

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 216

Introduced by Hughes, 24; Brewer, 43; DeKay, 40; Halloran, 33; Ibach, 44.

Read first time January 10, 2023

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Optometry Practice Act; to amend
2 sections 38-2605 and 38-2614, Reissue Revised Statutes of Nebraska;
3 to redefine a term; to provide for certification requirements for
4 optometrists performing certain procedures; and to repeal the
5 original sections.

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

1 Section 1. Section 38-2605, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 38-2605 (1) The practice of optometry means one or a combination of
4 the following:

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

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

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

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

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

25 (f) The removal of superficial eyelid, conjunctival, and corneal
26 foreign bodies; and -

27 (g) Performance of selective laser trabeculoplasty for the treatment
28 of glaucoma.

29 (2) The practice of optometry does not include the use of surgery,
30 the use of laser surgery, except as provided in subdivision (1)(g) of
31 this section, or the treatment of infantile/congenital glaucoma, which

1 means the condition is present at birth.

2 Sec. 2. Section 38-2614, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 38-2614 (1) An optometrist licensed in this state may use topical
5 ocular pharmaceutical agents for therapeutic purposes authorized under
6 subdivision (1)(b) or (c) of section 38-2605 if such person is certified
7 by the department, with the recommendation of the board, as qualified to
8 use ocular pharmaceutical agents for therapeutic purposes, including the
9 treatment of glaucoma.

10 (2) In order to be certified by the department under subsection (1)
11 of this section, the optometrist shall show (a) satisfactory completion
12 of classroom education and clinical training which emphasizes the
13 examination, diagnosis, and treatment of the eye, ocular adnexa, and
14 visual system offered by a school or college approved by the board and
15 passage of an examination approved by the board or (b) evidence of
16 certification in another state for the use of therapeutic pharmaceutical
17 agents which is deemed by the board as satisfactory validation of such
18 qualifications.

19 (3) An optometrist who is certified for therapeutic pharmaceutical
20 agents may also be certified to perform selective laser trabeculoplasty
21 as follows:

22 (a) For an optometrist licensed prior to January 1, 2025,
23 certification by the department to perform selective laser
24 trabeculoplasty will only occur following successful completion of a
25 sixteen-hour didactic and hands-on ophthalmic laser laboratory course
26 administered by a fully accredited school or college of optometry with
27 such course and competency examination approved by the board. Upon
28 successful completion of the course and examination, a minimum of three
29 proctored cases must be completed and evidence of completion must be
30 submitted to the board. A proctor must be a provider licensed to perform
31 selective laser trabeculoplasty and must be approved by the board. The

1 board may require additional evaluation of competency; and

2 (b) For an optometrist licensed on or after January 1, 2025, the
3 board may consider successful passage of the laser skills examination or
4 equivalent portion of the National Board of Examiners in Optometry as
5 qualification for certification if the licensee also submits evidence of
6 successful completion of at least three proctored cases, either as part
7 of the licensee's education or from one or more proctors who are licensed
8 to perform selective laser trabeculoplasty and approved by the board. The
9 board may require additional evaluation of competency.

10 Sec. 3. Original sections 38-2605 and 38-2614, Reissue Revised
11 Statutes of Nebraska, are repealed.