

AMENDMENTS TO LB526

Introduced by Health and Human Services

1           1. Strike the original sections and insert the following  
2 new sections:

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

5           38-2601 Sections 38-2601 to 38-2623 and sections 7, 8,  
6 and 9 of this act shall be known and may be cited as the Optometry  
7 Practice Act.

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

10           38-2604 (1) Pharmaceutical agents, for diagnostic  
11 purposes, means anesthetics, cycloplegics, and mydriatics.

12           (2) Pharmaceutical agents, for therapeutic purposes,  
13 means topical ophthalmic pharmaceutical agents which treat eye  
14 diseases, infection, inflammation, and superficial abrasions, or  
15 oral analgesics, including oral analgesics enumerated in Schedules  
16 III and IV of section 28-405 necessary to treat conditions of the  
17 eye, ocular adnexa, or visual system, or oral pharmaceutical agents  
18 for the treatment of diseases or infections of the eye, ocular  
19 adnexa, or visual system, or oral anti-inflammatory agents to treat  
20 conditions of the eye, ocular adnexa, or visual system. ~~7 excluding~~  
21 ~~steroids and immunosuppressive agents.~~

22           (3) Pharmaceutical agents, for therapeutic purposes, also  
23 means pharmaceutical agents injected for treatment of anaphylaxis

1 or pharmaceutical agents injected into the eyelid for the treatment  
2 of chalazions, hordeolums, sweat gland cysts, or oil gland cysts of  
3 the eyelids.

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

6           38-2605 (1) The practice of optometry means one or a  
7 combination of the following:

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

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

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

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

26           (e) The ordering of procedures and laboratory tests  
27 rational to the diagnosis or treatment of conditions or diseases of

1 the human eye, ocular adnexa, or visual system; and

2 (f) The performance of minor surgical procedures required  
3 for the removal of superficial eyelid, conjunctival, and corneal  
4 foreign bodies;

5 (g) The performance of minor surgical procedures to allow  
6 the treatment of chalazions, hordeolums, sweat gland cysts, or  
7 oil gland cysts of the eyelids by lancing, small incision, and  
8 curettage; and

9 (h) The injection of pharmaceutical agents for treatment  
10 of anaphylaxis and injections of pharmaceutical agents into the  
11 eyelid for purposes allowed pursuant to subsection (3) of section  
12 38-2604.

13 (2) The practice of optometry does not include the use of  
14 surgery other than as authorized pursuant to subdivision (1)(f) or  
15 (1)(g) of this section, the use of laser surgery, oral therapeutic  
16 agents used in the treatment of glaucoma, oral steroids, or oral  
17 immunosuppressive agents or the treatment of infantile/congenital  
18 glaucoma, which means the condition is present at birth.

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

21 38-2610 (1) In issuing a license or renewal, the  
22 department, with the recommendation of the board, shall state  
23 whether such person licensed in the practice of optometry has been  
24 certified to use pharmaceutical agents pursuant to section 38-2613,  
25 or 38-2614, or 38-2615 and shall determine an appropriate means to  
26 further identify those persons who are certified in the diagnostic  
27 use of such agents or the therapeutic use of such agents.

1           (2) In issuing a license or renewal, the department,  
2 with the recommendation of the board, shall state whether such  
3 person licensed in the practice of optometry has been certified to  
4 perform minor surgical procedures or administer injections pursuant  
5 to section 8 or 9 of this act.

6           Sec. 5. Section 38-2614, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

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

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

24           Sec. 6. Section 38-2615, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26           38-2615 (1) After January 1, 2000, only an optometrist  
27 licensed in this state prior to April 30, 1987, may practice

1 optometry without meeting the requirements and obtaining  
2 certification required by sections 38-2613 and 38-2614.

3 (2) After August 1, 2020, only an optometrist licensed in  
4 this state prior to April 30, 1987, may practice optometry without  
5 meeting the requirements and obtaining certification required by  
6 sections 38-2613 and 38-2614 and sections 7, 8, and 9 of this act.

7 Sec. 7. (1) In order for the board to recommend  
8 certification in the use of oral steroids, oral antiglaucoma  
9 medications, and oral immunosuppressive agents for a license issued  
10 or renewed after August 1, 2014, the licensee must have completed  
11 a minimum of four hours of tested education from an accredited  
12 school of optometry pursuant to section 38-2616 related to the  
13 prescription of oral steroids, oral antiglaucoma medications, and  
14 oral immunosuppressive agents. Such education shall include (a)  
15 review of the pharmacology of oral steroids, oral antiglaucoma  
16 medications, and oral immunosuppressive agents for the diagnosis  
17 and treatment of diseases and disorders of the eye and ocular  
18 adnexa, (b) review of clinical indications and contra-indications  
19 for such medications, (c) review of systemic side effects of such  
20 medications, (d) review of laboratory testing associated with use  
21 of such medications, (e) review of coordination of care with  
22 other providers when utilizing such medications, and (f) informed  
23 consent and medical-legal issues regarding the administration of  
24 such medications.

25 (2) In order to be certified by the department, with  
26 the recommendation of the board under this section, the licensee  
27 shall have on file with or submit to the department evidence of

1 (a) satisfactory completion of four hours of education described in  
2 subsection (1) of this section or (b) such certification in another  
3 state which is deemed by the board as satisfactory evidence of such  
4 qualifications.

5           Sec. 8. (1) An optometrist licensed in this state may  
6 perform minor surgical procedures authorized under subdivision  
7 (1)(g) of section 38-2605 if the optometrist provides either (a)  
8 evidence of certification in another state in the performance  
9 of minor surgical procedures and such evidence is deemed by  
10 the board as satisfactory evidence of such qualifications or  
11 (b) (i) for a licensee graduating from a school of optometry after  
12 December 31, 2012, (A) evidence from an accredited school of  
13 optometry pursuant to section 38-2616 that is deemed by the board  
14 as satisfactory evidence of competency in the performance of minor  
15 surgical procedures or (B) by the end of the first licensure  
16 renewal period, proof of compliance with the requirements of  
17 subsection (2) of this section, or (ii) for a licensee graduating  
18 from a school of optometry on or before December 31, 2012, evidence  
19 of completion of a minimum of sixteen hours of tested education  
20 from an accredited school of optometry pursuant to section 38-2616.

21           (2) (a) The education referred to in subdivision  
22 (1) (b) (ii) of this section shall consist of a standardized training  
23 program taught by an accredited school of optometry and shall  
24 include didactic and clinical education.

25           (b) Didactic education shall include (i) techniques for  
26 infection control, sterilization, and disposal of biohazardous  
27 waste, (ii) instruments, equipment, and supplies used to perform

1 in-office minor surgical procedures, (iii) review of hemostasis  
2 and wound healing, (iv) review of clinical anatomy of the  
3 eyelid and ocular adnexa, (v) review of diagnosis and management  
4 of neoplasms of the eyelids and ocular adnexa, (vi) surgical  
5 techniques for treatment of cysts or infected or inflamed glands  
6 of the eyelid, (vii) techniques to perform chalazion injection,  
7 chalazion incision, and curettage, (viii) suturing techniques and  
8 perioperative wound management, (ix) specimen preservation and  
9 transport for laboratory analysis, (x) operative and postoperative  
10 complications of minor surgical procedures of the eyelids and  
11 ocular adnexa, (xi) informed consent and medical-legal aspects of  
12 minor surgical procedures of the eyelids and ocular adnexa, and  
13 (xii) federal regulations pertaining to optometry practices and  
14 minor surgical procedures.

15 (c) Clinical education shall be proctored by a person  
16 licensed to perform minor surgical procedures and affiliated with  
17 an accredited school of optometry pursuant to section 38-2616. Such  
18 clinical education shall include (i) technique for sterilization,  
19 (ii) technique for chalazion injection, chalazion incision, and  
20 curettage, (iii) technique for treatment of cysts or infected or  
21 inflamed glands of the eyelid, (iv) biohazardous waste disposal  
22 techniques, (v) demonstrated performance of the procedures on  
23 patients, and (vi) competency-based testing.

24 Sec. 9. (1) An optometrist licensed in this state  
25 may administer injections authorized under subdivision (1)(h) of  
26 section 38-2605 if the optometrist provides either (a) evidence  
27 of certification in another state in the use of injections and

1 such evidence is deemed by the board as satisfactory evidence of  
2 such qualifications or (b)(i) for a licensee graduating from an  
3 accredited school of optometry after December 31, 2012, evidence of  
4 passing the injection skills examination of the national licensing  
5 board for optometrists, or (ii) for a licensee graduating from  
6 an accredited school of optometry on or before December 31,  
7 2012, evidence of passing the injection skills examination of the  
8 national licensing board for optometrists or evidence of completion  
9 of a minimum of eight hours of tested education from an accredited  
10 school of optometry pursuant to section 38-2616.

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

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

25 (c) Clinical education shall be proctored by a person  
26 licensed to administer such injections and affiliated with an  
27 accredited school of optometry pursuant to section 38-2616. Such



1 clinical education shall include the technique of subcutaneous  
2 and intramuscular injections, the technique of sterilization or  
3 asepsis, the federal regulations regarding blood-borne pathogen  
4 disposal, and competency-based testing.

5           Sec. 10. Section 38-2616, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           38-2616 (1) No school of optometry shall be approved by  
8 the board as an accredited school unless the school is accredited  
9 by a regional or professional accrediting organization which is  
10 recognized by the United States Department of Education.

11           (2) The board shall assess the education provided by a  
12 school of optometry listed on an application for a license to  
13 practice optometry to determine if the education provided by the  
14 school satisfies the requirements of the Optometry Practice Act.

15           Sec. 11. Section 38-2617, Revised Statutes Cumulative  
16 Supplement, 2012, is amended to read:

17           38-2617 (1) A licensed optometrist who performs minor  
18 surgical procedures or administers injections pursuant to section  
19 8 or 9 of this act shall provide a standard of care to patients  
20 comparable to that provided by a physician licensed in this state  
21 to practice medicine and surgery.

22           ~~(1)~~ (2) A licensed optometrist who administers or  
23 prescribes pharmaceutical agents for examination or for treatment  
24 shall provide the same standard of care to patients as that  
25 provided by a physician licensed in this state to practice  
26 medicine and surgery utilizing the same pharmaceutical agents for  
27 examination or treatment.

1           ~~(2)~~ (3) An optometrist who dispenses a contact lens  
2 containing an ocular pharmaceutical agent which is classified by  
3 the federal Food and Drug Administration as a drug shall comply  
4 with the rules and regulations of the board relating to packaging,  
5 labeling, storage, drug utilization review, and record keeping. The  
6 board shall adopt and promulgate rules and regulations relating to  
7 packaging, labeling, storage, drug utilization review, and record  
8 keeping for such contact lenses.

9           Sec. 12. Original sections 38-2601, 38-2604, 38-2610,  
10 38-2614, 38-2615, and 38-2616, Reissue Revised Statutes of  
11 Nebraska, and sections 38-2605 and 38-2617, Revised Statutes  
12 Cumulative Supplement, 2012, are repealed.