



Hundredth Legislature - First Session - 2007
Revised Committee Statement
LB 398

Hearing Date: February 8, 2007
Committee On: Health and Human Services

Introducer(s): (Johnson)
Title: Change provisions relating to credentialing optometrists

Roll Call Vote – Final Committee Action:

- X Advanced to General File
 - Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

- | | | |
|---|----------------------------------|--|
| 5 | Yes
No
Present, not voting | Senator(s): Johnson, Erdman, Hansen, Gay, Pankonin |
| 2 | Absent | Senator(s): Howard, Stuthman |
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Proponents:
 Senator Johnson
 Teri Geist, O.D.
 Dr. James Kirchner

Representing:
 Introducer
 Nebraska Optometric Association
 Nebraska Board of Optometry

Opponents:

Representing:

Neutral:
 John Peters, M.D.

Representing:
 Nebraska Academy of Eye Physicians and Surgeons

Summary of purpose and/or changes:

LB 398 recodifies statutes relating to the practice of optometry.

The bill makes technical revisions to the definition of provisions relating to the practice of optometry (sec. 1), exclusions from the practice of optometry (sec. 2), and the licensure application process for the practice optometry (sec. 3). The bill makes no changes in the existing scope of practice for optometry.

The bill amends provisions relating to the process of certification for the use of topical ocular pharmaceutical agents for diagnostic or therapeutic purposes (sec. 4). Current law requires satisfactory completion of a pharmacology course at an accredited institution recognized by the United States Department of Education and approved by the Department of Health and Human Services Regulation and Licensure (department) and passage of an examination approved by the

department. LB 398 would provide for approval in both instances by the Board of Optometry (board). The bill also permits the board to approve alternative evidence of certification in another state which the board deems to be “satisfactory validation” of the optometrist’s qualifications.

The bill makes technical amendments to provisions relating to identification by the board of those licensed optometrists who are certified to use topical ocular pharmaceutical agents for diagnostic or therapeutic purposes (sec. 5).

The bill recodifies existing provisions relating to the standard of care for optometrists who administer or prescribe topical ocular pharmaceutical agents for the examination and treatment of glaucoma (sec. 6).

The bill amends provisions relating to the approval of accredited schools of optometry by the department, and provides for the board to approve such schools (sec. 7).

The bill amends provisions relating to mandatory continuing competency for optometrists. The bill provides an exemption from completing continuing competency requirements if the licensee was initially licensed within 26 months immediately preceding the licensure renewal date (sec. 8).

The bill amends provisions relating to a patient’s right to freedom of choice in the selection of a practitioner for “examinations and treatment.” Current law refers to “refractions or corrections” (sec. 9).

The bill contains a severability clause (sec. 10) and outright repeals sections 71-1,135.03 and 71-1,135.05.

Explanation of amendments, if any:

Senator Joel Johnson, Chairperson