-office minor
surgical procedures, (iii) review of hemostasis and wound healing, (iv)
review of clinical anatomy of the eyelid and ocular adnexa, (v) review of
diagnosis and management of neoplasms of the eyelid and ocular adnexa,
(vi) surgical techniques for removal of lesions from the eyelid and
ocular adnexa, (vii) techniques to perform chalazion injection, chalazion
incision, and curetage, (viii) suturing techniques and perioperative
wound management, (ix) specimen preservation and transport for laboratory
analysis, (x) operative and postoperative complications of minor surgical
procedures of the eyelid and ocular adnexa, (xi) informed consent and
medical-legal aspects of minor surgical procedures of the eyelid and
ocular adnexa, and (xii) federal regulations pertaining to optometry
practices and minor surgical procedures.

(c) Clinical workshop education shall be proctored by a person
licensed to perform these procedures and affiliated with an institution
certified by a school or college of optometry accredited by a regional or
professional organization which is recognized by the United States
Department of Education and approved by the board. Such clinical workshop
education shall include (i) sterile technique considerations, (ii)
technique for removal of papillomas and neoplasms of the eyelid and
ocular adnexa, (iii) technique for chalazion injection, chalazion
incision, and curettage, (iv) biohazard disposal techniques, and (v)
competency-based testing.

Sec. 4. Section 38-2615, Reissue Revised Statutes of Nebraska, is
amended to read:

38-2615 After January 1, 2000, only an optometrist licensed in this
state prior to April 30, 1987, may practice optometry without meeting the
requirements and obtaining certification required by section sections
38-2613 and subsection (1) of section 38-2614. After August 1, 2020, only
an optometrist licensed in this state prior to April 30, 1987, may
practice optometry without meeting the requirements and obtaining
certification required by subsections (2) and (3) of section 38-2614.

Sec. 5. Original sections 38-2604, 38-2605, 38-2614, and 38-2615,
Reissue Revised Statutes of Nebraska, are repealed.